

# 40 Years at the Baldy Center

*A Law and Society  
Hub in Buffalo*

by Luke Hammill

 University at Buffalo

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# **40 Years at the Baldy Center: A Law and Society Hub in Buffalo**

**by Luke Hammill**

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# Foreword

The Baldy Center for Law & Social Policy was founded in 1978 to provide an organizational home for interdisciplinary research and teaching in the broad area of law and social policy. In the 40 years since then, the Center has supported countless conferences, courses, dialogues, dissertations, fellowships, funding proposals, publications, research projects, scholarly presentations, visiting scholars, working groups, and other activities. Because the Center's mandate is so broad, its work has always been rather dispersed and varied, and thus somewhat difficult to characterize or track.

As time goes on, this breadth and diversity make it all the more important to preserve and publicize the main lines of our history, lest too much vanish into the mists of the past. This 40th-anniversary monograph is aimed both at describing the main activities of the Center over the years, and at creating a framework around which our more detailed and wide-ranging history can be understood. Along with it, we are working to produce a more complete record of the many publications emanating from the Center's activities. This effort is complicated by the fact that publications often appear long after the events that gave rise to them, the loss of some records to a small flood, and a few other mishaps. Still, we plan to enlist the help of our affiliates in fleshing out the web-based appendix of publications indicated at the back of this volume.

I am delighted that we were able to commission a dedicated and talented writer to chronicle the Baldy Center's history. Luke Hammill has thoroughly reviewed our records and interviewed many people well positioned to recount the history of the Center. He has produced a thoughtful, concise, and very readable account based on those records and interviews and has incorporated the comments of the interviewees on earlier drafts. We hope you enjoy reading it.

Finally, I want to thank the Baldy Center, School of Law, and University at Buffalo staff who helped Luke find records and track down interviewees, and the many busy faculty members and former Baldy staff and directors who made time to provide interviews and comments. I am grateful to you all for helping to preserve the legacy of what has become a venerable institution, and one that I have been proud to serve.

—*Errol Meidinger, director, Baldy Center for Law & Social Policy*  
Buffalo, N.Y. October 6, 2018

## Chapter 1:

# Introduction: Context and origin

**A**t the dawn of the 1970s, amid a turbulent period in the world of legal academia, the University at Buffalo School of Law did something audacious: it hired as its dean a man who was not a lawyer.

Richard D. “Red” Schwartz, a sociologist, was appointed in 1970 and began as dean at the UB law school the next year. In an interview taped before his death<sup>1</sup>, Schwartz recalled that he was the first-ever dean of an American law school to lack a Juris Doctor degree, save for one non-lawyer who had served on an interim basis as the dean at the Yale Law School in an earlier decade.

Schwartz’s arrival and acceptance at UB was an example of the law school’s modus operandi in action, an institutional philosophy that would later come to be known as the “Buffalo Model” and stood for a progressive law curriculum covering a wider range of subjects than traditional schools. The model also encouraged interdisciplinary research that explored how the law actually interacted with the society around it.

“Law in action is always different from law in books,” said UB law professor Martha McCluskey.

Such research was at the core of the Law and Society Association, which had been founded in 1964 and sought to knock down the figurative walls law had built around itself. Schwartz, who had come from Northwestern University, was one of the Association’s founders and served as the first editor of its journal, the *Law & Society Review*.

Buffalo has played a crucial – and often overlooked – role in the Law and Society movement, from its early days to the current era. And that role has a lasting legacy at UB that continues to evolve today at the Baldy Center for Law & Social Policy, which this year celebrates its 40th anniversary. This monograph is an attempt to chronicle the history of the Center and to place it in the context of the larger Law and Society movement in scholarly American legal circles. A serendipitous



Richard D. “Red” Schwartz

<sup>1</sup> Schwartz died in October 2017; former Baldy Center director Lynn Mather conducted the interview in April 2005.

combination of events, including the hiring of Schwartz, made the Center possible, and since then, it has taken advantage of the opportunity, making its mark in the sociolegal world through research, education, conferences and publications.

Before visiting, however, the birth of the Baldy Center – and the history of the man who gave it its name and its endowment – it is worth exploring the conditions that gave rise to the Law and Society movement, and how Buffalo fit into the new discipline.

“Well, which origin myth would you like?” asked New York Law School Professor Frank Munger, formerly of the UB law faculty and a past president of the Association, in his 1998 publication “Mapping Law and Society.” “There are many and they vary with the perspective of the storyteller.” He continued:

*The origins of the field are often traced by lawyers to legal realism, the school of thought that flourished at Yale and Columbia in the 1920s and 1930s and that challenged orthodox legal scholarship by insisting that legal institutions were both instrumental<sup>2</sup> and political and should be studied empirically like other political institutions.*

*Alternatively...the origins of the field, and especially its early (and continuing) focus on formal legal institutions and the management of social change by these institutions, lay in nineteenth-century theories developed to explain the general process of modernization – the work of Durkheim, Marx, and Weber, among others. Yet another view...[is] that much of our understanding of legal culture may be traced to Montesquieu’s framing in the eighteenth century of the distinction between culture and state; still earlier reference points exist in literary and philosophical works that illuminate powerful paradigms for understanding agency and law.*

Buffalo evinced some of the same spirit that defined the legal realism movement in the first half of the 20th century, as UB School of Law Distinguished Professor Alfred S. Konefsky notes in his recent essay “Karl’s Law School, or The Oven Bird in Buffalo.” The scholarship at UB’s law school in the 1930s and 1940s, he writes, “grappled with history, sociology, the development of the administrative state, tax policy, labor relations – not always the standard fare for legal academics then.” This era, before it fizzled in the post-World War II years, laid the groundwork for what would become a key role for Buffalo in the Law and Society movement decades later<sup>3</sup>.

<sup>2</sup> *The idea of instrumentalism, according to Baldy Center Director Errol Meidinger, is that “law should be understood and treated as a means to achieve certain, presumably discernible, goals or ends. The ends might be fostering the public interest or maintaining inequality (gender, race, class, etc.), or maybe achieving social change. This idea is in contrast to one of law as simply a system of rules that are binding, but cannot be understood as pursuing a particular end.”*

By the 1960s, law schools were growing and becoming more competitive and scholarly, as Bryant Garth and Joyce Sterling note in their 1998 article “From Legal Realism to Law and Society: Reshaping Law for the Last Stages of the Social Activist State.” Meanwhile, the social sciences had become more prestigious. Funding for social science research at the National Science Foundation peaked during the 1960s<sup>4</sup>. And outside the ivory tower, the cultural Sixties were happening; the conventional wisdom about race, sex, war and just about all else was being challenged, Garth and Sterling wrote:



**Bryant Garth and Joyce Sterling, legal scholars who have chronicled the history of the Law and Society movement, speak at the Baldy Center in 2013.**

*The 1960s, in retrospect, were a good time for an alliance between law and social science both because of what was happening in the production of knowledge and what was happening in the streets and in the civil rights movement “outside” of the academy. Social science provided a new professionalizing expertise that offered ways to manage the new social agenda. Sociological knowledge thus gained in value as a new generation helped to define a political agenda of concern with urbanization, race relations, poverty and crime. This social science learning could be used to challenge the postwar complacency of law schools and the training and expertise of lawyers for governing the state. The inheritors of Legal Realism could also use this rising prestige of the social sciences to renew their attack against legal traditionalism and formalism.*

Law schools continued to diversify during the 1970s in other ways, too, with many establishing clinical programs to address a “large, unmet need for legal representation for the poor in both criminal and civil cases,” as the Fordham

<sup>3</sup>Tom Headrick, under whose deanship the Baldy Center was founded, wrote in an email that UB’s law school during that era had “some incredibly distinguished scholars.” Headrick cited as examples Mark DeWolfe Howe, who clerked for Supreme Court Justice Oliver Wendell Holmes, was a “renowned legal historian” and ended up on the faculty at Harvard; David Riesman, who clerked for Supreme Court Justice Louis Brandeis, later authored the “classic in American sociology” “The Lonely Crowd” and also ended up at Harvard; Louis Jaffe, a “pioneer in administrative law” who clerked for Brandeis, became dean of UB’s law school and (see a pattern here?) ended up at Harvard; and Ernest Brown, “one of the pioneers in federal tax law,” who became acting dean at UB’s law school and (surprise!) later joined the faculty at Harvard

<sup>4</sup> According to Stephen Cole’s May 1993 review of Otto N. Larsen’s book “Milestones and Millstones: Social Science at the National Science Foundation, 1945-1991” in the *American Journal of Sociology*. “The availability of those grants gave [sociological research] a credibility and a prestige,” McCluskey said.

Law Review put it in a 2004 article. UB took part in this trend; its own clinical history dated to the early 1950s, when Professor Charles Webster founded a student-run defense organization to aid impoverished defendants charged with misdemeanors.

Garth and Sterling identify four universities – the University of California at Berkeley, the University of Denver, Northwestern University and the University of Wisconsin – as central to the advent of the Law and Society movement. But Buffalo was in the mix from nearly the beginning; indeed, it was in Buffalo that the Law and Society Association held its first national meeting in 1975.

One of the attendees at that initial national meeting was Errol Meidinger, a dual J.D./Ph.D. student in law and sociology at Northwestern University. Meidinger, who was then in his early 20s and at the end of his first year in law school, was invited by way of a lottery for Northwestern students interested in the Law and Society movement. He recently recalled arriving in the late spring – to, unsurprisingly, rainy, muddy and cloudy weather – and seeing the UB law school building standing alone on what was at the time a new campus in Amherst whose construction had barely started.

“It’s this edifice sitting there in this big green area with a lot of muddy scrapes and big piles of dirt,” Meidinger said.

One panel that still stands out in Meidinger’s memory today was about ideology and culture. Meidinger remembered witnessing a “fascinating conversation about the idea of false consciousness” between UB law professor Bob Gordon (now on the law faculty at Stanford) and the late Yale law professor Arthur Leff that involved “vigorous debate.”

There was a sense at the meeting, Meidinger said, that Buffalo might continue to be one of the centers of the burgeoning Law and Society movement.

(Meidinger, as it happens, joined the UB law faculty in 1982 and now serves as the director of the Baldy Center.)

Another attendee at that inaugural 1975 meeting was Bob Hayden, then a first-year law and anthropology student at UB and now professor of anthropology, law and public affairs at the University of Pittsburgh.

“For us students, it was grand – we got to meet the Great People we’d been reading, or at least listen to them if we were too shy to introduce ourselves,” Hayden recalled in an email.

Schwartz himself played a central role at the 1975 national meeting of the Law and Society Association, as future Baldy Center Director Lynn Mather noted in her 2003 presidential address in the *Law & Society Review*:

*The first Law and Society Association conference was held in Buffalo, New York, in 1975. According to that conference program, there were exactly 100 participants. ... There were also well-known names such as Lon Fuller, E. Adamson Hoebel and Alan Dershowitz. The group was small enough that Red Schwartz, then dean of the law school, was able to invite them all to his Buffalo home for the concluding reception.*

So, it was amid an era of expansion, both physical and ideological, for American law schools that the sociologist Schwartz – who once said that to leave the law “to the lawyers was a mistaken idea” – took over as dean at the UB School of Law, whose faculty in the 1970s also included other Law and Society figures such as Gordon and Marc Galanter.

“He was counted as the first non-lawyer dean of an American law school,” Galanter said in a phone interview. “And it caused a certain amount of buzz and excitement. ... It was a heady time, not only for Buffalo, but for the law school world. It was a moment of enormous expansion. Women had started coming to law schools in great numbers. The number of African-Americans was up everywhere. These were the postwar baby boom kids hitting college and going to law school. So law schools were flourishing. ... We had this new campus and projected growth. ... If you looked around the country and said – ‘Where is this Law and Society stuff going on?’ – Buffalo would have clearly been one of the places.”

Shortly after Schwartz arrived on campus, UB learned it would soon be the likely recipient of a generous bequest from a man named Christopher Baldy, a well-known Buffalo attorney who had died in 1959 at the age of 73.

Baldy was a 1910 graduate of the Buffalo School of Law, in the days when UB was the private University of Buffalo. In 1911, he joined the firm then known as Kenefick, Cooke, Mitchell & Bass as a law clerk, eventually becoming a partner and specializing in tax and corporation law. When Baldy died, the firm was called Kenefick, Letchworth, Baldy, Phillips & Emblidge and he was the oldest surviving partner; today, it is Phillips Lytle LLP, one of Buffalo’s most prominent law firms.

Baldy, variously described in 1959 newspaper articles as “slightly built,” “reticent,” “unselfish,” “self-effacing,” “modest,” “astute,” “courtly,” “unassuming” and “a man of gentleness and humility,” was very active in Buffalo’s legal, political, religious and civic circles. An obituary in the May 25, 1959 edition of The Buffalo Evening News (published the day after Baldy died) gave a laundry list of organizations, boards and committees that claimed Baldy as a member, including



Christopher Baldy

the City of Buffalo's Board of Social Welfare, the Erie County Democratic Committee and the Erie County Bar Association, where he served as president in the early 1940s.

But Baldy's most notable legacy beyond his legal career was perhaps his membership on the UB Council, the university's primary oversight body, where he served as secretary. Baldy helped plan an expansion of the university, and, somewhat ironically, was active on the chancellor's Advisory Committee on Bequests and Endowments.

The year before he died, Baldy received one of UB's most prestigious honors, the Samuel P. Capen Alumni Award, for the "courage, dignity, intelligence and devoted effort" he displayed for the benefit of the university. Chancellor Clifford C. Furnas said of Baldy at the time, "During the past 50 years, he has been so closely associated with the growth and history of Buffalo that we might say that the history of Buffalo could not have happened without him."

Baldy, who never married or had children, became wealthy, and when he died, he was generous with his money. His estate was initially valued at more than \$1.4 million. In his will, he left \$10,000 to his church, \$5,000 to the Erie County Bar Association, \$5,000 to his Masonic lodge and \$10,000 each to his two sisters-in-law. Nearly all the rest went to his three brothers, Charles, Willard and Wesley, and when they died, according to the will, whatever was left over was to be given to UB "for the purpose of providing a scholastic building or residence hall on the campus in my memory, as may be determined by the Council of the University, in the development of which I have been greatly interested."

By the early 1970s, the amount in the fund for UB had grown to somewhere between \$1.5 million and \$2 million, according to a university memo from that period, and the last surviving Baldy brother was nearing the end of his life.

UB was about to finally get the money, but circumstances had significantly changed since Baldy died.

For one thing, UB had become a public university and a part of the State University of New York, which at the time was spending generously on the construction of new buildings at its campuses, including the new North Campus that was then being built in Amherst.

"The Will was made prior to the merger and now that the State is building all buildings it raises a question as to what will be the proper use of the funds," wrote Robert D. Loken, then the University at Buffalo Foundation president, to UB President Robert Ketter in October of 1971.

Schwartz also wrote to Ketter about the Baldy bequest the following month:

*The Christopher Baldy Trust presents us with a complicated problem. The question is how, given all the legal background, it is possible to fulfill Mr. Baldy's basic objectives. ... The thing of value that he had in mind was "a scholastic building or residence hall on the campus." It must be remembered that he wrote these words in 1954, eight years before the University of Buffalo became a part of the State University of New York. His death four years later prevented him from making any changes in light of the new situation created by the merger.*

*The question now arises as to whether, in present circumstances, it is possible to fulfill Mr. Baldy's specific intention.*

*We could, of course, put his name on one of our new buildings. Inasmuch as the buildings are being provided by the State, however, it is difficult to see how, in that event, the funds could properly be said to have been used to "provide" such a building. If the funds were to be paid into the State University Construction Fund, they might be used to build a building elsewhere that otherwise might not be built or reduce by that amount the obligations of the State University Construction Fund. Accordingly, the action of merely putting his name on a building might provide a suitable memorial but would not contribute directly and in the appropriate amount to the development of the University at Buffalo. It is difficult to ascertain, harder still to predict, and impossible to know for certain whether the funds would actually be used to further the development of the university or whether they would simply substitute for other funds. ... Under the doctrine of cy-pres<sup>5</sup>, the court can decide in such circumstances to construe the intention of the testator and to order that the money be spent in such a way as to effectuate that intention in a manner as close as possible to the original instructions.*

*In doing so, the court has wide latitude in seeking to arrive at an equitable decision. In a case such as this, the Surrogate would doubtless be attracted to a resolution which satisfied his sense of rightness. ... His [Baldy's] purpose was pretty clearly to advance the University "in whose development" he had been "greatly interested." In pre-SUNY days, that development could best be expedited by new buildings. In recent years, buildings being provided rather generously by the State University Construction Funds, some other uses would be more appropriate to ensure the development of*

<sup>5</sup>Headrick recalled, "My understanding is that Al Mugel (class of 1941) proposed it [cy-pres] as a way out of the Baldy building bequest. Al was a longtime faculty member starting just after World War II. Later he became a founding partner of Jaeckle Fleischmann & Mugel [a Buffalo law firm that merged in 2015 with Bond, Schoeneck & King], but continued to teach a course each semester. ... Al's areas of practice were wills, trusts, estate planning and tax. Cy-pres was the obvious solution. He may have helped Red with the Ketter letter. Certainly he advised Red and probably helped guide the hearing before [the Surrogate's Court]. Al had known Chris Baldy and his partners well. His involvement on behalf of the law school was a natural."

*the University at Buffalo. Accordingly, it would seem fitting that the contents of the Trust be expended for education purposes.*

*One could argue that the development of the University at Buffalo might best be served by putting these funds in the hands of its President for completely discretionary use. ... On the other hand, completely discretionary funds might be more subject to compensatory budget-cutting in Albany than would be the case if they were earmarked. Moreover, a well-chosen, special purpose use of the funds could further Mr. Baldy's intent to provide a suitable memorial for himself, while contributing additionally to the development of the University by setting an example that would inspire other donors.*

*In light of all these considerations, I am inclined slightly toward a designation of the funds for some special purpose.*

Schwartz also noted in his letter that Baldy's will "shows no special inclination toward use of the funds for legal education." But by early 1973, Ketter had been apparently convinced that not only should the Baldy funds benefit the law school, but they should also be used to fund research on one of Schwartz's favorite subjects: the intersection of law and social policy.

The law school wouldn't have all the funding to itself, however. A September 1979 law school memo, paraphrasing Schwartz, indicates that Schwartz "attempted initially to have the funds earmarked for exclusive use of the Law School, but that the University administration would not agree." The funds were to also benefit departments in the social science disciplines.

Ketter wrote to SUNY Chancellor Ernest Boyer in February 1973, asking him for his and the SUNY Board of Trustees' endorsement of his request to use the income from the Baldy bequest to support a "Baldy Program in Law and Social Policy," which would be made up of five "major elements": an annual lecture series, post-doctoral fellowships, professorships, scholarships and a continuing program in law and social policy directed primarily at members of the bar.

A university memo from the same month fleshed out the original program (and its reason for being) in more detail:

*Numerous efforts have been made in recent years to utilize social science information as a way of more rationally shaping public policy (as reflected in legislation and in judicial decisions), as well as determining its subsequent effects. These efforts, regrettably, have often been flawed by the failure better to relate legal thinking and processes on the one side, and the kind of information that was available from the social scientists, on the other. ... [T]he use of social science has often been vulnerable in retrospect to the criticism that the information and its use were both inadequate. ... Lawyers,*

*in particular, need to be apprised of the kind of information that is available that may be relevant to their cause. They should also be sufficiently familiar with its uses so that they do not hesitate to utilize it in any aspect of the decision process where it is appropriate. At the same time, they must be equipped to attack its incorrect utilization when that occurs.*

*Concurrently, social scientists must be educated to realize the potential utilization of such information, so that they will be able to gather relevant materials that will help the legal decision-makers to formulate policy more effectively. ... In short, lawyers and social scientists should, together, attack the problem of designing a more adequate procedure for formulating social policy. ... The conditions at State University of New York at Buffalo distinctly favor the development of such a program in law and social policy. The Law School has undertaken a major program of building up its faculty. ... At the same time, the Social Science Faculty has significantly expanded its activities and interests in the area of law and social policy. ... [W]ith relatively modest increased support, a critical mass capable of making important contributions to law and social policy will have been achieved.*

*It is for the above reasons that we are requesting authorization which will permit us to use, at least for the next ten years, the income from the Baldy legacy to establish what we would wish to call the "Baldy Program in Law and Social Policy."*

The SUNY trustees apparently endorsed the idea, and the following month, so did Erie County Surrogate Judge William J. Regan<sup>6</sup>, who in March 1973 signed a decree allowing the Baldy will to be altered so the money could be used for a program in law and social policy. During the negotiations, UB also agreed to name a building after Baldy – and, since the new law building in Amherst was already named for John Lord O'Brien, the closest building to the law school was named Baldy Hall. Eventually, the university erected a plaque on the first floor of Baldy Hall commemorating Baldy, his accomplishments and his generosity to his alma mater.

Court records show that during a March 5, 1973 proceeding before Surrogate Regan, the judge said, "I think we are accomplishing as close [as] we can to what Mr. Baldy would have wanted under the circumstances."

"This is something that touches people, and this is what he would have liked because he was a great man," Regan said.

In a 1993 audit of the Baldy Center, the Surrogate's Court was mildly critical of Regan.

<sup>6</sup>Former UB law dean Tom Headrick called Regan a "staunch supporter of the law school and president of the law alumni during my deanship."

“The court proceedings on March 5, 1973 might best be characterized as a proceeding in which a stipulation was approved or a ‘defacto’ cy-pres proceeding was conducted by...Regan...without benefit of testimony. ... Regan... [failed] to run a formal cy-pres proceeding or evidentiary hearing or to take any other action (e.g. submission of affidavits) which would have provided a more formal definitive factual basis for the determination that the charitable intention of Christopher Baldy would have been fulfilled by the...resolution to name a building in his honor on the U.B. Amherst campus and creation of the Baldy Center for Law & Social Policy,” the audit reads.

However, auditors also noted that “all parties to the proceeding were properly cited and given an opportunity to be heard” and that “William E. Lytle, Esq. who was appearing for the trustee...had been a partner of the late Christopher Baldy and was intimately familiar with proceedings that had taken place over a period of 12 years. The presence of Mr. Lytle in the court proceeding...is important because he was personally and professionally close to the late Christopher Baldy. Thus, he was in a unique position to know Mr. Baldy’s charitable intentions.”

Finally, the auditors acknowledged that Regan had “handled the Baldy Estate for almost 10 years, had exhaustive knowledge of the file, and in the absence of any evidence that Christopher Baldy would not have wanted the Baldy Center for Law & Social Policy, his actions in approving the S.U.N.Y. proposal were entirely appropriate and are not subject to judicial review since all parties were properly cited and the statute of limitations on the proceeding has long since expired.”

The endowment was put to use soon after Regan signed the decree. But there were some initial hiccups. A July 1973 file memo from Bill Greiner, then the law school’s associate provost, indicated that Greiner tried to recruit students for Baldy scholarships, but university restrictions made it hard to attract the type of student School of Law officials had in mind.

“We announced the award of five of these scholarships; four of the five students declined or did not even have the courtesy to answer the announcement of the award,” Greiner wrote. “We should make the award to the fifth student on the basis of offer and acceptance, but I recommend that we go no further with the program at this time.”

The next year went a little smoother. A press release from July 3, 1974 announced the awarding of the first Baldy Graduate Student Fellowship in Law and Social Policy – a one-year stipend of \$3,000. Margaret M. Rabkin used it to complete her doctoral dissertation on “Women and the Law: The Silent Feminist Revolution,” which she worked on with the help of Clifton Yearley of UB’s history department.

Five UB faculty members also received \$2,500 each for the first Baldy summer fellowships, which were used to study subjects such as “the protection of civilians in armed conflict” and “mortgage financing since the 1969 Tax Reform Act.”

Hayden was one of the first dual-degree students funded by the Baldy money. Schwartz recruited Hayden from Syracuse, where he had been an anthropology student studying the Seneca Nation.

“Red was betting that we wouldn’t then just pick up our law degrees and then get admitted to the bar, and say, “Thanks, Red,” Hayden said, referring to the risk that students funded by Baldy money would leave after earning their law degrees without finishing their Ph.D. dissertations. “And there were people who did that, frankly.”

Hayden agreed to come to Buffalo, attracted by the presence of the Law & Society Review, then being edited by Galanter. There weren’t many places in those days where a student like Hayden could get funded in law and a discipline like anthropology.

“If you were interested in law and social sciences, and you were a graduate student...Buffalo was a fabulous place to be,” Hayden said in a phone interview. “The institutional structure was there.”

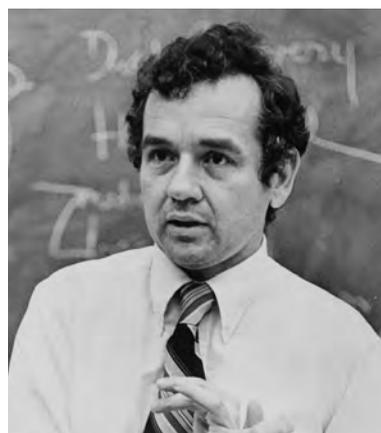
He said “Buffalo was really in a leading position” in the larger Law and Society movement at the time.

“It was perhaps the most prominent place among few,” Hayden said.

Murray Levine, a retired psychology professor who was affiliated with the Baldy Center for decades, said the number of dual-degree professors on the UB law school’s roster was “enormous,” bolstering its reputation in the Law and Society world.

But by the end of 1977, leaders at the law school were left unsatisfied by how the Baldy program had evolved to that point. In December of that year, Tom Headrick – who had by then replaced Schwartz as dean of the School of Law – sent a proposal to the committee overseeing the Baldy program to formalize its mission in a more official “Center.” The proposal originated from Headrick’s “simple observation that the law school and other academic units have talked about collaboration for many years.”

Headrick shared Schwartz’s interest in interdisciplinary work involving law and other academic departments. In fact, it was UB’s hiring of Schwartz that convinced Headrick – who had earned a Ph.D. in political science from Stanford in addition to a law degree from Yale – to accept the job as the next dean of the Buffalo School of Law, where he began in 1976.



Tom Headrick during his deanship

“That was what made Buffalo interesting to me,” Headrick recalled in a phone interview. “Because they had appointed a non-lawyer sociologist as dean, so it seemed to indicate that the law school was open to...involving itself in interdisciplinary work. ... That was clearly, in the back of my mind, the kind of place I wanted to be. I don’t know if I would have considered going to any other law school but Buffalo at that time.”

Headrick’s sense was that the Baldy program had been “spending money to support faculty research,” he said, but he thought the use of the endowment could be expanded to include conferences, travel and colloquia, among other things.

“Progress has occurred, but it falls short of everyone’s expectations and hopes,” Headrick wrote to the Baldy committee:

*In 1973, the outlines of a “Baldy Program” in law and social policy were discussed with and approved by Mr. Baldy’s representative, and President Ketter and Chancellor Boyer endorsed the commitment of the Baldy funds to this program in law and social policy.*

*Since that time, a Baldy Committee composed of representatives of the President, the Vice President for Academic Affairs, the Provost of Social Sciences and Administration, the Dean of Law and Jurisprudence and the Erie County Bar Association have reviewed requests for the uses of the funds. Though the Committee has faithfully pursued the intentions of the Baldy program, its members are all heavily committed to other administrative responsibilities and as a result it has not been able to provide the leadership necessary for development of a coherent program. The current proposal arises from the belief that more structure and coherence in the use of these funds would enable us to realize more fully the benefits of the Baldy endowment. ... [T]o spark collaboration between academic lawyers and colleagues in other disciplines, there needs to be “an institutional framework and leadership.”*

*A Center can provide the institutional framework, that is, a budget, a physical location for contacts and meetings, a staff, a capacity for sponsorship, a network for conveying information about people, their interests and their projects. ... Administratively, it can offer a home for activities that tend to fall between academic units and, therefore, outside of both.*

Headrick went on to write that the Center would oversee three major activities: joint-degree programs; joint teaching and courses (including visiting lecturers); and interdisciplinary research.

The next year – 1978, or 40 years ago – the Baldy Center was born. And it did receive, as Headrick put it, a “physical location” in a fifth-floor corner office

in O'Brian Hall – rendering the word “Center” perhaps a bit misleading. As David M. Engel, SUNY distinguished service professor at the School of Law and director of the Center during most of the 1990s, recalled, the Center’s reputation eventually exceeded its brick-and-mortar footprint.

“A lot of visitors who came were saying, when they arrived, ‘Gee, the Baldy Center always seemed like this big, thriving center, and it’s just this little room at the end of the hall,’” Engel said.

No matter the size, the essential thing was the word “Center.” Like Headrick, Schwartz – the intellectual father of the program in law and social science at UB – recognized the importance of that label.

“To have a center would provide some financial base, some staff and some opportunity to facilitate this kind of [law and social science] research,” Schwartz said in the interview he recorded late in his life. “I’m very proud to have had some small part in the development of the Baldy Center.”



## Chapter 2:

# Early successes, challenges

Like those of any fledgling organization, the Baldy Center's early days contained moments of success and progress; lots of trial and error; and, of course, periods of frustration and stagnation.

First, it needed a staff.

Barry Boyer, then the associate dean of the law school, and Jim Brady, of UB's philosophy department, were named co-directors, in the

spirit of interdisciplinarity. Though its home is in the law school, the Baldy Center over the years has – sometimes successfully, and sometimes less so – attempted to sit between law and the academic disciplines surrounding it, in keeping with its mission of encouraging interdisciplinary research.

The idea of a co-directorship was an example of one of those times when the Center's plan to exhibit a commitment to interdisciplinarity didn't go exactly as planned. Brady only lasted through the spring of 1981 as co-director, and from the fall of 1981 forward, the Center has had only one director, who has always been based in the law school.

Boyer served in that role from 1981 to 1992. As Boyer remembers it, Brady had not been particularly “engaged in the Baldy Center,” and Boyer had been “willing to do the great bulk of the work” anyway, he said. Plus, coordination had been difficult in the prehistoric days before email.

“It was cumbersome to be doing everything as joint decision-making, because he'd be off doing something, and I'd be off doing something,” Boyer said.

Headrick echoed those thoughts.

“Barry took more of the leadership role,” Headrick said. “And Jim was not as engaged as he might have been, and so gradually it...was more a law school project.”



This photo from the University at Buffalo's archives shows Errol Meidinger (left) and Barry Boyer (right). Boyer was the first director of the Baldy Center; Meidinger is the current director.

Baldy Center records do show that Brady – who, Headrick said, was also a lawyer in addition to a philosopher and taught first-year criminal law courses for several years – was involved to some extent. He wrote memos and corresponded with top university officials about the progress of the Center. Attempts to reach him for this project were unsuccessful.

Boyer hired Wendy Katkin as the Center’s first assistant director – a job that over the years has proved crucial to Baldy’s day-to-day operations. The assistant director coordinates the Baldy Center’s activities, manages the Center’s staff, maintains the budget, oversees event planning, handles public communications and administers applications for grants and awards<sup>7</sup>.

Finally, since the Baldy Center’s inception (and actually, as Headrick mentioned in the afore-cited proposal, since before that), the law and social science program has been overseen by a panel – first called the Baldy Advisory Committee and now referred to as the Advisory Council – that helps the director develop policy, reviews programs and makes recommendations for improvement. The first inception of the committee brought together representatives of the School of Law, the social science departments, the university administration and the Erie County Bar Association; now, the committee is composed of four law professors and three from various social science disciplines<sup>8</sup>.

The first Advisory Committee included Martin Bloom of UB’s School of Social Work; Janet S. Lindgren of the law faculty; James L. Magavern of the Erie County Bar (and the law faculty); Thorne L. McCarty of the law faculty; David A. Nyberg of the Faculty of Educational Studies; Alfred D. Price of the School of Architecture and Environmental Design; George L. Priest of the law faculty; H. Laurence Ross of the sociology and law faculties; Robert H. Stern of the Department of Political Science; John M. Thomas of the School of Management; and Kenneth R. Vogel of the Department of Economics.

Before the Center was established, university administrators oversaw the Baldy endowment. Headrick said the shift to an advisory board composed of faculty members rather than administrators was “a key element of the shift to a Center.” He saw a need “to put [the] program under faculty control,” he added in an email.

Katkin, who had completed a Ph.D. in English in 1973 and was finishing a master’s degree in psychology, both at UB, had been working part-time at Canisius College. Her husband, Edward, was then a psychology professor at UB. Another UB psychology professor, Murray Levine, heard about the job opening in the new Baldy Center and recommended Katkin.

<sup>7</sup>According to the Baldy Center’s website.

<sup>8</sup>As of this writing, the disciplines are geography, history and sociology.

“They assumed I had a Ph.D. in a social science,” Katkin said with a laugh from her home in Manhattan, where she is now retired. “Barry interviewed me, and he offered me the job. The salary was very, very low. ... I joked, ‘No social scientist or lawyer would take this salary.’”

In those nascent days, the people involved with the Baldy Center still didn’t know exactly what it should look like. In Katkin’s words, “the Center was formed on paper but it was not a center.”

“When I started working, nobody knew what the Center should be,” Katkin said. “Forty years ago, ‘interdisciplinary’ was a new word. ... Since I didn’t know what to do, I would interview people in the law school, and I would set up appointments to meet with every department in the social sciences.”

One thing was clear, though: the Center would need more money instead of simply relying on the modest returns from the Baldy endowment.

In an October 1978 letter to the faculty announcing Katkin’s appointment, Boyer and Brady wrote that her primary duty would be “to help faculty who are seeking outside funding for research and course or program development.”

Katkin became adept at bringing external money into the Baldy Center, an effort she remains “really proud” of today.

“I brought a lot of money in. ... We got every grant we applied for,” Katkin said.

A memo from the early 1980s boasted that 11 out of 31 Baldy proposals were funded externally, with awards totaling \$550,000. The Center also helped junior and inexperienced faculty win grants, according to Katkin.

“She did a really good job,” Headrick remembered. “Wendy’s...aggressive in her own way, and so she was out front...and helped Barry because he [didn’t] push as hard as she did. Wendy did a good job.”

One of the Baldy Center’s responsibilities was to administer joint degrees in law and social science disciplines. Joint J.D./Ph.D. degrees had already been supported by Baldy funds before the creation of the Center; a January 1974 edition of *The Opinion*<sup>9</sup> broke news that such degrees would soon be offered. (“While the Law School is ‘unlikely to be able to do more’ to support J.D. candidates, it might join with Social Sciences to urge that the Law School’s Baldy funds be allocated exclusively for joint degree rather than merely J.D. candidates,” *The Opinion* wrote, citing a memo written by Schwartz.) By 1979, according to a Baldy Center brochure from that year, there were approximately 60 students at UB “pursuing some type of combined degree program involving legal studies.”

<sup>9</sup>*The law school’s student newspaper/newsletter from 1949 to 2009.*

Prior to the Center's establishment, Katkin said, students who pursued joint degrees "did so informally, working out their own arrangements. The Center formalized the joint degree programs...and obtain[ed] Department of Education certification of the programs. This was an important distinction and enabled students to shorten the time of their studies."

In the spring of 1981, officials at the Center were considering expanding the options available to joint-degree students. A January 1981 letter from Brady to Dr. Robert Rossberg, then the vice president for academic affairs, noted that "it may be possible to develop joint programs in other areas such as history and economics," in addition to the already-available options such as philosophy, political science, anthropology and sociology.

Also percolating in the early days was a joint-degree program in Public Law, an undertaking between UB's School of Law and School of Management.

"The Public Law program was really John Thomas' baby," Katkin said, referring to UB's then-director of the Center for Policy Studies, who later became the School of Management's dean. "He had been talking about it for a long time."

The successful completion of the Public Law program resulted in the award of the J.D. degree and a Ph.D. in policy studies. Boyer, in a recent memo he wrote for a university research project on the 50th anniversary of the School of Architecture and Planning, which was founded in 1968, recalled how that program was born:

*The management school took the initiative to create a new policy studies program – John Thomas and Doug Bunker were two of the principals in that effort, and Larry Southwick also played a role – and the Law School enthusiastically provided support for joint degrees and through use of the Baldy endowment committed some funding for students and faculty in the program. (I was director of the Baldy Center during this period. Tom Headrick, the law dean in the mid-to-late '70s, was a very interdisciplinary guy<sup>10</sup> and a believer in policy studies; he stepped in and taught one of the foundational courses for policy studies students after he completed his term as dean.) That program survived until the late '80s or early '90s. ...*

*On their part, the professional school faculty (management; law; architecture and planning) had, I think, a twofold reason for wanting to have a policy studies program. By the '70s, we could see public policy moving toward a more rigorous, quantitative approach based*

<sup>10</sup>In a phone interview, Headrick described his "most significant personal working experience," which had come earlier in his life, while he was working in London for an American consulting firm. One of his mentors there "believed that the only way you could solve problems was getting people from different disciplinary perspectives. ... That affected the way I thought about problem solving. ... It pushed me to go on to get my Ph.D. ... It was important for me to have two or three academic perspectives of looking at the world rather than just one."

*upon formal models of analysis. In law, for example, quantitative risk assessment was just taking off as a common approach to health, safety and environmental regulation, while cost-benefit analysis was becoming a standard approach to regulatory decision-making. Understanding, developing and critiquing those models—being an effective player in the policy arena-- required more than the traditional professional school toolkit. There was also a fair amount of creative thinking going on about how the non-economic social sciences could be brought to bear more effectively on public policy issues. So, intellectually, policy studies seemed to be an emerging interdisciplinary field where these currents could be systematically explored.*

*The other reason why a policy studies Ph.D. seemed appealing to the professional schools (or at least to law) was the idea of having students around working on sophisticated, multi-year research projects. The law school had a number of people with Ph.D.s at that time, and others like me who had only the J.D. degree but would have liked to work with students who were involved in more challenging research than the normal run of law review articles, comments and notes parsing legal doctrines and recent cases.*

The Public Law program's preliminary run was in the 1980-81 school year, and the memo from the early 1980s described it as "perhaps the only J.D./Ph.D. program of its kind in the country" and noted it was already "attracting high-quality students who might otherwise choose more prestigious universities to attend."

An undated memo announcing the program read:

*The Law School and the School of Management announce a new joint degree program in Public Law. The program is designed for students interested in public sector careers as administrators, policy analysts, or lawyers in government or not-for-profit organizations. It provides an integrated, applied curriculum which focusses [sic] either on problems of state and local government or on social regulation. ...*

*An important component of the program is a supervised internship in a government or non-profit agency concerned with the implementation of law in a defined policy area such as urban economic development, mass transit development, the application of federal environmental standards to municipal governments, or the implementation of health care programs.*

*The Public Law program requires four academic years plus one summer session to complete. It culminates in the award of both the J.D. and a Ph.D. in Policy Studies.*

By the fall of 1982, the Public Law program was “in good shape now, and we are sufficiently proud of it,” Katkin wrote in an Oct. 19, 1982 note to Rossberg.

Another early development was the opportunity to host an academic journal. In the aforementioned January 1981 letter from Brady to Rossberg, Brady mentioned the possibility of bringing Law & Policy to Buffalo from the University of Illinois at Chicago Circle<sup>11</sup>.

Less than six months later, that possibility had become a reality<sup>12</sup>. “We have contracted with Sage Publications” to edit the quarterly Law & Policy journal at Buffalo, Boyer wrote in June 1981.

“It sort of contributed to the instrumental growth of the institution’s reputation in the law-and-social-science world and, for that matter, the law world,” Boyer remembered in a recent phone interview.

The Baldy Center had a bit of momentum. It had a staff, a new joint-degree program and an academic journal to lend it an air of credibility. A letter from around that time – the spring of 1981 – from Katkin to Boyer, who was traveling in Europe, indicated the jovial mood.

“Life at the Baldy Center has been peaceful and quite pleasant,” Katkin wrote. “I have been working on several projects which I am enjoying...and there has been a considerable and welcome lessening of controversy and conflict.”

The atmosphere was exciting at the time, Katkin recalled on the phone recently.

“Everybody was in my office,” she said. “People would just come around and talk. They’d bring their lunch and talk. Stuff was festering.” She added more in an email: “I truly believe that the Baldy office became a frequent hangout for numerous faculty and graduate students because of the lively discussions that were often going on there.”

John Henry Schlegel, University at Buffalo distinguished professor at the School of Law who joined the faculty in 1973, recalled that the Baldy Center in its early days was “where the young and not-so-young people gathered together to think about law.”

“So, it was central to my upbringing,” Schlegel said, adding that it fostered a “really, really interesting collection of Law and Society kinds of research.”

But the “controversy and conflict” Katkin wrote about had indeed been part of the story of the early days, as well.

<sup>11</sup>Now simply the University of Illinois at Chicago.

<sup>12</sup>Hosting the journal was another one of John Thomas’ ideas, Katkin said. “John became editor when the journal moved to UB,” she added.

As early as September 1979, when the Baldy Center was barely a year old, there were already indications of grumbling among the faculty regarding the Center. It was then that Boyer and Brady wrote a memo to the Baldy Advisory Committee about the Baldy Summer Research Fellowships.

“It seems to us that there are some serious questions about the goals of the program and the way in which it is administered. ... After last year’s round of fellowship awards, some members of the Law faculty suggested that the small number of fellowships budgeted, and the smaller proportion awarded to Law faculty (only one for this summer), were inconsistent with the intent of the bequest, or the general understanding of the university faculties and administration, or both,” Boyer and Brady wrote.

The co-directors then launched into a history of the Baldy bequest and program, reminding the committee that Christopher Baldy’s money was never specifically intended for the law school<sup>13</sup>. But, they acknowledged later in the memo, “it is getting increasingly difficult to avoid being arbitrary in making the awards. Perhaps even worse, from our perspective at least, is the possibility that the process will be perceived as arbitrary by interested faculty members. Based on this past year’s experience, the faculty fellowship program seems to be an excellent way to generate ill will and hostility toward the Center (or at least toward its Directors).”

The memo highlights two problems that have presented themselves repeatedly throughout the Center’s history: the ever-unresolved question of whether the Center belongs to the law school or sits between it and the other disciplines, and a perceived lack of focus or theme that brings all the Baldy research and activities together. These issues combined with two more that surfaced during the Baldy Center’s early years and have recurred over time: the effect of tenure requirements and a design flaw in the joint-degree programs the Center managed.

Taking the four problems one by one:

### **A joint program or a law program?**

Katkin said in an email that the law school “from the beginning has been in charge of [the Baldy Center’s] location, administration, staffing and budget allocation. Going one step further, I would add that although [the] dean of social sciences...may have signed a few papers when it was established, neither he nor his successors showed much interest after that and I can’t think of one instance where they provided input on any matter”:

*When Brady left the co-directorship, there was no attempt to replace him.*

<sup>13</sup>Boyer and Brady’s memo noted that the law school had, in fact, received the majority of summer fellowships to that point: 28 out of 44, with the remainder going to Social Science and Management.

*But think how different things might have been if a social scientist like Murray Levine – a productive, creative, energetic leader highly respected by his peers – had been offered the position. So, I see the persisting tension as structural and historical and one that could have been (and still could be) addressed if there was sufficient commitment.*

*The irony is that most of the energy and activity in the early years emanated from social science faculty. They put forward recommendations for speakers, suggested themes for conferences and identified participants, and submitted the bulk of proposals to Baldy and elsewhere. Many were drawn to the Center because they saw it as a (new) resource and, even more critically, believed that adding a legal dimension would enhance their own research. Less empirical in their orientation, the law faculty for the most part did not see the benefits of social science collaboration.*

*I'd like to emphasize that despite the tensions, the Center was a very communal place and collaborations did arise as a result of activities (i.e. conferences, lunchtime discussions, small group meetings) that took place there. ... At the time I left we were taking small steps toward larger-scale collaborations. One project we were toying with would have focused on Love Canal<sup>14</sup> and involved faculty in sociology, law, and psychology. A second was on dispute resolution at the international level and would have included faculty in law, psychology, and political science.*

The tension between law and social science has alternately heightened and lessened over the years but has been persistent enough that it seems to be baked into the Center's DNA.

### **Choosing a focus**

The Baldy co-directors acknowledged the lack of a focus or theme for Baldy in a 1980 dispatch to the Advisory Committee.

“The principal problem, at least for some who have been following the Center's operations, is the lack of a clear ‘mission,’” Boyer and Brady wrote.

The co-directors sought to address the lack of a focus by choosing one. They decided on the topic of regulation, as Brady explained to Rossberg in 1981.

“The area of regulation seems to be a promising one for a focus. ... Issues concerning the function of regulatory programs are currently the subject of much academic and public debate and prospects for external funding appear to be good,” Brady wrote.

<sup>14</sup>Infamous Niagara Falls neighborhood whose name has become synonymous with a major environmental disaster that resulted from the dumping of toxic waste.

## Tenure system discouraged interdisciplinarity

UB's tenure requirements, combined with the balkanization of its departments, discouraged interdisciplinary research.

“Untenured faculty may...be worried that collaborative or interdisciplinary work will not be given appropriate ‘credit’ toward the grant of tenure,” Boyer wrote in a 1984 letter. “All of these factors suggest that we shouldn’t be overly sanguine about the amount of interdisciplinary interaction that is out there waiting to happen.”

Part of the problem was that a raft of key senior faculty members at the School of Law – among them the giants of Law and Society that had established the school’s reputation – had left the university. Bob Gordon left for Wisconsin in 1977, and Marc Galanter left for Wisconsin around the same time. Schwartz was gone, as well, partly as a consequence of the waning of the spirit of interdisciplinarity, as is noted in a history of the School of Law published to commemorate its 100th anniversary in 1987:

*[Schwartz’s] stated reasons for stepping down were undoubtedly true, but other factors played a part in the decision. For one, President [Martin] Meyerson’s enthusiasm for interdisciplinary studies that had originally propelled Schwartz into the deanship had begun to recede following Meyerson’s departure [in 1970].*

*Also, at the law school, some professors who had initially supported or at least acquiesced to the direction in which Schwartz was taking the school eventually found that a constant socio-legal diet gave them indigestion. Other faculty members – particularly the younger ones – felt that Schwartz wasn’t moving fast enough in the direction of interdisciplinary studies. Schwartz, an acute observer, sensed their collective discomfort. It had a depressing effect on his enthusiasm for continuing with his program.*

Boyer and Brady wrote the Advisory Committee in 1980 about the barriers to encouraging the new faculty members to pursue interdisciplinary research.

“It still seems generally true that the younger law faculty recruited during the past few years have not shown much willingness or ability to engage in interdisciplinary research and teaching,” they lamented. “Attrition in the other departments has also been substantial, and the general climate of fiscal austerity has often made it impossible to replace those who left. At the same time, declining job markets and resource shortages have made it difficult for some social sciences departments to attract adequate numbers of talented graduate students.”



John Henry Schlegel (left) and Marc Galanter are pictured in a photo from the School of Law's archives.

“It didn’t do you good in terms of tenure to do interdisciplinary” research, Katkin remembered<sup>15</sup>. “At the time, at least, the departmental structure was an obstacle.”

Schlegel reflected in an email, “All the chatter about interdisciplinarity at the start of the Baldy enterprise seemed to envision work across departmental boundaries. That seems not to

have worked,” not just because of the tenure requirements, “but also because of the interaction of disciplinary socialization processes and disciplinary identification with particular methods. These are two pretty high barriers. In the end it seems to have been the case that interdisciplinarity works more effectively within individual scholars – pretty much along the J.D.-Ph.D. model. However, this is also true of those mono-degree scholars who choose to join in, and this is true not just of law-trained scholars like myself, but also of social science-based scholars who have taken on the job of understanding law pretty much on their own.”

### **A structural flaw**

Because of their structure, the Baldy joint-degree programs usually awarded the J.D. degree before the students finished their dissertations and earned the Ph.D. As a result, the appeal of a lucrative career practicing law lured many students away from finishing their doctorates.

“The legal credential is a much more salable credential,” Boyer said. “Students... were very tempted...to go off and be successful lawyers. And that’s what most of them probably did.”

The problems showed that, like most things, the Baldy Center’s goals were more easily achieved in theory than in practice. In a 1984 letter outlining the Baldy Center’s accomplishments to date, Boyer wrote that the Baldy Center’s progress in its first half-decade “more nearly meets my expectations than my hopes.”

“The past few years have certainly not decreased my perceptions of how difficult it is to promote fruitful cooperation across the barriers of discipline and department,” Boyer wrote.

<sup>15</sup>A part of the obstacle, according to Headrick, was the lack at the time of “peer-reviewed journals that would publish [interdisciplinary sociolegal] work for faculty in the social sciences. Law reviews did not pass muster with tenure committees because they were student-edited.”

Still, he wrote, the Center had real accomplishments to show for itself.

“I would say that the most useful things we have done are, first, providing coherence and support for the joint-degree programs and second, increasing the amount of sponsored research sought and obtained in the field of law and social policy,” Boyer wrote. “Before the Center’s creation, joint-degree programs were largely left to the initiative of individual students, with minimal coordination across departments. ... Nearly a million dollars’ worth of support for research and teaching has come into the university since 1978 as a result of proposals processed through the Baldy Center, and this was during a period when funding for law-and-social-science programs was generally being cut back.”

Boyer’s letter also indicated that the Center’s administrators were learning from negative experiences and adapting their approach to encouraging faculty to participate in the Center’s activities.

“Our early experience in the Center suggested that it was not sufficient merely to bring people together periodically; there had to be some specific, interesting tasks to be completed before useful interaction would take place,” Boyer wrote. “One very valuable form of interaction is the large-scale research project involving faculty from different disciplines and, ideally, several joint degree students. We have helped to initiate a few of these (housing code enforcement, aquaculture), while others have...not gotten the necessary financial support (waterfront development, the impact of mass transit on Buffalo communities). We should continue to find and develop such projects whenever possible.”

And as the Baldy Center emerged, it helped recruit a new generation of law-and-society scholars, such as Engel, Meidinger, Munger, Konefsky, Guyora Binder, Charles Ewing, Isabel Marcus, Alan Freeman, Elizabeth Mensch and Robert Steinfeld, among others.

“The Baldy Center was something that was useful to attract people,” Headrick remembered.

The monograph breaks here, in the early 1980s, when the Baldy Center is up and running, has an identity, has worked through some problems and has successfully helped recruit young faculty members, some of whom will become very important to the Baldy Center, and the School of Law generally, going forward.

The format of the monograph from here will take a more topical, rather than chronological, tack. The goal is that anyone who picks up the monograph can flip it open to his or her desired topic and begin reading, without necessarily



needing to know all of the information that came before it. We think this is the best approach, given the Baldy Center's vast umbrella of research, conferences, publications and influence, and the many people who made it all possible.

The next chapter will give brief biographies of the Baldy Center's five directors – Boyer, Engel, Lynn Mather, Rebecca French and Meidinger – and summaries of their accomplishments at the Center and the challenges they confronted. The chapter following that will be a similarly formatted exploration of another important – but more behind-the-scenes – position, the assistant director. There have been four assistant directors: Katkin, Venice Feeley, Laura Mangan and Laura Wirth.

Next, we will take a look at the Baldy Center's "working groups" and "Baldy Programs," which were important to its research under the directorships of Boyer (later in his term), Engel, Mather and French.

The monograph will also offer portraits of selected Baldy students – think, "Where are they now?" – highlight key research supported by the Baldy Center and tell the stories of important conferences and events the Center has sponsored, such as when the Dalai Lama visited the School of Law in 2006 – arguably one of the most important moments in UB's history.

Finally, we will see how Baldy has played a key role in local, regional and national scholarly networks, been a part of the proliferation of like-minded centers at UB and elsewhere and influenced the Law and Society movement over time.

Hopefully, by our conclusion, readers will come to see the qualities that led French to label the Baldy Center "the shining star of the law school," its "signature magnet," which "keeps it afloat in terms of reputation."

"It's a very integrating, unifying, collaborative area," French said of the Baldy Center in a recent interview in her office at UB. "It has an essence; it has a feeling. ... You know when you go into the Baldy Center as a faculty member, you're going to be learning."

## Chapter 3:

# The Baldy Center's directors

Throughout its 40-year history, the Baldy Center for Law & Social Policy has been captained mainly by five directors: Barry B. Boyer, who led the Center from 1978 to 1992; David M. Engel, who served from 1992 to 2001; Lynn Mather, who was director from 2002 to 2008; Rebecca French, who directed from 2008 to 2010; and Errol Meidinger, who became the full-fledged director in 2010 and is now serving in his third three-year term (Meidinger was also interim director from 2001 to 2002 while the School of Law searched for Engel's replacement).

This chapter will provide overviews of each directorship, along with biographical information about each director. As the reader will see, the Center took on various forms during the different directorships, but there have also been common threads that run throughout the Center's history regardless of who was leading it.

### Barry B. Boyer (1978 – 1992)<sup>16</sup>

Barry B. Boyer earned his bachelor's degree from Duke University and his law degree from the University of Michigan. Before coming to UB, Boyer, a specialist in environmental law, was an attorney adviser in the Justice Department's Office of Legal Counsel, a staff attorney for the Administrative Conference of the United States, an attorney adviser to Commissioner Mary Gardiner Jones of the Federal Trade Commission and a law clerk to Judge Edward A. Tamm of the U.S. Court of Appeals for the District of Columbia Circuit, according to a 1992 article in *The Buffalo News*. He joined the UB faculty in 1973.

Boyer, it turns out, might not have been the newly minted Baldy Center's inaugural leader had UB administrators moved ahead with an initial plan to look outside the university to fill the job. An August 1977 note from Tom Headrick, the law school dean who was then in the process of proposing the establishment of the Center, to UB Executive Vice President Al Somit indicated



<sup>16</sup>As the author of this monograph wishes this to be the type of topical text that one can open to any chapter and begin reading without needing to have read the preceding material, this section briefly repeats some information that was mentioned in the previous chapter.

that the university was considering hiring someone from elsewhere in the State University of New York to serve as the Center's first director. The person UB had in mind was Joseph Tanenhaus, a political scientist at Stony Brook University, but Headrick urged Somit not to tell Tanenhaus<sup>17</sup> yet.

Financial considerations ended up persuading administrators to select an internal candidate, instead, and Boyer, who was then associate dean at the School of Law, and Brady were chosen as co-directors.

During the three years that Boyer shared the directorship with Brady, "the Baldy Center's activities encompassed three major areas including research development, joint degree curricula and standards, and program development and support," auditors found in a 1993 review of the Center<sup>18</sup>:

*During this period, the Baldy Center awarded student fellowships, established joint degree curricula and standards, engaged in research development in the area of interdisciplinary collaboration, sought external funding, awarded faculty summer fellowships, brought in speakers and visiting scholars, and conducted joint interdisciplinary seminars.*

But it was during the last of those three years that the Center "began a significant shift in objectives," auditors found, from largely playing "a service role attempting to encourage and assist all law-related study and research regardless of subject matter" to fostering "a more definite identity or mission concentrating on a particular area of law-related objectives":

*After considerable discussion, the Center determined it would focus its efforts on regulatory law. The Center made the decision for several reasons including the fact that regulatory law was an area of substantial scholarly and public interest; opportunities for external funding and for student employment were good; and there were a substantial number of students and faculty interested in doing interdisciplinary work in regulatory fields.*

In 1980-81, the Center under Boyer<sup>19</sup> and Brady also brought the journal Law & Policy to UB from Chicago and changed first-year fellowships into assistantships that required recipients to work about 15 hours per week as research assistants

<sup>17</sup>Tanenhaus died just a few years later, in 1980.

<sup>18</sup>The Aug. 13, 1993 report, titled "Report and Recommendations of the Special Guardians Concerning the Christopher Baldy Fund," was initiated because the office of then-Erie County Surrogate Joseph S. Mattina was missing 20 years' worth of annual reports related to the Baldy fund. It turned out that UB had, in fact, prepared the annual statements, which the court then reviewed. The auditors concluded that SUNY and UB "have operated and maintained the Baldy Fund and Baldy Center for Law & Social Policy consistent with the decree of this court." The report provides a useful overview of Boyer's directorship because its scope aligns pretty much exactly with the years of his tenure at the helm of the Center.

<sup>19</sup>Boyer was on sabbatical in England and Greece during the spring of 1981, but records show he continued to monitor the Center's activities from abroad.

during their initial year in the Baldy program. The Center launched its Public Law Program, as well, and awarded several \$2,500 fellowships to faculty, including then-sociology professor Barbara Howe, who retired at the end of last year as Erie County Surrogate Judge<sup>20</sup>. Robert Koren replaced James Magavern as representative of the Erie County Bar Association that year, as well.

The federal budget cuts of the early 1980s spelled trouble for Boyer, who had become sole director of the Center by the fall of 1981.

The Office of Education, which had been funding the Public Law program, saw its budget severely reduced in 1982-83, according to the Baldy Center's annual report from that year, and support for the program was terminated. For the first time in its history, the Center in 1983 did not award faculty summer fellowships. Making matters worse, Sage Publications decided to discontinue publication of *Law & Policy*, meaning the Center had to find a new publisher. (It was eventually taken over by Basil Blackwell, Ltd., according to the Center's annual report from December 1985<sup>21</sup>.)

"The Center...felt the budget cuts of the Reagan administration," the 1982-83 annual report proclaimed in its introduction.

Similarly, in 1985, the School of Management decided to terminate the Ph.D. in policy studies, but the Baldy Center continued to administer that program, which survived into the early 1990s, records show.

To put it mildly, Boyer was busy. He was also associate dean for academic affairs while serving as the director of the Baldy Center, and over the years he also accumulated responsibilities like serving as chairman of the Erie County Environmental Management Council, a member of the New York State Department of Environmental Conservation Remedial Advisory Committee for the Buffalo River and a member of the board of directors of the Friends of the Buffalo River, *The Buffalo News* reported in 1992.

"I had a lot of admiration for Barry," said Wendy Katkin, Boyer's assistant director during the early years<sup>22</sup>. "Barry had such a full plate. ... He did everything. He really did. ... He was really overloaded."

<sup>20</sup>Howe this past January received the School of Law's highest honor, the Edwin F. Jaeckle Award, given annually to "a person who exemplifies the highest ideals of the law school and its alumni association and who has made significant contributions to the school and the legal profession," according to a UB news release.

<sup>21</sup>Headrick said in an email, "Keith Hawkins – lawyer and Ph.D. in sociology [and an] Oxford fellow at Wolfson College and later Oriel [College] – brought Blackwell in as publisher and also co-edited *Law & Policy* for several years."

<sup>22</sup>Katkin left the Center in 1985, and the assistant director's position was left vacant until the 1986-87 academic year, when Venice Feeley filled the job. Feeley served until August 1990; three months later, Laura Mangan became assistant director.

Boyer also had a young family to support during those years, Katkin said. He did a good job, she added, of directing the Center, even though social scientists and the Law and Society crowd “considered him straight law.”

“Barry had global ideas. ... [He] had a good global sense of what a center could be doing,” she said.

In the 1984-85 academic year, the Baldy Center “underwent a fundamental transition in its mission,” the auditors noted in 1993. “A variety of factors, including the departure of staff and faculty, changes in academic programs and administrative shifts in areas of the university affected the Center causing a shift in its focus”:

*In substance, the concept of the Baldy Center shifted to the funding of “working groups” which would consist of faculty and student members working on interdisciplinary projects in Law and Social Policy under an established methodology. During the 1984-85 academic year the Center continued making fellowship and assistantship awards to joint degree students and created the Gilbert Moore fellows. The Center also provided a dissertation fellowship to Ph.D. candidates. The Center continued its speakers’ program and continued publication of its journal Law & Policy.*

The “working groups”<sup>23</sup> and Gilbert Moore<sup>24</sup> fellowships lasted decades, through all of the 1990s and into the 2000s. Reflecting on the birth of the working groups, Boyer recalled in a phone interview that the “regulatory idea” was beginning to “collapse.”

“We then shifted over and went into the working groups format. ... Intellectually, there didn’t seem to be a center of gravity...and those things are fragile, anyway, as people come and go,” Boyer said. The “atomistic” model of everyone doing whatever he or she wanted wasn’t ideal, either, and so “what we settled on was the working groups as kind of a middle-ground compromise.”

“Let’s not let 100 flowers bloom, but maybe a half-dozen,” Boyer said, describing his mindset at the time.

The working groups idea was hatched during two Saturday “retreats,” during which “interested faculty were invited to meet informally and discuss the Center’s future goals and programs,” according to the annual report published in December 1985. The goal was to implement the working groups during the following academic year.

<sup>23</sup> Murray Levine put forward the idea for working groups, according to Katkin.

<sup>24</sup> Gilbert D. Moore was a professor in the Department of Counselor Education at UB and was chairman of the Faculty Senate from 1972 to 1974.

During 1986-87, the first year of the working group program in action, 13 groups approached the Baldy Center for funding and nine were funded for the entire academic year, according to the 1993 audit. Funded working groups that year included the Health Policy Studies Group, the Human Rights Group, the Sociology of Regulation Group, the Child Sexual Abuse Group, the Constitutional Theory Group, the Juvenile Offenders Group, the Buffalo Desegregation Group, the Lawyering Process Group and the Education and the Handicapped Group.

The Center also began distributing “working papers generated by the working groups,” according to the 1986-87 annual report, and started publishing a newsletter.

“I’d say it worked reasonably well in that it got people pulling together in areas of common interest,” Boyer said. “It enhanced visibility because we were getting people to come in as outside speakers.”

The next year, newly funded working groups included Law, Conflict and Special Education; Human Rights Law and Policy; Simulated Jury Research; Nuclear War Prevention Studies; and Fair Housing.

That year was also the Baldy Center’s 10th anniversary. “It was a time to reflect on the changes and progress made within the Center,” the 1987-88 annual report said in its introduction. “The mandate of the Center is to foster interdisciplinary research and education. Over the past 10 years the Center has had a number of formats to achieve this goal. Obviously, there have been varying degree[s] of success under each of the formats. The current working group format has proven to be in many ways the most successful approach so far.”

The 1987-88 year marked another new initiative: a small grant program whereby interdisciplinary groups could request up to \$500 in Baldy support, the auditors found. The Center also increased subscriptions to Law & Policy (which had a new co-editor, Errol Meidinger) and launched a lunch series where the working groups could present papers that were still works in progress.

Over the following three years, nine working groups “coalesced” into four ongoing programs, the auditors found, creating a new funding category called Baldy Programs:

*The Baldy Programs were expected to last longer than a single academic year, and accomplished more than the working groups. The Baldy Programs...funded between 1988 and 1991 included the Children and Law Program...Community and Difference Program...Gender and Social Policy Program and Human Rights Law and Policy Program. ... New working groups were established including the Canadian American Studies Working Group, Ecology and Law Working Group, Child Psychology and*

*Law Working Group, Child Witness Working Group, Fair Housing and Homelessness Working Group, Industrial Heritage Policy Working Group and Reproductive Rights Working Group.*

The auditors noted in their 1993 report that “in focusing the mission of the Baldy Center to ‘working groups’ in 1985 less emphasis was placed upon external funding than was the case from 1978-79 through 1984-85. It should be noted that the inability of the Baldy Center to attract external funding limits the potential of growth for the Baldy Center for Law & Social Policy as it would be entirely dependent upon the income from the Baldy Fund for its existence.”

In the fall of 1991, Boyer received the Environmental Section Award from the New York State Bar Association, which presents the honor to people who make noteworthy contributions to the environment, according to The Buffalo News.

The next year, Boyer left the Baldy Center directorship to become dean of the School of Law. He succeeded David B. Filvaroff, who had held the post since 1987 and stepped down to work as a full-time law professor. As dean, Boyer oversaw the development of a new curriculum “designed to counter the widespread concern that law schools [were] not adequately preparing their graduates to practice law,” according to a UB news release from the 1990s.

Boyer held the deanship until 1998, when he announced he would return to the law faculty. Headrick, who was by then UB’s provost, praised Boyer in a letter acknowledging Boyer’s intention to step down.

“You have guided the school through a major change in its program and its finances, and greatly strengthened the school’s ties with its alumni and supporters,” Headrick wrote. “In addition, you have positioned the school internally to enhance its competitive stature and reputation externally. You will leave the deanship with a record of great accomplishment under your leadership.”

Boyer resumed full-time teaching duties in the areas of natural resources, the Great Lakes, law and epidemiology, and law and nature, according to a 1998 UB news release. He also oversaw the School of Law’s technological development.

Now retired, Boyer said the biggest obstacle he faced as director of the Baldy Center was “trying to keep buy-in long enough from all the constituencies who needed to be engaged to get anything going for the long-term.”

Boyer, though, enjoyed his time as director. At the end of a triennial report covering the years 1988 to 1991, Boyer saluted the “already busy” faculty members who “gave generously of their time, energy, and good ideas” in serving on the Baldy Advisory Committee.

“The fine work and fellowship provided by all of the people [on the committee], and others throughout the university also have made the Baldy Program in Law

and Social Policy possible, has made it a real pleasure to be associated with the Center, and I give them my warmest thanks,” Boyer wrote.

### David M. Engel (1992 – 2001)

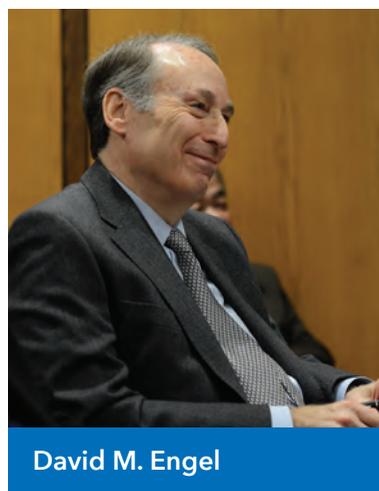
David M. Engel’s arrived at UB by way of Ann Arbor, Cambridge, Thailand and a “fictional” place he called “Sander County.” In an email, he described the pit stops on his journey to Buffalo:

*I was born and grew up in Ann Arbor, Michigan. My undergraduate education was at Harvard College, where I majored in American History and Literature and spent a great deal of time playing violin in orchestras and chamber music groups. I intended to continue my graduate work in American Studies, and actually began a Ph.D. program in that field at Yale, but after only one semester I realized that I needed a break from academia. I had become increasingly involved in social activism, and it seemed natural to leave academia for the Peace Corps in Thailand.*

*I spent a total of three years in Thailand from 1968 to 1971 working in a regional office of the Thai Ministry of Education that served primary school teachers in towns and villages up and down the southern peninsula. Although I considered a career in comparative education, I opted instead for law, intending to pursue a career in law and development working mostly abroad. After many years away from my hometown, I was pleased to return to Ann Arbor to attend the University of Michigan School of Law. While pursuing my J.D. degree, I also received an M.A. in Southeast Asian Studies.*

*While in law school, I wrote my first monograph – an archival study of the legislation underlying Thailand’s transition to a European-style code-based legal system in the late nineteenth and early twentieth centuries. After graduation, I received a Social Science Research Council fellowship to return to Thailand, where I conducted the research that led to a second monograph on law and culture in contemporary Thailand. This study was based on court documents and interviews, marking my first effort at interdisciplinary legal fieldwork.*

*After completing my SSRC fellowship, I took a job as a research fellow at the American Bar Foundation. There I received a National Science Foundation grant to conduct research in a rural Midwestern American community, which I called “Sander County.” I spent several years conducting interviews with townspeople, farmers, lawyers, judges,*



David M. Engel

*government officials, insurance agents, and other residents of Sander County, and I supplemented those interviews with an in-depth study of court records over a span of years. This study of disputing, law, culture, and social change fit well with the focus of a number of scholars in the emergent Law and Society Association, where I found many future friends and collaborators.*

*After five years at the ABF, somewhat out of the blue I was contacted by Dean Thomas Headrick of the SUNY Buffalo Law School and invited to interview for a faculty position. Since UB Law already had a reputation as a leading center for sociolegal scholarship, I responded enthusiastically and eventually accepted an offer to join the faculty in 1981. UB has been my professional home ever since.*

Engel's work in "Sander County," especially, had prepared him well to lead the Baldy Center. That project resulted in a 1984 article, "The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community," that became a classic in the Law and Society genre. Engel's piece examined a rural Illinois community and showed that, contrary to popular belief, working-class members of that society rarely filed personal injury claims. Alfred S. Konefsky described Engel's accomplishment in a recent essay:

*It is a story about law and litigiousness (or perceptions of litigiousness) in a small, rural community, and the apprehension and antipathy a portion of that community brought to both the specter and reality of personal injury claims, experiencing the claims as a betrayal of its core values. Most personal injury litigation (and there was precious little of it) was viewed as being brought on behalf of newcomers, outsiders who didn't understand the prevailing cultural attitudes in the place they had recently come to inhabit. By contrast, contract litigation was not frowned on by the same community and not seen as a threat to its cultural integrity. David sees these attitudes as stemming from the substantial social and economic changes that were underway in Sander County: Attitudes about law were shaped by social forces and differentially distributed within the community. Formal dispute-processing was acceptable in some circumstances but not in others, and that sorting followed from where one stood in the social and economic structure of the locality. Fears of upheaval and disintegration were displaced onto those who had recently joined the community. And the reigning elites exercised social control by disapproving of or stereotyping those who had been injured and who might contemplate seeking legal redress. The predominant culture emphasized that victims of injuries should generally just "lump it" and move on. Personal injury claims were deemed anti-communal; debt collection cases were not. The result was a series of social classifications that had an impact on whether legal rights were asserted, and some*

*of the classifications were readily recognizable in certain corners of the worlds of sociology, anthropology, history, and political science: insiders and outsiders, inclusion and exclusion, core and periphery, and haves and have-nots. ...*

*I have always seen "The Oven Bird's Song" as a profound essay about cultural anxiety, which also just happens to be about attitudes about going to or invoking law. In the process of examining the cultural flux, we learn about a lot of things, including about law, and particularly its relationship to social context. All that formal and intricate and evolved tort doctrine is of absolutely no avail if the prevailing cultural practice and pressure counsels against using it. One might think that one would pursue legal rights and remedies when a sense of community fractures or breaks down, but that does not seem to have been the case in Sander County for those who experienced the sting of exclusion. Talk about legal realism. David mapped how ordinary people interpreted the social matrix in which they were embedded. On the one hand, they are endowed with a system of rights for redress of injury handed down from higher law authorities (courts or administrative bodies or legislatures) that seemed confident that they had identified and provided for the solution to social or policy problems. On the other, people may or may not know of the legal systemic approach to their situations, and even if they do, they may think, given the complex social environment in which they live, that it is meaningless (David's search for meaning again), because it does not represent a meaningful or realistic approach to what ails them. What is interesting is that the local social elites want the "ordinary people" who have been injured to ignore what the lawgivers have offered from the top down, and they have instead inserted their elite ideology on the ground to limit effectively or constrain the choices of those most in need.*

Engel's other Law and Society credentials when he took the Baldy directorship included serving as a trustee of the Law and Society Association from 1985 to 1988; on the Editorial Advisory Board of the Law & Society Review from 1992 to 1986 and 1989 to 1993; and on the Association's Committee on International Participation from 1990 to 1992. Engel in 1993 became associate editor of the Review, serving until 1995 and in 1997 began a two-year stint as president of the Association.

Engel's colleagues who were interviewed for this monograph were unanimous in painting his directorship as a fruitful time for the Baldy Center.

"When David came in 1992, we started really developing," said Laura Mangan, the Baldy Center's assistant director for Engel's entire tenure.

"David Engel's era is the era of innovation," said Rebecca French, the Baldy Center director from 2008 to 2010.

“He was an unusually creative director [and] really developed the program in a way that was important,” said Engel’s law school colleague Frank Munger.

And John Henry Schlegel said Engel “increased the level of interaction with social science and theory...back to where it was when I came.”

“I think that’s a great achievement,” Schlegel said.

The working groups and Baldy Programs continued under Engel, but the new director added some innovations of his own, including the Baldy “short courses,” an annual Baldy retreat and a regional sociolegal conference that brought together American and Canadian Law and Society scholars.

The short courses were “very successful,” Mangan said. “Students loved them.”

Each year, a different Baldy Program would “take responsibility for running the short courses,” Engel recalled in a phone interview last year. Three distinguished scholars would come to UB for one week each and teach an intensive course in the sociolegal field. Collectively, the three courses added to three credits.

“We got some really wonderful visitors that way,” Engel said, including French, who visited from the University of Colorado and “had such a good time,” Engel added, that it was a key reason she joined the UB faculty in 2001.

A spring 1997 article in the UB Law Forum magazine<sup>25</sup> profiled one set of short courses titled Law, Race, and Racism in America:

*The series, conceived by Professors Frank Munger, Stephanie Phillips and Teri Miller, brought to UB Law a group of leading scholars, giving students a chance to glean some important insights while hashing out some of the most contentious and dynamic issues in contemporary law.*

*“For many of them it was one of the first opportunities they had in Law School to focus on some of these issues, and for others it was a chance to compare experiences across different racial groups,” says Professor David M. Engel, director of the Baldy Center. “If the curriculum just ignores these differences, it’s not really doing a good job. ... Visitors of this caliber are willing to spend an entire week with us because UB Law School is known to them as the home of scholars like Stephanie, Teri, Frank and Judy Scales-Trent and because of the intellectual legacy of Alan Freeman.”*

*One of those who attended was Ayoka A. Tucker. “It was one of the highlights of my legal education,” recalls the second-year student.*

<sup>25</sup>Sent to School of Law alumni and other interested parties.

*The three one-week courses tackled subjects ranging from broad concepts of racial nationalism to specific provisions of California's Proposition 209. Leading the intensive sessions were John Calmore, a Loyola Law School professor, Gary Okihiro, a Cornell University historian, and Gary Peller, a Georgetown University law professor. All three are recognized nationally for their scholarship on race and the law.*

"We found it easy to get scholars to come for the short courses," Engel said. "I don't think they would have done that if they didn't have some concept of what the Baldy Center was and what it was doing."

Engel also facilitated an annual retreat every December during which Baldy Center affiliates could discuss areas of common interest. The retreats were held in "interesting off-campus venues" each year, according to Mangan, who remembered scouting locations like Frank Lloyd Wright's Fontana Boathouse.

"These were all things that were designed to create a coherent sense of community in the Center and also an identity that we could project at UB and to the world at large," Engel said.

"We were always very concerned that this should be a really interdisciplinary center," Engel added. "So even though the law school was where the Center was housed...we always wanted to make sure projects involved colleagues from other departments and other disciplines. It seemed important and consistent with the vision of the founding of the Baldy Center."

Mangan recalled that around 1995, the Center under Engel began holding interdisciplinary conferences and workshops "much more frequently" than it had in the past.

"This might be a result of more systematically funding them through a competitive grant process," she said in an email.

Engel called the directorship "a dream job, as an administrator, because we had a fairly generous budget, and we were really looking for good ways to use it, so it was a challenge to our creativity to come up with good activities."

"I did not feel that it was a job that was full of challenges or difficulties," Engel said. "It was a great job."

But after 10 years, Engel thought it high time to let someone else take the helm. He was going on sabbatical, and he felt "that one shouldn't occupy a job like that for more than 10 years."

"It's good to keep circulating people," he said. Engel remained on the School of Law's faculty and is now retired from regular teaching; he is set to formally retire in 2019.

Engel's appreciation of the Baldy Center was evident in a speech he gave at the Buffalo Yacht Club commemorating the 25th anniversary of Christopher Baldy's bequest being turned into a program in law and social policy.

"The program at UB is mentioned in the same breath with programs at Berkeley and Wisconsin, NYU and Oxford," Engel said. "It is widely acknowledged that something very special is happening at UB, and that this is a good place to come if you are a prospective student, faculty member or visiting scholar."



Lynn Mather

### Lynn Mather (2002 – 2008)

Engel left the job in 2001, and Errol Meidinger served as interim director until 2002. Meidinger recalled that the two internal options were himself and Frank Munger, but "neither of us was that interested, and it also occurred to a number of people that this might be an opportunity to do some recruitment." Meidinger was asked to lead the Center in the interim, and he employed a "steady-as-she-goes model," he said, keeping the Center running. He had been transitioning away from leading UB's Environment and Society Institute, which he helped establish as a founding director.

"It did familiarize me to some extent with how the Baldy Center operated. ... I was familiar with the Baldy Center, although I hadn't been involved for a while," Meidinger said.

In the meantime, UB conducted an international search for the Baldy Center's next director. It would be the only time the university looked outside its walls to find a new leader for the Center.

The School of Law landed Lynn Mather, who had just completed a term as president of the Law and Society Association. Mather came from Dartmouth College, where she was Nelson A. Rockefeller Professor of Government. Having taught at Dartmouth since 1972, she had gained administrative experience as the acting director of the Rockefeller Center for the Social Sciences. In large, bold type, a headline in the UB Law Forum declared Mather a "Perfect fit" to head the Baldy Center":

*Mather's research has focused on decision-making by lawyers, legal professionalism, the nature and impact of litigation against tobacco companies, trial courts and policy making, women in the legal profession, divorce mediation, plea bargaining and the transformation of disputes. Her most recent book, with two co-authors, is "Divorce Lawyers at Work: Varieties of Professionalism in Practice." The book has won the American*

*Political Science Association's C. Herman Pritchett Award for the best book published in the Law and Courts field during 2001.*

"Everybody was excited" about having lured Mather away from Dartmouth, Meidinger recalled.

In an email, Mather explained her interdisciplinary background in Law and Society:

*As an undergraduate at UCLA, I majored in mathematics and political science. I was fascinated by my law courses there and almost applied to law school. But in the end I decided to attend a new interdisciplinary social science program at the University of California, Irvine. That program gave me the freedom to explore law in many different ways. So while my Ph.D. was ultimately in political science, my fields of study included jurisprudence, public law, criminal justice, and anthropology of law. I also attended a summer institute in law and social science at the University of Wisconsin and studied anthropology at the University of California, Berkeley.*

*Dartmouth was a good job fit for me because they let me develop and teach courses in urban criminal justice, law and courts, gender and law, and lawyers and public policy. I also organized a legal studies lecture and seminar series with other interested faculty, including some from Vermont Law School.*

Mather's appointment at UB was in the School of Law, and she had a research appointment in the Department of Political Science. Reached by phone at her home in Massachusetts, Mather recalled that before the Baldy Center came calling, she "hadn't really thought about leaving where I was at Dartmouth," but she was "persuaded to throw my hat in the ring."

"I almost canceled my interview because there was one of those huge snowstorms in Buffalo," Mather said, recalling her mindset at the time as, "I'm not really serious; I don't think I should come." But she "had a really good time" when she arrived for the interview and noticed "possibilities for growth at Buffalo."

"I said to my husband, 'This could be real. I could actually want this job,'" Mather said.

Plus, she had been quite familiar with the Baldy Center and knew its previous director, Engel, from Law and Society events.

"I had been in Law and Society ever since the late Sixties. ... I certainly knew about the Baldy Center, because of the energy and the activity of so many Law and Society colleagues," Mather said.

In addition to being the only Baldy director brought to UB from elsewhere, Mather is also the lone Baldy leader without a law degree. Mather believes that was actually an advantage of sorts when UB was selecting a candidate.

“I would learn enough law to be able to understand what the lawyers were doing,” Mather said. “At the same time, I brought in perspectives of anthropology, sociology and political science. ... My analysis of courts as institutions was really shaped by a really interdisciplinary perspective, and I suspect that was something that was appealing to Buffalo.”

Mather imported some of what she learned at the Rockefeller Center to Baldy. She created guidelines for conferences and grant applications – and in the latter case, she sought to ensure that faculty members “actually...publish things.”

“That ruffled some feathers,” Mather recalled. “[Some people] were not happy. But we posted the guidelines on the web and tried to encourage people to... provide visibility for that research. And if it just stayed there in somebody’s office and never got published, it wasn’t as useful.”

Mather’s framework for research and conference guidelines remains in place to this day.

Another of Mather’s projects was to “strengthen” the Law & Policy journal, she said, which she felt was “kind of languishing.”

“There was no scholarly impact analysis for it,” Mather said. “It had become a somewhat obscure journal, as other journals in the field had taken off, as the field of scholarship had changed. ... It had very little subscribership, and very low visibility. ... Editors...had done a very good job, but they were tired.”

Mather brought in a new, international editorial team and made sure the journal was published on time. She also renegotiated the journal’s contract with the publisher, Wiley-Blackwell, to substantially increase income for the Baldy Center. Under her watch, the journal’s stature improved.

“I was actually quite proud of that,” Mather said, before noting that the accomplishment “was a legacy that did not last, unfortunately” – after she left the directorship, the journal was moved to the University of Denver under Rebecca French’s tenure.

Mather’s other initiatives included an effort to integrate dual-degree J.D./Ph.D. students into the Baldy Center; the launch of a Law and Society graduate seminar; the tweaking of faculty and visiting scholars’ research presentations to include students (“For some law faculty, they thought that was not appropriate,” Mather said, though she thought, “They’re budding scholars – let them participate”); the development of a stronger alumni network; the upgrading of the Baldy annual reports; the launch of book manuscript workshops; and the

introduction of commentators who would respond to scholars' presentations. Many of the initiatives continue at the Baldy Center today.

But one project of Mather's had an especially visible impact on the Baldy Center and the School of Law generally: she spearheaded an ambitious redesign of the fifth-floor facilities, resulting in a sleek new conference room<sup>26</sup> and seminar room, along with office space for visiting scholars and students. The construction was funded partly by the Baldy Center and partly by the law school.

"I just think it's one of the best conference centers that exists in law schools anywhere. ... I was proud that Baldy had funded it and helped create it," Mather said. "Plus, it was endless meetings for two years, with all these architects and designers and construction people."

Mather worked with School of Law Dean Nils Olsen on everything from choosing carpets and the type of wood to be used to overseeing (with Mangan and law school administrator Cheri Tubinis) the borrowing and placement on the walls of artwork from UB gallery space.

"Lynn Mather's era was the era of building. ... She just had drive and insight into what the Baldy Center could be," said Rebecca French, Mather's successor as director, adding that when she hosts a conference, "not a single person was anything but awed by the facilities."

A UB Law Forum article from 2006 highlighted the renovation project:

*The \$1 million-plus project has created two suites of rooms, building on space that encompassed an old faculty lounge, storage closets and now-unused areas of the Law Library. The result: a suite with a major conference area and a smaller seminar area; and an elegant new faculty lounge attached to a faculty reading room. ...*

<sup>26</sup> Now called the Cellino and Barnes Conference Center, renamed in 2011 after a \$1 million gift from the well-known attorneys two years earlier.



**This photo highlighting newly opened space from the 2006 edition of the UB Law Forum shows longtime Baldy Assistant Director Laura Mangan, School of Law Dean Nils Olsen, Baldy Center Director Lynn Mather and Executive Assistant to the Dean Cheri Tubinis.**

*The conference suite will accommodate large stand-up receptions and will be furnished with modular tables that can be configured for groups of any size. It includes a small working kitchen, accessible to caterers through an outside door, and an entryway that can serve as a refreshment area or a breakout room for small-group discussions.*

*Windows in the main conference room let in plenty of natural light. Glass doors open onto a little-known feature of the building: an open courtyard with plantings and other amenities. "Much of the planning evolved to take advantage of our ability to go out into the courtyard," said Professor Lynn Mather, director of the Baldy Center. "It is a hidden treasure. Even in the winter, the amount of light in these rooms is tremendous.*

*The conference room is fully wired, with PowerPoint projectors hidden in the ceiling, recording facilities and a drop-down screen for presentations.*

*The smaller seminar room, which also opens onto the courtyard, holds a large conference table and can accommodate smaller meetings and some class sessions, Mather said. Also, she said, faculty working groups will be encouraged to use the room, such as reading groups and workshops at which faculty and outside readers offer critique and suggestions on completed book manuscripts. "I want to encourage cross-University discussion," Mather said.*

Records from a 2009 Surrogate's Court's review of the Baldy endowment show that the Center's contribution to the renovation project totaled \$329,375 in 2006 alone.

"The Center has made considerable use of the Baldy Center/Law School Conference Center, lobby, Baldy Seminar Room, and three new offices for... visiting scholars and graduate students," the reviewers wrote.

In one of those offices – the Distinguished Visitor Office in 501 O'Brian Hall – sits an old desk that Christopher Baldy once used, donated by James Fox, a former Buffalo attorney who wrote Mather in September 2003 about the antique:

*I am a retired Buffalo lawyer with principal residence now in Florida. In the late 1960s and early 1970s I was an associate at the Buffalo law firm of Phillips, Lytle, Hitchcock, Blaine & Huber, known for many years before then as Kenefick, Cook, Mitchell, Bass & Letchworth.*

*When I started at Phillips, Lytle I was given an old antique desk from the attic at 237 Main St. Several of the older partners including the senior managing partner, Charles G. Blaine, told me the desk was that of a famous Buffalo lawyer and partner in the Kenefick, Cooke firm, Christopher Baldy, for whom I believe both your Center and Baldy Hall are named. ...*

*When the Phillips, Lytle firm moved in 1974 from 237 Main to what is presently called the [One] HSBC Center<sup>27</sup> in Buffalo, I purchased the Baldy desk from the firm, as it did not fit in with the new offices' modern décor. I then had the desk, which was pretty banged up, refinished at [the Kittinger Furniture Co.], the famous Buffalo manufacturer of, among other things, the furniture in the White House. ...*

*As you can see<sup>28</sup> it is a magnificent old Victorian desk, although there are some scratches and dings from having been moved several times in the past 30 years.*

*The desk is now in our new Florida condominium; however we don't have room for it and I must dispose of it. I write to see if your Center, or perhaps someone else at [the]UB law school or at Baldy Hall might be interested in acquiring the desk.*

UB only had to pay for the shipping costs.

One of Mather's general struggles as director, she said, was "how intransigent and sort of hidebound the bureaucracy was" at UB, a circumstance that "surprised" her. For example, scheduling courses for J.D./Ph.D. students could sometimes be difficult because of departments' differing calendars and systems for awarding credits. The Graduate School "kept creating roadblocks for joint-degree students," Mather added.

In 2008, Makau W. Mutua became dean of the School of Law, succeeding R. Nils Olsen Jr., who had served since 1998. With the shift in the law school's administration came a change in the Baldy Center's leadership, as well, and Mather left the directorship the same year.

Mather is now retired from UB but remains an active researcher. She co-edits the books in the Chicago Series in Law and Society and is affiliated with the Justice Studies Program at the University of New Hampshire and with Harvard University's Center on the Legal Profession, she said.

### **Rebecca French (2008 – 2010)**

The next director of the Baldy Center was Professor Rebecca French, who had joined the UB law faculty in 2001 from the University of Colorado, where she had been an associate professor since 1992.



**Rebecca French**

<sup>27</sup> Now One Seneca Tower. Phillips Lytle has moved again to a new building at One Canalside (125 Main St.).

<sup>28</sup> Fox enclosed pictures of the desk.

French earned a bachelor's degree in philosophy at the University of Michigan and her J.D. from the University of Washington. She then worked in Seattle in the King County Public Defender's Office and as a general practice attorney. In the 1980s, French went to Yale University, where she earned a Master of Laws and a Ph.D. in the Anthropology of Law.

Over the years, French developed a specialty in Buddhism and Tibetan law. She was the key person in the effort to bring the Dalai Lama to Buffalo for a Baldy Center-sponsored event on Law, Buddhism and Social Change in 2006, a landmark day in UB's history.

"She's probably the world's foremost non-Tibetan Tibetan scholar," said Laura Mangan, who was assistant director of the Baldy Center under French before Laura Wirth took over that job in 2009<sup>29</sup>.

A 2008 news release announcing French's appointment as director called her "an international authority in law and anthropology" who has "done landmark research on the Buddhist legal system of Tibet":

*French joined the UB Law School from the University of Colorado School of Law, where she conducted the research for her groundbreaking book "The Golden Yoke: The Legal Cosmology of Buddhist Tibet." The project was an outgrowth of her interest in Asian legal systems. ...*

*French has spent time in India doing research on Buddhism and the law in the Tibetan community there. As an expert in Tibetan law, she has spearheaded the development of the new discipline of Law and Buddhism and has organized the first international conferences and working groups in this area. ...*

*Cambridge University Press next year will publish her edited work, "The Cambridge Companion to Law and Buddhism," which will be the first comprehensive volume on the topic. She is currently conducting a major research project that brings tools of anthropology to bear on 2,500 cases on religion in the United States.*

French's presence at UB makes it "the only place in the world on Buddhism and Law," she said.

"We're the world center for Buddhism and Law, and that is because of Baldy," which allows for "an ideology of possibility" and is able to fund wide-ranging ideas, French added. "You know you have the possibility of being able to do a huge thing, [or] a small thing."

Under French's leadership, the Baldy Center gave out many grants to university

<sup>29</sup> Wirth remains in the job today.

faculty. “I wanted to bring the university together,” she said, estimating that she handed out about 80 grants.

But her tenure did not last long. She left the directorship in 2010 after a disagreement with Mutua<sup>30</sup>.

French remains engaged with the Baldy Center, however. The Center still funds her Buddhism and Law work, and she continues to plan and participate in conferences in conjunction with the Center.

In 2016, French launched and became editor of a new journal, *Buddhism, Law & Society*. In her introduction, she wrote, “Buddhism’s relationship to law, legal structure and politics throughout Asia deserves its own forum”:

*In worldwide legal databases, there are no journals on Buddhism and Law. In the area of Religion and Law, other religions have multiple legal journals, law school departments, chaired law professorships, foundations, endowments and specialized conferences, but there are currently none for Buddhism. There have been few workshops, few books or conferences, and no journals, departments or professorships covering Buddhism, Law and Society. This dearth extends as well to Buddhist Studies. Although articles are published in various journals on the topics of the Vinaya, monastic disciplinary proceedings and Buddhism’s relations to law and politics, these are not collected or reviewed in one distinct place. This absence continues even in such relevant areas as history, political science, philosophy and other disciplines.*

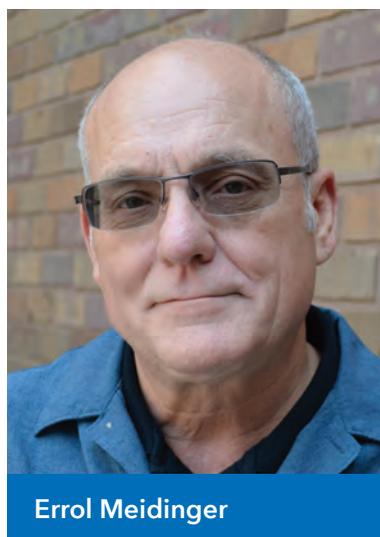
*The first and basic presence of this journal is that Buddhism affected the political and legal structures of the countries where it was practiced over the past 2,500 years and the countries where it is currently practiced.*

French said in a recent interview that what she loves about the Baldy Center is “that you can come up with an idea – in my case it’s Buddhism and Law – and run with that idea, as unusual or mainstream as it is.”

“The range of possibilities is very, very wide,” French said.

### **Errol Meidinger (2010 – present)**

With the Baldy directorship vacant once more, Mutua asked Meidinger to return to the helm, this



<sup>30</sup> Mutua’s deanship was somewhat controversial.

time on a long-term basis. Again, he wasn't so sure. "I have real doubts about doing this," he thought to himself.

"I envisioned that as a time where I'd be carrying through a lot of research projects...and I wanted to focus on that," Meidinger said recently. Plus, his wife was working in the Balkans, and he had a teaching commitment in Germany.

The directorship remained vacant for a couple months, and Mutua prevailed upon Meidinger, Meidinger recalled. The international and research commitments weren't a problem, Mutua told him. So Meidinger agreed to become director, despite his reluctance, he said, to be in the spotlight and to manage others' activities.

In one respect, Meidinger was a throwback to the 1980s, and not just because that is when he joined the law faculty. Much of his research has focused on regulation<sup>31</sup>– the Baldy Center's core topic during the early Reagan years.

"He's Mr. Regulation," said Laura Mangan, who worked closely with Meidinger when she was managing editor and he was co-editor of Law & Policy in the early 1990s.

In an email, Meidinger described the focus of his academic work:

*I came to understand myself as an economic sociologist (one who studies the formation and consequences of economic relationships) with an empirical focus on environmental law and policy. My dissertation was on the transformation of U.S. air pollution regulation from a system that relied on applying standardized emissions limits to categories of polluters into one that allowed "trading" of pollution reductions among polluters. Thus, polluters for whom it was more expensive to reduce emissions could pay those for whom it was less expensive to reduce emissions more than the standards applicable to them would otherwise require. In principle, this stratagem can achieve any given level of pollution reduction at lower total cost, although it poses normative concerns of "paying to pollute" and gaining property rights in pollution. I found this process fascinating and important because it involved the metamorphosis of governance institutions from one form into another that in some ways was nearly its opposite. Yet this was done through incremental change largely from within the system. It sought to implement a large idea regarding proper regulation (economic efficiency in this case) and was accomplished by actors I called regulatory entrepreneurs through standard administrative law mechanisms.*

<sup>31</sup> Specifically environmental regulation and transnational governance. Meidinger described his career as having one foot in the Law and Society world and another in the world of environmental/regulatory studies.

*The dissertation became my M.O. to some extent. I continued to study governance institutions that sprouted new practices that significantly altered how they operated, and potentially what they could accomplish. Examples included expanded reliance on private enforcers (often NGO based) in environmental regulation; scientists becoming moving actors, rather than mere sources of information, in environmental policy; and bottom-up efforts to establish voluntarily coordinated, as opposed to centrally mandated, arrangements aimed to protect ecosystem functions and services.*

*My main line of recent research focuses on efforts to reshape economic relationships to achieve public goals. It began in the late '90s, when I came across a movement to curb forest destruction by placing and promoting labels on sustainably produced forest products. Driven mostly by NGOs and progressive wood products buyers, it quickly produced what I came to see as a parallel legal system: a (non-state) legislature to make rules, certifiers (analogous to public inspectors) to assess compliance, and sanctions (often public shaming campaigns) for violations or failure to purchase sustainable products. Similar things were happening in other economic sectors. Although the conventional view seemed to be that these initiatives were at best irrelevant, and perhaps even counter-productive "greenwashing," it turned out that they significantly shifted the rules of practice in a number of cases. These days I am working on how significant these changes are and what mechanisms are most effective in implementing them. This includes research on business and human rights, corporate social responsibility, sustainable supply chain management, and international trade law. My writing is distinctive from much conventional work in these areas in that I stress the importance of culture and purposive actors, rather than just interests and incentives, although those are important too. I think of these institutional developments as potentially changing the nature of law itself, rather than being separate from law or reflecting an interaction between "law" and "society."*

Upon first taking over the interim directorship, Meidinger resolved not to do anything "rash" and to honor commitments that previous directors had made, he said. The Baldy Center continued to host conferences that had already been scheduled, he recalled.

But upon returning from a summer in Croatia, Meidinger "started thinking about the future of the Baldy Center," he said.

"He came in with all these cool ideas. ...He was very collaborative," said Laura Wirth, the Baldy assistant director, of Meidinger. And, Wirth recalled, he also was thinking about the past.

“Since the beginning, he has always prioritized record-keeping and preserving the Center’s history of activities and the outcomes of funded projects. ... Our record retention has improved by leaps and bounds during his directorship,” Wirth said in an email.

Meidinger eventually came up with a strategy for the Center, he said, that had three pillars:

- First, Meidinger converted the Baldy Advisory Committee – which he said previously never even saw the Center’s budget and only served one-year terms – to a more accountable Advisory Council whose members would serve two- to three-year terms. Three members of the council are appointed with the advice of the dean of the College of Arts and Sciences, and the other four with the advice of the dean of the School of Law.
- Second, he instituted an open lunch series during which “whoever was interested,” in Meidinger’s words, could tell him about their experiences with the Baldy Center, what was working and what needed improvement. More than 80 people attended about 10 lunches, Meidinger said.
- Third, Meidinger brought distinguished speakers to the School of Law to give public talks. But the speakers, who had experience with grant-making organizations around the country similar to Baldy, were also invited to “generate ideas,” Meidinger said, about the direction of the Center.



**Distinguished speaker Kim Lane Scheppelle, director of the Princeton Program in Law and Public Affairs and current president of the Law and Society Association.**

Out of those initiatives came a decision that would distinguish Meidinger’s directorship from his predecessors’: he ended Baldy’s longstanding working-groups model and instituted a fellowship program. The number of working groups had ballooned to 22 since they were conceived, and some weren’t accomplishing much, according to Meidinger, who was also dealing with budget constraints when he took over.

Many of the working groups’ events and activities were often poorly attended and weren’t contributing much to the scholarly enterprises of the Center, according to Meidinger.

“There was too much going on,” Meidinger said, and there was a “surprising amount of indifference” about the future of the working groups from faculty who attended the lunch

series. “I started reaching the conclusion it wasn’t really generating much return. ... The whole was less than the sum of its parts...in terms of developing a national or international profile. It wasn’t as effective as it could be.”

There are three types of fellows – postdoctoral fellows, research fellows and senior fellows. (See Chapter VIII for more on the latter two types of fellows.) Meidinger’s aim for the postdoctoral fellowship program was to adjust to a new economic climate in the academic world in which postdoctoral work was often the surest path to a job as a professor. Hosting such fellows, he reasoned, would place more future professors from the Baldy Center and, as a result, enhance the Center’s reputation nationally and internationally. The first fellows were brought in during the 2012-13 academic year.

Postdoctoral fellows receive \$40,000 per year to work on projects such as books. Initially, the fellowships were one year long and there were four fellows at a time, but now the fellows stay for two years. There are currently two postdoctoral fellows, but Meidinger anticipates the number will soon move up to three.

The program gives the Baldy Center a chance to place professors in American and global universities, Meidinger said.

During the early years of Meidinger’s tenure, he had to make a tough decision to reduce the number of staff working for the Center because of a decision by the officials managing the Baldy endowment to decrease the Center’s annual budget. The move resulted in substantial cost savings.

Other initiatives the Baldy Center has undertaken under Meidinger include the digitization of Baldy applications; the launch of a Flickr account that now has more than 5,000 images; the debuts of an updated logo and website; the purchase of technology (including a tech-equipped meeting table) and furniture for the Baldy seminar and conference rooms; the further reduction of administrative costs; the establishment of a partnership with the Robert H. Jackson Center<sup>32</sup> in Jamestown, N.Y.; and the strengthening of relationships with programs such as UB’s Asian Studies Program and Genome, Environment and Microbiome Community of Excellence.

Meidinger as director has also sought to institute ways to help faculty write grants for outside funding; continued Mather’s book manuscript workshops; hosted a distinguished speakers program bringing in six to eight speakers per year; created an Advanced Law and Society Research Seminar connecting students to distinguished speakers and faculty workshops; and launched a global mailing list of people interested in sociolegal issues that is now sent to over 7,000 email addresses.

<sup>32</sup> *Dedicated to the life and legacy of former U.S. Supreme Court Associate Justice Robert H. Jackson, who served from 1941 to 1954.*

“It’s probably the largest sociolegal listserv that exists,” Meidinger said.

Meidinger and Wirth estimated the Baldy Center since 2010 has funded 104 research grants. The Center has additionally funded and organized 26 conferences and eight book manuscript workshops; hosted 27 speakers; and co-sponsored 43 other speakers and four other conferences.

A “big highlight” of Wirth’s time at the Center, she said in an email, has been her effort with Meidinger “on trying to ‘green’ the Center.”

“It was a high priority of his when he came on as director and I was really excited to implement it,” Wirth said. “I’ve really enjoyed working with a director who is focused on the environment. Our waste has decreased dramatically since he started.”

Looking toward the future, Meidinger is hoping to help win approval for a graduate program that would be supported in part by the Baldy Center and award doctoral degrees, he said.

Meidinger reports mainly to the dean of the law school, but he is accountable, he said, to the deans of both the School of Law and the College of Arts and Sciences.

“This is the way I think of it,” Meidinger said. “It’s my job to keep both deans happy – or, not unhappy.”

## Chapter 4:

# The Baldy Center's assistant directors

This section briefly gives an overview of the four women who have served as the assistant director of the Baldy Center, a jack-of-all-trades type of position that presents different demands each day, depending on what the Center needs done. The Center's website describes the job responsibilities as coordinating the Baldy Center's activities, managing the Center's staff, maintaining the budget, overseeing event planning, handling public communications and administering applications for grants and awards.

The four assistant directors have been Wendy Katkin, who served from 1978 to 1985; Venice Feeley, the assistant director from 1986 to 1990; Laura Mangan, who held the job from 1990 to 2006 and again from 2008 to 2009; and Laura Wirth, the current assistant director, who began her term in 2009.

### Wendy Katkin (1978 – 1985)

Wendy Katkin grew up in the Bronx. She majored in English at Queens College and then earned a master's degree in English, with a specialization in modern Irish literature, at New York University. Her first job out of school was as a writer for the Merit Students Encyclopedia, published by Crowell-Collier, where she was assigned articles on subjects ranging from "buttons" to "Irish literature."

"This job perhaps as much as my formal education helped me develop skill that I think have given me an edge in every subsequent academic and professional endeavor I have undertaken. ... My charge was to produce accurate, readable and easily-comprehended pieces on an enormous range of subjects – some familiar, but mostly ones in which my knowledge was either limited or non-existent," Katkin wrote in an email. "Preparing an article for submission required considerable research."

The job "broadened my interests, sharpened my research and writing skills and compelled me to adopt a new mode of thinking," Katkin added.

Katkin then married and moved to Durham, N.C., where she worked in Duke University's development office and gained experience in crafting grant



Wendy Katkin

proposals. After five months, she and her husband, Ed, moved to Buffalo because Ed had accepted a faculty position in UB's psychology department.

At UB, Katkin completed a Ph.D. in English in 1973. She was finishing a master's degree in psychology<sup>33</sup>, also at UB, and working part-time at Canisius College when the first Baldy assistant directorship came open. Murray Levine, a UB psychology professor, heard about the job opening and recommended Katkin, she recalled.

One of Katkin's most important early accomplishments involved bringing external money into the Baldy Center. A memo from the early 1980s boasted that over a two-year period, 11 out of 31 Baldy proposals were funded externally, with awards totaling \$550,000; by the mid-1980s, Katkin estimated the total at more than \$1 million. The Baldy Center likely brought in more outside grant money during Katkin's tenure as assistant director than at any time since. She also, like Venice Feeley and Laura Mangan after her, served as managing editor of Law & Policy.

Records indicate Katkin worked for meager pay and often had to fight – sometimes unsuccessfully – for more. Her initial annual salary was only \$15,000, records show. After a year on the job, Katkin sent a memo to Barry Boyer and Jim Brady advocating for a raise. In the Oct. 3, 1979 note, she wrote:

*As the sole full-time employee of the Baldy Center, I have had the responsibility for transforming the Center from a concept on paper to a reality. I believe I have accomplished this transformation successfully. Within just a year, the Baldy Center has become a known entity on campus and has achieved a visibility that could not have been anticipated a year ago. I have established good ongoing relationships with most of the departments in the Social Sciences and stimulated substantial interest in and support for the combined degree program. This support represents a marked change in attitude from the past when relations between the Law School and various departments in the Social Sciences were either minimal or, in some situations, hostile, and combined degree work was really non-existent...*

*In summary, I have been directly involved in and responsible for every activity undertaken by the Baldy Center this past year. In fact, I have initiated most of the activities and responded to those assigned to me thoroughly and with imagination. I feel that I have been the main factor*

<sup>33</sup> The master's degree came about as a result of a job Katkin held as a research assistant to a psychiatrist at the Erie County Medical Center. "My studies in psychology were critical to my work at Baldy because I developed a scientific perspective and an appreciation of the need for systematic investigation; learned a new vocabulary, as well as an understanding of social science research methods; and gained knowledge of statistical approaches and experience using them," Katkin wrote. "All these skills were key to my working with social science faculty and preparing grants directed at agencies like the NSF."

*behind the Center's emerging reputation as a reservoir for information and a place where things get done.*

In a 1984 letter in support of a permanent appointment for Katkin, John Thomas – director of the Center for Policy Studies in the School of Management – wrote that she provided “superb administrative and organizational support” and “made significant contributions to each of the major projects undertaken by the Center.” During the same period, Boyer wrote to School of Law Dean Thomas Headrick that “we are very lucky to have Dr. Katkin on our staff.”

But it was something Boyer wrote to Headrick three years earlier, in 1981, that perhaps best exemplifies Katkin’s hard work for the Center.

“If we ever do get around to revising Wendy’s job description to give an accurate picture of all the things she routinely does for the Center,” Boyer wrote, “we’ll probably be prosecuted for an unfair labor practice on the ground that no person could reasonably be expected to do that much.”

Katkin left the job in 1985 and moved on to Stony Brook University, where she soon became associate dean of the College of Arts and Sciences and then associate provost for educational initiatives. As associate dean, she founded the Women in Science and Engineering program, which she said was identified by the National Science Foundation as the “national model program” of its type.

In 2000, Katkin said, a commission made up of distinguished scholars, a Nobel Prize winner and the president of the National Academy of Sciences invited Katkin to establish and direct the Reinvention Center, a consortium of more than 60 research universities that “promotes an expanded view of undergraduate education that encompasses a change in the current norms and expectations for baccalaureate study,” according to an online description. She is now retired and lives in Manhattan.

“Although I don’t remember how the role of assistant director was originally conceived,” Katkin wrote in an email, “I am confident that I took on responsibilities well beyond those listed in the official position description.”

### **Venice Feeley (1986 – 1990)**

The former Venice Feeley<sup>34</sup> was the next Baldy Center assistant director. A native of suburban Buffalo who majored in economics and environmental studies as a UB undergraduate, she had started working at the Center in 1983 as a general assistant, a work-study



Venice Feeley Cadwallader

<sup>34</sup> Now Venice Cadwallader

position. That job involved collating, copying and checking citations for Law & Policy, she recalled when reached by phone from her home in the Norfolk, Virginia area.

Feeley “loved the job,” she said, but “when you get a work-study job, you’re not expecting it to take you anywhere.” After earning her bachelor’s, she pursued a master’s degree in geography, which she completed in 1987<sup>35</sup>.

Feeley was a student editor for Law & Policy in 1985 and became assistant director at the Baldy Center the following year. Boyer initially offered her the job on a temporary basis, Feeley said, but the Center gave her long-term status after doing a search and not finding anyone to replace her. She remembered the atmosphere as “very collegial” after a brief initial period of it being “hard” to get everybody involved in the Baldy enterprise to “work together.”

Feeley’s assistant director position came with an appointment as conference coordinator for a symposium on the longitudinal study of trial courts, and she additionally received a grant in 1989 from the New York State Education Department to present a public forum on the United States Constitution. Feeley participated in other presentations around the country, as well, including a panel called “Critical Choices: New York and the Constitution” in Albany in 1989 and a roundtable session on funding sociolegal research that she chaired at the Law and Society Association’s annual meeting in Berkeley in 1990.

“My challenge...was doing the year-end report,” Feeley said. “Not my strong suit in those days. I had a lot to do with the budget, working with the endowment people to invest the money and so on. Fortunately, my time was during interest rates going way up, and we kept having more and more money and [were] able to do more and more.”

Feeley also recalled “luncheons most every Friday with the working groups, and there’d be presentations.” She worked with J.D./Ph.D. students, she said, “doing anything I could, from helping them proof their dissertations to pointing them in the right direction for research.” Feeley additionally traveled to other universities interested in setting up centers similar to Baldy and talked with them about what such an endeavor entailed.

It turned out that Feeley’s work-study job would take her someplace, after all.

“After working at the Baldy Center, I discovered I really loved the law,” Feeley said. “I...took the LSAT on a fluke and scored very high, and so Barry Boyer and Errol Meidinger and Tom Headrick, they...told me, ‘You need to go to law school.’ And they were very influential in my decisions as to where to apply and ultimately where to go.”

<sup>35</sup> Her thesis: “Snow Hazard Perception in Buffalo, New York.”

Feeley chose the University of Virginia, and she has been in that state ever since. She is now the senior staff attorney in the federal district court in Norfolk, where she has worked for about 25 years.

In a manual she prepared for her successor in the assistant director position, Feeley wrote, “I hope you derive as much pleasure from your new position as I have. You have landed, in my opinion, one of the most interesting positions within this university (but then, I’m biased).”

### **Laura Mangan (1990 – 2006, 2008 – 2009)**

Laura Mangan is the longest-serving assistant director in the Baldy Center’s history, although at various points she was also known as the “associate” or “deputy” director. She served under all five directors of the Center. (She worked under Errol Meidinger while he was interim director.)

“To think I was there for half of its life,” Mangan said in a recent interview.

A native of England, Mangan earned a bachelor’s degree in history from the University of Sussex and worked briefly at the BBC World Service. She then traveled in East Africa before working in South Africa during much of the 1980s as assistant director at the University of the Witwatersrand’s Centre for Applied Legal Studies, a human rights research and education center known for public impact litigation. She moved in 1983 to Cape Town to set up an office of a public-interest law firm, the Legal Resources Centre, she said. She returned to the Centre for Applied Legal Studies at the end of 1983 after the Legal Resources Centre opened.

She moved in 1988 to Buffalo, the hometown of her mother, and briefly worked at Children’s Hospital before landing at UB as the assistant director at both the Canada-U.S. Legal Studies Centre (directed by Tom Headrick) and the Human Rights Center (directed by Baldy-affiliated scholars Virginia Leary and Claude Welch).

The Baldy Center job came open in 1990, and Mangan was hired. She continued as well at the other two centers, whose research arms were within the Baldy Center as working groups.

Over her tenure, Mangan estimates, she “developed, coordinated and organized” more than 35 conferences and workshops for UB faculty, “leading to the publication of over 15 books, conference proceedings, or special issues of journals.”



**Laura Mangan**

Mangan felt “very fortunate” to have landed at the Baldy Center, she recalled in an email.

“I had been working in interdisciplinary spaces for the previous 10 years, both at the University of Sussex’s innovative School of Cultural and Community Studies and at the South African human rights center. Connecting ideas and people across often artificial disciplinary divides seems to be in my DNA, facilitating the development of transdisciplinary research clusters.”

Mangan also said she loves working with researchers to “help them make the most of their work and ideas, brainstorming with them about the different options and possibilities.”

“I can add some of the practical aspects that may help them disseminate their work, whether it is through publications, hosting workshops and conferences, or working on applying their results to policy or advocacy issues,” she said.

One of Mangan’s first tasks as assistant director, she recalled, was to compile a triennial report for the last three years of the Baldy Center due to a backlog in annual reports. The result was an exhaustive document that ended up being key to the Surrogate’s Court’s 1993 audit of the Center.

Another early task was to make good on a promise UB had made decades earlier when it won the right to use the Baldy endowment for a program in law and social policy. The building next to the law school had indeed been named Baldy Hall, but the university had yet to install a plaque commemorating Christopher Baldy and his contributions to his alma mater, as required by the 1973 Surrogate’s Court decree.

“I got that plaque done,” Mangan said.

The plaque is still on the wall, on the ground floor of Baldy Hall. It contains a bust of Baldy’s head and reads:

*Christopher Baldy, Buffalo Law School graduate, class of 1910, was a distinguished attorney and civic leader keenly interested in advancing higher education. He served as secretary of the university council and was awarded the Samuel P. Capen Alumni Award. His generous bequest to the university was used to endow the Baldy Center for Law & Social Policy. In recognition of his lifetime support, this building is proudly dedicated in his memory.*

Mangan’s job at the Center became busier when David Engel was named director, she said.

“David had some exciting ideas and I assisted and facilitated the development, coordination and marketing of many new interdisciplinary research activities

such as the short courses, discussion circles, work-in-progress presentations and research roundtables,” she said. “At the same time, I was overseeing the day-to-day operations including the research programs, the fellowship programs, advisement of dual-degree students and supervising the staff that increased from one to three people during the 1990s.”

A “personal passion” for Mangan at Baldy was the Center’s publishing work.

“I dove into managing Law & Policy when I arrived,” she said. “This small journal was behind in its publication schedule and with editors on two continents before email, this provided a challenge at times. However, with Errol Meidinger at UB and Keith Hawkins at Oxford, I had two great resources and we worked together for many years and did get the journal on schedule – and eventually before I left, it was online, too.”

Mangan also remembered developing a newsletter, the Baldy Bulletin, that was published every few weeks during academic semesters.

Mangan left the assistant directorship briefly in 2007 and the first half of 2008 to serve in the School of Law as special assistant to the dean for civic engagement. She left Baldy in 2009 and held various other jobs at the university in the public policy and economic development arenas; now, she is retired from UB after a 28-year career and holds a part-time appointment as a research instructor in the Department of Epidemiology and Environmental Health. In that role, she is facilitating an interdisciplinary group of UB researchers to establish a Center for Successful Aging, she said.

One aspect of Mangan’s legacy to the Center was her rolodex of the names and activities of faculty across the entire university, said Susan Mangold, who worked with Mangan while directing one of the Center’s Baldy Programs. Mangan was able to make connections that others couldn’t because she interacted with many people from UB’s many departments, took an interest in their work, remembered them and stayed in touch with them.

“Laura was the single person at the university...who knew what people were working on in the arena of law and policy,” Mangold said.

#### **Laura Wirth (2009 – present)**

Laura Wirth was born in the northwest Chicago suburbs and grew up in Rochester, N.Y. She earned a bachelor’s degree in psychology at Ohio University. After college, she worked for three years at a



Laura Wirth

nonprofit in Rochester advocating for the elderly, which was her “passion,” she said.

In 2002, she moved to Buffalo to pursue a master’s degree in interdisciplinary social sciences.

Wirth recalled in an interview that she chose UB because it was the only SUNY school that had an interdisciplinary program in her field of study with the flexibility to build her own degree. Her master’s thesis established a link between family involvement and quality of life for nursing-home residents.

Wirth started working at UB as a graduate assistant and eventually landed a job as the assistant to the chair in the American Studies department, where she worked for nearly five years. She briefly worked in the philosophy department, as well, before the Baldy assistant directorship came open in 2009.

Wirth said she knew very little about the Center and thought it was unlikely she would be hired, but she applied anyway because “it sounded like interesting work.”

“I had never even heard of the Baldy Center,” Wirth said, and she thought, “There is no way they would hire me.”

But she “really had a great interview,” she recalled. Her background was a “perfect fit” for the Center, she said, because she understood both the academic and the administrative sides of the university and had worked previously with departments that have faculty affiliated with the Center.

In a memo about Wirth’s appointment, then-Director of the Baldy Center Rebecca French wrote that Wirth was the “number-one candidate”:

*Ms. Wirth is articulate, efficient, and presents a professional demeanor. ... Ms. Wirth is very familiar with university budgeting and accounting systems. She also has a bachelor’s degree and a master’s in interdisciplinary studies, which is the central subject of the Center. Her work experience includes extensive contact with the public, as well as...handling large events. We felt this experience gave her the strongest set of translatable skills of any candidate. Her prior positions have required her to expertly interface with multiple constituencies, including undergraduates, graduate students, staff, instructors, faculty and vendors, as well as handle projects with great level of detail. For these reasons, we found Ms. Wirth to be an exceptional candidate whose combination of personality and skills seem like the perfect fit for this position.*

Wirth would only work under French for about seven months, after which Errol Meidinger took over the directorship. Wirth and Meidinger had known each other when Wirth worked in the American Studies department and

cross-listed Meidinger's Indian Law course, which he taught with American Studies Professor John Mohawk.

When Meidinger instituted the new Baldy fellowship programs, Wirth had to build the infrastructure from scratch, she said, figuring out how to grant the students – who didn't fall into a preexisting category – health insurance and UB email addresses, for instance.

"There is no such thing as a normal week" as assistant director, Wirth said. "The only constant is change," she added in an email. "New ideas or funding initiatives are created and take shape, sometimes weekly. It keeps it fun and interesting."

Wirth called herself an "implementer."

"So when somebody has an idea, I will find a way to make it happen," she said.



## Chapter 5:

# Working groups and Baldy Programs

Though it wasn't a part of the Baldy Center's original structure, and it is a thing of the past now, the "working groups" model that the Center adopted in 1986-87 under Barry Boyer and continued under David Engel, Lynn Mather and Rebecca French is an essential part of the organization's history and thus deserves further exploration.

As Boyer recalled in Chapter III, the working groups were born out of a sense that the organization of the Center around the single focus-area of regulation – itself established because of an original lack of focus at the Center – was getting somewhat stale. The model created a middle ground whereby there would be no single focus of the Center but rather a range of topics, each handled by a different working group.

The Baldy Center's triennial report for 1988 to 1991 gives a thorough overview of the beginning of the working-groups era:

*This new approach, called the "Working Groups model," embodied two basic policy choices: the primary mission of the Baldy Center would be interdisciplinary research support, rather than general encouragement of graduate studies; and this research support would be provided in the form of direct grants, rather than through the provision of staff assistance in proposal-writing<sup>36</sup>. ...*

*Beginning in the summer of 1986, the Center solicited proposals from interdisciplinary faculty-student Working Groups engaged in one or more research projects within the field of sociolegal studies. ...*

*In time, several Working Groups became well established, and the standards for funding became clearer. ...*

*When the Working Groups model was adopted, it was not clear how long the various enterprises would remain in existence. Some groups were expected to be limited undertakings that would produce a product and then dissolve. Others, it was hoped, might evolve into long-term efforts, and perhaps become instructional programs or research centers with their own sources of funding.*

<sup>36</sup> The report had previously noted that UB's "improving capability to assist principal investigators seeking outside funding raised questions as to whether the Baldy Center should continue to devote a substantial part of its staff resources to this activity."

*In practice, these expectations have proven to be generally well founded. By the beginning of the 1989-90 academic year, several of the Working Groups had grown into semi-permanent enterprises involving numerous faculty and an ambitious research agenda. Other Working Groups were planning to combine their individual efforts into a broader and more closely coordinated program of research. A few of the Working Groups funded during the early years of the new multiple-focus Baldy Center had either completed their missions, or lost momentum and terminated; but new Working Groups were emerging to take their places.*

The report went on to say that to “accommodate the broader scope and longer time horizon of the more successful Working Groups, a new funding category called Baldy Programs was created. As the name implies, the Baldy Programs are expected to last longer, and accomplish more, than the Working Groups.” The directors of the Baldy Programs were “delegated more responsibility and flexibility in the use of funds than the coordinators of Working Groups, and they are expected to make a corresponding commitment of time and intellectual effort to developing a high quality, nationally recognized program of interdisciplinary research,” the report noted. It continued:

*In one respect, our initial hopes for the Baldy Programs and Working Groups have not been realized. At the beginning, we believed that successful groups would be able to find permanent or long-term support from sources other than the Baldy endowment. The ongoing state budget crisis, the decline of the national economy, and the effects of these problems on the university's resources have forced us to reevaluate that assumption. ...*

*As the Center continues to support established programs and Working Groups, the emergence of new groups will put increasing pressure on endowment resources. ...*

*The shift to longer-term support for the Baldy Programs should make it easier to accomplish one of our priority goals for the future: enhancing the visibility and reputation of the Baldy Center's programs and Working Groups. We will be using three primary methods to achieve that goal: editing the journal *Law & Policy*; developing and distributing the *Baldy Working Papers Series*; and sponsoring *Baldy Summer Research Workshops*<sup>37</sup>.*

The following working groups were on the Center's initial roster in 1986-87, according to the annual report from that year<sup>38</sup>:

### **Health Policy Studies Group**

**Faculty:** Lee Albert, Douglas Bunker, Harry Sultz and Carl Pegels

**Students:** Mary Anne Bobinski, Nancy Talbot, Gary Young, Barry Willer, Paul Toro, Jack Noble, David Wall and Jim Lueth

**Description:** “This group is concerned with public policies and laws affecting the performance of the health care delivery system. They are currently conducting three projects. The first is a comparative study of areawide health planning agencies. The data for this study have been collected, and a research report is due to be completed. ... This paper will be submitted for publication in a journal such as *The Journal of Health Politics, Policy and Law*.

“The group is also planning a national conference on design of integrated service systems for the seriously mentally ill. The conference will bring together local, state and federal policymakers with researchers concerned about the structure and operation of systems combining community services and institutional care. The conference is slated for April 1988. ...

“The group’s third project is a study of the various ways in which the positive and negative outcomes of the AIDS antibody screening tests are used, with particular emphasis on the practices of blood banks. A publishable article should result from this study. Mary Ann Bobinski has completed a manuscript, ‘Testing for AIDS and Public Health Decision-Making,’ which will be coming out in the working paper series this fall.”

### Human Rights Group

**Faculty:** Claude Welch, Philip Altbach, Nina Casio, David Engel, Stephen Halpern, Newton Garver, Virginia Leary and Ronald Meltzer

**Student:** Idelle Abrams

**Description:** “The Human Rights Group seeks to facilitate common research on the ways in which the emerging international law on human rights has developed and been incorporated into national legislation and litigation.

“This group convened a conference, ‘Human Rights in the Indian Subcontinent: Major Contemporary Issues,’ at SUNY Buffalo. ... Participants included Ved Nanda (University of Colorado and University of Hawaii), Barnett Rubin (Yale University), Judge Upendra Baxi (University of Delhi and Duke University), Shelley Feldman (Cornell University), Barbara Joshi (Minority Rights Group [U.K.]), Glen Johnson (Vassar College), David Cingranelli (SUNY Binghamton), Richard Hofferbert (SUNY Binghamton), Jack Donnelly (University of North

<sup>37</sup> “As currently envisioned, [the summer research workshops] would be working conferences involving scholars from Buffalo and other institutions who would commit themselves to produce a publishable series of articles or a monograph on a chosen topic. The Center would provide financial and administrative support to bring the group together during the summer, and perhaps also assist in editing manuscripts during the following academic year.”

<sup>38</sup> This chapter uses working group descriptions obtained from the available Baldy annual reports and other Center documentation. Some working groups were given more detailed descriptions than others. Also, some working groups were more successful in terms of output – conferences, publications – than others, but there wasn’t an obvious way to quantify that fairly and so we don’t deal with that issue here.

Carolina), Rhoda Howard (McMaster University), Sanjib Baruah (Bard College), Claude Welch (SUNY Buffalo), Idelle Abrams (SUNY Buffalo), Theodore Wright (SUNY Albany), Clarence Dias (International Center for Law in Development) and Virginia Leary (SUNY Buffalo). ...

“The group is editing the papers presented at the conference in preparation for publication. Several of these papers will be included in the working papers series. Planning has begun for a workshop on human rights in South Asia to be held in 1988.”

### **Sociology of Regulation Group**

**Faculty:** Errol Meidinger, Barry Boyer and John Thomas

**Students:** Martin Spitzer, Penelope Ploughman, Diane Cuirczak, Kathy Carmody, Bill Magavern and Robbie Billingsley

**Description:** “This group is developing a sociolegal perspective on administrative regulation. They have been working on a literature review, developing course materials and conducting case study research on local toxic waste disposal regulation. Two of the projects are being carried out by student members of the group. Robbie Billingsley is studying community perception of environmental risk and Penelope Ploughman is comparing the media coverage of Love Canal to coverage of other local toxic sites.

“The group has completed one paper, ‘Regulatory Culture,’ by Errol Meidinger. The paper will be included in the working paper series. Professor Meidinger has begun revisions on a later version, which has been accepted for publication in Law & Policy. The faculty members of this group have also completed a consulting project for the U.S. Environmental Protection Agency on alternatives to deterrence.”

### **Child Sexual Abuse Group**

**Faculty:** Murray Levine, Philip Halpern and Chuck Ewing

**Students:** Karen Elinski, Eric Doherty, Peter Isquith, Janine Scheiner and Laurie Battistoni

**Description:** “This group is studying juror decision making in a simulated child sexual abuse trial. They created 18 versions of the trial and videotaped three sets of trials for each of the versions. They have transcribed all of the deliberations and are in the process of preparing the data for quantitative analysis. The group anticipates producing a number of papers for publication and a videotape illustrating the use of the ‘beyond a reasonable doubt’ standard to be used as a teaching device.

“The materials collected by this group have been used in two dissertations which are nearing completion. In addition, Janine Scheiner has completed an M.A. thesis examining participation by gender in the jury deliberations. Work based on the two dissertations and the M.A. thesis is being summarized for inclusion in a forthcoming book on children as witnesses.”

### **Buffalo Desegregation Group**

**Faculty:** Judy Scales-Trent and Adeline Levine

**Student:** Bruce Fisher

**Description:** “This group compiled a set of teaching materials for an interdisciplinary course entitled, ‘Law and Social Change: The Desegregation of the Buffalo Public School System.’”

### **Education and the Handicapped Group**

**Faculty:** Ron Hager, Charles Ewing, Jeffrey Hummel, Murray Levine and William Scott

**Students:** Lawrence Lane, Annette Peralta and Julie Teibel

**Description:** “The Education and the Handicapped group is studying the processing of handicapped juveniles in family court, and the use of the education system as an alternative to family court. The current project of the group is surveying the implementation of Article 81<sup>39</sup> of the New York State Education Law. Once the data collected during this project are encoded and analyzed, the group will begin to develop a possible intervention strategy. Ultimately, the group intends to publish its findings.”

### **Constitutional Theory Group**

**Faculty:** Alan Freeman, Betty Mensch, David Fraser and Jeff Blum

**Students:** Sara Nichols and Brad Bobertz

**Description:** “The primary focus of this group is examination of the experience of ideology and how people function within a society founded on the basic ideas of constitutionalism and rights. The group members have been collaborating on a number of papers. They prepared materials for a seminar in Law and Marxism. Members of the group are also preparing two articles for publication: The Private/Public Distinction in American and Canadian Life; and Ideology and Experience.”

<sup>39</sup> Entitles children aged 5 to 21 who reside in a child care institution and have not graduated from high school to a “free and appropriate education in the least restrictive environment.”

### Juvenile Offenders Group

**Faculty:** Simon Singer and Charles Ewing

**Student:** John Rowley

**Description:** “The purpose of this group is to study juvenile homicide and its relationship to the legal status of juveniles. Group members have produced an analysis of Division for Youth data on the characteristics of juveniles convicted of homicide and other designated felony offenses in New York State. Their current project involves analyzing a second set of data related to juvenile homicide from the FBI.

“The group expects to complete a report of their findings. ... They will then submit the article for publication.”

### Lawyering Process Group

**Faculty:** Lee Albert, Dianne Avery, Robert Berger, David Engel, Charles Ewing, Fred Konefsky, Barry Boyer, Errol Meidinger, John Schlegel

**Student:** Doug Hoffer

**Description:** “With Baldy support, this group has developed a set of interdisciplinary course materials on the legal profession and the legal process. These course materials were used in the first-year law program. ... Informal reaction on the part of both faculty and students to the course materials has been positive. The group presented its work at a Baldy Work-in-Progress Lunch.

“This group recently expanded its membership, and is currently developing an evaluative program to provide a more systematic assessment of the course materials and of the law teaching program generally. They are presently conducting literature reviews, compiling data sets and developing survey instruments related to the proposed program evaluation.

“As part of its project the Lawyering Process Group invited a series of speakers during the spring semester. The first program was a symposium on ‘American Legal Education: Past, Present, Future.’ Speakers included: Mary Joe Frug, New England School of Law; Duncan Kennedy, Harvard University; Stuart Macaulay, University of Wisconsin Law School; and John Henry Schlegel, UB.”

The Center added more working groups in 1987-88. That year’s annual report gave brief descriptions of the new groups:

### Law, Conflict and Special Education Group

**Faculty:** David Engel, Judith Gerber, Albert Grande (SUCB<sup>40</sup>), Ronald Hager

**Students:** Annette Peralta, Wendy Ricks, Susan Weber

**Description:** “The members of this group are engaged in research and teaching concerning law and conflict in the area of public education for children with disabilities. The group focuses on the interactions of parents of disabled children with committees on special education.

“Among the projects being carried out by this group is a major study [of] the emergence of legal claims by parents of children with physical disabilities. Another study being conducted by this group involves the experience of handicapped children who appear in Family Court as ‘persons in need of supervision.’

“Several published articles are expected to result from this group’s research. David Engel has already published a short article, ‘Tribe Without a Village: Culture, Conflict and Physical Disability.’ Course materials have also been developed for a course dealing with parents’ rights, legal ethics and special education and for Hager’s Lawyering skills course.”

### **Nuclear War Prevention Studies (NWPS) Group**

**Faculty:** Jonathan Reichert, Mary Bisson, Jeff Blum, Catherin Cornbleth, Peter Gold, Robert Gurhtrie, Thomas Headrick, James Lawler, Virginia Leary, Alan Freman, Betty Mensch, Anthony Ralston, Walter Simpson, Jerome Slater, Norm Solkoff, Jay Stein, Victor Thuronyi, Claude Welch, Venice Feeley, Lori Battistoni, Cathy Connolly, Robert Davis, Peter Farrell, Iain Johnston, Kevin Maldonado, Jeff Artello, Jennifer Lew, Jerry Newcomb, Bob Scahill, Dan Schwartz, Blake Strack, Paul Guinn, Michael Mecca, Denise Fredericks, Robert Good, Anne Judelsohn, Thomas Potts, William Rae, Ronald J. Gentile, Paul Reitan, Robert Rossberg, Michael Ryan, Ezra Zubrow

**Description:** “The goal of this group is to address the threat of massive destruction and extinction through nuclear holocaust. Through this working group members of widely diverse faculties have come together to work on this problem. In this short time ... they have become a highly visible organization.

“A two-day conference ... which was organized by this group, was attended by close to 200 people from the university and Western New York.

“Members of the Plenary Panel included: Paul Warnke, former chief SALT<sup>41</sup> II negotiator; Igor Khrypunov, official representative of the Soviet Embassy; William Shepard, congressional director of the U.S. Arms Control and Disarmament Agency; Lt. Col. John Buchanan, retired U.S. Marine Corps Center for Defense Information.

<sup>40</sup> This is likely an abbreviation for State University College at Buffalo, known colloquially as Buffalo State College.

<sup>41</sup> Strategic Arms Limitation Talks.

“With Baldy support, NWPS produced a directory of faculty who are engaged in research or teaching courses which incorporate aspects of nuclear war prevention. They have also established a monthly seminar series, a newsletter and a working paper series. Currently, outside funding is being sought to begin a summer seminar for high school teachers to help them incorporate information about the threat of nuclear war into their classroom presentations. Also, another conference is being planned for spring 1989, entitled ‘Nuclear Ethics: The Moral Dimension of Nuclear Deterrence and its Policy Significance.’”

### **Fair Housing Group**

**Faculty:** George Hezel, Charles Lamb, David Banks, Judy Scales-Trent, Donald Rosenthal

**Students:** Kimi Lynn King, Andrea Ebrahimpour

**Description:** “This newly funded group is examining fair housing practices in the Buffalo/Western New York area, and federal policy analyses of fair housing in recent years.

“Several papers have been written by Kimi King. Dr. Lamb has submitted a working paper entitled, “The Supreme Court, Intent to Discriminate, and Fair Housing: An Exploration,” which was co-authored with George M. Borkowski. They are planning to establish a brown-bag lunch series to facilitate interdisciplinary communications.”

Working groups continued to come and go over the following years. By the time the 1988-91 triennial report was written, groups like Health Policy Studies (also known as Health Policy and the Law) had run their course. But more new groups had joined the Baldy Center stable:

### **Canadian American Studies Group**

**Coordinator:** Robert Berger

**Faculty:** Virginia Leary

**Description:** “This university-wide group was given administrative support from 1988 to 1990 to promote and facilitate the interdisciplinary study of Canadian and Canadian/American issues.”

### **Cooperation and Conflict Group**

**Coordinator:** Newton Garver (philosophy)

**Faculty:** Dean Pruitt (psychology), Frank Tutzauer (communication), Frank Zagare (political science), James Brady (philosophy), Michael Farrell (sociology), David Engel (law), Virginia Leary (law), Claude Welch (political science)

**Description:** “During the planning of a Baldy-sponsored conference on ‘Law and the Legitimation of Violence,’ it became apparent that a number of UB investigators had overlapping interests in problems of cooperation and conflict resolution. This new Working Group was funded for the fall of 1988 [only] to develop these interests and foster interaction among interested members. Successful meetings were held during the semester and the group subsequently gained Graduate Group status.”

### **Industrial Heritage Policy Group**

**Coordinator:** Michael Frisch (American Studies)

**Faculty:** Henry L. Taylor (Center for Applied Public Affairs Studies), Shonnie Finnegan (university archivist), Peter Pitegoff (law), Frank Munger (law), Lynda Schneekloth (architecture and planning), Elizabeth Crowley (architecture and planning)

**Description:** “The Industrial Heritage Policy Working Group was founded in May 1990 and was also granted Graduate Group status in the same year. Through research and public programming efforts, the Working Group examines issues of industrial culture, community economic development policies, and regional industrialization and deindustrialization.

“Baldy support was used to employ two graduate students and fund travel for research-oriented projects. Research undertaken included: the study of railroad and shipping development in Western New York; a legal analysis of the history of the St. Lawrence Seaway<sup>42</sup>; oral history interviewing of industrial workers; and a preliminary analysis of the welfare rights movement and welfare reform in a decentralized economy.

“A number of oral history interviews were conducted with workers and community persons involved in the steel, railroad, and grain milling/elevator industries of South Buffalo and Lackawanna. Industrial workers and scholars from Central New York, Western Pennsylvania and Eastern Ohio who worked for New York business subsidiaries were also interviewed. These interviews document the industrial and community development of industrial towns. The oral history tapes and transcripts from these projects and others like them are kept on file and are available to scholars and researchers.

“Another of the group’s 1990-91 projects was compiling initial archival documentation outlining the development of two railroads, the Buffalo, Rochester and Pittsburgh and the New York Central, in this region. The Working Group has cooperated with the Western New York Railway Historical Society on this project in locating and organizing company records and beginning to

<sup>42</sup> *The building of the St. Lawrence Seaway is often cited as one of the major reasons for Buffalo’s economic decline because it rendered the Erie Canal mostly obsolete.*

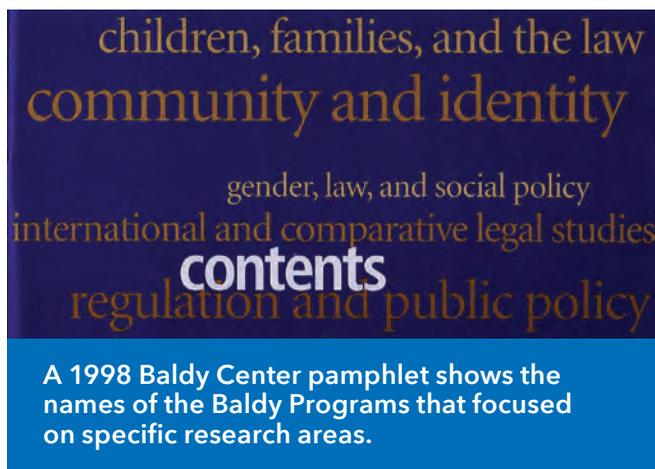
document the rise of major Western New York railroads and the towns they developed.

“More recently, work began on a newspaper bibliography of Lackawanna papers from 1980 to 1990. The focus of the search is industrial welfare policy, community economic development and community responses to public policy initiatives.

“Research on the building of the St. Lawrence Seaway – an important New York State economic development project – has resulted in a paper by Jennifer Smith entitled ‘The Taking of Mohawk Land at Caughnawaga and Akwesasne for the St. Lawrence Seaway’ which has been published in the Native American journal Daybreak.

“The group’s successful Fall Speaker Series led to the submission of a working paper by James Dougherty on the Maquiladora factories established by U.S. companies along the Texas-Mexico border. Dougherty’s ‘McBorder and USA’ has been accepted as a Baldy Working Paper.

“During this initial busy research period the group also developed new and expanded ties with various community outreach and research programs in Western New York, Pennsylvania and Canada. It will also maintain ties with local, regional, national and international initiatives for rural and industrial preservation and urban renewal, in particular the ‘America’s Industrial Heritage Project.’”



As noted in the 1988-91 triennial report, some working groups became more permanent, and others combined to form longer-term enterprises – these types of groups were renamed Baldy Programs. As of 1991, there were four programs: Children and Law (later called Children, Families and the Law); Community and Difference (later called Community and Identity); Gender and Social

Policy (later called Gender, Law and Social Policy); and Human Rights Law and Policy (later expanded and renamed International and Comparative Legal Studies). Another program, Environmental Law and Policy, lasted from 1989 to 1990. In the late 1990s, a program called Regulation and Public Policy was added.

Laura Mangan, the Baldy Center's assistant director from 1990 to 2006 and again from 2008 to 2009, noted that Children, Families and the Law was among the first crop of Baldy Programs and lasted all the way until the working groups format ended entirely in 2011. She also made special note of the Community and Difference Program, calling it "huge and all-encompassing."

Descriptions of each program follow:

### **Environmental Law and Policy Program**

**Director:** Errol Meidinger (law)

**Faculty:** Barry Boyer (law), John Thomas (management)

**Description**<sup>43</sup>: "As the Sociology of Regulation Working Group in 1988-89, this group focused on developing a sociolegal perspective on administrative regulation. The group developed course materials, conducted case study research on local toxic waste disposal regulation and undertook literature reviews. Partial support was awarded to conduct a study of the dynamics of environmental inspection and enforcement.

"When the group was granted program status in 1989-90, work expanded to include three research projects and one writing project. The first involved research into the enforcement of laws governing hazardous waste facilities, including intense fieldwork on the implementation of the Resource Conservation and Recovery Act. The student responsible for the field research, Martin Spitzer, conducted extensive interviews at three different regional offices of the New York State Department of Environmental Conservation.

"Secondly, research was conducted into citizen suits under environmental laws, with a focus on assessing these private suits from a cultural perspective. Interviews and a reported case database have been used for studying the doctrinal development of citizen suits. Approximately 300 published cases were reviewed, coded and analyzed.

"The third research area concentrated on Remedial Action Plans as a source for studying regulatory culture and relationships. A number of papers were given resulting from this ongoing research, including 'Remedial Action Planning and Environmental Conflict' and 'Implementing an Ecosystem Approach: National and International Obstacles.' Video and audio taping was completed of public meetings of the Niagara River Remedial Action Plan.

"Proposals have also been submitted to a number of grant-awarding organizations, together with outreach to other disciplines and local research institutions. One spinoff from the work of this program has been the formation

<sup>43</sup> From the 1988-91 triennial report.

of an international Working Group on environmental policy within the Law and Society Association. This network held its initial meeting at the end of the spring semester 1991, and several of the papers presented at that time are being revised for publication in Law & Policy.”

### **Children, Families and the Law Program**

**Director:** Murray Levine (psychology)<sup>44</sup>

**Faculty**<sup>45</sup>: Roger Burton (psychology), Howard Doueck (social work), Charles Ewing (law), Anthony Graziano (psychology), Caton Roberts (psychology), Simon Singer (sociology)

**Description:** “The Program on Children, Families and the Law examines the interaction between legal institutions, social service agencies, and children and their families. It explores how the legal system views children and their rights and capacities; it also asks how children view the legal system and its sometimes arcane rituals for finding facts and rendering judgments. It traces the elusive boundary lines separating acceptable everyday behavior from unacceptable violations of the law and everyday storytelling from legal ‘testimony’ whose truth or falsehood is of paramount importance.

“One set of studies in this program investigates children as the victims of criminal misconduct. These studies explore distinctions between ‘ordinary’ discipline within families and what the law considers child abuse. They also explore the sequelae of actions that are defined as abusive: procedures for reporting child abuse and for treating abusers.

“A second set of studies looks at the justice system through the eyes of the children who are sometimes required to participate in it. These studies ask how children distinguish between telling the truth and telling lies, how reliable is the testimony of children concerning stressful events, and what procedures courts might use to ensure the effective participation of child witnesses in the criminal justice system.

“A third set of studies investigates children whose conduct violates the law or places them under the supervision of the court. These studies explore the social environments and peer interactions associated with ‘delinquent’ behavior, as well as the efforts by courts to deal with such violations.”

<sup>44</sup> By September of 2000, according to a UB press release from that month, Associate Professor of Law Susan Mangold had joined Levine as a co-director. Mangold eventually became the sole director, according to the Baldy Center annual report from 2003-04.

<sup>45</sup> The faculty list and description for this program come from an undated pamphlet published sometime between 1994 and 1998, during David Engel’s tenure as director. The forthcoming faculty lists and descriptions for the Community and Difference; Gender, Law and Social Policy; and Human Rights Law and Policy programs also come from this pamphlet. A later pamphlet, published in 1998, gave Lionel Lewis (sociology), Susan Vivian Mangold (law) and Lori Lewis (social work) as additional faculty involved with the Children, Families and the Law program.

## Community and Difference Program

**Director:** Frank Munger<sup>46</sup> (law)

**Faculty:** Barry Boyer (law), Charles Carr (law), Namkee Choi (social work), Mili Clark (English), Jean Dickson (librarian), David Engel (law), Michael Frisch (history/American Studies), David Gerber (history), Bruce Goldstein (law), George Hezel (law), June Licence (American Studies), Ruth Meyerowitz (American/Women's Studies), Stephanie Phillips (law), Peter Pitegoff (law), Melinda Saran (law), John Henry Schlegel (law)<sup>47</sup>

**Description:** “The Baldy Center Program on Community and Difference grows out of a variety of individual and collaborative research projects. These projects all explore the processes by which certain groups become disadvantaged or excluded within communities. Members of this program are interested in the role law plays in promoting these processes as well as the potential of law to ameliorate or transform inequality and oppression. They are also interested in the other side of this issue: the extent to which law itself is constrained in its operations by community norms and perceptions.

“The Program on Community and Difference thus brings together a diverse collection of research projects focused on groups whose ‘difference’ has at times marked them for exclusion or inferiority within communities: the poor, racial and ethnic groups, prisoners, persons with disabilities, women in the labor movement and the job market, the working classes, and the elderly.

“Researchers in this program have explored ‘community and difference’ from a variety of perspectives: the study of movements for legal change; the legal and social construction of social boundaries; the differential allocation of power to persons and groups in society; and the strategies for mobilizing law to address social inequalities.”

## Law, Gender and Social Policy Program

**Director:** Lucinda Finley

**Faculty:** Dianne Avery (law), Hester Eisenstein (American Studies), Isabel

<sup>46</sup> David Engel was also an original director of this program before he became the director of the Baldy Center in 1992. His and Munger's work in this area led to a 2003 book they co-authored, “Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities,” which was based on 60 interviews with intended beneficiaries of the Americans with Disabilities Act. By September of 2000, this program had been renamed “Community and Identity” and was directed by a steering committee including Munger; Professor of History David Gerber; SUNY Distinguished Professor and James Agee Professor of American Culture Bruce Jackson; and Assistant Professor of Geography Meghan Cope. By the time the 2003-04 Baldy annual report was written, the steering committee consisted of Gerber, Chris Mele (sociology) and Teresa Miller (law).

<sup>47</sup> Lauren Breen (law), Monica Jardine (sociology), Kate Kost (social work), Lynn Magdol (sociology), Chris Mele (sociology), Lisa Sanchez (sociology), James Twombly (political science) and Hilary Weaver (social work) joined later.



Lucinda Finley

Marcus (law), Ruth Meyerowitz (American/Women's Studies), Brenda Moore (sociology), Judy Scales-Trent (law)<sup>48</sup>

**Description:** “Research in this program has addressed the ways in which concepts of gender and gender differences have influenced law and social policy as well as the ways in which law has shaped or transformed concepts of gender.

“Studies of law, gender and social policy in this program fall into four groups. One group explores various aspects of reproductive rights. Research on reproductive rights addresses such questions as how and why the tort system devalues reproductive injuries and investigates the gendered nature of injury and harm in tort law. Research on reproductive

rights also includes studies of social contests over abortion rights and of the impact of new reproductive technologies on legal concepts of women's privacy and parental rights.

“A second group of studies explores the intersections of race and gender in law and social policy. These studies include investigations of the history of African-American women in the armed services. They also include research into the role of public interest lawyers who provide advocacy for individuals who are both women and persons of color.

“A third group of studies examines the relationships between law and women in the workforce in the 19th and 20th centuries. Such studies ask, for example, how gender stereotypes affect the resolution of disputes in the workplace and how gender and ethnic factors shape the formation of labor unions in industries where workers are predominantly female.

“A fourth group is developing interdisciplinary research strategies to study recidivism rates for batterers, how family court and criminal court differ in their approaches to violence in the home, and assessments of law enforcement responses to violence in the home.”

### Human Rights Law and Policy Program

**Directors:** Virginia Leary (law) and Claude Welch (political science)<sup>49</sup>

**Faculty:** Guyora Binder (law), Nina Cascio (law library), Pablo deGreiff (philosophy), Peter Ekeh (African-American Studies), Newton Garver

<sup>48</sup> Susan Cahn (history), Catherine Cerulli (law), Susan Cole (Classics), Monica Jardine (sociology), Laura Winsky Mattei (political science), Lisa Sanchez (sociology), Nancy Staudt (law) and Suzanne Tomkins (law) joined later.

(philosophy), George Kannar (law), Isabel Marcus (law), John Thomas (international programs/accounting)<sup>50</sup>

**Description:** “The Human Rights Program has a distinctive emphasis that sets it apart from similar programs and centers around the country. Most human rights programs in the United States are concerned solely with civil and political rights; however, the Baldy Center Program on Human Rights Law and Policy gives equal attention to economic, social and cultural rights. Members of the Baldy Center program view the various categories of rights as interdependent. Scholarship by participants in this program thus addresses issues related to workers’ rights, women’s rights, economic development and the right to health, as well as issues of civil and political rights.

“Participants in the program also explore differing perceptions of human rights in different cultural settings. The 1993 World Conference on Human Rights, held in Vienna, while supporting the universality of human rights, demonstrated the tension between the universalistic aspects of human rights and their interpretation and enforcement in various settings. Baldy Center researchers have explored this problem, especially as manifested in Africa and Asia and in the context of particular religious traditions, such as Islam. The scholarship of program members supports the concept of an irreducible core of rights, accorded to all individuals. Human rights are universal; nonetheless, the dialogue concerning global and local standards is essential to the definition of that core of rights, and it is this dialogue that remains a primary focus of research within the program.”

### Regulation and Public Policy Program

**Directors**<sup>51</sup> : Martha McCluskey (law) and Michael Meurer (law)<sup>52</sup>

**Faculty:** Lee Albert (law), Sharmistha Bagchi-Sen (geography), Robert Berger (law), Barry Boyer (law), Megan Cope (geography), Markus Dubber (law), Lionel

<sup>49</sup> By September of 2000, law professor Makau Mutua had replaced Leary as co-director, and the program had been renamed “International and Comparative Legal Studies.” It was described in a UB press release from that year as fostering and encouraging “interdisciplinary research and scholarship in the rapidly expanding fields of international and comparative law. Members of this program conduct research on the national and transnational arenas where law and policy impact each other to generate social phenomena and practices. In addition to research in issues of international law – such as human rights, international business, international institutions and the relationships between states – the program covers national and comparative studies in law-like or law-related norms, practices, processes and institutions at local, national and international level.”

<sup>50</sup> Stephen Halpern (political science), Teresa Miller (law) and Judy Scales-Trent (law) joined later.

<sup>51</sup> Directors, faculty and description for this program are according to a 1998 Baldy Center pamphlet.

<sup>52</sup> The 1998 Baldy Center pamphlet indicates Meurer was a co-director but doesn’t say it outright. Govind Hariharan (management) eventually replaced Meurer as co-director, according to a university press release from 2000. According to the 2003-04 annual report for the Baldy Center, this program was renamed the “Program on Regulation, Technology and Society” and was directed by Shubha Ghosh (law), James Milles (law library) and Gail Radford (history).

Lewis (sociology), Errol Meidinger (law), Gail Radford (history), Brian Ratchford (management), John Henry Schlegel (law), Lawrence Southwick (management), Nancy Staudt (law), Mariam Thalos (philosophy), Michael Vorenberg (history), James Wooten (law)

**Description:** “The dissolution of the Soviet Union and the transition of most socialist economies to capitalism have profoundly affected public and academic attitudes toward government. Laissez-faire rhetoric and policy is advancing on many fronts. Governments around the world have embraced deregulation and privatization. In the United States, regulators now emphasize cost-benefit analysis, market incentives, negotiation, information dissemination and other decentralized strategies. The Program on Regulation and Public Policy promotes research that explains these legal and political changes and identifies their impact.

“Some program members take a broad perspective by analyzing the role of government in society. To understand administrative regulation, we need to put it in context by asking what other choices are available to society to implement a particular policy goal. In the public sphere, taxes and subsidies, criminal and civil litigation, and education and propaganda are possible alternatives. In the private sphere, markets and social norms are alternatives. The program supports comparative work that provides descriptive and normative theories about the choices society makes between administrative regulation and the alternatives.

“Other program members focus on a particular class of regulations. The program supports research on such topics as the relationship between political appointees and career agency officials; the relationship between an agency and its principals in the legislative or executive branch; the relationship of an agency to non-governmental organizations and the public; the choice of regulatory instruments from a set that includes formal rules, hearings, monitoring, testing and licensing; the determination of agency and regulatory boundaries, how problems are framed and how jurisdiction should be allocated to neighboring agencies; the ways in which agencies actually apply and enforce their rules; and the optimal design of a regulatory instrument.”

David Engel, the director of the Baldy Center during the majority of the life of the Baldy Programs, said in a phone interview that the programs were born out of a desire to “project a more coherent image nationally and internationally.”

“The idea was that we weren’t just a grant-making center,” Engel said. “Because people would take their grants and retreat to their studies and do their own work, but there was no centripetal effect. ... Instead, we wanted each program to do certain things, and one of those things was to propose conferences. And they did quite a lot of that.”

The programs also made a real impact on government policy. Susan Mangold, who directed the Children, Families and the Law Program alongside Murray Levine in the early 2000s, remembered walking away one time from a conference with a box of discs she obtained containing county-level data on Ohio's child-welfare system. She called it a "treasure trove" of information.

A modest Baldy Center grant paid a research assistant to compile the data, Mangold said. That small grant ended up being leveraged into a much larger, three-year grant from the Robert Wood Johnson Foundation that funded Mangold's research, which found that unrestricted funding for child welfare had a better success rate in trying to provide positive outcomes for kids than restricted funding. The research was part of a critical mass of studies nationwide that ended up resulting in changes in federal welfare rules that provided for more flexibility in spending.

But it never would have happened if not for the small Baldy grant to compile the data, Mangold said.

"Baldy had given this seed funding, which ultimately led to much larger funding," she said.

During Lynn Mather's tenure as the Baldy Center's director, the system of working groups underwent another shift. Between 2004 and 2006, the working groups became "less formal," according to the biennial report for 2004 to 2006. Groups now "arose in response to new and evolving interests."

"Two groups meet regularly to read and critique books and articles," the biennial report reads. "Others present research in progress, host visiting speakers or screen and discuss films on such current issues as Walmart, same-sex marriage and racial justice. In sum, the working groups...encourage informal networking, exchange and collaboration while facilitating the planning of more formal research projects, workshops and conferences."

Gone were the more formal Baldy Programs, and directors were now called "convenors." Some of the programs reverted back to working groups. For instance, the Children, Families and the Law Program became a working group, and its convenor became Suzanne Tomkins of the law school<sup>53</sup>. The same went for the Gender, Law and Social Policy Program and the International and Comparative Legal Studies Program, whose convenors were Isabel Marcus

<sup>53</sup> This group continued to have practical impact, Tomkins said in an interview. She used Baldy funding to create a public education program about resources for domestic violence responders. The Center was able to help convene rural Western New York counties and municipalities and develop training programs dedicated to implementing and improving domestic violence policies and protocols in those areas. "They all learned each other's roles," Tomkins said, and the policies and protocols were eventually adopted at the state level. "We gave them the tools to address these issues in their own communities," she added. Murray Levine's practice of inviting people from Western New York's social-service agencies to all of the Children and the Law group's presentations helped build trust between the agencies and the Center, Tomkins said.

(law) and Claude Welch (political science), respectively<sup>54</sup>. The other programs disbanded.

Other working groups under this new system, according to the 2004-06 biennial report, included:

### **ClassCrits**

**Convenors:** Martha McCluskey (law) and Athena Mutua (law)

**Description:** “Interested in questions of law and economic inequality arising from within the tradition of critical legal scholarship. Aims to provide an alternative to the predominant discussions of ‘law and economics’ grounded in neoclassical economic theory and its denial of ‘class.’”

### **Cultural Policy and Diplomacy**

**Convenor:** Ruth Bereson (arts management program)<sup>55</sup>

**Description:** “Seeks to draw together scholars interested in exploring the many facets of the typically under-researched areas of cultural policy and diplomacy. Scholars from the fields of law, political science, arts management, sociology, urban research and cultural tourism will meet on a regular basis to exchange their scholarship and to listen to addresses by visiting speakers.”

### **Environmental Stewardship**

**Convenor:** Margaret Shannon (law)

**Description:** “Encourages research on the complex of social institutions and practices that sustain the life-supporting capacity of the natural environment over the long term. The research comes from a broad range of disciplinary perspectives, not only in the area of sociolegal studies but also in the biological and physical sciences.”

### **Law and Religion**

**Convenors:** Jeannette Ludwig (Romance languages and literatures) and Elizabeth Mensch (law)<sup>56</sup>

**Description:** “Focuses on the interrelations of law, religion and society in this and other cultures and interrogates the relationship between law and religion in social groups and institutions.”

<sup>54</sup> In 2009-10 the International and Comparative Legal Studies group was renamed “Comparative Human Rights Law and Practice,” and law professor Tara Melish joined Welch to help lead it.

<sup>55</sup> By the time the Center’s 2008-09 annual report was written, Carole Rosenstein of the arts management program had joined as a convenor.

<sup>56</sup> In 2009-10, law professor Stephanie Phillips joined as a convenor.

## Migration Policy and Pluralism

**Convenors:** David Gerber (history) and Teresa Miller (law)

**Description:** “Focuses on law and public policy surrounding international population movement and the rise and functioning of pluralism within ethnically diverse societies. This working group seeks the broadest involvement of scholars across disciplines and nation-state specializations.”

## “Projecting Law”: Law and New Media

**Convenors:** Teresa Miller (law) and James Milles (law)

**Description:** “Provides a forum in which faculty and graduate students can explore the role of media as a tool to illuminate, reflect upon, and project law and its broad impact upon society.”

## Racial Justice

**Convenors:** Meghan Cope (geography), Greg Dimitriadis (education) and Carl Nightingale (American Studies)<sup>57</sup>

**Description:** “Provides a forum for discussion of scholarship on race and inequality, with a particular interest in people’s interaction with racialized landscapes, spaces and institutions. Building on the tradition of sociolegal studies of ‘law in action,’ the group hopes that close examination of ground-level data will contribute to an understanding of the complex history and current policy regarding racial segregation and structural inequality.”

## Theory

**Convenors:** Guyora Binder (law), Kenneth Ehrenberg (philosophy) and Kenneth Schockley (philosophy)

**Description:** “Provides a forum for discussion on moral, political and legal theoretical matters relating to social structures, institutions or the norms of interpersonal behavior.”

Of the working groups listed in the 2004-06 biennial report, only one – Environmental Stewardship – did not survive into 2009-10, according to that year’s annual report. Between 2006 and 2010, a crop of new groups was added, as well, before working groups ended altogether shortly thereafter, according to the 2008-09 and 2009-10 reports<sup>58</sup>:

<sup>57</sup> *The Baldy Center’s 2008-09 annual report lists Nightingale and Theresa Runstedtler (American Studies) as this group’s convenors.*

<sup>58</sup> *However, the Environmental Stewardship group rose from the dead in 2010-11, the last year of the working groups (the only working group activity that year, according to the annual report, consisted of three presentations hosted by three groups), to host a presentation called “Who is Building the Better Green Energy Mousetrap? A Comparison of Canadian and U.S. Approaches to Renewables, Energy Efficiency and Smart Distribution.”*

## Law and Anthropology

**Convenors:** Rebecca French (law), Mateo Taussig-Rubbo (law)

**Description:** “Brings together several scholars who work in this area across the university to examine the intersections of law and anthropology. UB has more anthropologists who work in this area and have degrees in both than any other university in the U.S.”

## Law, Place and Space

**Convenors:** Irus Braverman (law), Sharmistha Bagchi-Sen (geography)

**Description:** “Attempts to identify how law and geography bear upon each other, and to draw out the points of contrast, support and complicity, especially with respect to taken-for-granted distinctions between the social and the material, the human and non-human and what constitutes persons and things. The Baldy Center group attempts to flesh out some spatio-legal relations as those pertain to a range of disciplines: law, geography, American Studies, sociology, engineering, urban planning, public health and anthropology.”

## Asian Law

**Convenor:** Kristin Stapleton (Asian Studies)

**Description:** “The Asian Law working group investigates Asian legal traditions and cultures in their historical, religious, and institutional contexts. It seeks to contribute to a greater understanding of comparative law and society via intellectual exchange among scholars at UB and around the world.”

## European Culture, Society and Law

**Convenors:** Deborah Reed-Danahay (anthropology), Isabel Marcus (law)

**Description:** “The European Culture, Society and Law working group has a cross-disciplinary focus and was adopted to explore contemporary issues of law and social policy related to the European Union and its expansion, changing relationships between European nation-states and the EU, diversity and multiculturalism within European regions and nation-states, and postcolonial legacies.”

## Law and Cognitive Science

**Convenors:** Gail Maurer (psychology), James Beebe (philosophy)

**Description:** “The Law and Cognitive Science working Group focuses on the intersection between law and cognitive science, in particular, how research from cognitive science impinges on the nature of evidence. The group aims to bring in highly visible cognitive scientists whose research intersects with the law to give colloquia.”

## Law and Social Technologies

**Convenor:** James Milles (law)

**Description:** “The Law and Social Technologies working group has the goal of pursuing and promoting currently underdeveloped interdisciplinary research on the intersections between law, culture, and technology. Traditional sociolegal scholarship has paid little attention to the complex ways technology both informs and is shaped by different cultural contexts. Conversely, technology studies, where they touch upon law, tend to proceed from naive formalist assumptions and rarely engage with empirical or sociolegal scholarship.”

## Law, Religion and Culture

**Convenor:** Winni Sullivan (law)

**Description:** “The Law, Religion and Culture working group focuses on the multi-disciplinary and cross-cultural study of the intersection of law, religion, society and culture. Law and religion are present in all human societies. Law and religion are also cultural products. We seek to understand how these two powerful social and cultural sets of ideas, practices, and institutions have come to be seen as separate and how they interact and have interacted and recombined in diverse ways across space and time. What is distinctive about the program at Buffalo is that it is the very pluralism, openness and contingency of law and religion and their interrelationship that engages a very diverse set of scholars, historians, anthropologists, social theorists, sociologists, and lawyers.”

## Law, Science and Religion Reading Group

**Convenors:** Hylarie Kochiras (philosophy), James Bono (history)

**Description:** “The Law, Science and Religion Reading Group focuses on the concept of a law of nature, so central to science and thus to philosophy of science, [that] shares a common root with legal history’s natural law theory: the notion of a law as God’s command. This reading group brings together scholars interested in the history of law and science, taking the concept of a law of nature as the focal point for exploring both shared features of these disciplines’ histories and their later divergence.”

## Seeing the Law: Law, Narrative, and Rhetoric, Legal Storytelling, and Performance

**Convenors:** Johanna Oreskovic (law), Stephen Paskey (law), Charles Ewing (law)

**Description:** “The Law and Narrative Rhetoric working group’s core is composed of legal research, writing and trial practice faculty from the law school. The working group engages colleagues from other departments in an ongoing conversation about the ways in which theories and pedagogies from their disciplines (most notably, classical and modern rhetoric, narrative theory,

cognitive psychology, and performance) inform and enrich the curriculum in the law school.”

UB law professor Martha McCluskey recalled in an interview how she started the ClassCrits group after she had been involved with the Regulation and Public Policy Program and learned how the Baldy infrastructure worked.



**Athena Mutua and Martha McCluskey**

“Athena Mutua and I copied some other professors in using the Baldy workshop money to create and define a new community,” McCluskey said.

The two professors organized two workshops using Baldy money, using the name “ClassCrits” and focusing on a class-based approach to legal issues, McCluskey said. The ability to use the Baldy resources to bring people together, she added, resulted in sessions where participants were “more exploratory than trying to rack up

career credentials” and could “build something new.” The successes of groups like ClassCrits “depend on the personal relationships,” McCluskey said.

The result was a new sociolegal community that, McCluskey said, has outlived Baldy’s working groups model and recently held its 10th-anniversary conference at Tulane University, which more than 100 people attended. Over the years, ClassCrits helped inspire or was involved with events such as a 2010 workshop on the global financial crisis, for example, and the formation of the Association for the Promotion of Political Economy and the Law, or APPEAL, of which McCluskey is a co-founder.

“There’s no way I could have done it without Baldy,” McCluskey said.

## Chapter 6:

# Students at the Baldy Center

You could be forgiven for thinking the Baldy Center has over the years been exclusively home to law and social science professors, as much of its programming – conferences, book workshops, retreats, research grants – is faculty-centric. But from its inception, the Baldy Center has also hosted students.

In fact, administering joint-degree programs for students was one of Baldy's three original mandates when Tom Headrick conceived of the Center, alongside joint teaching and interdisciplinary research. And the Baldy money had previously supported dual-degree students since UB won control of the endowment in 1973.

One of those early students was Bob Hayden, who Red Schwartz recruited from Syracuse, where Hayden had been an anthropology student studying the Seneca Nation.

"You see things differently if you become competent in two literatures that don't really come into much contact," Hayden said of the benefits of his dual degrees. "And I've done that my entire career."

When Hayden jumped to the University of Wisconsin, he met students "who were fascinated at the opportunities that I had had in Buffalo," he said.

"Wow, I wish we'd had something like that," Hayden recalled the students in Wisconsin saying about the Baldy program.

"If you were interested in law and social sciences, and you were a graduate student...Buffalo was a fabulous place to be," Hayden said. "The institutional structure was there."

The institutional structure improved when the Center was born. Prior to the Center's establishment, according to its first assistant director, Wendy Katkin, students who pursued joint degrees "did so informally, working out their own arrangements. The Center formalized the joint degree programs...and obtain[ed] Department of Education certification of the programs. This was an important distinction and enabled students to shorten the time of their studies."

The Baldy Center also helped to add a new joint-degree program at UB that increased the number of disciplines one could mix with law beyond those that

were already available, such as philosophy, political science, anthropology and sociology. The Public Law program debuted in 1980-81 and awarded graduates a J.D. and a Ph.D. in policy studies.

The Public Law program faced setbacks early on; the Office of Education cut its funding in 1982-83. Similarly, in 1985, the School of Management decided to terminate the Ph.D. in policy studies, but the Baldy Center continued to administer that program, which survived into the early 1990s, records show.

In any case, students continued to be a part of the Baldy Center. The 1984-85 academic year saw the debut of the Gilbert Moore fellowship, named for a former professor in the Department of Counselor Education at UB who was chairman of the Faculty Senate from 1972 to 1974. The fellowships, according to the 1988-91 triennial report, provided “funding to outstanding joint-degree students for up to four years of coursework (supported by the Graduate School), and one year of work on the dissertation (supported by the Baldy Center).”

The Moore fellowship was active for much of the Baldy Center’s existence, but the university eventually eliminated it. The last mention of the Moore fellowship in the Baldy Center’s annual reports was for the 2011-12 academic year, records show.

One of the many students who took advantage of the Gilbert Moore fellowship over the years was Cathy Connolly, who at UB earned an M.A. in sociology in 1989, a J.D. in 1991 and a Ph.D. in sociology in 1992.

“I got a master’s degree, a Ph.D. and a law degree in five-and-a-half years,” Connolly said in a phone interview. “And it’s because of that fellowship.”

Connolly, an upstate New York native, also received a dissertation fellowship through the Baldy Center; her dissertation, “Hidden Gender Discrimination in the Work Status Distinctions in Federal Labor Policy,” is still in the Baldy Center’s offices. In the acknowledgments, Connolly wrote, “I am indebted to the Baldy Center for Law & Social Policy for their financial support through the Gilbert Moore and Baldy Center dissertation fellowships. I would especially like to thank the staff of the Baldy Center: Anne Gaulin, Venice Feeley and Laura Mangan, for their coordination of my dual doctorate program.”

Connolly had taken 10 years to get her undergraduate degree in information systems management in 1984 from Buffalo State College, she said, and spent some time working at Xerox in Rochester, N.Y. as a systems analyst. But she knew she “wanted to do something different” with her life, she recalled, and began considering law school. She became pregnant, which delayed her law school admission for a year, and during that time, she found the programs offered by the Baldy Center.

“I was very intrigued by the opportunities the Baldy Center had to offer,”

Connolly said. She applied for the Moore fellowship and was accepted.

“With the Moore fellowship, I then had the ability to really concentrate on my schoolwork, on my scholarship, so that unlike other law students and especially Ph.D. students...I might have even taken seven classes so that I could go do my schoolwork very efficiently,” Connolly said. “And I’m incredibly grateful for that. ... I didn’t have to worry about working or having a graduate assistantship that would require me to teach in the way that other students did. ... I had an infant at that time, as well, who then became a toddler. I went to school like it was a job, basically, every day.”

Her hard work paid off. She recalled her dual degree launching her to “the top of the job pools back then.” Universities, she said, were “starting to think about hiring in interdisciplinary fields.” She was offered a position at the University of Wyoming in Laramie and has been there ever since.

Not only has Connolly served as the director of the Gender and Women’s Studies program at the University of Wyoming, but she is also a Democratic member of the Wyoming House of Representatives, having been elected in 2008.

She called her experience at the Baldy Center “absolutely formative.”

“My ability to think about complex issues that are both policy-related and legally related are absolutely the result of that kind of training that I had,” Connolly said.

Connolly returned to the Baldy Center in the fall of 2016 as a visiting scholar. At the time, she was involved with two research projects: an examination of the paths to serving and experiences of lesbians in elected office, and an effort to interview more than 70 currently and formerly incarcerated women with felony convictions about their experiences at the only women’s prison in Wyoming. The second project resulted in a policy paper to the Department of Corrections, and a book manuscript was in progress.

“It was my first choice when I was thinking if I wanted to travel for a sabbatical opportunity,” Connolly said of the Baldy Center.

Nick Smith was another Moore fellowship recipient who used the opportunity to launch a career in academia. Now the chair of the philosophy department at the University of New Hampshire, Smith – who earned a J.D. at UB in 1997, dropped out of the joint-degree program to become a New York City litigator and later completed his philosophy Ph.D. in 2002 at Vanderbilt University – said he never would have come to UB without the support of the Baldy Center. He called that support “career-defining” in an email interview.

“It allowed me to go to law school with very little debt, and that in turn allowed me to follow my dream of becoming a philosophy professor rather

than languishing for years in a New York City firm,” Smith said, crediting UB law professors Guyora Binder and Markus Dubber (the latter is now at the University of Toronto) for providing “exceptional academic training and professional mentoring.”

“Those mentoring relationships continue to this day, 20-plus years later,” Smith said.

Smith said his interest in punishment theory began at the Baldy Center, and he went on to write two books in that area.

The Baldy Center sent other students into politics, as well – and not just on one side of the aisle. Thomas Jipping received Baldy support through an assistantship position from 1983 to 1986; he received his J.D. in 1987 and an M.A. in political science in 1989, both from UB.

Jipping recalled that he was originally a J.D./Ph.D. student in policy studies but was eventually “recruited” by the political science department.

“I don’t remember how the program at UB came to my attention,” Jipping recalled in a phone interview. “But the joint degree was really interesting to me.”

Jipping was a student editor of *Law & Policy* and conducted research into “the way that interest groups use the courts to achieve policy goals,” he said.

“Most of the literature in that field was, for example, in the context of civil rights...where the goal was to strike down laws using constitutional arguments,” Jipping said. “I focused on pro-life organizations that litigated in the courts, and their goal was to uphold laws that were being passed, particularly at the state level, so you had kind of a mirror image. ... I was kind of adapting the literature and how it studied interest groups to this specific context, which was quite different. ... Legislatively, they were quite successful, unlike the civil rights groups.”

After leaving UB, Jipping took a position as a clerk for a United States appeals court and after that went to the nation’s capital. He worked for a think tank for 14 years, he said, and has now been an attorney in the U.S. Senate for about 15 years.

Jipping headed the judicial selection project for the conservative Free Congress Foundation, becoming an important voice in the nominating process for Supreme Court justices. Since 2003, he has worked for Republican Sen. Orrin Hatch of Utah, who sits on the Senate’s Committee on the Judiciary and previously served as its chairman<sup>59</sup>. Jipping serves as Hatch’s senior nominations counsel, handling all nominations that go through the judiciary committee.

Jipping said his experience at the Baldy Center “really represented the interdisciplinary approach to policy in law.”

“My whole career has been a mixture of policy and law. ... It was easy to be in that particular field because that had been the nature of my law school education. ... Looking back, I think it was very useful to have begun that understanding from a kind of interdisciplinary perspective,” Jipping said.

Other examples of J.D./Ph.D. students who came through the Baldy Center during the late 1980s and 1990s include Sara Faherty, “who was originally a Baldy first-year fellow<sup>60</sup> before being a Moore fellow...a Baldy research assistant and student editor of Law & Policy,” remembered Laura Mangan, the Center’s assistant director during the 1990s. Faherty is now assistant dean at the University of Toronto Faculty of Law. Oren Zeve, who completed a J.D. and a Ph.D. in philosophy, was “very involved” as the senior student editor, as well, according to Mangan, and moved on to clerk for the U.S. Court of Appeals for the Third Circuit in Philadelphia, work for the law firm Fried Frank and eventually land at the New York attorney general’s office in 2001. Zeve is now managing assistant solicitor general at the attorney general’s office, according to a LinkedIn profile.

During the 1990s and 2000s, students had more opportunities to be involved with the Baldy Center through David Engel’s Baldy short courses and Lynn Mather’s Law and Society graduate seminar, among other initiatives. The Center also from the late 1980s through the mid-2000s employed “hundreds of students” through research grants and small grants, among other funding sources, Mangan recalled in an email:

*Many of the faculty-awarded research grants included graduate student research assistants in their budgets. These students were paid a standard, but modest, hourly rate and their timesheets were processed for most of this period by Center administrative assistant Anne Gaulin. This bi-weekly visit to the Center by graduate students exposed them to the work of the Center – from the short courses, to the Moore fellowships, [to] all the events, including the conferences, workshops and presentations. This flow of students also provided a connection to departments outside the law school and was often a way of distributing information about the Center’s activities and opportunities throughout UB. ...*

*Students were [also] employed at the Center to help with office administration and on specific projects. For example, during the mid-1990s and early 2000s, when Baldy Center conferences and workshops*

<sup>659</sup> Hatch announced that he would not seek re-election in November 2018.

<sup>o</sup> According to Mangan, Baldy first-year fellows during the 1980s received support from the Center during the initial year of Ph.D. programs with an “interdisciplinary, law-related focus.”



In the current decade, another new program centered on students – or, at least, on recent graduates – emerged under Errol Meidinger in the form of the Baldy postdoctoral fellowships.

“Our idea was a program that would be specifically targeted for sociolegal scholars who might teach in a law school or in a college of arts and sciences in a social science or humanities department,” said SUNY Distinguished Professor Guyora Binder, a former member of the Baldy Center Advisory Council and the law school’s vice dean for research and faculty development.



**The 2011-12 Baldy Center fellows pose for a photo with Director Errol Meidinger (far left) and Assistant Director Laura Wirth (second from left).**

Along with the postdoctoral fellowship program came a new Advanced Law and Society Research Seminar, which Meidinger created about four years ago. The course – open to postdoctoral, law and graduate students interested in learning about and performing cutting-edge research on law, legal institutions and social policy – builds upon an ongoing distinguished speaker and workshop series sponsored by the Baldy Center, the School of Law and affiliated UB departments, according to a version of the course syllabus provided by Meidinger, who teaches the course with Mateo Taussig-Rubbo, a fellow professor in the School of Law who also holds a doctorate in anthropology.

Substantive topics discussed in the seminar are likely to range across a variety of subjects, ranging from administrative regulation to race and religion, according to the syllabus.

“Participants read the presenters’ papers, attend and participate in the presentations and meet with the presenters in a small group following the public presentations,” the syllabus reads. “They are able to discuss both the speakers’ and their own research in a multi-disciplinary environment and build important new relationships with visiting speakers, UB faculty members and fellow students.”

The goal of the course is for students to develop an understanding of the nature, challenges and primary strategies of conducting law-related research. In an email, Meidinger said he developed the course after reflecting on his

own graduate education and remembering an influential economic history seminar, which allowed him to meet important scholars and gain a sense of “the challenges and choices involved in doing academic research.”

One of the current postdoctoral fellows is Amanda Hughett, who came to UB after serving as a Law and Social Sciences Doctoral Fellow at the American Bar Foundation. She earned her Ph.D. in history at Duke University in 2017. At the Baldy Center, Hughett has been working to turn her dissertation, which focused on the history of the prisoners’ rights movement, into a book manuscript that was tentatively titled “Silencing the Cell Block: The Making of Modern Prison Policy in North Carolina and the Nation.” The dissertation won the Law and Society Association’s 2018 Dissertation Prize, awarded to the dissertation that “best represents outstanding work in law and society research in 2017.”

Hughett, who has secured a tenure-track placement in the University of Illinois Springfield’s department of legal studies, is one of at least 11 current or former Baldy Center fellows to earn tenure-track placements at universities around the world. The others include Camilo Arturo Leslie (assistant professor of sociology at Tulane University), Laura R. Ford (assistant professor of sociology at Bard College), Yun Ru Chen (assistant professor of law at National Taiwan University), Natasha Tusikov (assistant professor of social science at York University in Toronto), Jesse J. Norris (assistant professor of criminal justice at SUNY Fredonia), Or Bassok (law and social science faculty member at the University of Nottingham in the United Kingdom), Anna Su (assistant professor of law at the University of Toronto), Kaja Tretjak (assistant professor in the behavioral sciences department at Johnson State College in Vermont), Nimer Sultany (senior lecturer in public law in the University of London’s School of Oriental and African Studies) and Julia Tomassetti (assistant professor of law at the City University of Hong Kong).

Hughett said in an interview that the Baldy Center fellowship seemed like a “logical next step” in her budding career.

“It’s a beautiful postdoc, because they expect you to publish and be a part of the academic community here,” Hughett said. “But other than that, there’s not a lot of strings attached.”

Members of the Baldy Center team have gone “out of their way” to make sure she has what she needs to succeed, Hughett said. UB officials found her an opportunity to get teaching experience and have helped her reframe her research as she navigates the process of expanding it into a book.

“It’s a beast of a project,” Hughett said. “You want your book project to be deeper and more substantial than the dissertation. ... Being at a law school...has helped me push my project into new, and I would say better, directions.”

Hughett added: “It’s been lovely.”

## Chapter 7:

# Baldy research and publications



The Baldy Center staff at the Center's office in October 2018.

As it has evolved, the Baldy Center has launched programs and then shed them, focused on specific topics and then abandoned them and put varying levels of emphasis on its engagement with students. But one constant throughout Baldy's history has been that at its core, the Center has been chiefly about supporting faculty who are conducting law and social science research.

It would be impossible to give proper credit to all of the research that has come out of Baldy over the years in this space. An overview of the breadth of that research will be contained in the online appendix<sup>61</sup>. But for a recent feature in the UB Law Forum about the Center's 40th anniversary, Director Errol Meidinger was asked to choose 11 important and highly cited research publications by Baldy-affiliated scholars that are representative of the Center's work and scope. (Many thanks to John Beatty, the faculty scholarship outreach librarian at UB's Charles B. Sears Law Library, for his help.)

What follows is a list of those 11 publications, along with brief descriptions.

### ***“The Oven Bird’s Song: Insiders, Outsiders and Personal Injuries in an American Community”***

**Author:** David Engel

**Year published:** 1984

**Type of publication:** Article (Law & Society Review)

**Summary**<sup>62</sup>: “Engel’s research revealed the attitudes that residents in a rural Illinois community brought to contested cultural issues regarding personal injury, dispute resolution, social change, and law. The article quickly became

<sup>61</sup> The appendix will be available here: <http://www.buffalo.edu/baldycenter/40-years.html>

<sup>62</sup> From the Baldy Center’s website. See the section on Engel in Chapter III for more information on “The Oven Bird’s Song.”

one of the signature contributions to the law and society movement, a kind of instant classic.”

***“Privatizing Regulatory Enforcement: A Preliminary Assessment of Citizen Suits Under Federal Environmental Laws”***

**Authors:** Barry Boyer and Errol Meidinger

**Year published:** 1985

**Type of publication:** Article (Buffalo Law Review)

**Summary**<sup>63</sup>: “This article provides a preliminary assessment of the potential effects of the privatization of regulatory enforcement and speculates on what such a realignment might portend for the regulatory process. Based primarily on an in-depth review of the first wave of citizen suits brought under the federal Clean Water and Clean Air Acts, it identifies four key problems that can undermine the citizen suit as a device for regulatory enforcement: (1) Citizen suits must surmount a series of doctrinal barriers that could make it difficult or impossible to mount an effective private enforcement campaign. Courts have generally been able to control inventive litigants’ attempts to use citizen suits for purposes not intended by Congress; (2) Coordination problems between public and private enforcement could undermine the rationality and acceptability of regulatory programs if they become widespread and serious enough; (3) The strength of incentives for the regulators, the regulated, and the groups bringing enforcement actions remains unclear, and as a result it is uncertain whether private enforcement will evolve in fact and in perception as an ethical enterprise motivated by a widely shared vision of the public good, or whether it will be dominated by bounty hunters who will discredit the idea of citizen suits; and (4) When defining the true value of citizen suits and assessing the practical effects of citizen suits, even observers who are working from a common data base and a common set of inferences about the effects of citizen suits on compliance may differ sharply with respect to the desirability of the reported outcomes. There is reason to believe that these problems can be solved if the legal and political systems respond appropriately. Doing so will require an ongoing process of regulatory inquiry and adjustment.”

***“American Legal Realism and Empirical Social Science”***

**Author:** John Henry Schlegel

**Year published:** 1995

**Type of publication:** Book (The University of North Carolina Press)

<sup>63</sup> From the Abstract at the SSRN (Social Science Research Network) website.

**Summary**<sup>64</sup>: “John Henry Schlegel recovers a largely ignored aspect of American Legal Realism, a movement in legal thought in the 1920s and 1930s that sought to bring the modern notion of empirical science into the study and teaching of law. In this book, he explores individual Realist scholars’ efforts to challenge the received notion that the study of law was primarily a matter of learning rules and how to manipulate them. He argues that empirical research was integral to Legal Realism, and he explores why this kind of research did not, finally, become a part of American law school curricula. Schlegel reviews the work of several prominent Realists but concentrates on the writings of Walter Wheeler Cook, Underhill Moore, and Charles E. Clark. He reveals how their interest in empirical research was a product of their personal and professional circumstances and demonstrates the influence of John Dewey’s ideas on the expression of that interest. According to Schlegel, competing understandings of the role of empirical inquiry contributed to the slow decline of this kind of research by professors of law.”

***“The Golden Yoke: The Legal Cosmology of Buddhist Tibet”***

**Author:** Rebecca French

**Year published:** 1995

**Type of publication:** Book (Cornell University Press)

**Summary**<sup>65</sup>: “The ‘golden yoke’ of Buddhist Tibet was the last medieval legal system still in existence in the middle of the 20th century. This book reconstructs that system as a series of layered narratives from the memories of people who participated in the daily operation of law in the houses and courtyards [and] the offices and courts of Tibet prior to 1959. The practice of law in this unique legal world, which lacked most of our familiar signposts, ranged from the fantastic use of oracles in the search for evidence to the more mundane presentation of cases in court. Buddhism and law, two topics rarely intertwined in Western consciousness, are at the center of this work. The Tibetan legal system was based on Buddhist philosophy and reflected Buddhist thought in legal practice and decision-making. For Tibetans, law is a cosmology, a kaleidoscopic patterning of relations [that] is constantly changing, recycling, and re-forming even as it integrates the universe and the individual into a timeless mandalic whole. ‘The Golden Yoke’ causes us to rethink American legal culture. It argues that in the United States, legal matters are segregated into a separate space with rigidly defined categories. The legal cosmology of Buddhist Tibet brings into question both this autonomous framework and most of the presumptions we have about the very nature of law from precedent and *res judicata* to rule formation and closure.”

<sup>64</sup> From *The University of North Carolina Press’ website*.

<sup>65</sup> From *Amazon.com*.

***“Citizenship & Severity: Recent Immigration Reforms and the New Penology”***

**Author:** Teresa Miller

**Year published:** 2003

**Type of publication:** Article (Georgetown Immigration Law Journal)

**Summary**<sup>66</sup>: “Over the past 20 years, scholars of criminal law, criminology and criminal punishment have documented a transformation in the practices, objectives, and institutional arrangements underlying a range of criminal justice system functions that are at the heart of penal modernism. In contrast to the preceding 80 years of criminal justice practices that were progressively more modern in their belief in the rationality of the criminal offender and their concern for enhancing civilization through rehabilitative responses to criminality, these scholars note that since the mid-1980s the relatively settled assumptions about the framework that shaped criminal justice and penal practices for nearly a decade were abruptly thrown into reverse.

“Major shifts in policy generated by federal immigration reform legislation have likewise created a sense of crisis that pervades the practice of immigration law. The uncertainty produced by sweeping reform legislation enacted at a rapid pace has confounded attorneys and judges alike as they struggle to discern applicable legal standards and procedures with a backlog of cases requiring their urgent attention.

“As immigration reforms increasingly enhance the role of law enforcement and incorporate criminal penalties, the regulation of non-U.S. citizens – particularly those with criminal convictions in their pasts – has become intimately involved in crime control. Immigration control is increasingly adopting the practices and priorities of the criminal justice system. Many scholars and commentators are describing this unprecedented intimacy as the ‘criminalization of immigration law.’ It has motivated immigration scholars to document harsh, law enforcement-focused reforms in the treatment of non-U.S. citizens and the impact of these reforms on immigration procedures and practices. This scholarship largely documents the reforms and their consequences in much the same way as crime scholars initially focused on documenting the fact that a shift in the balance of crime legislation of great significance had occurred. Although the horrific events of Sept. 11, 2001 immediately produced an urgent new agenda for controlling crime within immigration law, the reasons underlying such heavy reliance upon punitiveness within immigration reforms of the 1980s and 1990s are hardly self-evident.

“This paper seeks to clarify why these reforms are taking place, why they are taking place at this historical juncture, and why they rely heavily on criminal

<sup>66</sup> From the Abstract at the SSRN website.

punitiveness by drawing upon the new penological literature that seeks to explain the broader significance of changes in crime control strategies and practices over the past three decades. In doing so, this paper will clarify the relationship between recent, harsh immigration reforms adopted both pre- and post-9/11 and the severity revolution within crime control that has been documented by crime scholars.”

***“Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities”***

**Authors:** David M. Engel and Frank W. Munger<sup>67</sup>

**Year published:** 2003

**Type of publication:** Book (The University of Chicago Press)

**Summary**<sup>68</sup>: “Rights of Inclusion’ provides an innovative, accessible perspective on how civil rights legislation affects the lives of ordinary Americans. Based on eye-opening and deeply moving interviews with intended beneficiaries of the Americans with Disabilities Act (ADA), David M. Engel and Frank W. Munger argue for a radically new understanding of rights – one that focuses on their role in everyday lives rather than in formal legal claims.

“Although all 60 interviewees had experienced discrimination, none had filed a formal protest or lawsuit. Nevertheless, civil rights played a crucial role in their lives. Rights improved their self-image, enhanced their career aspirations, and altered the perceptions and assumptions of their employers and coworkers-in effect producing more inclusive institutional arrangements. Focusing on these long-term life histories, Engel and Munger incisively show how rights and identity affect one another over time and how that interaction ultimately determines the success of laws such as the ADA.”

***“The Hidden Victims of Tort Reform: Women, Children and the Elderly”***

**Author:** Lucinda Finley

**Year published:** 2004

**Type of publication:** Article (Emory Law Journal)

**Summary**<sup>69</sup>: “I have conducted empirical research from several states on how juries in medical malpractice and other tort suits allocate their damage awards between economic loss damages and noneconomic loss damages. I then

<sup>67</sup>This book grew out of the Baldy Program on Community and Difference. See Chapter 5.

<sup>68</sup>From The University of Chicago Press’ website.

<sup>69</sup> From the introduction to the article, accessed at HeinOnline.

compared cases in which men are the victims and cases in which women are the victims. This research demonstrates that while overall men tend to recover greater total damages, juries consistently award women more in noneconomic loss damages than men, and that the noneconomic portion of women's total damage awards is significantly greater than the percentage of men's tort recoveries attributable to noneconomic damages. Consequently, any cap on noneconomic loss damages will deprive women of a much greater proportion and amount of a jury award than men. Noneconomic loss damage caps therefore amount to a form of discrimination against women and contribute to unequal access to justice or fair compensation for women."

***"Private Lawyers & the Public Interest: The Evolving Role of Pro Bono in the Legal Profession"***

**Editors:** Robert Granfield and Lynn Mather

**Year published:** 2009

**Type of publication:** Book (Oxford University Press)

**Summary**<sup>70</sup>: "This collection of original essays by leading and emerging scholars in the field examines the history, conditions, organization, and strategies of pro bono lawyering. 'Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession' traces the rise and impact of the American Bar Association's campaign to hold lawyers accountable for a commitment to public service and to encourage public service within law schools. Combining empirical legal research with reflections by practitioners and theorists about the meaning and practice of pro bono legal work, this collection of essays interrogates the public service ideals that are inscribed within the legal profession and places these ideals within a broader social, economic, ideological, and normative context. Particular attention is paid to the factors that explain why lawyers engage in pro bono work and the ways in which their views of pro bono are mediated by the institutional context of their legal practice. The book also explores the concept of 'public' in public service and compares pro bono as a means of delivering legal services with other mechanisms such as state funding. Collectively, these essays investigate the evolving role of pro bono in the legal profession and in law schools, the relationship between pro bono ideals and pro bono in practice, the way that pro bono is shaped by external forces beyond the individual practitioner, and the multi-faceted nature of legal professionalism as expressed through pro bono practice."

In a phone interview, Granfield – who was the chair of UB's sociology department in 2009 and is now the university's vice provost for faculty affairs – said "Private Lawyers & the Public Interest" was many years in the making.

<sup>70</sup> From Amazon.com.

His interest in the subject went back to the doctoral dissertation, published in 1989, that he worked on at Northeastern University: “Making the Elite Lawyer: Culture and Ideology in Legal Education.” The dissertation had to do with his focus on “legal education and public interest law, and occupational choices that students make,” Granfield said.

“When I was finishing that up, there was a movement in places like the University of Pennsylvania and Tulane and others to develop pro bono institutes in law schools. ... Now, there’s 160 law schools or so that have pro bono requirements,” Granfield said.

Granfield, who described Law and Society as one of his “areas of scholarship,” remained interested in pro bono throughout his professional academic career, which began in 1989 at the University of Denver and continued when he was recruited to UB in 2004.

“People told me I’d be crazy leaving Denver for Buffalo. ... The Baldy Center really had a significant amount to do with my decision to move to Buffalo,” Granfield said, adding that Lynn Mather’s presence as director of the Center was also a “big factor.”

“When I learned that someone of Lynn’s stature had decided to go to UB to run the Baldy Center, I think that helped my decision,” Granfield said.

Granfield joined the Baldy Center’s Advisory Committee and became familiar with the way the Center hosted conferences.

“After I had published a few articles on pro bono and had made lots of contacts around the country through pro bono work I had done, I decided to reach out to Baldy to do one of the conferences,” he said.

He and Mather put together a conference on private lawyers and the public interest, dedicated to the emergence and evolution of pro bono in the United States. By then, Granfield said, pro bono was “pretty ensconced” in law firms and universities but there had been little work examining “the empirical nature of what’s going on in the pro bono world.”

Granfield called the conference “tremendously successful” and was “really struck by the quality of the papers.” He contacted Oxford University Press about publishing the papers in a book, and the publisher “immediately contacted” him, Granfield said.

Mather and Granfield edited the book, and it was published in 2009.

“The book has been cited a lot. ... I think this was one of the first books on pro bono as an area of study,” Granfield said.

Back, now, to the list:

***“Segregation: A Global History of Divided Cities”***

**Author:** Carl H. Nightingale

**Year published:** 2012

**Type of publication:** Book (The University of Chicago Press)

**Summary**<sup>71</sup>: “When we think of segregation, what often comes to mind is apartheid South Africa, or the American South in the age of Jim Crow – two societies fundamentally premised on the concept of the separation of the races. But as Carl H. Nightingale shows us in this magisterial history, segregation is everywhere, deforming cities and societies worldwide.

“Starting with segregation’s ancient roots, and what the archaeological evidence reveals about humanity’s long-standing use of urban divisions to reinforce political and economic inequality, Nightingale then moves to the world of European colonialism. It was there, he shows, segregation based on color – and eventually on race – took hold; the British East India Company, for example, split Calcutta into ‘White Town’ and ‘Black Town.’ As we follow Nightingale’s story around the globe, we see that division replicated from Hong Kong to Nairobi, Baltimore to San Francisco, and more. The turn of the twentieth century saw the most aggressive segregation movements yet, as white communities almost everywhere set to rearranging whole cities along racial lines. Nightingale focuses closely on two striking examples: Johannesburg, with its state-sponsored separation, and Chicago, in which the goal of segregation was advanced by the more subtle methods of real estate markets and housing policy.

“For the first time ever, the majority of humans live in cities, and nearly all those cities bear the scars of segregation. This unprecedented, ambitious history lays bare our troubled past, and sets us on the path to imagining the better, more equal cities of the future.”

***“The Enigma of Diversity: The Language of Race and the Limits of Racial Justice”***

**Author:** Ellen Berrey

**Year published:** 2015

**Type of publication:** Book (The University of Chicago Press)

**Summary**<sup>72</sup>: “Diversity these days is a hallowed American value, widely shared and honored. That’s a remarkable change from the Civil Rights era – but does

<sup>71, 72</sup>From The University of Chicago Press’ website

this public commitment to diversity constitute a civil rights victory? What does diversity mean in contemporary America, and what are the effects of efforts to support it?

“Ellen Berrey digs deep into those questions in ‘The Enigma of Diversity.’ Drawing on six years of fieldwork and historical sources dating back to the 1950s and making extensive use of three case studies from widely varying arenas – housing redevelopment in Chicago’s Rogers Park neighborhood, affirmative action in the University of Michigan’s admissions program, and the workings of the human resources department at a Fortune 500 company – Berrey explores the complicated, contradictory, and even troubling meanings and uses of diversity as it is invoked by different groups for different, often symbolic ends. In each case, diversity affirms inclusiveness, especially in the most coveted jobs and colleges, yet it resists fundamental change in the practices and cultures that are the foundation of social inequality. Berrey shows how this has led racial progress itself to be reimaged, transformed from a legal fight for fundamental rights to a celebration of the competitive advantages afforded by cultural differences.

Powerfully argued and surprising in its conclusions, ‘The Enigma of Diversity’ reveals the true cost of the public embrace of diversity: the taming of demands for racial justice.

Berrey, who was an assistant professor of sociology at UB from 2008 to 2015 before moving on to the University of Denver and her current position at the University of Toronto, said in a phone interview that “The Enigma of Diversity” was helped in “a long list of ways” by a book manuscript workshop at the Baldy Center. Berrey’s workshop in 2013 included commentary from Khiara Bridges of Boston University, Douglas Hartmann of the University of Minnesota and Nancy Maclean of Duke University.

“To me, it really signaled that the Baldy Center understood what book writers really need on their work,” Berrey said. “What we often really need is people to read our work and comment on our written word and take that written word to task. ... It really helped me sharpen the argument of the book.”

“The Enigma of Diversity” won the 2016 Herbert Jacob Book Prize of the Law and Society Association.

Berrey received her Ph.D. in sociology from Northwestern University in 2008. The Baldy Center “weighed importantly in my decision to accept the job at Buffalo,” she said.

“Baldy is one of the two intellectual hubs in the university for people who are doing work in the social sciences and the humanities,” Berrey said. “The other one being the Humanities Institute. ... One of the big assets of the Baldy Center

is it both brings together people from across departments in the university and it has this really stellar faculty in the law school who are really engaged with Baldy.”

Berrey called UB “unique among law schools because a large percentage of the faculty” has doctorates, so they understand empirical research.

“In a broader national picture where there aren’t a lot of resources...for people to do empirical research on law...[Baldy is] a major contributor,” Berrey said.

Now, for the final entry on the list:

**“Wild Life: The Institution of Nature”**

**Author:** Irus Braverman

**Year published:** 2015

**Type of publication:** Book (Stanford University Press)

**Summary**<sup>73</sup>: “‘Wild Life’ documents a nuanced understanding of the wild versus captive divide in species conservation. It also documents the emerging understanding that all forms of wild nature – both in situ (on-site) and ex situ (in captivity) – may need to be managed in perpetuity. Providing a unique window into the high-stakes world of nature conservation, Irus Braverman describes the heroic efforts by conservationists to save wild life. Yet in the shadows of such dedication and persistence in saving the life of species, ‘Wild Life’ also finds sacrifice and death. Such life and death stories outline the modern struggle to define what conservation should look like at a time when the long-established definitions of nature have collapsed.

“‘Wild Life’ begins with the plight of a tiny endangered snail, and ends with the rehabilitation of an entire island. Interwoven between its pages are stories about golden lion tamarins in Brazil, black-footed ferrets in the American Plains, Sumatran rhinos in Indonesia, Tasmanian devils in Australia, and many more creatures both human and nonhuman. Braverman draws on interviews with more than one hundred and twenty conservation biologists, zoologists, zoo professionals, government officials, and wildlife managers to explore the various perspectives on in situ and ex situ conservation and the blurring of the lines between them.”

Braverman, a law professor and an adjunct professor of geography at UB, came to UB in 2007 from Harvard University, where she was an associate at the Humanities Center. An informal mentor of Braverman’s at Harvard suggested that “Buffalo was a good place to go,” Braverman said in a phone interview.

<sup>73</sup> From the Stanford University Press’ website.

“I was hoping to immigrate to Canada,” said Braverman, a native of Israel who has also studied at the University of Toronto, where she got her doctoral degree in law. “But it was an offer I could not refuse.”

She was attracted to UB because of the important role it has played in the Critical Legal Studies movement<sup>74</sup>, she said. Braverman was also aware of the Baldy Center, and after speaking with then-Director Lynn Mather, she had the Center as another reason UB would be a good match.

“They were interested in my work because my work is not very typical,” Braverman said. “It’s not very doctrinal. ... It’s very interdisciplinary.” She saw UB as a place where she could pursue her interests “more deeply, whereas in a more traditional law school I would think that wouldn’t be as encouraged.”

Braverman said that most of the books she has worked on – including “Wild Life” – benefited from the Center’s book manuscript workshops. The “Wild Life” workshop, held in December 2013, brought in sociologist Carrie Friese of the London School of Economics and Political Science, anthropologist James Igoe of the University of Virginia, Jamie Lorimer of the School of Geography and the Environment at the University of Oxford and Michael Smith of the School of Environmental Studies at Queen’s University, according to the Baldy Center’s website.



**Irus Braverman participates in a Baldy Center book manuscript workshop as Director Errol Meidinger looks on.**

“They...brought in people from different disciplines to contribute and help me brainstorm in vital...junctions of the project,” Braverman said. “So I don’t know that my work would look the same without the Baldy Center. It’s been very instrumental for me. ... That kind of book manuscript workshop really helped.”

The Baldy Center continues to sponsor research in the form of grants and through the Buffalo Legal Studies Research Paper Series, which is hosted and

<sup>74</sup> A group of scholars who believe the logic and structure attributed to the law grow out of the power relationships of the society, according to a definition of the movement at the Cornell Law School’s Legal Information Institute. “The law exists to support the interests of the party or class that forms it and is merely a collection of beliefs and prejudices that legitimize the injustices of society,” the definition reads. “The wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy. The basic idea of CLS is that the law is politics and is not neutral or value free.” The CLS movement can be thought of as related to the Law and Society movement, and the UB law school has scholars in both camps, including some who are in both themselves.

distributed by the Social Science Research Network (SSRN). The series provides, in the words of the Center's website, "an international, interdisciplinary audience for the faculty and visiting scholars":

*SUNY Buffalo Law School and the Baldy Center for Law & Social Policy invite UB faculty and visitors to submit their current law-related working papers, articles, and chapters for inclusion in the Legal Research Paper Series.*

*The series is produced by SSRN, the Social Science Research Network's Legal Scholarship Network. SSRN is an electronic distribution service which allows scholars to circulate their research worldwide more quickly than they typically can through conventional journals or books. Posted papers are easily accessible without charge to anyone with access to the Internet.*

*The Buffalo Legal Studies series is open to all UB members of faculty writing in the broad area of legal studies, and also to scholars from other institutions who present papers here. Papers submitted for the series should be in good shape, with well-developed arguments and citations.*

*The Baldy Center and the Law School cover the costs of posting to the series. We insert an identifying cover sheet to each paper during the process of uploading the submission to SSRN. SSRN then posts groups of four to six papers as an "issue" of the electronic abstracting journal which is mailed to over 5,500 subscribers. The abstracts can be announced in up to 12 additional SSRN subject matter journals. Articles from years past can still be posted to the series, without including them in a current "issue" for circulation.*

Professors Errol Meidinger and Guyora Binder are the editors of the series, and Tim Conti, assistant for experiential and academic success programs at the School of Law, administers the series.

## Chapter 8:

# Baldy's reach: Conferences, speakers and scholarly networks

“It’s a real privilege to be here,” began Shauhin Talesh, a law professor at the University of California, Irvine, who was at the Baldy Center in March of 2018 to give a talk entitled “How Legal Intermediaries Facilitate and Inhibit Social Change,” based upon a paper he’d recently published.

“There are all these pockets throughout the country of great sociolegal research,” said Talesh, who in addition to his J.D. from the University of Connecticut has a Ph.D. in jurisprudence and social policy from the University of California, Berkeley. He identified Wisconsin and his home institution, UCI, as examples.

“On the East Coast, the Baldy Center has always been this great pocket of sociolegal research, so it’s a real treat to be here,” Talesh said.

Talesh’s lunchtime talk – attended by about 20 scholars from across UB, who engaged deeply with Talesh’s arguments over the course of 60 minutes – was one example of the various ways the Baldy Center engages with the world outside UB through conferences, speakers and scholarly networks. It’s that engagement over the course of 40 years that has established the Baldy Center as, to use the description of Talesh himself, one of the nation’s great pockets of sociolegal research.

One of the Center’s most important activities has been hosting and sponsoring academic conferences, a tradition that goes back to Baldy’s earliest days. Wendy Katkin, the Baldy Center’s first assistant director, recalled conferences on regulation and the environment during the late 1970s and early 1980s, but one conference especially stood out in her mind.

In 1982, the Bethlehem Steel Corp., at the time the nation’s second-largest steel company, announced that it would shutter its plant in Lackawanna, N.Y., a working-class city along Buffalo’s southern border, permanently laying off 7,300 steelworkers<sup>75</sup>. The move was devastating to Western New York’s economy. So the Baldy Center tackled the issue from a sociolegal perspective.

“Bethlehem laid off all those people,” Katkin said. “So, we had [a conference about], ‘What do you do?’ This had a state and a local angle. Erie County and

<sup>75</sup> According to a 1982 article in *The New York Times*. During the 1960s, the Lackawanna plant employed as many as 22,000 steelworkers.

New York State kept giving Bethlehem tax breaks not to leave, and of course, they left. So, we had people like Harley Shaiken<sup>76</sup> come in. ... This is before they were so well known.”

Other examples of Baldy-sponsored conferences during the 1980s were “Human Rights in the Indian Subcontinent: Major Contemporary Issues,” held in 1986-87 by the Human Rights working group; and “Law and the Legitimation of Violence,” which led to the creation of the Cooperation and Conflict working group in 1988 because it became apparent during the planning of the conference that a number of UB researchers had common interests in issues surrounding cooperation and conflict resolution.

Baldy Center conferences continued into the 1990s, and after David Engel took over as director, he launched another way for Baldy to engage, with a focus on sociolegal scholarship in the cross-border region that UB calls home. The annual Regional Sociolegal Studies Conference alternated location between UB and Canadian universities in Ontario, including the University of Toronto, York University in Toronto and Brock University in St. Catharines. Baldy archives show the annual conferences go back to at least 1996 and continued until at least 2008, the year Lynn Mather left the directorship. Sessions carried titles like “Sociolegal Research and Problems of Governance: Transnational Research Perspectives,” “Comparative Sociolegal Cultures,” “Policing” and “Law and Literature; Risk and Safety Nets; Canadian and U.S. Debates over Selecting Judges.”

Engel recalled that the conference “drew 30 people, year after year, from the U.S. and Canada” and was, along with an annual Baldy retreat, part of an effort by the Center “to create a coherent sense of community in the Center and also an identity that we could project at UB and to the world at large.”

In 2006, the Baldy Center helped host an event that was truly internationally significant when the 14th Dalai Lama visited UB and participated in a conference at the School of Law. An article from that period in the UB Law Forum described the visit:

*Led off by a very special guest – the 14th Dalai Lama, spiritual leader of the Tibetan Buddhists and head of Tibet’s government in exile – a major UB Law School conference...explored the intricacies of “Law, Buddhism and Social Change.”*

*A two-hour appearance at the conference capped off a three-day visit to the university by the revered spiritual leader. The visit included an interfaith religious service and a major address before 30,000 people in UB Stadium.*

<sup>76</sup> An expert on labor and globalization, now at the University of California, Berkeley.

*But the Law School conference was the Dalai Lama's most significant contribution to the school's academic mission. Before an invited audience of about 165 in the Charles B. Sears Law Library, as well as hundreds more watching via a simultaneous broadcast and video link, the 71-year-old lama responded to questions on topics ranging from the role of Buddhist monks in Asian politics to his philosophy of jurisprudence.*

*The conference was organized by the Baldy Center for Law & Social Policy and by the Law School, under the direction of UB Law Professor Rebecca R. French. The study of Buddhism's relation to legal systems is in its infancy; French pointed out that the UB conference was only the third to take place worldwide.*

*The room was hushed as the Dalai Lama entered and greeted 15 scholars and legal practitioners gathered in a circle. But the Nobel Prize-winning monk put attendees at ease, doffing his shoes and sitting cross-legged in a large leather chair. "Very comfortable," he said with a wry laugh.*

The Dalai Lama addressed the need to exercise compassion in the practice of law – even when imposing punishment. He also talked about how attorneys need to consider the context in which they make decisions when weighing the needs of society against the needs of a client.

"It's still the only time he's ever talked on those issues," French said.

The Forum also ran articles in the same issue about UB's significant role in the emerging field of law and religion and about how a Rockefeller Foundation grant, along with Baldy Center support, helped French organize and host the first-ever international Law and Buddhism Conference in 2005 in Italy. ("The week-long event was presented under the auspices of the Law and Buddhism Project at UB Law School, a Baldy Center working group.")

French, perhaps the world's foremost expert on the intersection of Buddhism and law, said in an interview that she had lived and studied in the Dalai Lama's compound earlier in her career. Her efforts to host conferences and launch a journal about Buddhism and law have been largely helped by the Baldy Center, she said. French recalled that the Dalai Lama conference took two years of preparatory work.

"It's not just funding," French said. "It's having the facilities. We have the infrastructure to have [these types of] conferences."



**The Dalai Lama visits the School of Law in 2006.**

The conferences remain a key part of Baldy's mission. One relatively recent and unique conference held in October 2015 celebrated Engel's "The Oven Bird's Song" more than 30 years after it was published and "explored its implications for future research on law and society," as a university news item from the time put it.

MaryNell Trautner, an associate professor of sociology at UB, helped organized the "Oven Bird" conference. In an interview, Trautner called the conference "amazing."



The conference celebrating 'The Oven Bird's Song' held in 2015.

"That was something we absolutely would not have been able to do without Baldy support," Trautner said.

The conference also spawned a book that Trautner edited, called "Insiders, Outsiders, Injuries, and Law: Revisiting "The Oven Bird's Song" and published by Cambridge University Press.

Another development that has taken place under Errol Meidinger's directorship has been that the Regional Sociolegal Studies Conference was reborn in the form of a cross-border conference called "Buffaronto Sociolegal Conversations," held in September 2017. The event brought together scholars from Buffalo and Toronto for "informal, wide-ranging discussion of pressing issues in sociolegal research."

Associate Professor of Law Anya Bernstein organized the conference and said in an interview that when she proposed her plan for the event, "the Baldy Center was so welcoming of that idea."

“It seemed right in line with how Baldy does things, which is let people come together to...throw out a few interesting ideas...and just see what happens. ... That space leaves a lot of possibility for inventiveness and allowing connections to happen that wouldn’t otherwise happen,” Bernstein said.

Buffaronto is an example of a scholarly network that was born and sustained with the help of Baldy support, just like French’s Buddhism and law discipline and McCluskey’s ClassCrits community.

Bernstein said she wanted the Buffaronto conference to be more of a “conversation space” than a forum for a series of “15-minute spiels on a paper that was already going to be published anyway.”

Topics of conversation at the Buffaronto conference included the role of ethnography in legal scholarship and the reluctance of juries to convict police officers accused of shooting black civilians.

The latter topic was presented at the conference by Jenn Hunt, an associate professor of psychology at SUNY Buffalo State<sup>77</sup>. Hunt – whose research, according to the Baldy Center’s website, focuses on “how race, ethnicity and culture impact juror decision making, leading to discrimination in legal outcomes, as well as influence jurors’ participation and behavior during deliberation” – was a Baldy Center Visiting Scholar during the fall 2015 semester.

The Visiting Scholar program, which allows guests to conduct law-related research at UB and grants them access to research resources, workshops and conferences, is yet another way the Baldy Center interacts with professors from other universities. Hunt said in an interview that she “had been aware of the Baldy Center since coming to Buffalo” from the faculty at the University of Nebraska-Lincoln.

Hunt had joined the Baldy Center mailing list and attended some of the Center’s talks. (“They always bring tremendous people,” she said.) So when she was looking for somewhere to spend her sabbatical, she thought the Visiting Scholar program represented a “really great opportunity.” She spoke to Meidinger and Assistant Director Laura Wirth, and they were “very enthusiastic about it,” Hunt said.

“It was really a great experience for me,” Hunt said. “I was there at a time when there were four postdocs there, so there was a good community of people.”



<sup>77</sup> What has long been called Buffalo State College now refers to itself this way.

Hunt sat in on an evidence class, consulted with UB scholars about her research and participated in conferences. She also challenged herself in a new way.

“I had, prior to being at the Baldy Center, never written up my work for a law review, and I decided that this was really the perfect opportunity to do that and increase the exposure of some of the work I’ve done to legal audiences,” Hunt said. “Through the resources that the Baldy Center has, I took on a new project of collecting jury instructions for character evidence for every state and every federal circuit. That work I just couldn’t have done without the Baldy Center resources.”

Hunt published the research in August 2017 in the University of Florida Journal of Law and Public Policy in an article called “The Cost of Character.”

When her time as a Visiting Scholar came to a close, Hunt talked with Meidinger about “having an ongoing formal relationship with the Baldy Center, since I am local,” she said. “And we thought that would be mutually beneficial.”

Hunt then became a Baldy research fellow. Through the research fellow program, the Center “seeks to facilitate the work of scholars with law and policy related interests by linking them into the Baldy community and its substantial scholarly resources,” according to the Baldy website<sup>78</sup>. She still attends Baldy events, including the presentation by Shauhin Talesh mentioned at the beginning of this chapter.

“The Baldy Center has become an important intellectual community for me,” Hunt said. “I’m at a smaller campus, and so we don’t bring in as many speakers or have as much in terms of brown bags, so it’s an important complement to my job. ... In particular, I find that the interdisciplinary nature of the Baldy Center exposes me to areas that I don’t have as much of a knowledge base in. ... I really like being part of this broader network of people who are interested in law and social science and the reciprocal relationship between them.”

In June, the Baldy Center was a key player at the Law and Society Association’s annual conference. The Center, co-hosting with the American Bar Foundation, put on a reception at the conference – held this year in Toronto – to celebrate the Center’s 40th anniversary, and many Baldy alumni attended, including former directors Lynn Mather and David Engel; former UB law professor

<sup>78</sup> Research fellows were introduced to the Center by Meidinger along with postdoctoral fellows, who were discussed in previous chapters, and senior fellows, who are “accomplished academics and professionals, usually faculty members at other universities, who pursue intensive scholarly projects closely related to the mission of the Baldy Center,” according to the Baldy website. “They utilize UB’s extensive research resources, participate regularly in Baldy Center events and share their expertise with the larger Baldy community.” An example is Washington and Lee University Professor of Law Nora V. Demleitner, a senior fellow for 2017-18, whose Baldy Center research outlines the need to dismantle mass imprisonment and provides proposals for how to do that.

and past president of the Association Frank Munger; representatives of Buffalo's early law-and-society days such as Bob Gordon; and current Baldy affiliates like Hunt.

During brief remarks, Meidinger urged guests to talk with each other about memories created through the Baldy Center and, in the spirit of the Center, bounce ideas for future research off of each other.

There will be more conferences coming in the future. UB Professor of Law Irus Braverman said she has received a grant to organize a conference next year about environmental justice issues in Israel and Palestine – “especially the occupied Palestinian territory.” It’s “very daring” of Baldy to support such a conference, she said.

“It’s hard to convene scholars...who have something to say about that,” she said.



**Baldy Center Director Errol Meidinger (right) holds up a copy of a draft of this monograph at the 2018 Law and Society Association conference in Toronto.**



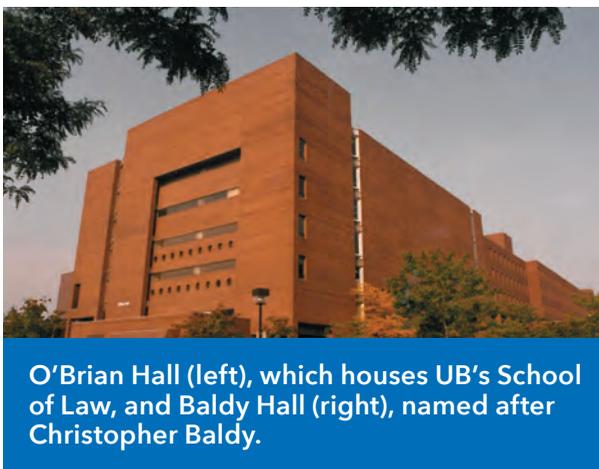
## Chapter 9:

# Conclusion: Baldy among its peers

In Chapter 2, we examined one of the recurring problems that the Baldy Center has faced over its 40 years: how UB's balkanized departmental structure and tenure requirements are sometimes disincentives to conducting interdisciplinary sociolegal research. That's a problem, however, that is not specific to the Baldy Center. One only needs to look at some titles of research papers examining interdisciplinarity in North American universities to come to the conclusion that the challenge is ubiquitous: "Institutional Challenges of Interdisciplinary Research Centers," "Centers and Institutes in the Research University: Issues, Problems, Prospects" and "What Makes Interdisciplinarity Difficult? Some Consequences of Domain Specificity in Interdisciplinary Practice," to name a few<sup>79</sup>.

Researchers in those papers and others found that universities have been called upon to break structural barriers that prevent interdisciplinary collaborations, that research centers often do not collect teaching revenue and are thus dependent on university administration for sustainability and that collaborating disciplines might disagree over the standards for determining the reliability of scientific claims. They also found that the biomedical sciences, as opposed to the humanities, have been particularly reliant on interdisciplinary centers because of the high level of collaboration in the life sciences.

Given that landscape, and the general drift of American universities away from the humanities and toward the hard sciences, the Baldy Center's problems seem routine. At the same time, the Center has benefited from the financial security provided by Christopher Baldy's endowment. Its accomplishments can be



O'Brian Hall (left), which houses UB's School of Law, and Baldy Hall (right), named after Christopher Baldy.

<sup>79</sup> Many thanks to Baldy research assistant Matthew H. McLeskey for his help tracking down research on interdisciplinarity and examples of other interdisciplinary centers across North America.

celebrated as rare successes in a world that doesn't always place a premium on interdisciplinary sociolegal research. It is something of a stronghold for such research as current trends in academia make it more difficult to conduct.

The Baldy Center is somewhat unique. It is part of a relatively small crop of interdisciplinary centers dedicated to legal research. Examples of other, similar centers include:

- The Center for Legal Studies at Northwestern University
- The Centre for Criminology and Sociolegal Studies at the University of Toronto
- The Centre for Innovation Law and Policy at the University of Toronto Faculty of Law
- The Center on Law and Globalization, a partnership between the University of Illinois College of Law and the American Bar Foundation
- The Centre for Law and Society at the University of Edinburgh Law School
- The Center for Law and Society at the University of California, Berkeley
- The Global Legal Studies Center at the University of Wisconsin Law School
- The Institute for Legal Studies at the University of Wisconsin Law School
- The Leuven Centre for Global Governance Studies at Katholieke Universiteit Leuven in Belgium
- The Program in Law and Public Affairs at Princeton University
- The Center for Law, History and Culture at the University of Southern California
- The York Centre for Public Policy and Law at York University in Toronto
- The Centre for Socio-Legal Studies at the University of Oxford

The Baldy Center is also among more than 100 active research centers, institutes and collaborative projects at UB. It is one of five housed in the law school<sup>80</sup>; the other four are the Buffalo Criminal Law Center, the Buffalo Human Rights Center, the Center for the Study of Business Transactions and the Jaeckle Center for Law, Democracy and Governance.

Dozens of formal and informal interviews with scholars and others in the

<sup>80</sup> *It's worth noting that the university classifies the Baldy Center this way in light of the ongoing debate about whether Baldy is merely in the law school or of the law school. It did not classify the Baldy Center as a "university-wide" center like the Research Institute on Addictions is, for instance.*

sociolegal community who are or have been associated with the Baldy Center reveal some common threads: the Center is a unique resource among American law schools; it has helped lure scholars to Buffalo for jobs, playing a major role in the forming of a distinctive faculty with a relatively high number of Ph.D.s; and it has done all of this even as the enthusiasm in the Law and Society movement has sometimes waned compared to the high-energy 1960s and 1970s and as law schools shifted toward a “law and economics model” beginning in the 1980s.

A review of University at Buffalo records also confirms that though its programs and initiatives have shifted over the years, the Baldy Center has remained true to its overall mission of sponsoring interdisciplinary sociolegal research that might not have ever seen the light of day if not for the Center’s support. Joint-degree programs, fellowships, working groups and short courses have all come and gone, but the Center at its core has always existed to support sociolegal studies.

The Baldy Center’s impact can’t simply be measured by tallying up grant funding or conferences or measuring how long one initiative lasted compared to another that was short-lived. On top of all of that, the Center has informally fostered an unquantifiable amount of collaboration and research through the network it has created and the people it has introduced to each other, who otherwise may have never met.

The result is that Baldy has kept Buffalo on the legal-academic map even as law schools became more dependent on national rankings, to UB’s detriment. Through its ability to hold conferences, pay for visiting researchers and sponsor postdoctoral fellows, the Center has nurtured that large network of sociolegal scholars across the country and the world who have crossed paths with the Baldy Center during their careers.

The Center produced this monograph in order to document the Center’s trajectory, challenges and accomplishments. Forty years have gone by, but the Center is well positioned to continue carrying out its mission for 40 more years and hopefully longer. Christopher Baldy surely didn’t see something like the Center coming when he left an endowment to the university for an academic building or a dormitory, but as someone who loved both UB and the legal profession, he surely would be proud to see what the Center has accomplished in his name.



A coffee cup shows the Baldy Center logo in 2004. On the back of the cup was a quote from Frank Zappa: “Without deviation from the norm, ‘progress’ is not possible.”

With all of that said, what better way to end the monograph than with the words of some of the sociolegal scholars who have appeared thus far in the text, have carried out the Center's mission and have turned an idea into a reality?

### **Irus Braverman**

"Baldy has been supporting me from the get-go, with fieldwork almost every year in the last 10 years. ... Without that kind of help and funding, I wouldn't be able to do fieldwork. ... A lot of my colleagues find it challenging to do fieldwork and put on conferences and be able to do that financially without having to constantly grasp for grants. ... For my purposes, [the Center] has been amazing because I think it is unusual. ... [The Center] understands that law is everywhere and that you can work on things and it can still be a legal project. ... The Baldy Center has been crucial for my work, for my very specific and unusual work."

### **Martha McCluskey**

"[The Baldy Center was] really visionary at the time, and it was an interestingly timed move. ... Buffalo became a kind of center of the Law and Society movement and was a counterweight...for bringing Law and Society, keeping it going...in the last quarter of the 20th century [despite the federal pipeline for such research drying up]. ... Things like the Baldy Center are so important. ... You don't want to just reward individual professors or ideas; you want to have a space where the whole can be greater than the sum of its parts. ... It has really been the centerpiece of my career in a way, because it provides a way for me to bring people together. [It is] focused on particular gaps or interests that otherwise wouldn't have been articulated. ... The Baldy Center is the overriding reason why I think Buffalo is the best place for me. ... I also really valued the administrative work the staff did. ... Putting on a speaker or a workshop was a total joy when you have really good people."

### **Mary Nell Trautner**

"The Baldy Center was something that drew me to taking a job here. ... [Baldy research grants] have been crucial in moving my research further along. ... I've been able to do research that I probably wouldn't have been able to do otherwise. ... I'm really happy that it's here. It's an important part of our institution."

### **Rebecca French**

"Baldy is really just a gem of the whole non-science aspect of UB. ... It is an unbelievable asset. ... I can't even describe what having a resource like this is like, because you can have an idea, and it can be as far out as Buddhism and Law...and if you can convince people, you can run with it. ... I felt very privileged to come here and the Baldy Center was really just amazing from then on."

### **Robert Granfield**

“It certainly is a very important institution in many ways. ... It has a really significant history, and the number of people who have passed through Baldy and been associated with Baldy is truly amazing. ... It’s had a really stellar history [as] just a place for Law and Society scholarship to be supported and promoted. ... It really has been a leader in the intellectual formation of Law and Society as an intellectual movement.”

### **Frank Munger**

“The Center...has been very, very important within the law school – having a source of hard money...that generates support every year. Even though it’s not a huge amount of money, it’s certainly enough to keep projects going, to initiate projects, to organize conferences and workshops that encourage collaboration. ... [The Baldy Center helps foster a] different character in the law school from other places I’ve been. ... I think the workshops that the Center enabled were an enormous enrichment for the law school. I’m not sure the law school could have sustained the kind of workshops at a high level that they were pitched without the support of the Baldy Center. ... It gave the law school national visibility. ... It’s still an amazing place.”

### **Ellen Berrey**

“Even more important than the conferences was the intellectual culture that the Baldy Center creates...because that elevates the quality of discourse. ... Neither Denver nor Toronto [the other universities where Berrey has worked] have anything like that. ... It’s a real challenge to bridge the world of law and empirical research. A lot of people have something exciting going on, on one side or the other, but not both.”

### **Anya Bernstein**

“When I was talking to my various advisers about my job search, everybody knew Buffalo, and everybody knew the Baldy Center because of the Law and Society thing. ... A phrase that several people used [about the UB law school] was ‘punches above its weight,’ and the Baldy Center seemed to be a part of that. ... The whole attitude is that the Baldy Center is here to make interesting stuff happen. And we do that with money, obviously. We also do it with space and... providing assistance with stuff like setting up conferences, but the point seems to be, to be a catalyst of interesting, somewhat unusual work and interaction that then gives rise to other stuff, to conferences, to papers, to books. ... It’s just a lovely place. It makes the law school a very welcoming environment, I think, for someone like me, who’s coming from an interdisciplinary and somewhat weird background. ... We have a very weird faculty, and I think Baldy is one of the things that makes us feel so comfortable there.”



# Appendix

**A**n online appendix containing information on Baldy-sponsored research publications, Gilbert Moore fellows and more will be available at <http://www.buffalo.edu/baldycenter/40-years.html>. We invite those from the Baldy Center community, past and present, to suggest additions to the appendix by emailing [baldyctr@buffalo.edu](mailto:baldyctr@buffalo.edu).

## About the author

**L**uke Hammill grew up in the Buffalo area and is a 2011 graduate of the University at Buffalo Honors College. He earned a B.A. in English and a certificate in journalism and was a reporter and editor at The Spectrum, the university's independent student newspaper. He earned an M.S. with honors in 2013 from the Columbia University Graduate School of Journalism. He has interned at The New York Times, Newsday and The Buffalo News. Hammill worked as a reporter from 2013 to 2016 at The Oregonian – where he played a central role in the newsroom's award-winning coverage of a 41-day standoff at the Malheur National Wildlife Refuge – and from 2016 to 2017 at the Chicago Tribune Media Group.

In 2017, Hammill returned home to Western New York and now works at The Buffalo News as a reporter for the organization's Hamburg Sun newspaper. He also serves as an assistant adviser to students at The Spectrum and co-teaches the night course at UB that is associated with the newspaper. He would like to thank Errol Meidinger, Laura Wirth, the Baldy Center and the University at Buffalo School of Law for the opportunity to work on this project. He would also like to thank all who made time for interviews and all who helped in the form of research assistance, suggestions and editing.