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Mutua shares vision for UB Law

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By **MATT CHANDLER**
Buffalo Law Journal

As Makau Mutua navigates the corridors of O'Brian Hall on the University at Buffalo's North Campus, a casual observer might not know they were watching the dean of UB's Law School and a virtual celebrity in the arena of international human rights.

Aided by his modest physical stature and affable demeanor, Mutua blends easily with the students filling the hallways. He stops to chat with one, inquires about the studies of another and throws up a hand to wave at a young law student across the foyer. Missing is the ivory tower of separation one might expect from a man who has dined at the White House, served as the associate director of the Harvard Law School Human Rights Program and traveled the world as an attorney, author and sought-after speaker.

On this day, the Kenyan native, in his third year at the helm of the law school is far from his homeland, far from the white-shoe New York City law firm where he began his legal career and, in his words, right where he wants to be.

BLJ: Let's start with the economy. As a public law school, how much of an impact has the recession had on your program and what adjustments have you made in light of where things stand?

MM: When I spoke with the president and the provost about this job, I told them, we have to make UB a great law school and we have to put it among the ranks of the finest law schools in the country. Of course, then along came the economic tsunami, which has caused great damage to public education. We have suffered a cut of 10 percent at the law school to our base budget. The impact is enormous. Even though we have weathered the storm because I am investing my resources very wisely, I have managed to actually stop some of the bleeding by relying on alumni donations. No law school in this day and age can achieve greatness without support from its alumni because public funding for higher education is drying up. And I don't think, even when the good times come back, that we are going to get massive increases to our baseline.

I'll tell you a secret: We charge the lowest tuition of any law school except CUNY Law School in New York state. I believe we charge roughly a third of what most schools charge. We offer a value that is priceless.

BLJ: Is that part of your focus then, to push that value and make your tuition not so much of a secret to prospective students?

MM: You know, we think that it should give us a competitive edge because it's such a steal, but for some reason, this has not translated into that edge. Part of it I think is getting the word out but I think there is also a psychology in the public's mind that if you don't charge a lot of money, perhaps you aren't as good, which is a strange, strange concept. That is a battle of public relations that I think we need to pursue more aggressively and win it. The other thing I think is critical for us, at some point the state system would have to let us raise tuition, commensurate with what the market will bear. I think students will pay more. We only have to prove to them that if they pay more, they get more. People are not reluctant to pay for great things, but they don't



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want to pay and then see their money squandered. I have no trouble talking about a tuition increase because I think we can justify it.

BLJ: Talking about public relations and conveying the value of a UB Law School education, what kind of impact does it have when U.S. News and World Reports releases its annual ranking of law schools and UB has fallen out of the top 100 schools in the country?

MM: First of all, that was completely dismaying to me and shocking. The kind of work we have done in the last three years is amazing. I don't say that to toot my own horn; you just need to be in the building to see the kinds of things we have done. We have great students we have been hiring faculty like gangbusters over the last two years.

I think what this shows is we are living our legacy, in a sense. For a long time, the law school was kind of introverted. Buffalo wasn't very interested in bragging about itself and so people outside this place don't know how good we are. Part of my mission is to let people know the great things we are doing. Forty percent of those rankings are based upon reputation by lawyers and judges, and that is something we can affect. Once people know what we are doing, I think that perception will change.

The big part of our problem in the U.S. News had to do with integrity of their system. To give you a sense, in 2007 we were ranked No. 77; in 2008, No. 100; in 2009, No. 85; today we are ranked at 103. Surely, that kind of volatility, speaks, in my view, to the lack of integrity of the process. The one thing that really affected us this year was that last year we reported one unemployed (graduate) and this year we had nine unemployed, and it is those nine who cause us this problem. It seems to me, in terms of weighting, nine unemployed people should not cause this much volatility.

The problem is that parents, students and alumni care about the rankings. And if I am going to participate in the ranking system, I want them to audit the self-reported numbers that law schools give, because I am skeptical of the schools who are reporting higher employment numbers now than they reported in the previous year.

BLJ: That being said, what do you plan to do to overcome the perception created by this ranking that there are at least 100 schools that offer a better legal education than UB?

MM: I just came from the Dean's Advisory Council meeting (DAC), which is a meeting of 50 of my most prominent alumni who advise me on matters affecting the law school. The ranking was a big discussion because it affects the value of their degrees and it affects how they are perceived by their colleagues.

What gave me some comfort is that they totally understood and they offered to help. So yes, we have to work hard to explain to people what happened but I also want to say to you that there are things we can do. There are certain matrixes in the ranking system where we are not as good as we should be, no question about it. Our LSAT, for example, should go up. We are now at 157 and for a top 50 law school, it has to be 160 or 161. Our GPA is right in the ballpark, but our reputation with lawyers and judges needs work. I think attracting better students and better faculty will go a long way to showing a difference. I have been doing this for two years and I think it takes at least three years to start to see the results of what you've been doing come through, and I think that's going to happen.

BLJ: You speak on the world stage, you have a passion for human rights and, one would suspect, opportunities to go to bigger stages in larger markets. What keeps you passionate about Buffalo and grounded at UB?

MM: First of all, I've lived everywhere. Washington, D.C., New York City, Boston, Nairobi, so I'm not chomping at the bit to go to a bigger market. I also speak regularly when I visit these places and I know the grass isn't necessarily greener on the other side.

Secondly, Buffalo has been good to me. The university and the law school have permitted me to do the things that I like to do. The faculty is wonderful; the students are great. I've raised my kids here and I couldn't think of a better place to raise my children. What is there not to like? The third thing is, for me it is more attractive to be a part of a building process. I think there would be less excitement for me if I was to go to a school that was regarded to be at the top of the game. What would be there for me to do?

BLJ: Talking about being part of the building process, what are your thoughts on the law school's place in the UB 2020 plan?

MM: UB 2020 is, to me, the kind of long-range plan this university has been lacking. It's not possible to have a great American city without a great university, and I think Buffalo needs UB to be great. People who don't understand this are making a big mistake. I view this as the biggest economic engine in the region, so investing in UB 2020 is investing in the future of Buffalo and Western New York.

BLJ: Outside of your role as the law school dean, you recently traveled to your native Kenya to speak out against governmental legislation in neighboring Uganda that seeks to impose the death penalty against homosexuals.

MM: The issue is one of tremendous public passion there. Both Kenya and Uganda are deeply religious countries and so the notion of gay rights is an affront to many people. What I thought was that people mistake their religious beliefs for what should drive the creation of a legal system. You can't govern a secular state with religious rule. Countries should belong to whoever lives in them whether they are believers or non-believers, gay or straight and human beings have certain fundamental rights they are entitled to and I just felt that it was my duty to make that point.

BLJ: Were you concerned for your safety traveling there and delivering such a controversial message in, as you said, such a deeply religious region?

MM: One of the things that we should understand about our own existence is that the freedoms that we enjoy as individuals are intertwined with the freedoms that people enjoy elsewhere. I strongly believe that just as Martin Luther King said, 'Injustice anywhere is a threat to justice everywhere.' If you think that you are your brother's keeper, I don't see how you could shut your eyes to human suffering, no matter where it is. Human suffering knows no borders.

When I saw what was just simply this hateful national pathos, both in Kenya and Uganda in particular, where the new law that is proposed seeks to impose the death penalty on gay people, it is just unthinkable to me. Quite frankly, the risk to me is minimal. It's not as though people are going to take the dean of the law school and quarter him for talking about rights.

BLJ: Given the political climate, how was the speech received?

MM: It was interesting, because after I gave the talk there was some comments made by members of parliament who came to the talk. One of them stood up and said some of the most hateful things about gay people. He said, 'If this law passes, I will be the first one to apply for the job of a hangman.' I was just taken aback. I said to him, would you apply to be a hangman if the person being put to death was your son? And his response was 'Yes I would.' It was an exchange I wished to never have with anyone but that was the level of the pathos.

BLJ: What do you see as the impact stories like that have on your students when you bring them back and share them?

MM: Oh, I think it's completely amazing. Obviously we know that gay people are being attacked and killed, even in the United States, so it's not out of the realm of possibility. But in the confines of the university the idea is unthinkable. We live in a society that is tolerant and respects basic human rights, so that when you hear some of these stories it makes your skin crawl.