



DEAN GARY R. ROBERTS

Indiana Law Review

Volume 47

2014

Number 1

TRIBUTES

THE SPLENDID RUN OF DEAN GARY R. ROBERTS

RANDALL T. SHEPARD*

Among the most difficult assignments in the American legal profession is that of law school dean. Gary R. Roberts has proven an able master of the role, much to the benefit of the bench, the bar, and academy alike.

It takes a while to describe why the job of a law school dean is so challenging. The multiple constituencies with connections to a law school seek different things from their experiences with it. A school's students, for example, struggle to finish their legal studies and move on to careers made possible by their degrees. In the current environment, students lament the cost of their education and the diminished opportunities for law-related employment. Law faculties understand the challenges, but they experience the school in a different way. Faculties value their posts for the opportunity to teach and write, and hope that the school can increase in reputation, which in turn burnishes the faculty's own work. Graduates, like judges and practitioners, sometimes have diminished connections to a school after their departure, but they too see the institution through multiple prisms. They often relate to law schools as a source of young associates for their firms or institutions. And, more personally, they frequently associate their own standing in the legal community with the status of their alma mater. Finally, there are a host of other actors, like university administrators, donors, and legislators, who often pull at the school from rather different directions. All of the above look first to the dean, as the public face of the school, with the hope that the dean will respond favorably and successfully to their needs.

These multiple demands on a dean are the stuff of regular conversation in one or another of the profession's venues. I suggest here a different formulation of the dean's task that is less often identified: how does one build a solid base at home and still soar abroad?

The first of these two objectives is the one I have had the more direct chance to observe, knowing most about Dean Roberts' tenure from the point of view of the bench and bar. I record here with confidence that Gary has labored long and freely to achieve what practitioners hope a law school will mean for them. He honors the value of working lawyers and judges, commits hundreds of hours a year to reaching out to them, and relates to practitioners with confidence and

* Chief Justice, Indiana Supreme Court (1987-2012). A.B., 1969, Princeton University; J.D., 1972, Yale Law School; L.L.M., 1996, University of Virginia School of Law. The author is grateful for the assistance of Zach Mulholland, J.D., 2010, Indiana University Robert H. McKinney School of Law.

directness.

Dean Roberts has taken this same approach to the Indiana University Robert H. McKinney School of Law's role in the life of Indiana. In some quarters, a school's dean might be reluctant to emphasize what the school contributes to the state in which it is located (indeed, some schools think of themselves as being *in* a state, but not *of* a state). They worry about seeming too "local." Gary Roberts has had no such reluctance. He proudly makes the point to all who will hear it that McKinney graduates presently serve as the Governor of Indiana, the Speaker of the Indiana House, a U.S. Senator, several members of the U.S. House of Representatives, and a majority of the Indiana Supreme Court.¹ "I have often argued that our law school is and has long been," he recently wrote, "the single most important educational asset in all of Indiana inasmuch as it produces most of the lawyers and judges for the state as well as much of the business and political leadership."²

Gary aims such messages at multiple constituencies. He has been right to remind the state's leadership of the School's value to Indiana's present and future. He also reiterates these achievements of McKinney alumni in order to help students understand what they themselves might become. His characteristic candor in such communications built a credibility about these messages. As my colleague, Zach Mulholland, explained to me: "When he communicated his vision about what we could be and what our school could be, I believed it because I could tell that he believed it."

Consistent with this pride of contribution to place, Gary has likewise gone out of his way to build a school that can add to the public life of Indiana. Undertakings like the School's Program on Law and State Government both lift up the caliber of public debate through symposia and similar events, and build beneficial arrangements through energetic, creative externship arrangements.

Dean Roberts embraces such opportunities and simultaneously works to enhance the reputation of the School in ways that fit the classic mold of a dean who aims for high-end capabilities and recruiting top-flight faculty members to burnish the School's standing.

The most illustrious of such spotlight moments have included visits by the likes of Chief Justice John G. Roberts, Jr., in 2010.³ Justice Samuel Alito also spoke at the school during the Roberts years, as did the Chief Justice of Ireland,

1. Robert H. McKinney School of Law graduates include the following: Indiana Governor Mike Pence, J.D., 1986; Speaker of the Indiana House Brian Bosma, J.D., 1984; Senator Dan Coats, J.D., 1972; Congresswoman Susan Brooks, J.D., 1985; Congressman Todd Rokita, J.D., 1995; Congressman Todd Young, J.D., 2006; Indiana Supreme Court Chief Justice Brent Dickson, J.D., 1968; Indiana Supreme Court Justice Steven David, J.D., 1982; and Indiana Supreme Court Justice Mark Massa, J.D., 1989.

2. Gary R. Roberts, *Message from the Dean*, ALUMNI MAG. & DEAN'S REP. (Ind. Univ. Robert H. McKinney Sch. of Law), Winter 2012, at i.

3. John G. Roberts, Jr., Chief Justice of the U.S. Sup. Ct., The James P. White Lecture on Legal Education at the Indiana University Robert H. McKinney School of Law (Apr. 7, 2010).

John L. Murray.⁴

Gary Roberts has always been game for activities that bring the School into the national spotlight. My most recent and personal experience was visiting to ask whether the Dean would support my bringing to McKinney the signature public event of the American Bar Association Task Force on the Future of Legal Education.⁵ To make this happen, we needed space, staff support, and a modest financial contribution. Gary signed on without hesitation, and eventually committed a full day of his own time to the gathering. The result was an event of national interest, webcast in real time, as well as multiple stories in the country's legal press about this critical topic being examined at the McKinney School in Indianapolis.⁶

Of course, a law school's reputation cannot rest principally on adroit public relations. In this regard, Gary Roberts' talent for combining local and national ambition for the institution is visible in his description of the transformative gift from Mr. Robert H. McKinney, a commitment that will propel the School well into the national spotlight in fields yet to be imagined. All who believe in the rule of law will long be grateful for Bob McKinney's generosity. We will also be grateful to Gary Roberts for his seminal role in making the gift happen, strongly supported by people like Gene Temple, President of the Indiana University Foundation.

More than half of the gift, Gary is fond of pointing out, will go to help students meet the financial obligations necessary to gain a legal education in a tuition-and-debt environment that seems relentlessly headed in an adverse direction. The other half of the gift will endow five new faculty chairs to be filled by senior teacher-scholars of recognized national renown. Gary has called these additions an "unparalleled resource with which to realize the aspirations of our school—to become one of the finest public law schools in the nation."⁷ These players-to-be-named-later will be great additions to the fifteen or so new faculty added to the team during the Roberts years.

Dean Roberts bolstered the School's financial health on two other less well-

4. Samuel Alito, U.S. Sup. Ct. Justice, Keynote Address at the Indiana University Robert H. McKinney School of Law Conference on Relations Between Congress and the Federal Courts (Sept. 14, 2007); John L. Murray, Chief Justice of Ireland, The James P. White Lecture on Legal Education at the Indiana University Robert H. McKinney School of Law (Mar. 10, 2009). Fortunately for all, the Roberts and Murray visits were part of the continuing James P. White Lecture on Legal Education Series, from which the school may benefit in the future.

5. Held at the Indiana University Robert H. McKinney School of Law (Apr. 24, 2013).

6. See e.g., *ABA Legal Education Task Force to Host Web Conference* (Apr. 19, 2013), http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/aba_legal_education.html, archived at <http://perma.cc/HVU9-5VYS>. It is a happy fact that Gary's successor, Dean Andrew R. Klein, likewise readily lent support to this opportunity in his capacity as chief of staff to Chancellor Charles R. Bantz.

7. Scott Olson, *IU Law School in Indianapolis Gets \$24M from McKinney*, INDIANAPOLIS BUS.J., Dec. 1, 2011, <http://www.ibj.com/article/print?articleId=31085>, archived at <http://perma.cc/VU6B-DQJK>.

publicized fronts. First, he managed to renegotiate the rate of the School's revenue annually contributed to central campus operations, effectively increasing the amount of tuition and other income that can be deployed in support of the School's budget. Second, he ably handled the last several years' budgets in ways that will help the School survive the present, prolonged downturn in student enrollment being experienced by virtually every law school in the country. His stellar performance on this front was rightly recognized in the most recent administrative review of his service by the Administrative Review Committee, a relatively tough crowd to please.⁸

Dean Roberts strives to elevate the School through scholarship and service in a field in which he is a legitimately international figure: the law of sports. Taking special advantage of the School's location near the headquarters of the National Collegiate Athletics Association and other national sports bodies, he has burnished the School's position in that field. The School's curriculum in the field is stronger than it has ever been, and the Sports and Entertainment Law Society sustains a robust set of opportunities. When the industry or its regulators need legal help, it is more likely that a McKinney lawyer will receive the tap.

Gary's mastery of the many topics that constitute sports law has placed him much in demand, for example, as on-air legal talent for the NFL Network.⁹ When the long campaign reflecting Indianapolis's rising role in the world of sports reached its zenith with hosting Super Bowl XLVI in 2012, the national press was understandably on his door step. Gary has readily acknowledged that he responds to such requests partly because they are just plain fun, but he also knows that such activities serve another purpose. "It brings our institution into the public's consciousness," he told *The Indiana Lawyer*, "where good people are doing interesting things."¹⁰

Of course, as I have already said, such prominent publicity only works when it rests on high-caliber performance. Roberts has for some time been part of the body the International Olympic Committee (IOC) employed for one of its most ticklish tasks: the Court of Arbitration for Sport.¹¹ Most recently, he has received appointment for service in one of the IOC's premier events: the 2014 Olympic Winter Games in Sochi, Russia.¹²

8. Memorandum from Charles R. Bantz, Chancellor, Indiana University Purdue University Indianapolis, to IUPUI Faculty Council (Jan. 31, 2013) (on file with author).

9. *Dean Gary Roberts Serves as NFL Network On-Air Legal Analyst*, IUPUI NEWS CENTER (Mar. 16, 2011), <http://newscenter.iupui.edu/index.php?id=5072>, archived at <http://perma.cc/WKU9-KFKF>.

10. Rebecca Berfanger, *Legal Analysts Use Media to Educate Public About Issues*, IND. LAW. (Mar. 30, 2011), <http://www.theindianalawyer.com/legal-analysts-use-media-to-educate-public-about-issues/PARAMS/article/26028>, archived at <http://perma.cc/4NFH-HCYP>.

11. *IU McKinney Dean Named to Court of Arbitration for Sport*, IND. LAW. (Apr. 6, 2012), <http://www.theindianalawyer.com/article/print?articleId=28538>, archived at <http://perma.cc/3AMX-5HVF>.

12. James Jewitt, *IU McKinney School Expert in Sports Law Heads Sochi Games*, IUPUI ARTS & HUMANITIES INSTITUTE (Feb. 3, 2014), <http://www.iupui.edu/~iahi/?p=2307>, archived at

Successful institutions have turning points in their histories that send them in a higher direction—people or events we readily recognize as marking moments when the enterprise made a turn for the better. For these, it may suffice to mention just a few words or an image, say, the Bepko years, or the day Justice Anthony Kennedy dedicated Inlow Hall, the house that Norman Lefstein built. Surely, the deanship years of Gary Roberts represent yet another such moment, one that can give us cause to face the future with optimism.