

## INAUGURATION OF DEAN MARC B. MIHALY

### VERMONT LAW SCHOOL

On October 26, 2012, Marc B. Mihaly was inaugurated as Vermont Law School's eighth Dean. The *Vermont Law Review* is pleased to present Dean Mihaly's inaugural address.

### INAUGURAL ADDRESS

**Dean Marc B. Mihaly**

*Governor Hoff, Chief Justice Reiber, judges, colleagues, deans and delegates, fellow students, and family and friends:*

I'd like to take a few minutes today to talk about the need for change in legal education. But before I discuss how and why Vermont Law School (VLS) will lead on these issues, I want to address a question put to me over lunch recently by one of our trustees. We had just begun to discuss how VLS might address the financial issues associated with the national drop in applications to law schools, when he stopped and asked:

"First, what is VLS really for? Surely we're about more than just meeting a budget. Why do we exist?"

I think that's a good question to start with. The United States is filled with law schools—arguably too many. Does the world need *this* law school, here in the hills of Vermont?

I propose that the answer is "Yes." The world does need *this* law school. We are not like other law schools, and our uniqueness is a core identity that we must nurture and will serve us well. I think everyone in this tent knows how we are unique. We are different from other schools because of the people who choose to come here, both students and faculty. Vermont Law attracts people who want to change the world, not to fit into it.

Most law school attendees around the nation see the law as a means to ensure that they will lead comfortable lives playing established roles. Society needs those people to *manage* the status quo; but with ever more urgency, the world needs our graduates to *alter* the status quo.

Those who find their way to VLS know that here they will learn what they need in order to accomplish their larger purpose, and here they will find others of similar inclination.

*Our* charge as an institution is to give these special individuals exactly what they need to carry out their generational effort to change society for

the better. And *what* should we teach them? I think the answer derives from three fundamental qualities such change-agents must possess—they are, in my view: leadership, knowledge, and morality.

I acknowledge that the educational world overuses these words—especially “leadership,” a favorite of deans looking for catchy names for new programs. And the terms “knowledge” and certainly “morality” may have gone a bit out of vogue. But to me these words have meaning—real, straightforward, common sense meaning—that informs us as to what we must teach.

*Leadership* to me means the capacity to envision a world different from the one we’re in, and the drive to change things, to make them better. Our students come to us with leadership qualities. We must help them reinforce those capabilities and refine their goals.

*Knowledge* means a deep understanding of *how* to make change, of the levers of power, and of the means to organize institutions. We must impart to our students knowledge of exactly how the world works so they can work to change it.

Finally, to me *morality* means the intention to make change in ways that maintain and enhance a world that is civilized, equitable, and ethical. We must teach true ethics—what it means to be objective, what it means to listen, to avoid prejudging, how to resolve disputes fairly, and at base, to pursue the truth in complicated and difficult situations.

So we know *why* VLS exists, and the general content of *what* we must impart to our students. What about “*how*”—how do we educate these proto-leaders who come to us? Or stated in terms that relate to us as an institution, *how* should Vermont Law School lead in the new world of legal education?

Why do I say “new world”? It’s not because “new” sounds good. No, it’s because technology and markets are forever changing the face of the practice of law. The very same technology and markets will force changes in legal education. The current law school paradigm, after over a century, is reaching its end as a didactic and business model. Accelerated by the recession, the demands for change are upon us now.

So, what will be the *new* paradigm; what will legal and policy education look like in the future? Well, of course, as is always the case with the future, the true answer is, “I don’t know.” As the 20<sup>th</sup> Century comedian Mort Sahl once said: “The future lies ahead.”

But the educational future is not as elusive as one might think, because the future is rooted in the present. The science fiction writer William Ford Gibson inverted Mort Sahl’s approach. He said: “The Future is already here. It’s just not evenly distributed.” We can discern the outlines of the

future of education because some pieces of that future are present now, right here at Vermont Law School.

What are these seeds of the future? Well, in fact, they're quite familiar, precisely because they are part of the present: the experiments our faculty tries in class; the simulation exercises in our General Practice Program; our externships and the 80 students out working in semesters in practice; our clinics, our centers and institutes; and our international program, our policy masters degree, our specialized certificates; and of course, our distance learning program.

Are you disappointed with my reduction of a grand vision for the graduate educational future to a mundane list of familiar programs and efforts? Well, that's the point—the future is here in front of us, distributed here at VLS.

Our task is to look at these innovations not as isolated add-ons to a traditional core, but as early manifestations of a very different future for the graduate educational order. The graduate school of the future will not even look like a “school” in the traditional sense. It will erase the boundary between what we today call “school” and what we call “work.” After a thousand years of the Ivory Tower, the separate University has made too much of this difference, and even now the boundaries are eroding before our eyes: people will learn as they work, and work as they learn, and go back and forth.

So clinics, externships, semesters in practice, simulation and institutes partake of this future—they bring work and school together; they are the forerunners of a fundamental shift in graduate education.

Note well the *economic* benefit of uniting school and work. The greatest cost of graduate school isn't tuition: it's the lost opportunity cost of not working, of having to relocate and take one to three years out of a productive working life. Earning and learning at the same time will constitute the most dramatic way to reduce the net cost of education. Look at distance learning in this light. What are distance learning students doing while they learn online? They are *working*.

Just as the future will see the disappearance of the boundary between work and school, the future leaders who come to us for a graduate education will want a variety of credentials, not necessarily—or only—a JD. If I might purposely mix the language of school with the language of the market, the VLS of the future will deliver its students a greater variety of educational products.

Thus, our Masters in Environmental Law and Policy, our experiments with certificates, our summer short courses—these are not optional

accessories. They constitute embryonic elements of the future VLS, VLS as a graduate school for leaders.

I note one other piece of the future, part of which is also already here at VLS, and in fact now resides in the VLS motto: “Law for the Community and the *World*.” We know that more and more leadership roles will be trans-national in nature and location. Our international programs and degrees, our China Partnership, our Mandarin table in the café, the growing mix of students from abroad, and the international reach of our distance learning program—these aren’t surplusage to an American JD program; they are harbingers of a transnational graduate education

This is our future—combining school with work, diverse graduate degrees, and internationalization. Our challenge is one of perception and of determination. We must perceive our early innovations as pieces of the future to be nurtured. We must determine to integrate them into our core, and drive them with intentionality.

And most of all, we must be leaders in this effort, because the more we lead, take risks, and advocate change, the more our present and future students will identify with us, cleave to us, and change the world themselves.

In conclusion, I thank you all for giving me the opportunity to work with you in forging the future of legal and policy education. I’m inspired by the support our trustees have shown for innovation, by the dedication of our faculty, the devotion and loyalty of our staff, and the character of our students. I am humbled and happy that you placed your trust in me, and I will do my utmost to advance your dreams and your hopes for Vermont Law School.

From the bottom of my heart, thank you.