

LEGAL EDUCATION COMES TO NEVADA: THE CREATION OF THE WILLIAM S. BOYD SCHOOL OF LAW

BY PROF. MARY BERKHEISER

Opening a law school at UNLV was an idea whose time had come long before it bore fruit. Four feasibility studies spread over a quarter century and one short-lived experiment with a privately funded law school in Reno proved inconclusive. In fact, the idea did not take hold until 1995, when influential Nevada assemblyman Morse Arberry got the ball rolling with an appropriation of \$500,000 from the Nevada Legislature for the purpose of planning a law school.

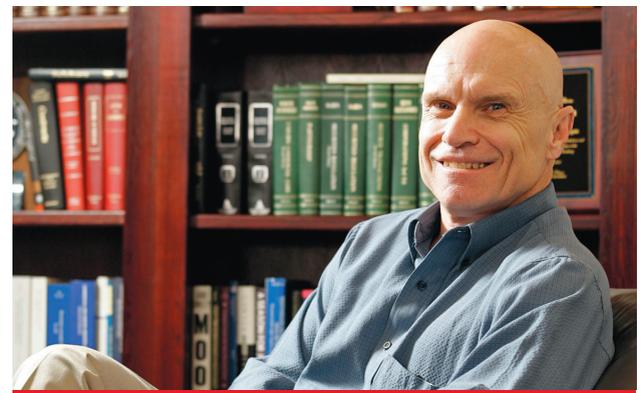


First annual orientation to law week, August 1998.

Back then, Nevada was one of only two states without a law school. With a population of more than 1.7 million, Nevada was the fastest-growing state in the nation, as it had been for more than a decade. Clark County, home of UNLV, had a population of more than 1.1 million residents. Ten states with smaller populations supported law schools. Aside from Nevada, only the much less populous state of Alaska lacked a law school. A law school in Las Vegas seemed a natural fit.

President Harter's Support

On the heels of the Arberry appropriation, another dramatic change occurred: UNLV hired a new president, Carol Harter, who would become the law school's champion throughout the early planning years. Well before Harter was due on the job in July, she received a telephone call from then-Chancellor Richard Jarvis, telling her of the law school planning grant. From that point onward, Harter recalled, the law school "took on a life of its own." Convinced of the value of a law school to the state and the university, Harter worked with then Governor Bob Miller, legislators and regents to gain support for the endeavor. At the same time, much of the developing momentum for a law school at UNLV came from Harter's engagement of prominent members of the Las Vegas bench and bar in the effort. Harter formed a community advisory board populated with prominent members of the legal community. She tapped Federal District Court Judge Phillip Pro and Federal Public Defender Franny Forsman, a former president of the State Bar of Nevada, to chair the subcommittee that would hire the law school's founding dean.



Biography: Dean Morgan

BY JOHN ZIMMERMAN, ESQ.

With a clear vision and a steadfast determination, founding Dean Dick Morgan laid the groundwork for the Boyd School of Law's exponential success and tradition of dedication to the community. Even though Morgan credits his foundational staff, faculty, students and the law school's many supporters for its success,

it is indisputable that Morgan's leadership and vision contributed greatly to that success.

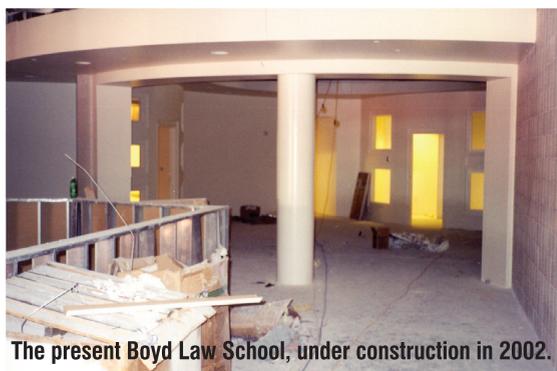
Morgan was raised in Berkeley, California. His father purposely moved the family to Berkeley because he wanted to give his children the opportunity to obtain a high-quality education. Morgan earned his undergraduate degree

in political science from UC Berkeley in the late 1960s. After college, he worked in Berkeley for a year in order to earn money for law school. He then moved to Los Angeles where he attended UCLA Law School. Morgan excelled in law school, but says he would not have been able to get through the program without his wife's support. Morgan practiced corporate and securities law in L.A. for the next nine years, becoming partner before choosing to leave practice in favor of pursuing a career in academia.

William S. Boyd and Other Financial Supporters

From the beginning, Harter was also hard at work appealing to private supporters for the funding essential to supplement the state appropriation for the law school. Chief among the early private supporters was Bill Boyd, who was (and remains) the chairman of Boyd Gaming and for whom the law school is named. Boyd had begun his professional career as a lawyer and he, like other Nevadans, had been forced to leave the state to earn his law degree. Boyd never forgot what the absence of a state law school had meant to him. And most significantly, he backed up that appreciation with the cash that would make the Nevada law school a reality. He pledged \$5 million and, working with President Harter and other community leaders, including Jim Rogers and soon-to-be governor Kenny Guinn, obtained pledges of an additional \$2 million.

That demonstration of private support, coupled with positive reports from the latest feasibility and planning efforts, helped persuade the Nevada Legislature to authorize the establishment of the William S. Boyd School of Law at UNLV. In July 1997, Governor Bob Miller signed into law



The present Boyd Law School, under construction in 2002.

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the bill authorizing the creation of the law school. And so the law school was officially launched, with its doors to open just one year later, in August 1998. At that point in 1997, of course, the school existed only on paper. For Harter, the number one priority was to hire a dean with a solid reputation and the experience necessary to create a first-rate law school and to get it up and running in only a year.

A Founding Dean on a Mission

The naming of the founding dean began with a telephone call from Phoenix lawyer Booker Evans to then-Arizona State University (ASU) Sandra Day O'Connor College of Law Dean Richard Morgan. Evans was a UNLV graduate and he wanted Morgan to know that UNLV was planning to open a law school and would be recruiting a dean. In the years since Morgan's arrival at ASU as a junior faculty member in 1980, ASU founding Dean Willard Pedrick had regaled him with stories about the excitement

and fulfillment of starting a new law school at ASU, as he had done in 1966. Starting a new law school, Pedrick was fond of saying, was the best thing since sliced bread.

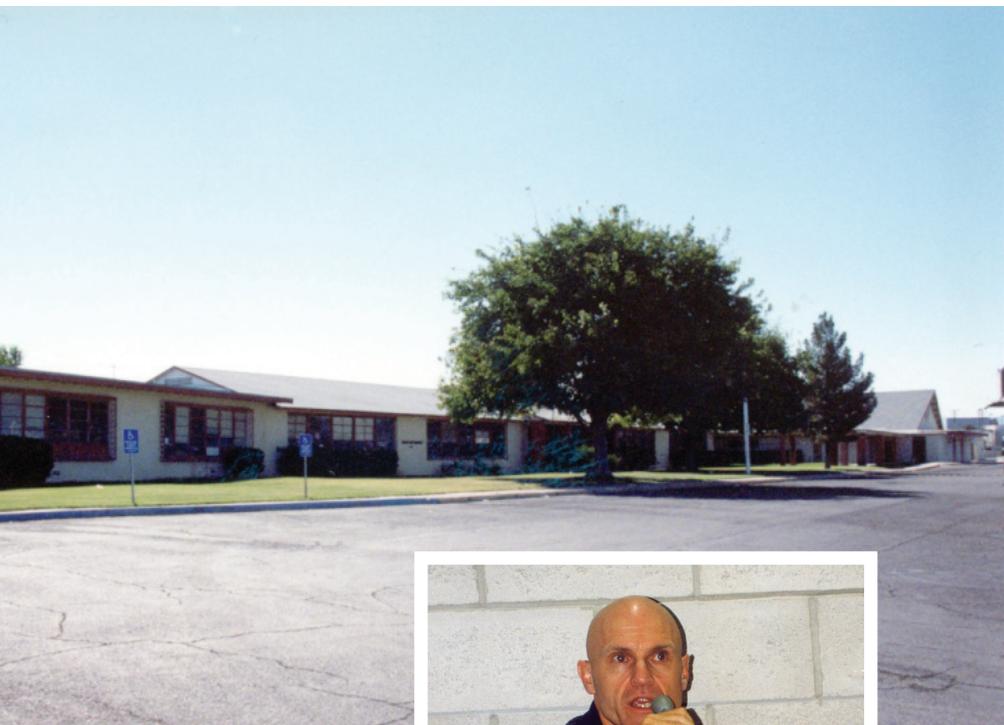
By the time Morgan got the call from Evans, Pedrick was gone, having passed away in 1995, but Morgan had not forgotten all he had heard from Pedrick. Here, now, was the opportunity to do what Pedrick had done: build a first-rate law school from scratch at a young but fast-developing public university in a dynamic southwestern desert city. After some soul searching, on March 23, 1997 – a date he remembers well because it was his mother's 82nd birthday – Morgan updated his resume and sent it off to UNLV. The opportunity to start a law school at UNLV was too tempting for Morgan to pass up.

Not surprisingly, Morgan's dispatch of his resume to UNLV bore fruit. In short order, he was invited to interview for the founding deanship, as were several other experienced, sitting law school deans. President Harter selected Morgan, perhaps because of his extensive experience in legal education – he had been a successful dean at two state law schools, ASU and the University of Wyoming, and was highly respected in legal education circles – or perhaps, as is suggested by an oft-repeated bit of lore, because he was the only candidate who did not think it was folly to try to open the UNLV law school the following year.

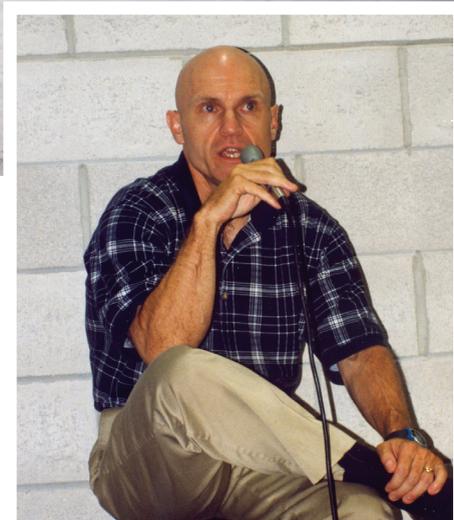
Morgan arrived in Las Vegas in September 1997 faced with a daunting array of tasks. With less than a year until the law school was to open, he needed to assemble a faculty and staff, recruit students, retrofit a temporary physical campus and establish ties with important Nevada constituencies, including the state and local bars, the legislature, the Board of Regents, the state supreme court and potential donors.

Morgan recognized the obvious: the quality of the law school he was charged with building would depend on the quality of the people he hired. He first assembled the essential members of a strong but lean administration. Then he set out to attract a first-rate faculty.





▲ The original home of the law school: the Paradise Elementary School building.



Dean Morgan addresses students at the 2002 orientation. ►

One of Morgan's earliest decisions was to focus on hiring experienced professors with established reputations from high quality law schools. But would top law professors leave established schools to come to a law school that was little more than a hope and an expectation? The answer, it turned out, was an emphatic yes. Law professors from all over the country were attracted to UNLV by the same prospect that attracted Morgan: the opportunity to build a law school from the ground up. So too, a small but talented group of law librarians was assembled from across the country, under the direction and leadership of former ASU Law Library Director Rick Brown.

While the hiring of faculty and staff proceeded through the fall of 1997 and spring of 1998, the physical preparation of the law school's temporary home could not even begin until a mere two months before the law school's opening. The law school was to be housed initially in a 1950s vintage elementary school located just across Tropicana Avenue from the UNLV campus. The law school staff's first visits to the school were sobering. The school's name – Paradise Elementary School – verged on actionable misrepresentation. The building showed the scars of decades of use as an elementary school. No lecture-sized classrooms existed. There was little infrastructure to support the kind of computer use required for law school operation. Most disturbingly, the Paradise school was still in use as an operating elementary school and would be until mid-June, only two months before

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Biography: Dean Morgan

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Morgan began his career as a law professor at Arizona State University. After a few years at ASU Morgan became associate dean and soon discovered that the problem-solving skills he acquired from working in private practice served him well as a law school administrator. Morgan left ASU to become dean at the University of Wyoming, but returned to ASU after a few years and served as ASU's dean until accepting the offer to start the Boyd School of Law.

Morgan says that starting a new law school was a "rare opportunity, but also a scary proposition." Morgan knew that a law school could be invaluable to Nevada and could have a positive impact on the legal community and the general public. From the start, however, Morgan realized that the public would have no reason to pay for the law school if it did not benefit Nevada by effectively training the state's future leaders and problem-solvers, and strengthening the state's public policy. To meet this objective, Morgan says he made community service a fundamental part of the law school – a tradition that has been carried forward by the current law school administration. Morgan says that the keys to Boyd's successful start were rallying public support and obtaining financial support from the founding donors.

In 2007, Morgan decided to "declare victory" and retire as Boyd's dean to spend more time with his wife and family, which now includes five grandchildren. ■

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the law school was to open.

The summer of 1998 was marked by frenzied work on Paradise. Walls were taken down to create lecture rooms. Adult-sized chairs and tables were acquired for the classrooms. A basic core library collection was ordered and delivered just days before the opening of the law school. New computers were purchased and installed on the stage, in what had been the elementary school auditorium/lunch room, and was now designated the law library's "Grand Reading Room." It would be a close race against time (some suggested that the law school motto should be "By the Skin of Our Teeth" rendered in Latin), but the law school would be ready for its charter class of students.

Now We've Built It – Will They Come?

Meanwhile, the question loomed: would we have students? How would an unaccredited law school, operating out of a decrepit former elementary school, attract students? Making matters worse – while the typical law school recruitment cycle begins

in the early fall, the Boyd Law School's student recruitment did not begin until mid-winter. The law school had no catalog to send to prospective students. After all, the law school was still assembling its faculty and compiling its curriculum. For those who inquired, the law school had little to offer but high hopes. Everyone involved in the admissions process was anxious.

The anxiety, as it turned out, was misplaced. Even with the bad timing, the law school received a strong pool of nearly 500 applicants and enrolled 142 of them. And so the law school had its charter class.

Accreditation

For students and faculty alike, the most tangible signal of credibility for any new law school is accreditation by the American Bar Association (ABA). ABA accreditation at the earliest possible time was a primary goal of the Boyd School of Law. ABA rules require that a new law school be in operation for a full year before applying for provisional accreditation (the first step for any

The building that houses Boyd's current law library.



newly established law school). The law school applied for provisional accreditation in August 1999, hosted its first ABA site evaluation visit in November of that year, and was granted provisional accreditation in June 2000.

With provisional accreditation, Boyd graduates were eligible to sit for the bar examination in every state. Full ABA accreditation followed in February 2003. The next year, in January 2004, the law school was admitted to the American Association of Law Schools (AALS), a prestigious organization whose membership includes the country's major law schools. As with ABA accreditation, the law school achieved membership at the earliest possible date allowed by AALS rules.

Continued Growth

Great progress was made on the funding front as well. In 2001, the Thomas and Mack families endowed the law school's clinic, later named the Thomas & Mack Legal Clinic, with a \$2 million gift. Jim Rogers, a Las Vegas lawyer and businessman who, like Bill Boyd, had earned his law degree out of state, increased his original \$1 million pledge to a breathtaking \$28.5 million. With the addition of a number of other substantial gifts from community benefactors, early on, the Boyd School of Law was becoming a testament to the importance of public/private cooperation in achieving excellence in higher education.

By 2002, the growth of the school made it time to move, in fact, past time to move, as the original plans had called for the school to move out of Paradise in 2001. The law school's permanent home in two adjoining buildings had originally been the main university library. With the completion of a new university library, the former library buildings were renovated to serve as the permanent home of the Boyd School of Law. Compared to the school's old quarters at Paradise, the new facility seemed palatial. One building, William S. Boyd Hall, is devoted entirely to law school use. The other building, named the James E. Rogers Center for Administration and Justice, houses on its upper two floors law faculty offices and part of the law library.

Another significant milestone in the law school's development occurred the year after the school's move to its permanent home. From the beginning, a focus on dispute resolution alternatives



The original law library in the Paradise Elementary building.

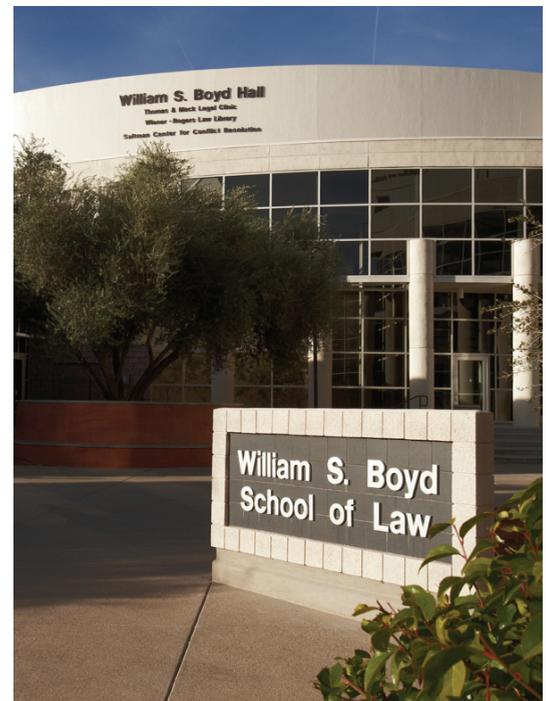
to litigation had been central to the law school's mission. That focus took concrete form in 2003 with the establishment of the Saltman Center for Conflict Resolution, made possible by a generous contribution by Michael and Sonja Saltman.

In 2005, Joyce Mack and the Thomas family again demonstrated their generosity with an additional commitment of \$3 million with which to build a moot court complex at the law school. In the same year, Bill Boyd added to his initial contribution of \$5 million, committing an additional \$25 million to the school. These and other contributions continued the pattern established by the founding contributors; the William S. Boyd School of Law would strive for excellence through the partnership of public and private players.

Passing the Torch

Perhaps no departure more clearly marked the end of an era, as the law school moved from the childhood of its first 10 years to the adolescence of its second decade, than the retirement on June 30, 2007 (coincidentally his 62nd birthday) of founding Dean Richard Morgan. Although Morgan's role in the birth and early development of the Boyd School of Law was important, new blood and fresh leadership invigorate any institution. And so the law school's second decade began with the 2007 selection of John Valery White, J. Dawson Gasquet Memorial Professor of Law at the Louisiana State University, as the second dean of the

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Boyd School of Law.

The success story that is the Boyd School of Law is very much a product of the talent, hard work and gumption of pioneering students, staff and faculty. But as Morgan left the deanship after 10 years, the law school clearly bore the marks of his influence in its commitment to providing service to the state, nation and legal profession; to developing habits of professionalism and public service in its students; and to focusing legal education on dispute avoidance and alternative dispute resolution mechanisms. Those values continue to animate the work of the people who make up the Boyd School of Law: its students, staff, faculty and alumni, and those who make what we do possible: all of the school's supporters, both public and private. As we celebrate our humble beginnings and the distance we have travelled, we train our sights on the future with all the optimism of our founders' pioneering spirits.

MARY BERKHEISER is a founding faculty member and the founding director of the Thomas & Mack Legal Clinic. She now serves as the law