Campbell Law Review

Volume 40
Issue 1 *Winter 2018*

Article 7

2018

In Memoriam, F. Leary Davis: Death of a Dream Salesman

Richard A. Lord
Campbell University School of Law

In Memoriam, F. Leary Davis: Death of a Dream Salesman

RICHARD A. LORD*

When I heard that Leary Davis had died, my mind drifted back to the mid-1970s, when Dr. Norman Adrian "Ed" Wiggins hired Leary to serve as the founding dean of the new law school at Campbell College, and Leary began recruiting faculty for the new school. I was at Yale, obtaining my LL.M., and had decided to try to become a law professor. Like all prospective new faculty, I attended the Association of American Law Schools (AALS) hiring conference in Chicago, having lined up several interviews, and having been told by the folks at Yale that candidates might receive other interview invitations at the conference. I was fortunate enough to receive one such invitation from a fellow named F. Leary Davis.

Back then, the American Bar Association (ABA) accreditors were much more powerful, much more dictatorial, than they are today—they had not yet been sued for alleged anti-competitive practices, or entered into a consent decree regarding those practices—and Leary explained to me that the ABA essentially limited the number of inexperienced faculty a new school could hire, thereby making it unlikely that the school could offer me a position at that time, but that he had wanted to meet me and introduce himself, and Campbell, to me. That began a relationship that would see me visiting Buies Creek in 1977, and ultimately joining the Campbell family in 1982, after I had gained law school teaching and administrative experience. During those years, before we moved to Buies Creek, I'd see Leary a few times each year at AALS and ABA meetings, and we'd go jogging, running through the hilly streets of San Francisco during the pre-dawn hours, or climbing the Philadelphia museum steps à la Rocky; and during those runs we'd talk about the state of our respective careers, or of legal education in the United States, or of national and international politics, or of the politics among law faculties and within the ABA and AALS. And we talked about ideas, about ethics and morals, about the philosophies underlying traditional American legal education, and about how law schools might do things differently and educate a different sort of lawyer—and Leary, without my even being aware of it, was selling his dream to me, telling me about how Campbell was doing those different things. And we became friends.

* Professor of Law *Emeritus*, Norman Adrian Wiggins School of Law, Campbell University.

I was fortunate enough to have been taught by, to have worked with, and to have been mentored by, some of the giants in legal education during the course of my career, and Leary was among that group of men and women. He was, among other things, an exceptional lawyer, a visionary, a deep thinker, a trusted advisor, a futurist, and a consummate leader. But more than any of those things, Leary Davis, my friend and mentor, was a Dream Salesman, a man who sold his dream concerning legal education and the practice of law to me and anyone else who might be interested in buying it. And more than anything else, that's what Leary's friends, legal education, and North Carolina lawyers, lost when Leary died.

Leary had actually begun selling his dream to me in the summer of 1977, when my wife and I first visited Buies Creek, and he continued to sell it when he and I saw one another over the next five years until, in the late winter and early spring of 1982, Leary closed the sale; I bought fully into his dream, his vision of what a law school could be and do, and I joined a unique and extraordinary faculty, all of whose members had also bought the dream Leary had sold. We buyers of Leary's dream experienced astonishing successes as well as crushing disappointments as a result of our purchase; although many of my colleagues were themselves brilliant lawyers, scholars and teachers, men and women with exceptional intellects and abilities, only Leary had the capacity to see his dream in its entirety, to articulate it fully, and to bring much of it to fruition. He did that the way he did everything: slowly and methodically, convincing even the most jaded of us that the dream was possible.

Great lawyers and great salesmen have many traits in common, none more important than a willingness and ability to marshal facts. Before Leary undertook to lead the new law school he did just that, studying the state of legal education, becoming an expert on the demographics of the legal profession and especially practicing lawyers, learning in detail the requirements imposed by the American Bar Association for accreditation, and of the Association of American Law Schools for membership, collecting and interpreting data on projected population growth in North Carolina and throughout the Southeastern United States, becoming an expert on personality types, and studying the makeup of law faculties throughout the United States to determine what attributes were possessed by the best faculties. His research led him to predict the explosive population growth that would occur in North Carolina during the next three decades; to determine that both the number of lawyers and the demand for legal services would increase exponentially during that period;[1] that the demand for legal

1. According to the American Bar Association, in 1975 there were 404,772 licensed lawyers in the United States; by 2005, thirty years later, that number had nearly tripled, to

education would grow correspondingly; but, notwithstanding that growth, there would continue to be what Leary termed a "maldistribution" of lawyers throughout North Carolina and the Southeast, with the great majority of practicing attorneys—as well as the law schools from which they graduated—located in major population centers, leaving ex-urban and rural areas with a dearth of quality legal service providers. What's more, Leary's research showed, with the late baby boomers—those born between 1955 and 1964—coming of age in the mid-1970s and 1980s, those folks demanding a high quality legal education would be among the most capable, best educated and most diverse group of law school applicants in American history, many of whom, in earlier decades, would have applied to, and been accepted by, one of the thirty-plus top ten law schools across the country.[2] However,

1,104,766. AM. BAR ASS'N, ABA NATIONAL LAWYER POPULATION SURVEY (2017), https://perma.cc/69QH-CJA5.

2. Although U.S. News & World Report publishes what is probably the best known ranking of law schools, anyone who has been involved in legal education during the past half-century knows that that there are any number of rankings and lists that purport to assess objectively the "best" or "top" law schools in the United States, based on criteria ranging from entering LSAT/GPA scores; to academic retention rates; to bar passage rates; to employment statistics and which law school's graduates make the most money; to which law schools win or place highly in trial or appellate advocacy competitions; to virtually any other statistics that can be compiled and that might reflect well on a particular school or cohort of schools—often if not usually including the school with which the particular ranking is affiliated. When a new ranking comes out, deans and faculty scour it to see where they fall; and if they are highly ranked by whatever measure the ranking uses, they shout the new ranking from the rooftops, touting it in alumni emails and magazines and on the school's website, and sending blasts to applicants and accepted students. If they're ranked somewhat lower according to the particular list, they criticize the criteria, or challenge the statistical basis for the ranking, or otherwise note why the particular ranking is invalid or aberrational—though the deans of schools which decline in a particular ranking, or which fare poorly when measured by a particular criterion, may use the relatively poorer showing to explain to university administrators or state legislators how the poor results could be improved with better funding. Moreover, even the most well-known, well-constructed and well-regarded rankings—such as the U.S. News rankings that are published annually—are criticized by deans of law schools falling outside the top tier, and sometimes even by those within that group, as not accurately reflecting all that the lesser ranked schools have to offer. Additionally, even the ranking organizations concede that there may not be substantial differences among those schools ranked at the top of their surveys so that, for example, if Harvard is ranked #1 and Yale is ranked #2, while, say, Duke is ranked #5 and NYU is ranked #10, each of those schools might qualify as the "top" law school on at least some bases. Finally, there are distinctions based upon the public or private nature of different schools, as well as their geographical locations, no less than is the case with ranking football teams (though at least football teams have to compete with one another on the field within conferences and, ultimately, in bowl games, something that's not necessarily true of law schools, though they often compete in moot court or mock trial settings). Therefore, it's no wonder that of the roughly 200 ABA approved schools, any of 30 or more might boast about being among the top 10 law schools in America;

despite the exceptional talent and credentials of this cohort, unless the number of law schools increased, or the then-extant schools drastically increased in size, or both, this remarkable group of applicants would be unable to find seats in American law schools. Yet Leary's research also led him to believe that merely increasing the number of law schools, or substantially growing the student bodies at the then-roughly 175 existing schools, would not fix what ailed American legal education, or cure the maldistribution of lawyers throughout the country (and especially in North Carolina and the other historically rural, agrarian Southeastern states). Rather, it would simply add to the problems that plagued legal education; indeed, law schools would necessarily become larger, more inefficient and less effective at educating civically-minded community leaders; and the graduates of these new and vastly larger schools would be even less well prepared to serve their clients, not to mention more hard-pressed to find rewarding positions practicing law because they'd be flooding already well-served urban areas. These and other facts led Leary to believe that Campbell's new law school could become a model for a new type of legal education, graduating a new type of lawyer. And that was how Leary's dream began.

The dream was both singular and multi-layered: Campbell would be a small school, with an entering class limited to roughly 115 students. It would be located in a rural area—Buies Creek, N.C.—but close enough to the urban centers of the Triangle (Raleigh, Durham, and Chapel Hill), Fayetteville and the Triad (Greensboro, Winston-Salem, and High Point) that its students could undertake internships and clerkships during the summer, and where some of them might ultimately find permanent employment when they graduated, though the hope and expectation was that the majority of Campbell students would come from the ex-urban and rural parts of the state and the Southeast, and would choose to return there after graduation. The Law School would be demanding, with a required curriculum that included coursework in Jurisprudence, so that its graduates would be able to deal with problems that might arise during their legal careers, which their substantive

consider: Harvard, Yale, Columbia, NYU, Stanford, Duke, Penn, Chicago, Virginia, Michigan, Cornell, UCLA, Berkeley, Northwestern, Washington University in St. Louis, Illinois, Iowa, Alabama, UNC and Texas. All of these are great schools, highly regarded and considered among the best in the country. This list, however, excludes all of the DC schools (Georgetown, George Washington, Catholic, American to name a few), most of the Boston schools (Boston University, Boston College to name but two) several Southeastern schools (Washington & Lee, William & Mary, Wake Forest, Georgia, Florida) and a significant number of Midwest and Western schools that ought, arguably, to be included on any list of top schools (Ohio State, Indiana, Minnesota, Baylor, among several others). Thus, it is not difficult to speak of the 30 (or more) top ten schools—and Campbell is among them on at least some measures, largely as a result of Leary's dream.

educations could not have anticipated, or even contemplated, due to the advent of new technologies (think of the law surrounding computer technology, which was in its infancy in the late 1970s and early 1980s; or the law surrounding developing medical technologies which enabled infertile couples to bear children, to name just two); and Law Office Management, so that its graduates could manage their own law firms on graduating, or immediately have a positive impact on any small firm with which they might associate; and Trial and Appellate Advocacy, so that every Campbell graduate would know how to try a case from the day she graduated from the Law School, and could thus "hit the ground running"; and all the classic subjects (Contracts and UCC chief among them, of course!) about which a general practitioner would need a basic knowledge during his or her career as a leading citizen in a small to mid-size firm, in a small to mid-size town or city.

Leary's model law school would also require Saturday classes, because its faculty and curriculum would be so demanding that students needed to know, from the outset, that the study of law was a full-time endeavor, not merely a continuation of undergraduate school; an endeavor which would require the full commitment of their time, talent, and ability. But the School of Law would also be true to Campbell's Baptist heritage. It would be a Christian school, not in a narrow sense that would impose a particular creed, but more broadly, reflecting an appreciation that each of us is made in God's image and therefore deserves respect as we seek to do what God requires of us during our lives; and that the study and practice of law is a professional calling and not merely a means of making a living, but rather a means of making a difference in the world.

In recognition of the different attitudes and abilities that students bring to their undergraduate experiences, as well as the different ways in which individuals learn, the rates at which young people mature during their college years and the diversity of educational institutions, and therefore educations, that applicants might have been exposed to during their undergraduate careers, Leary's model would also have a unique Performance Based Admissions Program (PBAP), in which applicants who might not have the highest test scores or best undergraduate grades could nevertheless prove that they had the character and ability to perform well in Campbell's rigorous program and therefore deserved, as a matter of merit, to be admitted to the Law School. While the expectation was that two-thirds to three-quarters of every entering class would have the kind of academic credentials expected for a top-tier law school, a quarter to a third of every entering class would likely come out of the PBAP, and these students, having proven themselves in perhaps the most demanding pre-acceptance program in the United States, would become leaders in the Law School and later in the legal profession,

despite the fact that their academic pedigree—their LSAT or undergraduate GPA or both—might not have initially qualified them for admission or predicted their success.

According to Leary's dream, because the Law School and its students made a mutual lifelong commitment to one another, just as an applicant for employment with a law firm would have to undergo a personal interview, so too a Law School applicant would have to meet with a faculty member to ensure that all of those offered admission to the Law School understood the nature of Campbell's unique program and what was expected of them during the course of their legal education, and beyond, as they joined our noble profession. Over the years, many applicants with LSAT scores in the 90th percentile and above, or GPAs of 3.5 and higher, were surprised and disappointed when they were informed that their scores did not yield an automatic admission to Campbell, let alone the financial aid package they might receive from so-called more selective schools; indeed—and to the great consternation of our admissions director—a significant number of applicants whose credentials on paper seemed to guarantee their admission "failed" their personal interviews, either because they did not understand Campbell's unique program or mission, or because their interviews uncovered aspects of their character that demonstrated a lack of fitness for our program. Other applicants with otherwise outstanding credentials self-selected out of Campbell's applicant pool after the interview, realizing that they were unwilling to make the kind of commitment that attending school in Buies Creek would entail.

Obviously, to be successful, a law school requires a strong student body, and Leary's dream ensured that Campbell would have extraordinary, if perhaps somewhat atypical,[3] students from its inception. But while students may be the lifeblood of a law school, no matter how talented, how committed, how bright or hardworking they may be, without a special faculty to teach and guide them, to mentor and train them, they could not be the

3. Keeping in mind that the School of Law was new and untested, and that 1/4 to 1/3 of each entering class came from the PBAP, it was not surprising that early classes often had lower average and median LSAT scores and GPAs than some more established North Carolina or Southeastern law schools, and that several members of those early classes were somewhat older than the typical 22-year-old recent college graduate. However, given the demographics discussed above, as well as the Law School's exceptional showing on the Bar Examination both in North Carolina and in other states where Campbell's graduates took the Bar, and the successes realized by graduates of those early classes in challenging cases against opponents from more established schools and their well-earned reputation for honesty, integrity, and competence, from the outset Campbell attracted applicants who could have been (and were) accepted at other schools throughout the Southeast; and within a decade, the School of Law was competing favorably with Wake Forest and UNC for some of the top North Carolina residents.

kinds of lawyers that Leary's dream envisioned. After all, the roughly 175 accredited schools extant when Leary started the School of Law produced thousands of graduates each year, a number that would increase significantly during the late 1970s and beyond; if Campbell was simply going to duplicate what other schools did, Leary would not have been interested in founding the school; then, as now, the perception both within the legal academy and the practicing Bar was that there were enough—if not too many—lawyers, despite the clear maldistribution of attorneys and the ever-growing demand for legal education.[4] No, Leary's dream required a special kind of faculty,

4. While the recent failure of the for-profit Charlotte School of Law apparently stemmed—at least allegedly—from other, more nefarious causes, including the alleged acceptance and retention of unqualified students during a time when the law school applicant pool was shrinking, at least part of its problems stemmed from the inability of the vast majority of its graduates to pass the Bar and find law-related placement opportunities, leading many observers to suggest that North Carolina has too many lawyers and does not need another law school. *See* Elizabeth Olson, *For-Profit Charlotte School of Law Closes*, N.Y. TIMES, Aug. 15, 2017, https://nyti.ms/2vCy0JN; Michael Gordon, *Sorry, Charlotte. You Don't Need a Law School, Officials Say,* CHARLOTTE OBSERVER, Aug. 31, 2017, http://perma.cc/Q44C-MJHC. That the putative over-supply of lawyers is not solely a North Carolina problem, at least for lower-tier law schools. *See* Sonali Kohli et al., *Whittier Law School is Closing, Due in Part to Low Student Achievement*, L.A. TIMES, Apr. 20, 2017, https://perma.cc/UB7C-V3UG (highlighting the closing of the first ABA accredited school in some 30 years). Other sources discussing the so-called glut of lawyers are legion, though they are well beyond the scope of this paean to Dean Davis. Two things are worth noting, however. First, the Bureau of Labor Statistics (BLS) suggests that the glut of lawyers may in fact be imaginary, or at least overstated, and a function of current lawyers' desire to keep new entrants out of the profession as a means of boosting salaries—though, to be sure, the supply of law school graduates doubtless exceeds the demand for traditional law-related jobs (read, getting a job with a law firm). The BLS maintains that the median annual salary for lawyers (which includes new as well as experienced attorneys) in 2016 was $118,160, and projects that the need for lawyers will grow 9% through 2026: "Employment of lawyers is projected to grow 9 percent from 2016 to 2026, about as fast as the average for all occupations. Competition for jobs over the next 10 years is expected to be strong because more students graduate from law school each year than there are jobs available." Bureau of Labor Statistics, U.S. Dep't of Labor, *Lawyers*, OCCUPATIONAL OUTLOOK HANDBOOK, https://perma.cc/5TDB-5VR2. Second, however, one thing Leary missed in his future projections back in the 1970s, and for at least a couple of decades thereafter, has been the unmitigated greed of the so-called Baby Boom Generation, whose refusal to retire, by and large, or otherwise to make room for the next generations of lawyers, has exacerbated the oversupply of lawyers. Even given the increases in life expectancy brought about by advances in medicine and lifestyle changes, it is apparent that most lawyers who continue working into their late 60s and 70s are doing so for selfish reasons, and not because they need the money. While I certainly would not criticize anyone for remaining both physically and mentally active as long as possible, those lawyers who continue to practice and reap outsized financial rewards from doing so are depriving younger lawyers of the opportunities previous generations—themselves included—were afforded. If these older lawyers would forgo their salaries and instead undertake pro bono

one that would put the interests of Campbell's students' future clients at the forefront, and was therefore committed to graduating the most competent, caring practitioners; one that knew what the practice of law required as a result of their own, varied practical experiences, and could therefore impart more than substantive knowledge to their students; and one that loved and excelled at classroom teaching and wanted to teach not to get away from the practice of law but because they were called to teaching, called to mold the next generation of lawyers into honest, ethical, hardworking leaders, men and women who understood that they had an obligation to serve something greater than themselves, and that they were themselves following a calling by entering the legal profession. This faculty had to be more than merely top graduates from top law schools; more than merely "good" or even "great" lawyers or even "good" people; more than merely promising or even proven scholars. The faculty chosen by Leary had to be accomplished lawyers and teachers who shared his vision and were willing to dedicate themselves to the proposition that a small, personal law school, populated by men and women of faith, could become a model for what legal education could be. In short, they had to be willing, and even eager, to buy the dream Leary was selling.

Finding both new and experienced law professors, both in the 1970s and today, is, for most law school deans, a pretty simple task. After all, there is no shortage of disaffected practicing lawyers, many of whom have pedigrees from the most highly regarded law schools in the country, who desire nothing more than to become members of the academy. Indeed, among the great ironies of the legal educational system in the United States is the fact that many faculty members either hated the practice of law or were less involved in actually representing clients than in such mundane (though important) tasks as document review, focusing primarily—if not exclusively—on churning out thousands of billable hours (which often led them to hate the practice of law in which they engaged). Moreover, it has long been the case that the vast majority of law faculty are the product of a relatively small number of academic institutions,[5] and it is therefore no surprise that legal education is largely standardized throughout the United States. Leary knew that if his dream was to be realized, he would have to

work, or volunteer as mentors, there would be more than enough room for all the graduates of every law school in the country, and then some.

5. *See* Tracey E. George & Albert H. Yoon, *The Labor Market for New Law Professors*, 11 J. EMPIRICAL LEGAL STUD. 1, 7 (2014) (indicating that nearly 80% of law faculty in the U.S. attended top-tier schools, with most graduating from Yale, Harvard, and Stanford); Daniel Martin Katz et al., *Reproduction of Hierarchy? A Social Network Analysis of the American Law Professoriate*, 61 J. LEGAL EDUC. 76, 87–90 (2011).

hire a different sort of faculty, no less talented of course, but with very different goals and ambitions, and a very different mindset.

This was not to say that Leary would decline to hire folks with an Ivy League or other top-tier pedigree; after all, he was a loyal graduate of Wake Forest, a highly regarded school, and later obtained an advanced degree from Columbia. But his dream placed less of a premium on the school from which a prospective faculty member graduated and a greater emphasis on his or her professional experience and accomplishments. Moreover, in keeping with the dream's avowed intention that Campbell should educate a different sort of lawyer, Leary made clear to prospective faculty that they needed to be part of the local community and active in the life of the Law School beyond merely teaching classes and engaging in both traditional theoretical and uniquely practical scholarship. To ensure that his dream of coalescing legal theory with the practical aspects of lawyering was not simply something to which the new School of Law paid lip service, Leary encouraged the faculty to become active members of the North Carolina Bar Association (NCBA), having Campbell pay the faculty members' annual dues, and providing incentives for faculty to serve on NCBA committees; and, although faculty understood that their principal role was as classroom teachers, Leary routinely encouraged them to remain active in their particular professional areas of interest by attending ABA and AALS meetings and serving as consultants to government and private entities, as well as engaging in both traditional theoretical and uniquely practical legal scholarship.

Dean Davis's dream required a strongly held belief that Campbell graduates should receive a liberal arts legal education, being exposed broadly to different areas of the law while they were in law school and becoming specialists—to the extent that they chose not to become general practitioners—only after they had begun their legal careers. Leary knew from his own experience that this was essentially how lawyers develop specialties; they either "fall into" particular areas of practice or choose to become experts because they have a particular interest in a specialized field, such as tax law or family law or commercial law. Though some both within and outside of the Law School criticized Campbell's heavily required curriculum and its generalist approach as paternalistic—after all, many of our earliest classes were made up of students who were older than average, and even the traditional student who attends law school immediately following his undergraduate education is at least nominally an adult—the faculty Leary assembled largely bought into this aspect of his dream. Indeed, although nearly every faculty member came to the Law School with a particular area of interest or expertise, each accepted the need to be "utility players" as Leary sometimes called them. The faculty understood that if Leary's dream of a new and different Law School was to materialize and

succeed, we would have to model what it was we were teaching our students: that lawyers with a strong general legal education had the tools to make themselves competent, if not experts, in areas of the law with which they were not currently well-versed and, indeed, had an ethical obligation to do so.

Leary sold his dream relentlessly, and when I interviewed with Campbell in early 1982, every faculty member with whom I spoke was a believer, an adherent, a purchaser of the Campbell Law School dream. That spring, after I had received and accepted a formal offer to join the faculty, I attended a planning retreat with the other Campbell faculty and student leaders, during which it became clear to me just how much the participants had bought into Leary's dream. This was not to say that they agreed with Leary—or for that matter, with one another—regarding the best ways by which to achieve the dream. But every person in attendance at that retreat was in the same boat, and each of them was paddling in the same direction, committed to making Campbell College School of Law the model for legal education that Leary had dreamed about and sold to them.

There are two problems with dreams, however. First, the dream is seldom reflected in reality, so that, when the dreamer awakens he quickly discovers that the dream has aspects that are impossible to duplicate in the real world. But second, and paradoxically, when aspects of the dream do come to pass in the real world, when they succeed in reality, they become victims of their success. Others see the dream and buy it, co-opting or altering it for their own purposes, while the original purchasers of the dream, having seen it come to at least partial fruition, believe that they can move on to other dreams. Both of these afflicted Leary's dream.

In selling his dream, Leary described the Campbell student body as brighter, more diligent, more motivated, more introspective, with greater personal integrity and more dedication than students at other schools. Leary convinced me—and I have no doubt that he honestly believed this—that Campbell students' thirst for knowledge and experience led them to work harder than students elsewhere, and that, due to this unique character, as well as the same basic talent and ability as students elsewhere, they would be as interested as he and I were in exploring issues of morality and ethics in the substantive law; as committed as we were to reforming legal education by doing things differently, and better, than at most of the other laws schools in America; as enthusiastic as the faculty were in training them for a life of service to the profession and to the communities in which they would live and practice; as eager to embrace positions of leadership and serve as role models for others in the legal profession as we on the faculty were for them to do so; and as determined to address the maldistribution of legal services in North Carolina (if not the broader Southeastern United States), by hanging

out shingles or joining small firms in rural parts of the state and engaging in the general practice of law, delivering high quality legal services to these underserved populations at reasonable cost.

It quickly became apparent, however, that Campbell's students were in many ways the same as students at law schools throughout the country. Most were bright, reasonably diligent and willing, though not always eager, to participate in the Campbell experiment. But while some came to the new School of Law hoping to become the different type of lawyer that Leary's dream envisioned, many came because they wanted a solid legal education so that they could pass the Bar and practice law in North Carolina's major urban centers at established law firms. Some students were attracted by the Law School's focus on a broad legal education, or Campbell's Baptist heritage, or even the rural location in Buies Creek, believing that the absence of distractions would enhance their ability to succeed academically. Others, however, came to the new Law School because they wanted to attend a school in North Carolina and had not been accepted at UNC or Wake Forest, despite having solid credentials that would have garnered an acceptance at those schools a decade or less earlier. Many of the early students were older than average, and were attracted by the prospect of being able to study at a law school that promised to prepare them to open their own small firms, or to join small firms in rural areas, while others, having enjoyed their 1960s undergraduate educations a bit too much but then experienced a rude real-world awakening, needed to prove their merit through the PBAP experience and did so with élan. Other applicants, however, came straight from undergraduate schools and, despite the rigors of Campbell's academic program, managed to party their way through law school, escaping from Buies Creek following Saturday morning classes and returning only after a weekend in Raleigh, or Fayetteville, or at the North Carolina beaches or mountains. In short, many of the students were exactly like students at other institutions throughout the United States.

Not surprisingly, because they were largely interchangeable, at least academically and socially, with students at other schools, most thrived in the small class, personalized environment mandated by Leary's dream, though many bridled at what they viewed as the faculty's paternalism. And of course, since the vast majority of our students were from North Carolina or had attended undergraduate schools in the state, they knew students at North Carolina's other schools, and routinely compared their educational experiences and outcomes. Some vocally objected to the required curriculum, the Saturday classes, and Campbell's unique grading system, where an 85 signaled superior performance, complaining that it made them look inferior to their peers at other schools and hampered placement opportunities. Others, having been rejected at more established North

Carolina law schools, developed something of an inferiority complex, which often manifested itself in what some faculty referred to as a Campbell chip on their shoulder, and inspired them to outwork and outperform their peers in moot court and mock trial competitions and, ultimately, on the Bar Examination. While many might have expressed envy at what they perceived as the easier path afforded to their undergraduate classmates by other schools, most were secretly proud of excelling at what rapidly became known as one of the most rigorous academic programs in the country, albeit one that detractors sometimes said taught to the Bar Exam, though Campbell students knew that, in truth, they were being taught not only legal theory, but how to put that theory into practice.

If the students at Leary's dream law school were essentially the same as those at other law schools throughout the nation, so too, in many respects, was the faculty. Leary's dream that Campbell's law school be an innovative model for legal education resulted in many faculty members teaching course overloads, something the ABA frowned upon, and that was cited by several faculty as a principal reason why they were not as productive as legal scholars as they otherwise might have been. Moreover, the small class, personalized approach to teaching and student learning, combined with the requirement that all applicants for admission be interviewed by a faculty member (with the interview result memorialized in writing, which included a recommendation for or against admission), impinged on faculty time to such a degree that scholarship took a back seat to other faculty priorities. Then too, the focus on preparing students for practice—including required advocacy and planning courses which demanded enormous amounts of faculty time and commitment—further limited the collective faculty's ability to engage in traditional legal scholarship, a deficiency that was viewed by the ABA as essential to a high-quality program and by the AALS as a prerequisite for membership in that organization. Thus, despite the fact that the faculty was enormously talented and highly committed, many found it impossible to fulfill Leary's dream while at the same time ensuring a reasonable work-life balance and maintaining their physical, mental, and emotional health, outcomes which were essential not only for the long-term success of the school but also to model the type of behavior hoped for and expected of our graduates. Leary's dream of creating a model for legal education that required its faculty to do more with less, while enthusiastically embraced by every member of the faculty, collided with the practicalities of too much to do with too little time within which to do it. Something inevitably had to give, which meant that there would be some faculty who did not do some of the things required by Leary's dream and no faculty member who did all of the things required by the dream. In short, the full dream was simply unattainable in the real world.

It is regrettable that, although we are created in God's image, none of us are perfect. And so it was that Campbell's faculty, though unique among faculty teaching at American law schools in myriad ways, shared other characteristics common to all faculty and, indeed, all human beings, that also impeded the full realization of Leary's dream. Campbell's faculty, on the whole, worked longer hours and taught more classes, spent more time mentoring students, and were more active in the life of the Law School, the profession and the community, among other things, than the average faculty. But many individual faculty members certainly could have done more. Moreover, the faculty was more cohesive and collegial than most other law faculties, though to be sure, there were disagreements between and among individual faculty members which led to cliques being formed and to faculty politics which occasionally became bitter and highly divisive, not unlike what occurs in most law schools throughout the country. Some faculty exhibited personal characteristics that were anathema to Leary's dream that the faculty serve as role models: pettiness, spite, envy, arrogance, high-handedness, laziness, jealousy, and back-biting, among other human weaknesses, were more than occasionally visible.

Some issues, such as the role the University's Baptist heritage should play within the Law School, and, for example, whether that heritage should influence (or even control) faculty recruitment or preclude applying for membership in the AALS, became a source of deep, continuous, and largely irreconcilable conflict and division within and among the faculty. Leary, whose devout faith led him on more than one occasion to explain his view that traditional Baptists were non-creedal and accepted the notion of the priesthood of the believer—that each of us should seek to develop his or her own relationship with God and live our lives as we believe God wants us to—lamented that some faculty members seemed to want to impose their faith institutionally, something he had been expressly loath to do when he started the School of Law and drafted its earliest Law School Bulletin. He and perhaps most faculty, especially in the Law School's formative years, feared that a narrow understanding of the Law School's Christian affiliation would create the perception, if not the reality, that the Law School was exclusive rather than inclusive, and an institution outside the mainstream and on its fringe—a religious institution that happened to have a law school rather than a legal educational institution with a Judeo-Christian mission and world view. Other faculty believed just as strongly and sincerely that the Law School should be a distinctively and unapologetic Christian institution, every aspect of which, including, for example, its hiring policies, should reflect and further the Christian mission of the Law School as they perceived it. This schism within the faculty as much as anything made Leary's dream impossible to be realized.

By the time Leary stepped down from the Campbell Law deanship in 1986, these and other circumstances, both within and without the Law School, had prevented his dream from coming fully to fruition. However, many aspects of his dream were realized, resulting not only in the immediate success of the new Law School, but also in the second problem with dreams. Campbell Law School became a victim of the remarkable successes it experienced in its first decade, a phenomenon that continues today. The fact that Campbell graduates routinely outperformed their predicted Bar Examination success—based on their entering LSAT and GPA scores—led large and mid-size firms in the state's urban areas to take notice of these newly minted lawyers, and to begin employing them, resulting in more Campbell graduates practicing in those cities, and fewer graduates serving in the ex-urban and rural areas of North Carolina and the Southeast, exacerbating the existing maldistribution of legal services. Moreover, national recognition of Campbell's advocacy program, including its receipt of the prestigious Emil Gumpert Award, presented by the American College of Trial Lawyers, in 1986, led to the duplication of Campbell's program by larger, better known law schools throughout the United States, so that by the early 1990s, perhaps most American law schools offered similar, if not identical programs. Similarly, the model of the small law school doing more with less, regardless of pressure from outside accrediting agencies such as the ABA, helped stimulate challenges to accreditation standards which had principally resulted in a lack of competition among law schools and inefficiencies in the way they were run, allowing schools throughout the country to experiment with innovative programs. Additionally, Campbell's Planning, Law Office Management, and other practical courses helped spark a revolution in legal education, causing other, better established programs to adopt similar programs, designed to ensure that their students, too, were practice ready as soon as they graduated and passed the Bar. Finally, although one may doubt whether Leary foresaw the Great Recession as early as the 1970s or '80s, his dream of a small law school, which nevertheless offered as much as and more than schools two to five times as large, unquestionably helped law schools through the decline in applicants that began in the mid-2000s and continues to this day.

The notion that a traditional school of law could be both rigorous and humane, embodied in Leary's dream for the Baptist-affiliated Campbell Law School, also influenced other institutions. Although Campbell's approach was rooted in the University's Judeo-Christian heritage, secular schools during the following decades adopted similar approaches on humanist, if not religious grounds, so that by the mid-2000s, and certainly today, perhaps every law school in the country advertises itself as student-centered, yet preparing its graduates for the demands of legal practice. Thus, as Campbell

Law has moved through its adolescence and into maturity, while it has retained much of what originally made it unique among legal educational institutions, other institutions have adopted and co-opted a great deal of Leary's dream. In short, Leary's dream of a different kind of law school, and a different sort of legal education, has largely become the norm among American programs.

By the mid-1980s, Leary's dream, which he had sold to his early faculty, had thus experienced significant successes as well as disappointments. With so much accomplished during their first decade, Leary and the Campbell faculty moved on to other challenges, other dreams, one result of which was that Campbell, whose program had begun being duplicated by other schools, began to be largely indistinguishable from other law schools throughout the United States, many of which had far deeper pockets, and far longer histories than Campbell Law. Perhaps the majority of the Campbell faculty—and certainly this was true of lawyers who joined the faculty throughout the 1990s and 2000s—were women and men who would have been equally comfortable at almost any law school in the country. Not surprisingly, they moved on from many aspects of Leary's dream. Gone were the Saturday classes; the personal admission interview; the Performance Based Admission Program; and, by the mid-2000s, with the move to Raleigh, gone also was the rural educational setting, and any concomitant possibility that graduates might see themselves remaining in a Buies Creek-like environment to practice. The required, liberal arts curriculum was largely retained, but significantly modified. In sum, the dream Leary sold to the early faculty had been realized as much as it could or would be.

Leary also moved on. The difference, though, is that Leary remained a dreamer, a visionary who saw the continued development of American law schools through a different lens, a different focus. By the early 2000s, Leary had begun to see other gaps in the American legal educational environment, including a failure among law schools to take into account personality styles and focus on leadership, and his new dream was born. By then, however, many of the original buyers of Leary's dream were unwilling, or unable (after all, we were 25-plus years older), to buy his new dream. Undaunted, Leary went in search of other buyers, and found them at Elon University, where he became the only person ever to serve as the founding dean of two fully accredited law schools.

After Leary left Campbell Law, I again saw him only periodically, rather than every day; as in the beginning of our careers, we talked about issues surrounding legal education, how Campbell had changed, and what still remained to be done to effect change in the system of legal education in the United States. But those talks became more and more infrequent,

especially after I retired from the Law School several years ago. Still, whenever I saw him, I was reminded of the impact his dream had made on Campbell Law, on legal education and especially, on me. I will miss him greatly.