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Tribute to Dean Robert E. Sullivan

J. Martin Burke

University of Montana School of Law, jmartin.burke@umontana.edu

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TRIBUTE

TRIBUTE TO DEAN ROBERT E. SULLIVAN¹

[1917–2009]

“The law is a seamless web.” Quoting this aphorism, Dean Robert E. Sullivan welcomed the seventy-five students in the University of Montana Law School’s 1971 entering class. I was one of those students. At the time, my classmates and I had little understanding of the unity of the law of which Dean Sullivan spoke so earnestly. Nor could we fully grasp Dean Sullivan’s admonition that, only by examining the breadth of the law, could one experience the law’s interconnectedness—how one area of the law informs the other. In the first weeks of our law studies, Dean Sullivan spent hours in his course, “Introduction to Law,” emphasizing to us the importance of the rule of law and the lawyer’s obligations to clients, the courts, the broader community, and the profession itself. He repeatedly noted that, as lawyers, we would be guardians of the law. For most of us in that 1971 entering class, the wisdom Dean Sullivan sought to impart would only be grasped years later when we had the benefit of the perspective developed in the day-to-day practice of law. Only then would we realize the privilege we had of studying at a law school led by a dean who embodied the highest standards of professionalism, a dean who was unhesitant in his advocacy of the Law School, creative in his strategic vision of the Law School’s mission, and exemplary in his law reform efforts and his efforts to strengthen the profession.

Dean Sullivan’s long and distinguished relationship with the University of Montana School of Law began in 1954 when he was an associate professor at Notre Dame Law School. A native of Helena, Montana, Dean Sullivan had just completed the manuscript for his influential book, *Hand-*

1. Further development of these and other facts regarding Dean Sullivan’s tenure is provided in the transcript of an excellent oral history of Dean Sullivan conducted in 2004–2005 by Professor Emeritus William F. Crowley.

book of Oil and Gas Law, when his long-time mentor and friend, William B. Jones,² introduced him to Carl McFarland, the President of the University of Montana. Two months later, President McFarland hired Dean Sullivan to teach oil and gas law at the University of Montana Law School and to serve as the Law School's Assistant Dean. In 1955, Dean Sullivan assumed the deanship which he held until December of 1978.

The first Montanan to serve on the Law School's full-time law faculty, Dean Sullivan guided the Law School through critical years in its development. During Dean Sullivan's twenty-five year tenure, the Law School's enrollment increased from 91 students to 225 students; the faculty increased from six full-time and two part-time faculty to 17 full-time and 3 part-time faculty. Dean Sullivan oversaw the construction of a new law building in 1961 and, in 1977–1978, raised the funds for an expansion of that building. In the mid-1950s, Dean Sullivan moved the Law School from a quarter system to the semester system. In achieving his strategic vision of a law school that prepared students for the actual practice of law, he led the faculty in a complete redesign of the Law School's curriculum and engaged the Law School in a remarkable level of involvement with the Montana Legislature, the Montana Supreme Court and the practicing bar. In short, Dean Robert E. Sullivan transformed the Law School, firmly setting in place a practice-referenced curriculum and establishing a tradition of Law School engagement with the judiciary, the practicing bar, and the various branches of state government.

As Dean, Bob Sullivan worked tirelessly to establish and maintain the Law School's status as a unique unit within the University of Montana and the Montana University System. He emphasized that, unlike other colleges and schools of the University of Montana or, for that matter, the entire Montana University System, the Law School was a graduate professional school. In addition, he continually stressed the special responsibilities the Law School had to the Supreme Court of Montana and the practicing bar of the State because of the "diploma privilege" whereby University of Montana law graduates were admitted to the bar without a bar examination. Because of those responsibilities, Dean Sullivan successfully negotiated a shift in Law School admission responsibilities from the University Registrar to the law faculty. In turn, he led the faculty in developing character and fitness standards as well as academic criteria for admissions, including a requirement that all applicants have undergraduate degrees. Dean Sullivan

2. William B. Jones played football at Notre Dame under the fabled Knute Rockne and graduated from Notre Dame Law School. He coached football at Mount St. Charles College (now Carroll College) in Helena. Later he would become a judge of the United States District Court for the District of Columbia and ultimately would serve as Chief Judge of that court. Dean Sullivan met Judge Jones in Helena when Dean Sullivan was a student at Mount St. Charles High School in Helena.

also relied on the unique status of the Law School and its responsibilities to the Montana Supreme Court and the practicing bar when he successfully advocated for the exclusion of the Law School from the University of Montana collective bargaining unit.

As previously noted, Dean Sullivan's strategic vision for the University of Montana Law School was that it be a law school whose graduates were practice-ready. He recognized that, upon graduation, most Montana law students would remain in Montana, engaging in solo practices or practices with very small firms. From the first day of their practices, these graduates would be entrusted with sole or primary responsibility for handling a variety of client matters. Most would not have the benefit of experienced mentors to assist them in developing their practice skills. Given these realities and the diploma privilege, Dean Sullivan believed the Law School had special obligation to ensure that each graduate was well prepared for the practice. As a result, he led the faculty in ongoing examination and development of the curriculum. The question "what should every lawyer practicing in Montana have by way of preparation" served as a guide in the faculty's curricular deliberations. What emerged was a carefully sequenced and largely required curriculum that included not only traditional doctrinal courses designed to encourage good, critical thinking but also three years of legal writing courses, courses in courtroom and office practice, and clinical work. In addition to providing law students the substantive knowledge and skills necessary for the practice, Dean Sullivan was also convinced the Law School had an obligation to inculcate work habits that would serve graduates well in the practice. To that end, he instituted a class schedule requiring students to be in class five and one-half days per week (Monday through Saturday noon). Thus, for example, all first and second year students had an 8:00 a.m. Saturday morning class. While the Saturday schedule was unpopular among students, Dean Sullivan insisted the Saturday schedule underscored the fact that one's enrollment in law school represented the commencement of one's professional life.

Given the "diploma privilege," Dean Sullivan recognized the special obligation of the Law School to ensure the character and fitness of every student who graduated from the Law School. To that end, he worked with the faculty to develop a character and fitness questionnaire every student had to complete. Likewise, under his leadership the faculty carefully monitored the progress of law students during their three years at the Law School. In addition, Dean Sullivan insisted on the development of a legal ethics course focusing on practical issues attorneys confront in their practices.

Active participation of the Law School in the development of the law was also an obligation Dean Sullivan took seriously. In this regard, he

viewed the Law School and its faculty as an important resource for the State. He strongly encouraged the involvement of the law faculty in drafting new legislation, revising existing laws, recodifying Montana law, and serving on various Montana Supreme Court Commissions. During Dean Sullivan's tenure, a large number of Montana laws as well as rules of criminal and civil procedure were the result of joint efforts by the Law School's faculty and Montana judges and practitioners. Dean Sullivan himself played a significant role in Montana's enactment of numerous uniform laws. As a result of the efforts of Judge William J. Jameson, Dean Sullivan was appointed a member of the Uniform Laws Conference. As a Commissioner, Dean Sullivan, together with members of the law faculty, worked closely with the practicing bar, the Montana Legislative Council and state legislators to propose various uniform laws, including the Uniform Commercial Code. In no small part because of Dean Sullivan's efforts, Montana continues to rank near the top in states that have adopted uniform laws.

Dean Sullivan believed each lawyer has an obligation to engage in the development of the profession. To that end, he devoted countless hours as Dean to the work of the bar and, in particular, to continuing legal education. Given his expertise in oil and gas law, he played an important role in the development of the Rocky Mountain Mineral Law Institute. When the organization, Continuing Legal Education-Montana, was established in 1967, he served as its director. He also served as chairman of the Continuing Legal Education Committee of the State Bar. Under his leadership, the Law School created a separate continuing educational program known as CLE and SKI and conducted a variety of other continuing education programs, including its annual Tax Institute.

I had the good fortune of being hired by Dean Sullivan in 1977 and had the privilege of working with him as a faculty colleague until his retirement from the Law School in 1978. As a new faculty member, I was mentored by Dean Sullivan who encouraged me to develop as a teacher and scholar and an active participant in the life of the profession. He impressed upon me that each faculty member had an obligation to contribute to the betterment of the Law School. In working with him, I quickly came to realize that Dean Sullivan led by example. Faith, loyalty, humility, courage, and excellence were values that guided Dean Sullivan. Those values were evident in his daily work at the Law School and the University. He stood true to those values even when it might have been expedient to disregard them.

Eleven years after joining the law faculty, I had the honor to serve as Dean of the Law School. On countless occasions during my tenure, I had the opportunity to see and experience the handiwork of Dean Sullivan. In reviewing files related to a variety of Law School matters, I found his let-

ters and memoranda which reflected his tenacious advocacy for the Law School, the great care he took in planning and executing his goals, and his deep convictions about the law and the role and responsibilities of lawyers.

As Dean Sullivan told my law class in 1971, “the law is a seamless web.” There was also a seamless quality to Dean Sullivan’s life. His leadership of the Law School, his involvement in the profession, his work on legislation, his commitment to family and community, his abiding belief in the rule of law, and his deep faith—each informed the other. Dean Robert E. Sullivan was a rare leader. His legacy to The University of Montana School of Law is great.

—*J. Martin Burke**

* J. Martin Burke is Regents Professor of Law. He joined the law faculty in 1977 and served as Dean of the School of Law from 1988–1993.

