

# LAWYERING UP

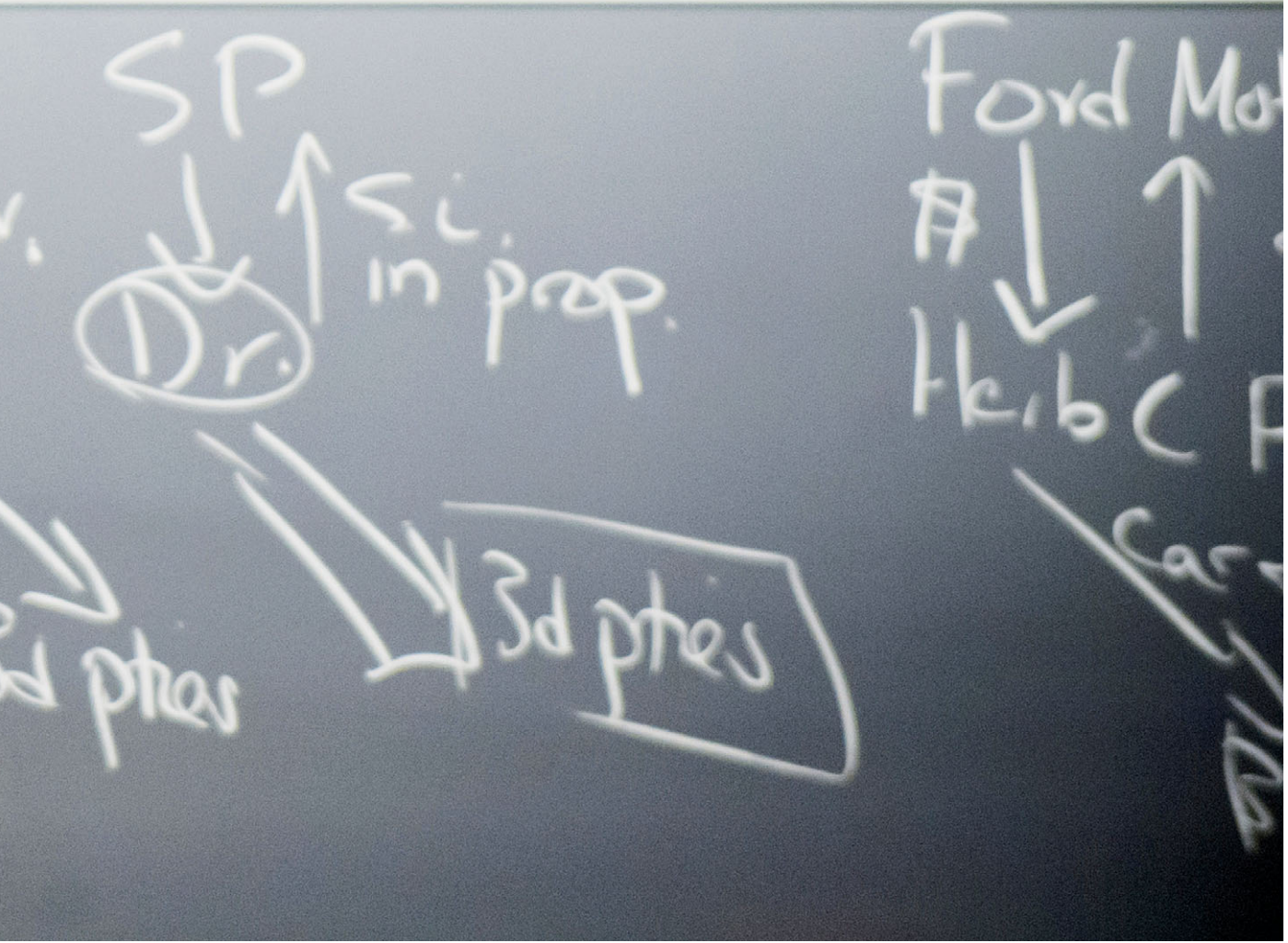
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BOSTONIA  
Fall 2016



School of Law Dean  
Maureen O'Rourke is  
aiming legal education  
at the future

BY SUSAN SELIGSON / *Photograph by Jackie Ricciardi*



FOR SOME graduates in a field marked by high expectations, a recent headline in the *New York Times* captured their pain: “An Expensive Law Degree, and No Place to Use It.”

Today, says O’Rourke, the legal profession has fewer openings for Perry Masons. Intellectual property law is exploding, and careers in immigration, health, and international law await those willing to keep up with evolving regulations.

Law graduates, according to the story, are caught up in a broad transformation of the legal profession, one that has shrunk the market for newly minted lawyers, most in the grip of worrying amounts of debt. The change has also trimmed the number of people who want to be lawyers, an eventuality that has been bad news for law schools. Most law schools, anyway.

For BU’s School of Law the numbers tell a different story. Applications and enrollment are at pre-recession levels, hefty grants are funding a range of new initiatives, and postgraduate employment in major law firms is holding steady. And with an

airy new five-story building and renovation of the circa-1960s LAW tower, bricks-and-mortar-wise the school has gone from being one of the worst to arguably the best facility in the nation. LAW’s defiance of some rather bleak odds is attributed in large part to the 10-year tenure of Maureen O’Rourke, LAW’s no-nonsense dean, who, colleagues say, gets things done.

O’Rourke and her fellow law deans have been hearing about the demise of their profession for years. Back in August 2013, the annual meeting of the American Bar Association (ABA) was clouded by critics bemoaning an avalanche of debt—what a *Times* editorial called a “death spiral—averaging between \$60,000 and \$100,000, and a growing scarcity of jobs for law graduates. According to a report by the legal news website Law360, between 2008 and 2012, employment in law firms and law offices nationally declined by 4 percent, and in Boston by 5 percent. At the same time, the ABA reports, applications to law schools dipped nearly a third from a decade ago. In 2017, an estimated 33,791 law students will graduate, the lowest number since 1978.

What went wrong? The inflection point, according to some legal journals, was the financial crisis of 2008, which led to unprecedented layoffs, hiring freezes, and salary reductions at many large law firms. There was also a fair bit of self-inflicted damage. A recent Gallup/Access Group study titled “Life After Law School” says that “for several decades, elite law firms treated themselves as royalty, charging clients hundreds of dollars an hour for legal work and assuming the client would not balk at first-class airfare, hotels, and dining.” And even medium-size firms didn’t hesitate to send more than one attorney to hearings, depositions, and trials. As clients rebelled, firms cut back on associates. Meanwhile, do-it-yourself legal services such as LegalZoom are thriving. When it comes to basic contracts, simple divorces, wills, or property conflicts, there’s a cut-rate, multilingual law outfit on call 24 hours a day—it’s called the internet.

That’s the bad news.

O’Rourke finds it more productive to focus on the good news: there’s a whole new legal landscape out there, and it’s a very welcoming place for law school graduates with the right, forward-looking education. These days, she says, intellectual property law is exploding, and as innovation outpaces regulation, lawyers need a solid business background. Careers in immigration, health, and international law await those willing to keep up with an evolving maze of regulations. On the other hand, she says, wannabe litigators face a changed market. As Law360 reported in March 2015, the trend among US companies to end litigation as



# NEW AND IMPROVED

There's much that's new at the School of Law beyond the handsome new facilities. Under Dean Maureen O'Rourke's watch, BU has added or expanded the following programs and initiatives:

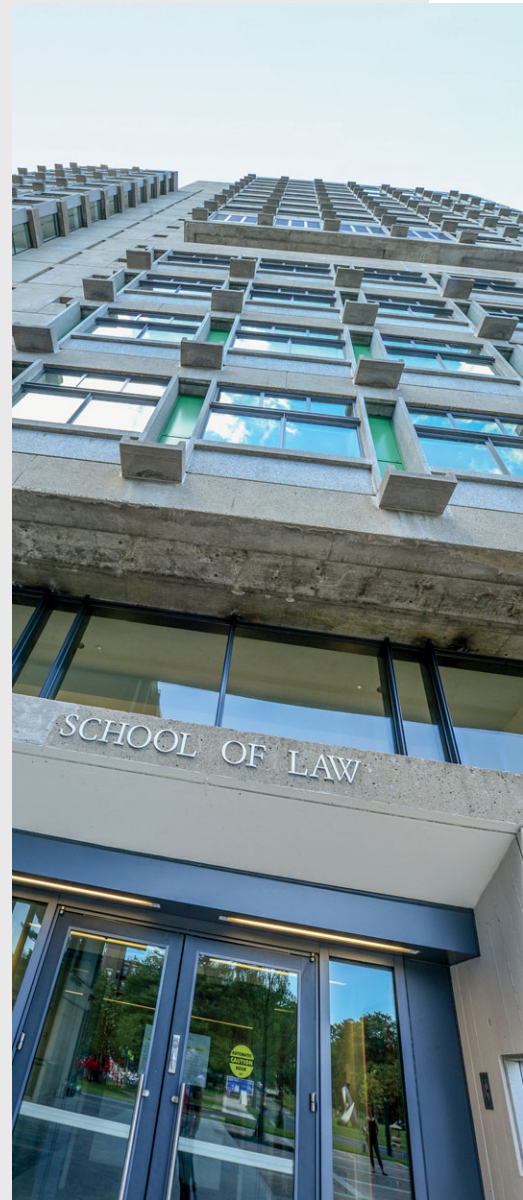
**ENTREPRENEURSHIP:** The Entrepreneurship & Intellectual Property Clinic, a collaboration between LAW and Massachusetts Institute of Technology, brings student entrepreneurs, innovators, and LAW students together to turn ideas into businesses. MIT and LAW are also partners in the Technology & Cyberlaw Clinic, which is focused on laws and regulations pertaining to business, intellectual property, and legal compliance.

**ACCESSIBILITY:** LAW has established a Public Interest Scholarship program, while offering spring break pro bono trips for students to help underserved populations, and offering matching grants for young alumni working in the public interest. Along with Boston College and Northeastern University, BU School of Law has created an incubator, Lawyers for Affordable Justice, to address the access-to-justice gap.

**PRACTICAL TRAINING:** In the Transactional Law program, students practice skills they'll need when they begin their careers: drafting contracts, analyzing and negotiating business agreements, conducting due diligence, and organizing a closing. Under O'Rourke's leadership, the faculty has launched a mandatory course for first-year students called Lawyering Lab, which teaches them transactional skills, and a required course called Intro to Business Fundamentals.

**CLINICS FOR A CHANGING WORLD:** One of LAW's recent additions is the Human Trafficking Clinic. Students represent individuals applying for T-visas, a special form of immigration relief for trafficking survivors facing deportation. Students also collaborate with survivors of human trafficking, law enforcement personnel, government officials, and NGOs to combat human trafficking.

**MORE INTERNATIONAL AND GRADUATE PROGRAMS:** LAW has one of the largest portfolios of international programs in the country—21—ranging from study abroad to combined three-year JD/LLM programs. New graduate programs include an Executive LLM (Master of Laws) in International Business Law, the Legal English Certificate program, and an online version of the LLM in Taxation program. **SS**



quickly and cheaply as possible has caused many litigation-focused law firms to cut back on new associate hires, and in some cases to lay off litigators.

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To give LAW grads a firm foothold on the new landscape, O'Rourke has launched a range of updated course requirements, legal clinics, inter-university collaborations, and externships. (See sidebar.) The school offers 21 study abroad opportunities and 17 dual degree programs. There are also civil and criminal law clinics, national and international externships, pro bono place-

ments, and a transactional law program. BU also pioneered a clinic to represent victims of human trafficking in Boston. Today, nearly three-quarters of LAW students participate in a clinic, externship, or semester-in-practice.

The dean has also pushed for increased financial aid for LAW students, whose tuition amounts to \$150,000 over three years. On her watch, the University committed to scholarships averaging \$20,000 for nearly 80 percent of its JD students, and a goal of an additional \$15 million in endowment for scholarships and aid from the school's portion of the Campaign for Boston University. She has made LAW alumni, already generous

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donors—contributing \$1,072,312 in 2015—an important force for change. O'Rourke remains a friend and confidante of many of them, who return to campus often, playing clients in the weeklong Lawyering Lab or giving students a sense of the day in the life of a working attorney.

LAW's collaborative approach, involving academic partnerships across BU's schools and colleges as well as with other universities, its varied concentrations, from intellectual property to health law, along with its student-to-faculty ratio (11 to 1) have helped bump it higher in the *U.S. News & World Report* national rankings. LAW climbed to 20th place for 2017, up from 26 in 2016, 27 in 2015, and 29 in 2014. Although the number of applications, following the national trend, had fallen, hitting a low of 4,233 in 2014, it rose to 4,824 in 2016.

#### What You See Is What You Get

O'Rourke, colleagues say, is notably lacking in one thing: pretense. "What you see is what you get," says one colleague, who, like others, admires her plainspokenness and sincerity. O'Rourke attributes those qualities to her upbringing in a working-class family in the small, upstate New York blue-collar city of Poughkeepsie, where she attended Catholic schools and Marist College. Her father, a high school graduate, worked for 35 years as a hardware tester for IBM, and her mother took time off from a job at the phone company to raise three children.

She admits that she did do the two things unofficially required of natives: she became a die-hard Yankees fan (which explains the baseball-themed

décor of her office in the revamped LAW tower), and she went to work for IBM. In fact, fresh out of Yale Law School, she joined the software licensing division of IBM's legal department, where she developed a lifelong interest in intellectual property law. She also taught evening classes in business at Marist.

She came to BU as a professor in 1993, and made her mark almost immediately, helping to supervise the student-run *Journal of Science and Technology Law* and teaching courses in intellectual property law and in commercial law. In 2000, she won a Metcalf Award for Excellence in Teaching, one of BU's highest teaching honors. A pioneer in internet and copyright law, she coauthored the casebook *Copyright in a Global Information Economy*.

In 2006, after serving as acting dean for two years, she was chosen as dean, and she clearly did some things right.

Nine years later, in 2015, the *National Jurist*, a trade magazine focusing on legal education, included O'Rourke on its annual list of the 25 most influential people in legal education.

"She's obviously very smart," says Barry Currier, managing director of ABA Accreditation and Legal Education. "I've known her professionally for a long time." Currier, who sits with O'Rourke on the 21-member council of ABA's section of legal education and admissions to the bar, says that she has become one of the leaders among the deans in legal education. He credits her with doing "an outstanding job in developing interesting programs both in the JD and on the master's-level and certificate programs. Her school is the leader in

an effort to diversify its product mix, to offer degrees beyond the JD.”

In addition to a JD/MD, the expanded dual degree programs now include a JD/LLM in taxation, a JD/MBA, a JD/MS in law and mass communication, a JD/MA in international relations, and a JD/MA in preservation studies.

“Maureen is a wise voice,” Currier says. “And she’s funny. Though she might not admit it, she likes people. And she likes her baseball.”

Noted civil rights lawyer Jack Beermann, the Harry Elwood Warren Scholar at LAW, says O’Rourke’s deanship has been a breath of fresh air for longtime faculty members like him. “Scholarship-wise we’re more productive than ever,” he says. “She insists that we keep moving forward. She won’t stand still and she won’t stand for us standing still.”

Even O’Rourke, who appears loath to claim credit for LAW’s ascent, acknowledges that administration feels “like a natural fit. You have to enjoy meeting alumni,” she says, “and you have to truly care about staff and students.”

“Even though I have a full corpus of published papers and other achievements, my mother’s poignant advice still rings true,” O’Rourke once wrote. “Do what you love, and enjoy the people you meet along the way. Staying true to yourself will lead you down the right path.” For her part, she says, “I want people to enjoy coming to work and to be on board,” and that’s a place you don’t get to, she adds, by being an autocrat. “There is no particular reason why I should think I have the best ideas and a monopoly on knowing what to do.” In her years on the job, she has discovered in herself a “huge reservoir of patience,” a quality she never thought she had.

Kevin Outterson, a LAW professor of health law and the school’s N. Neal Pike Scholar in Health and Disability Law, describes O’Rourke as a passionate educator as well as an administrator, a combination rare among deans. Outterson, who codirects LAW’s health law program, personifies the multidisciplinary expertise that O’Rourke sees as a key to success for tomorrow’s lawyers. This past July, the US Department of Health and Human Services selected him and LAW to lead a novel \$350 million trans-Atlantic public-private partnership to spur the preclinical development of new antibiotics and antimicrobial rapid diagnostics and vaccines. The partnership is called Combating Antibiotic-Resistant Bacteria Biopharmaceutical Accelerator, or CARB-X. (See story on page 6.)

#### Trek to Success

O’Rourke takes pride in the preparedness of LAW students, who leave BU with the kind of hands-on

experience lacking in many who graduate from the Ivys and other top law schools. “My very first assignment as an associate at Goodwin Procter involved a stock purchase agreement between a start-up company and its private investors,” says Matthew Stayman (LAW’12). He knew immediately what to look for. In fact, the firm’s orientation included some basic contract concepts not covered in traditional law schools, and Stayman knew them all, from having studied them at BU.

While it was O’Rourke’s academic initiatives that moved the school onward and upward, she may be best known for her oversight of LAW’s \$184 million physical makeover. Faculty and former students would often speak of the school with conflicting emotions: deep affection for the experience, but outright loathing for the 17-story tower and its notoriously sluggish elevators. Designed by brutalist architect Josep Lluís Sert (Hon.’70), the tower was the butt of student and faculty jokes.

Today, the LAW complex encompasses the airy Sumner M. Redstone Building, a 93,000-square-foot, five-story classroom building that opened in 2014. The tower, with its external lattice of brightly colored panels restored to Sert’s design, has had its interior made over to meet “the academic and human needs of its occupants,” O’Rourke says. It’s roomy, it’s light, and there’s an easy flow from the new building to the older one.

Her patient shepherding of the massive project earned her LAW’s 2015 Silver Shingle for Service to the School, an annual award that she assumed, with customary modesty, would go to President Robert A. Brown for his support of the project.

“She’s a responsive, conscientious administrator who attends to the day-to-day challenges of the school, but who looks far over the horizon,” Brown said at the awards ceremony. “On the long march to build new facilities and renovate the LAW tower, the University had too many false starts. Not discouraged or dispirited, Maureen put on her hiking boots and set out on the trek that led to success. She richly deserves the Silver Shingle for her administrative acumen, vision, and leadership in law.”

Genuinely surprised to receive the award, O’Rourke says whatever successes she has enjoyed were made possible to a large extent by a “wonderfully supportive husband, who is also of the be-who-you-are school.” She and her husband, a director of regulatory accounting for National Grid, live in Brookline and unwind with exercise or TV. “We like to watch *Game of Thrones* and *Veep*, and we love *Silicon Valley*,” she says. “It’s hilarious.”

Courtroom dramas? She’s not a huge fan. Except for *How to Get Away with Murder*, which she watches religiously.

LAW  
Moving  
Onward  
and  
Upward

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Study Abroad  
Opportunities

17

Dual Degree  
Programs

12

Clinical  
Programs

11 to 1

Student-Teacher  
Ratio

80

Percent of JD  
Students Receive  
Scholarships

100

Countries Are  
Home to Alumni

\$184M

Cost of LAW  
Makeover