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Herbert Lazerow

University of San Diego School of Law

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Conversations in Legal Education. 13.

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CONVERSATIONS IN LEGAL EDUCATION:

ORAL HISTORIES OF THE FIRST HALF-CENTURY OF THE UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

Narrator: Professor Herbert Lazerow

Interviewer: Ruth Levor

Recorder: Ruth Levor

Date: December 22, 2005

Accession No.: OH-LRC-Lazerow-5A-a

TAPE 5A: SIDE a

RL: This is an interview of Professor Bert Lazerow for the project: Conversations in Legal Education: Oral Histories of the First Half-Century of the University of San Diego School of Law. The interview is being conducted by Ruth Levor at the University of San Diego Legal Research Center on December twenty-second, two thousand and five. This is the fifth session of this set of interviews. Tapes and transcripts of this interview will be archived at the University of San Diego's Copley Library.

When we recessed on Monday, we made a note that we were talking about setting tuition for the study abroad program, so let's pick up there.

HL: I was starting to say that if a hundred percent of our students were USD students, setting tuition would be easy. We would simply set it at the tuition for San Diego or some variant of that. If a hundred percent of our students came from other schools, we would set our tuition at a level that our competitors in these foreign locations set their tuition. But we're in an intermediate point. Thirty-five to forty percent of our students are USD students, which means that about fifty percent of our tuition-paying students are USD students, because we carry the foreign students on full scholarship, so it's not clear what we should use in setting our tuition.

Thus far, we have set our tuition as the San Diego tuition less the cost of round trip airfare. The idea here is to not unduly encourage anybody to go on the programs because of a financial incentive, saving money over staying home. On the other hand, the gap between the

tuition that we are charging and the tuition that our competitors are charging has grown very substantially, so that we are probably charging forty percent more than our nearest competitor, and eventually that's going to become a problem. It may have already become a problem.

RL: You don't feel that you have any way of knowing that at the time?

HL: It's very difficult to first of all find the students who might have gone on our program but didn't, and second of all, to find out why they didn't go on the program in a manner that you have confidence in. We used to get all of our requests for information by mail, and so we had a mailing address for each of these students, and we could send them a questionnaire at the end of the year and ask them. Not that that gave you very reliable results, but it gave you some results. Now most of the people who request information request information by email. We still send them a questionnaire, but the problem is that most of the people who are looking for information about programs don't request it all. They simply go to the web site, and we have no way of sending them a later questionnaire asking them why they didn't go on our program.

RL: So you can basically just follow the trends of enrollment, and if there were any serious dip, then you might start to look at that as one of the factors.

HL: No, we really can't do that because there is not a lot of consistency from year to year in the enrollment, and one of the significant problems is that enrollment is subject to all sorts of factors that are beyond our control. For instance, one of the problems that lawyers have is that their business is intimately tied to the economy. When the economy goes down the tubes, there is a significant increase in the demand for bankruptcy lawyers. There is somewhat of an increase in the demand for litigators as everybody points his finger at everybody else because the deal went sour. But the largest number of lawyers are transaction lawyers, and if people aren't putting together deals, they don't need transaction lawyers, and so the demand for transaction lawyers goes way down.

It's very much the same thing with summer programs. Most students would prefer to spend their summers gainfully employed. When the economy is good, and the demand for legal

services is good, law firms are going to hire lots of summer associates. Those people don't go on summer programs. The result of this is that the best year that we ever had was 2002. We had four hundred and ten students. That was a substantial increase over 2001, and in 2003, as the economy improved, the figure went down. It went down again in 2004. It went down again in 2005, so you can't always tell by the enrollment.

RL: What's the policy or the theory behind the policy of supporting the foreign students with scholarships?

HL: Oh, they contribute an enormous amount to the summer programs abroad. They provide a group of students who are trained in civil law countries. Now, we don't just give scholarships to any foreign student. We have specific deals with certain foreign universities that have a track record of producing excellent students. Those universities are Turin, Heidelberg and the director of our Russia program does an actual competition, written competition for the scholarships to our summer programs. These are people who are very bright, who take the program very seriously, and who come out of a different legal culture and a different non-legal culture than our students do, so it's an enormous benefit to our students to having them there. All of them come from countries where they are not accustomed to paying tuition at the university level, so they are simply not going to come if we charge them any tuition. We charge them what it costs us to supply them with books.

RL: What percent of the group do they normally make up?

HL: That depends on how large the group is. Last year, they made up twenty-five percent of the total student body. In a more average year, they'll be about fifteen percent.

RL: Because of the cultural differences that you mentioned and perhaps the general image of Americans abroad, are there any social culture clashes that come out in class or in the operation of the program?

HL: Not really. We spend some time at the orientation in each of these programs trying to get Americans prepared to live in the culture in which they are located and also try to get the Europeans prepared to live there, because it's only in Russia, where we have a substantial number of students who are natives of that particular city who are in the class. Usually we have four or five out of twenty in our summer program in Russia who are Russians. The things the Russian students want to do, of course, is the same thing that the American students want to do. They want to go abroad and have a new and different experience, so we'll have two Russian students in Florence. Well, they need orientation just as much as the Americans do.

The interesting thing is that the students from Turin, obviously another city in Italy say, "Well, yeah, I understand the language, although they do speak a little funny here in Florence, but the culture's a little bit different. It's a little bit more southern."

Now, of course, the Tuscans think that they're the only true Italians, and those people in Rome slur their words impossibly, and as to the people who live around Naples or even worse the Sicilians, those people are just uncivilized barbarians! There's culture, and then there's culture, but everybody needs a little orientation, if only for the proposition that they're not in Kansas anymore.

RL: If you had to pick your favorite anecdote about some funny travel experience or some experience in the program, does anything jump to mind?

HL: Oh, no, there are many too many to pick a favorite. Several things were quite memorable. We arranged a wedding on the summer program in Paris. A USD student and his girlfriend went to France for a little vacation before the summer program in Paris and discovered that she was pregnant. When they got to Paris, they thought that they really ought to get married. They were in fact engaged, and they were planning to be married, but they thought that it would look nice if the marriage was as early as possible.

So we had to do a little research on French marriage law, and we discovered that you didn't have to be French to be married in France. We knew that. You do, however, have to have a civil ceremony, which was not a huge problem, although both of these students were Roman Catholic, but they were willing to admit that a civil ceremony had some validity. You were

married in the City Hall of the arrondissement in which you have lived for at least four weeks. The Paris program is a five-week program, and these people got to Paris a couple of days early, and so Karen Raye Nelson was able to arrange with the mairie of the sixth arrondissement, which is right opposite the Church of Saint-Sulpice, for these people to be married on the first day that they could get married under French law.

We showed up. There was Karen Raye and Nathan Gross, professor of French, George Berman, who directs the program in alternate years, Jane and myself and the bride and groom. You need to bring two witnesses along. Jane and I were the witnesses. Nathan Gross handled the video camera. During the wedding ceremony, of course, these people didn't speak any French, so the entire ceremony was conducted by the deputy mayor of the arrondissement in French, of course, and they showed them where to sign and all of that, and they were married.

We took them to a nearby café. We sat at a table with a beautiful view of the fountain in front of the church, and we toasted the newlyweds with champagne. Then the following week, after the last exam, we had a little reception, and for that reception, we got a wedding cake for them. A number of the students brought wedding presents, including two girls who bought them two silver champagne goblets.

When they got back, they had a good church wedding. She was pretty visible by that time.

RL: She was not a student in the program?

HL: She was not a student in the program.

RL: I see. That's pretty memorable.

HL: Mm-hmm, and they now have two children.

RL: So it took.

HL: Yes, and as far as I know, they're still married.

RL: That's a lovely story.

HL: So that's good news. We have had situations where we had a student who developed malaria. There was a period when there were some tense moments while she was at the American hospital, but she pulled through and actually recovered and was able to take her exams.

RL: This was in Paris?

HL: This was in Paris.

RL: Is that common?

HL: No.

RL: Do you normally recommend that people are inoculated against malaria?

HL: There are no real inoculations against malaria. No, and this is somebody who had been travelling in Africa. We sometimes are only one stop on a fairly long itinerary that people may have.

There was unfortunately one student who decided after the summer program in Oxford was over to go skiing in Switzerland, and if they have found his body yet, I am unaware of it. He simply went skiing in the Swiss Alps and disappeared, so there are a lot of down sides to all of this that you get into.

But there are all sorts of wonderful stories. There was a woman who decided to go to law school rather late in life, and she came on the summer program in Paris with her fourteen-year-old daughter. Five years later, I see that she's employed by a very good firm in Denver, and ten years later, she's a partner, and you know, we had a couple of very long sessions about how maybe this was a mistake, and nobody would hire an old woman like me.

RL: She had a lot of good years left in her it sounds like.

HL: That's right.

RL: I thought you were going to tell me that ten years later the daughter was a law student at USD.

HL: We have had that also. We have had a man who went on our summer program in Paris in the summer of 1974, Peter Vint. Either the summer of 2004 or the summer of 2005, I think it was 2004, we received applications from two students at the University of Michigan for our summer program in Barcelona, and the last name of each of these students was Vint, and the home address was the same as Peter's, so I think we have two children of alumni on the program.

And we have children of alumni of the program who have come to USD Law School, although I don't think that the ones that I'm aware of ever went on the summer programs. They figured that if their parents did it, it can't possibly be a good thing.

RL: How about any travel, some missed the plane, train, boat, bus?

HL: Oh, God.

RL: What comes to mind?

HL: Two things come to mind. First, there were the women who took the Florence program and then the Paris program. They decided that they were going to take the plane from Florence to Paris, which was a good idea. It's a full day, but it's a wonderful ride through the Swiss Alps. They put all of their stuff together, and in packing up, they decided the safest place that they had for everything was their computer case, so they put all of their money and both of their passports in the computer case, and they got to the train station in Florence. There were probably four big

pieces of luggage and then the computer case on top. Of course, somebody came along and took the computer case and ran and got away.

So there they were in the Florence train station, no money, no train tickets, no passports. They finally figured out how to get to Paris. I suspect Travelers Aid put them on the train. We then had to go through the process of getting their passports replaced, lending them some money, et cetera. That was not a very good travel story.

The other travel story that I think of is less serious and kind of amusing now, but it was very annoying then. One of the things that we do on our programs is we organize trips for the students. Some of these trips are to places of legal interest, and some of them are to places of touristic interest. The reason that we do the tourist trips is twofold. One, we want to show the students some of the history and the culture of the place, and second, we can take a group for a lot less money than any student can go individually.

It was the summer of 1974, this is the second summer of the program. We'd set up a trip to the Loire Valley, two-day trip, probably five châteaux, a wine-tasting, a stop at the cathedral at Chartres, and an overnight in the vicinity of Tours. My wife and I were leading the trip, and we had our two small children with us, the Wecksteins were with us. There were a couple of other people who had small children, and then there were a bunch of law students. That happened to be a summer where we only had thirty-seven students on the Paris program, but a fair number of them went on this trip.

First we went to the cathedral at Chartres and then to the château at Chambord, and everything was just fine. Then we went to the château at Chenonceau. Chenonceau is right on the river, in fact, part of the château juts out. It looks like it's built on a bridge over the river. Obviously, this is an important defensive maneuver if you're constructing a castle back then. The château at Chenonceau is a little unique because it was owned outright by six women, two of whom were very famous, and it's the only château in the Loire Valley to still have all of its original furnishings, because the peasants protected the château during the revolution. The woman who owned the château at that point was extremely popular.

It's a long tour in the château. There's lots to see. We come out of the château and look at the water, the moat if you will, and there's one of my students swimming in the moat. What had happened? Well, Francis decided with a couple of friends that they would take a boat out. You

can rent boats there. I guess he finished the interior tour early, and rowing around in his boat, his glasses slipped off. Eyeglasses are expensive, so he decided that he would retrieve the glasses.

Well, okay. Finally get him out, get him dried off. He did in fact find the glasses on the mucky bottom of the moat, which is a miracle. We go on to Tours, and the next morning we wake up and we go to a medieval château. In this château, they have a guide, but the guide of course speaks only French, but that's all right, because for people who do not speak French, they have a series of recorded tours, so you're in this room, the guide presses the English button, and you hear the English tour.

But when the guide takes you to the next room, he locks the door behind him. So we get to the bottom, we're ready to leave the château, where is Francis? All the way up on the tower. Francis got interested in something in one of the early rooms, and didn't get through to the next room when the guard locked the door. So there he is, up on the parapet. They were, somewhat surprisingly, willing to actually go up and get him.

So this is the sort of thing that you run into. Every year, we take the students out to the château at Versailles, and we appoint a particular place for the picnic around the basin of Neptune. One year, the authorities at Versailles had decided to close off the basin of Neptune. Here is everybody with instructions to meet us at a particular place to which they could not arrive. We eventually found them all.

But it's not like Russia where you can't make an arrangement more than twenty-four hours in advance, and you only know that it's actually going to happen when it's in progress. My director in Russia has to be very flexible.

RL: But they also arrange tours?

HL: Yes.

RL: The other thing that occurred to me that might have happened and caused some some anxiety was . . . I was wondering if you ever had a faculty member pull out at the last moment.

HL: Of course. We've had faculty members pull out at the first moment, but that's a lot easier than a faculty member who pulls out at the last moment. Sometimes, those faculty members have been kind enough to contact people they know who use the same book that they do, and that happened last year. One of our faculty members discovered that his wife had breast cancer and was going to have to have surgery and a series of treatments, and he did not believe that he should be away, so he basically found somebody else to substitute for him. This was, I think, April.

We have had faculty members get ill. Again last summer, Andy Spanogle, who was supposed to teach in Barcelona the end of May, was quite ill. His wife had died over the winter, and I think he did not make a good adjustment to this, even though she'd been institutionalized for five or six years. He had to pull out, but we were fortunate that this was a course that Mike Kelly teaches, and he was scheduled to teach it for us in Paris, and he didn't have anything to do before then, and so he was willing to add Barcelona to his summer travel. The forthcoming Kelly child was conceived somewhere between Barcelona and Paris apparently.

But sometimes it's much more difficult. Having had two aged parents and a wife with two aged parents, I have been terrified that something would happen to one of them during the program, and I have been able to find people in Paris who could come in and take a couple of classes for me in my Tax on International Transactions class if I had to come back. You're not always that lucky.



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TAPE 5A: SIDE b

HL: We also occasionally have problems with professors who don't quite realize how full time this is and who make other commitments. They have to go to Geneva to consult with somebody at the World Trade Organization, or in one instance, we had a professor who was one of the arbitrators in a major international commercial arbitration. The way he arranged the arbitration was to hold the arbitration hearing on a Monday, so he flew from Paris to New York on Sunday. He did the arbitration on Monday. He flew back from New York to Paris Monday night, and he was there to teach his class Tuesday morning. Somebody else had taken his class on Monday.

RL: Oh my! Talk about jet lag and trying to function.

HL: Well, he said that the nice thing about that was that he never adjusted to New York time. Now, he did not reveal what technique he used to keep himself awake during the arbitration hearing on Monday.

RL: Some of the professors are European, is that correct?

HL: Mn-hmm.

RL: And there are different styles of teaching and conducting classes. How do you deal with that?

HL: We don't tell the professors how to conduct their classes. We have had some ambiguity amongst American students. That is, they all love the idea of taking a class from a European professor, but they don't always like the European style of teaching. Most of the Europeans who teach for us have also taught in the United States. Though they probably tend to lecture more than most American professors do, it simply hasn't been a problem because they're good lecturers.

On the other hand, Neville Cox, who has taught in the United States, teaches a purely discussion type of course. He's a faculty member at Trinity College, Ireland, and he is clearly the most popular person who's, I think, ever taught on our summer program in Ireland.

RL: I guess we should state that stereotypically the major difference is that the American style is more participative whereas the European style is usually a lecture format.

HL: That's right, and what goes with that is that usually the European professor arrives in time to say the first words of his lecture to the class and says the last words of lecture to the class while leaving the room, whereas the American professors are much more likely to be available outside of class. Now, this is a stereotype that does not hold true with our faculty. Again, I think it's a stereotype from a different generation, but in addition, most of the faculty members that we use have taught in the United States, and so they know that a little more student contact is expected of them.

RL: It's also something that Professor Darby has described in his experiences outside of the program and in trying to clarify the difference for us. I don't remember whether or not he specified that that's how it was in the past and has changed, but he very much described that in order for students to avail themselves of a European professor's time, they have to make a very strong case and they have to be prepared to be rebuffed.

HL: That's right. In addition, the European professor on his own turf feels no obligation whatsoever to lecture on anything that relates to the materials that he's assigned for the day, so it quite common to have the European professor read an article that he is in the process of writing as the lecture for the day and that doesn't necessarily relate to the readings that he's assigned for the day.

RL: We discussed the fact that the examinations are all written examinations. Have you taken a look at theirs to see how they differ? Do they use hypotheticals in their exams?

HL: Some of them use hypotheticals in their exams. They are more likely to use something that would be a hybrid. For instance, a typical European exam would be a sentence. There will be a quote, "The European Court of Justice provides more effective justice than national supreme courts." Discuss.

A type of exam that might be given by a European professor on our program would be to give the students an excerpt from a case that they've never seen before and ask them to discuss it. But very frequently, they give an exam that would be well recognized by a United states law professor. It'll be a fact situation.

RL: Do the students have any preparation for these differences?

HL: None.

RL: Do you get feedback from them?

HL: No, actually. One of the reasons we don't get feedback from them is that we administer the student evaluations before the exam is given, but I would expect that if students were significantly unhappy about the format of the exam, they wouldn't hold back. In most of our programs, there's a reception after the last exam, and that certainly provides the students an opportunity to mention something to the director.

RL: Are the evaluations the same as you would use here in a classroom?

HL: No. The evaluations are kind of free form. I think the question is, “Please comment on your class in International Business Transactions,” and so the student will write whatever he wants. We have an academic evaluation, which asks about the law and the language classes, and then we have an administrative evaluation, which asks about the law-related trips, the tourist-related trips, how their dealing was with the administration in San Diego, how their dealing was with the administration on site. We ask them how much they paid for housing, so that we can tell the students the following year what the housing costs are likely to be. Then we ask them, “How would you rate the program—excellent, good, average, I’ve got some reservations, or don’t even think about it?”

RL: That’s an interesting way of stating it.

You mentioned language classes. Can you describe a little bit about what type of language instruction is part of the program.

HL: Yes, we offer to students and accompanying persons in the locations where English is not the native language a basic language course, called Survival French or Spanish or Russian, and a more advanced language course, Intermediate Spanish or French or Italian or Legal Russian. Students pay extra for that. We are basically a collection agency. They pay us a relatively small amount of money. We turn that into books and materials and salary for the language instructor.

These language courses run for about fifty minutes for most of the program, but they stop a little bit before the end, and they’re designed to give students a little update. They’re designed to be useful, so they’re conversational in nature. They’re designed to get the students who have no language to the point where they have a reasonable smattering of tourist Italian, say. They can find a bathroom, they can order in a restaurant without sign language, *et cetera*.

Basically, what the students usually do is their attendance is quite good at the outset and tends to taper off as they begin to think, “I’ve only got a certain amount of time left. My law exams are coming up, and I’ve learned a little Italian, and maybe I ought to do the law exams.”

The people who are really good about the language classes are faculty, accompanying persons who don't have to take law exams, and the foreign students. Now, for the most part, the foreign students already have a little background in the language of the place where we are, so they're taking the more advanced course. For instance, a German student who is in Intermediate Italian is likely to continue all the way through to the end of the class.

RL: And clearly, it's not graded

HL: Oh, it's not graded. It's not for credit.

RL: You also mentioned legal-centered visits. I thought it might be interesting to describe some of the places where students are taken.

HL: Well, it's quite various, and very often it depends on what we can arrange. For instance, in England, we like to take students to Parliament. Now, we should be able to arrange that all the time, but there are limited hours for visiting Parliament. There are limited times that you can visit. It goes ever so much better if you have someone on the inside to give you a good idea of what happens. For a number of years, one of the peers had a contact with the program, and so this member of the House of Lords would take the group around.

We try to take students through the Inns of Court. It's a historic area. It's beautiful architecturally. At the students' expense, they can actually have lunch or dinner, usually at the Middle Temple, sometimes at the Inner Temple, with the barristers in training. There's a whole arcane ritual about who you're allowed to talk to and what you do at these lunches or dinners. Sometimes we're able to bring them to a dinner that will be followed by a moot.

In Paris, we go to the ordinary courts, where they observe a procedure that is very different. We go around and see the historic parts of the building. We get an explanation from one of the barristers, and at the end of the, we actually go into one of the criminal courts and see criminal trials in action.

Now, the students have been given an explanation of all of this in advance, but after they come out, we talk about what is it that you saw; how is it different from what you are familiar

with back home? It turns out that many of the students have never been to a courtroom back home. They've watched a lot of television, but they've never actually taken themselves down to the San Diego County Courthouse for a day, so that's kind of interesting.

In France, they have a specialized organism of government called the Conseil d'État, which to our eyes is very strange. It is an advisor on legislation, it is an advisor on decrees, and it is the ultimate supreme administrative court, so in this one institution staffed by about three hundred and fifty people, you have legislative, executive and judicial functions combined. And we take them to the French Senate.

In Barcelona, our situation is a little different, because we're not in the capitol. The major legal visits, like the Supreme Court or the national Parliament are not available to us. We take the students to the Supreme Court of Catalonia and to the Catalan Parliament. That's the sort of thing that we do.

In Russia, the legal visits are very often something We always go to the Supreme Court, but frequently we will have a session with somebody who's working for a human rights nongovernmental organization.

RL: What about visits to law firms?

HL: Yep, we do that in some places. Barcelona, we have a very good relationship with a law firm. In London, Walt has developed a relationship with one of our alumni, who is with a very large solicitors firm in the city, and we offer the students a visit there.

Students complained this year that they didn't want to meet with any of these Americans. They wanted to meet with a real solicitor. We told them that she is a real solicitor.

RL: You talked about how there needed to be a hiatus in the Russian program because of the political situation, the break-up of the Soviet Union.

HL: Well, actually, it was less the break-up of the Soviet Union than the consequences of the break-up of the Soviet Union and the fact that nobody was willing to fulfill in June the commitments that they had made in September. In a sense, it was capitalism run amok, everyone

seizing the most recent advantage that they could and not worrying about the fact that they were incurring a lot of bad will with regular patrons.

RL: Have any of the other programs ever been affected in any significant way by some surrounding political situation?

HL: No.

RL: I remember going on a program to China that Duquesne ran, and it turned out to be the year of the bombing of the Chinese embassy in Kosovo, and so I was thinking of things like that. It was also the tenth anniversary of Tiananmen Square, and the Internet went down on that day.

HL: Well, no, aside from being unable to use the facilities of the Russian Ministry of Justice because they had a conflict--that conflict in our minds was the United States' political action in Yugoslavia—we haven't been affected by political activity.

RL: What about the sort of fabled antipathy of the French, particularly the Parisians, to Americans? Has anyone ever experienced that during their travels there in the program?

HL: I think that that is largely a myth. Our experience in France has been that, when we go to tourist places like the Champs-Élysées or the area around the opera, we are not treated very well. It's as though you were in New York. The people who are serving you are very used to dealing with tourists. They know they have a limited time, and they're not dealing with repeat customers, and they're not as nice as they might be. Since our French is pretty good, we can observe that they treat the French just as nicely or non-nicely as they treat the Americans. On the other hand, when you get out of the tourist areas, just as in New York, you tend to be dealt with in a more leisurely fashion and a bit more politely.

There have been times when official relations between the United States and France have not been as friendly as they might, but they've never been extended to the sort of experiences that our students have had. Of course, when you go anywhere outside the United States, it is

expected that you will agree with the political positions of the United States and that people will ask you to defend these silly positions, but people very quickly make it clear whether they agree or don't agree, and that's the end of it.

We tell our people that the French will be much more patient with them if they try to speak a little French, even if they speak it badly. I think that's been most people's experience.

On the other hand, sometimes, you transgress cultural norms, and you're punished for it. At one point, my wife went into a kind of yarn and toy store, and she was in a hurry, and the only shop person there was waiting on somebody else, and it seemed to be taking forever. So she just went to the shelf and took down what she wanted. You don't do that in France unless there's a specific sign that says you're allowed to touch the merchandise. You can touch it once you've bought it, but until you've bought it, the merchandise is under the control of the shop people, and it took a very long time for Jane to be helped under those circumstances.

RL: Who knew?

HL: She knew, but she thought she could get away with it.

RL: She thought she could get away with it. Well, don't we all when we're in a hurry!

HL: You cannot be in a hurry when you're in another culture, because you can't predict what's going to happen. You may have a general idea, but you just have to roll with it.

RL: That's absolutely true. I've had that experience myself.

What about romances between the students and the natives?

HL: Happens.

RL: Happens. Do you have any memorable experiences?

HL: Well, you know, this is the Institute on International and Comparative Law, and some of the students take their comparative studies very seriously. The director of our summer program in Moscow was a student on our summer program in Moscow in 1984 or '85, and he she met a handsome Russian. Romance was in the air. She went back to law school at Berkeley. He stayed in Russia. She graduated. She went to work for a white shoe law firm. Eventually, she went back to Moscow and married him. That seemed to be the kiss of death for the relationship, because they divorced not too long thereafter, and she married yet another Russian.

The short of it is that there are lots of romances. Most of them are for the summer only, and I hope that both parties realize going in that that's the way it's most likely to be. Comments that I've heard during the eighties and nineties lead me to believe that many American law students are realistic about that.

RL: At this point in the history of the program, which is almost thirty years?

HL: More than. The first program was in '73, so this is our thirty-third year.

RL: Is there any thought of additional locations or change of locale at this point?

HL: No. The faculty, oh, maybe twenty years ago authorized a summer program in the People's Republic of China at a time when we had two faculty members who had just written a book on Chinese law, Jack Minan and Ralph Folsom, and we had two other faculty members, Grant Morris and Terry Player, who were quite interested in Chinese law. I had a meeting of the four of them, in which I very apologetically said that obviously they couldn't all go on the first program, but they could certainly all go very soon, and who was willing to step aside to let somebody else do the first program, and they all volunteered to step aside. The basic reaction was, "You want me to take care of thirty students in the People's Republic of China? Forget it!"

So that's why we don't have a program in the People's Republic of China. I have learned that programs don't run themselves. Somebody has to administer them.

RL: This is quite true.

HL: I think establishing these programs depends on a couple of things. One is whether you have faculty members who would be good at running a program, who are interested in going back to that particular place on a repeated basis. The second is that you have a significant number of students who want to go there. We had just discontinued our Mexico City program because students don't want to go to Mexico City. And the third is can we do something there that we're not already doing?

RL: Anything else that you can think of about the program that bears reflection at this time that maybe I haven't thought to ask about?

HL: Well, not particularly. There are a lot of faculty members from USD who have gone on the program. It's not clear that there's anybody on the USD faculty who would be willing to undertake the substantial administrative task of directing the program. When I step aside. Now, I have no immediate plans to step aside, but whatever else I have learned about myself, I am not immortal. Eventually, I will have to step aside.

What I've tried to do by including so many faculty members is to make this a program of the University of San Diego. At some point, a decision has to be made who is going to succeed me. Is it going to be another faculty member? Is it going to be a person who is paid purely as an administrator who will have some sort of advisory board of faculty? It's the typical succession problem. The king is dead; long live the new king.

Well, it's not quite so easy. You really have to prepare the new king a little bit.

RL: Well, let's hope that we don't have to face that problem in the immediate future, but I think it's very proper that you are thinking about that and putting that idea out there that people should be thinking about that as well, because it would be a shame This really is a jewel in the law school's crown.

HL: Yes, and what I've tried to do over the years is to build an identification with USD for all of these former participants, both students and faculty. Now, you don't want to overstate that, but

there are a certain number of people who give us a little money every year, and that's nice. We invite them to receptions at various places. Some alumni of the summer programs abroad show up, and we hope that the faculty members who have taught on our summer programs abroad will send their students even in years when they're not teaching on the programs.

RL: Do you have actual reunions?

HL: We have actually had a couple of reunions where we have enough alumni. When Art Hughes came through Paris, we had a little reception of all of the alumni of the summer programs abroad, all the alumni of the USD LLM Comparative and all the JD alumni who had addresses in Paris.

We have had special reunions for the summer programs abroad in a couple of places.: Miami is one that comes to mind, Washington, New York, San Francisco, but usually we simply piggyback on the regular USD reunion, wherever it might be. Usually, it's in connection with the double –A LS meeting. We had a very nice reception in one of the fine eating clubs in New Orleans in connection with the double-A LS. One of our summer program alumni who had done his law work at LSU was associate, almost partner, in a New Orleans law firm, and they were able to make the connection.

RL: Before we leave the topic entirely, would you talk a little bit about you administrative support back here at home.

HL: Sure. The office runs with two full time people, Cindy and now Darlene . . .

RL: And that's Cindy King and Darlene . . .

HL: . . . Cindy King and Darlene Smith, and with usually a couple of work study students. The reason we need the staff that we have is that running that program has become much more complex.



CONVERSATIONS IN LEGAL EDUCATION:

ORAL HISTORIES OF THE FIRST HALF-CENTURY OF THE UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

Narrator: Professor Herbert Lazerow

Interviewer: Ruth Levor

Recorder: Ruth Levor

Date: December 22, 2005

Accession No.: OH-LRC-Lazerow-5B

TAPE 5B: SIDE a

HL: So running the program has become much more complex. It's become much more complex because instead of having fifty-five students, as we did the first year, we now have somewhere between two hundred and fifty and four hundred and ten students.

The second reason that it has become more complex is that the University continually imposes more requirements on us. We now have to do all of our own bookkeeping, all of the entries for money paid. There are just a lot of things that the University makes us do that we didn't do at the outset.

So that's the staff. Cindy is extraordinarily good at getting a lot of work done in a relatively short period of time, and when she's in sales mode, she's a very good salesperson. The idea that we're going to try out, and this is Darlene's first year at it, Darlene is going to be basically the receptionist. That will allow Cindy to concentrate on the paperwork that she needs to do when she needs to do that.

RL: They are fielding inquiries basically around the year?

HL: Yes, obviously there are many more inquiries in December, January, February than there are in other months. In March, April, May, the inquiries turn from general inquiries to more specific things like applying for financial aid; when is the check going to come; what do I have to do about particular problems on the program; I'm not an American, do I need a visa to go

here, there or the other place; keeping in touch with the students. We also ship books to the students for their classes from San Diego, and the time that we ship those books is the time when our work study students disappear.

RL: Around finals.

HL: So work study students are wonderful, but you simply don't have them around finals, and sometimes they don't have enough work study eligibility to finish the whole semester, so they can be problematic. There's also been quite a variety in quality. Some of them have been extraordinarily good, and with some of them, you have to stand over them and make sure they go back and actually do the work carefully.

RL: But both Cindy and Darlene are employed exclusively by the program, is that correct?

HL: Well, in theory. In fact, they are also my faculty secretaries, if you were doing cost accounting, you wouldn't put a hundred percent of their salaries into the program, but it's just easier to do it.

RL: But you don't share them with other faculty?

HL: I don't share them with other faculty. The only thing I share with other faculty is a printer, and that's sometimes a problem. I have colleagues who like to write very long articles and like to print them out frequently without giving you warning, so you've got one page that you need to print, and your colleague is printing a hundred-and-fifty-page article.

RL: Time to put in for your own printer.

HL: Yes, but it's terribly inefficient, because most of the time, the printer sits there unused.

RL: Cindy has worked at USD for quite a long time now, hasn't she?

HL: Yes, I'm very good at keeping people. I hired Verna, and she worked for USD for, I think, twenty-eight years, and I hired Patty, and she's still working at USD after about twenty-six years.

RL: Pat Quinn?

HL: Pat Quinn. I hired Sue Corsey, and she worked here for, I want to say, twenty years, and Cindy, I think, is thirteen, fourteen years, thereabouts. She was hired as a temp when Sue left. Sue went home to Oklahoma to take care of her aging parents. She was quite wonderful, and I really wanted her to come back. Her parents did, in fact, die relatively quickly after she went back to Oklahoma, and she died shortly thereafter.

RL: Sue did?

HL: Yes, Sue had a cerebral aneurism that was under control and suddenly burst.

RL: Well, other than that, it does sound like you've been able to encourage longevity.

HL: Well, I have hired a few people who have left quickly!

RL: And we won't mention them.

HL: No, we won't.

RL: Still, I think that's a good testament because we do have a bit of turnover in our support area.

HL: I was surprised. The director of personnel told me that twenty percent of university employees turn over every year. Now, my assumption is that it's probably the same twenty

percent, and that it's largely concentrated at the lower staff level, because my impression is that you haven't had much turnover in the law library. There's certainly very little turnover in the professoriate. In terms of faculty secretaries at the law school, we don't have that much turnover, so I assume that this is in physical plant and secretarial jobs elsewhere in the university.

RL: That would make sense.

HL: But you would expect there to be a lot of turnover, because the university does not pay at the going rate, and so you would expect the university to hire a lot of people who are entering the labor market to get some experience here, and they can move from that to very good jobs elsewhere in San Diego, very good jobs being defined as jobs that pay a lot more than USD.

RL: Exactly, that's quite true, and the rest of us just make our peace with the fact that working at USD is adequate compensation.

HL: Well, some people do it for the religious income, and some people do it for the psychic income, and some people do it for the environment.

RL: Yes, very much for the environment. I think that's true.

HL: Professors, of course, don't have an awful lot of choices. There are only three law schools in town.

RL: That's true, but professors, that's a different story.

HL: That's true, although Cal Western professors earn more than USD professors.

RL: I had heard that as well. That's true then, huh?

HL: So I'm told.

RL: That's an interesting point, because the prestige of teaching at USD is much higher than at TJ and Cal Western, and so it may be quite a sacrifice for that prestige, depending on how great the differences are.

HL: It may be. Cal Western has never made me a full time offer, so I don't know what they would like to pay me.

RL: Well, now that you mention it, I believe that I have heard the same in the library actually. I remember during a recruiting conversation, that that came up, and the person being recruited said that it wouldn't be a good idea to change jobs because it would actually, I think, have been a slight decrease in pay as well.

HL: To go from here to Cal Western?

RL: To go from Cal Western to here. That we also were compensated somewhat less.

HL: Well, Kyle Poston, who worked for us, went over to be an administrator at Cal Western, and I assume that the reason that she went was that they offered her a lot more money. Now, she was not the top administrator in her field here, and it may be that she became the top financial aid person over there, but that was maybe fifteen years ago.

RL: It may be, because I don't recognize that name, and I'm here thirteen years, so that may well be.