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Response to Charles R.P. Pouncy,  
Applying Heterodox Economic Theory to the Teaching of Business Law:  
The Road Not Taken Taken,  
41 San Diego L. Rev. 211

The authors of this response are Dean Robert J. Reinstein, and Associate Dean JoAnne A. Epps, of the Temple University Beasley School of Law.

We recently came across an article published in the San Diego Law Review, Applying Heterodox Economic Theory to the Teaching of Business Law: The Road Not Taken. In the article, the author, Professor Charles Pouncy, recounts a conversation held several years ago and attributes to the Dean of Temple Law School statements allegedly made. We were not contacted before this article was published. We are therefore submitting this response to state the true facts of what occurred. We unequivocally deny making the statements that are published in Professor Pouncy’s article.

We do recall the meeting to which he refers. Three of us attended: Professor Pouncy and the two of us. Professor Pouncy and Associate Dean Epps are African-Americans. This was the only time either of us met with Professor Pouncy about the matters he raises. We requested the meeting to let Professor Pouncy know that students in two of his courses, as well as a faculty member co-teaching one of those courses, had raised serious—and repeated—concerns about fundamental aspects of his teaching. (Those criticisms are also expressed in the student evaluations for these courses, which, like all student course evaluations at Temple Law School, are publicly available.) Professor Pouncy was on an accelerated time track towards tenure, and we hoped that a
conversation with him might help him and us put the criticisms in perspective and empower him to move knowledgeably towards tenure. Our law school puts great efforts into our hiring decisions, we want untenured professors to be successful in obtaining tenure, and we do all we can to support them. In the case of Professor Pouncy, our purpose in meeting with him was to determine if there were problems that we could help him solve. He was never asked, nor expected, to “defend” himself.

In his article, Professor Pouncy states that he was instructed at this meeting to “get used to racism and everything would be fine.” He also suggests that during the meeting statements were made that accept racist attitudes by our students and that the students’ racism “was not going to go away.” No such instruction or statements were made by either of us.

Professor Pouncy also refers to Temple Law School as student-centered and challenges this characterization as done in order to maintain the relative distribution of professorial authority between black and white faculty members. Had he been the only black professor, such an accusation would be wrong but at least rational. What Professor Pouncy neglects to acknowledge in his article is that during his time on the Temple faculty, there were nine other tenured or tenure-track black faculty, and none was the subject of such persistent and severe criticism of teaching. Professor Pouncy complained in our meeting, and suggested in his article, that Temple law students have too much power over the careers of their professors in that students’ opinions of a professor’s teaching are given consideration in tenure and promotion decisions. He is wrong that students’ power is excessive, but he is correct that their voices are heard. There are law schools where teaching effectiveness is of marginal importance, but that is not so at Temple Law School. We did not tell him to get used to racism, but we did tell him to get used to the fact that we and the faculty as a whole took seriously the student evaluations of all members of the faculty.

In conclusion, it is not true that either one of us made the race-based statements to which Professor Pouncy refers. That he greeted our efforts to help him succeed as if designed to injure him is a sad irony. We wish Professor Pouncy success in his future career but hope he will confine his writing to events that actually occur.

ROBERT J. REINSTEIN
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Editor’s Note: Professor Charles R.P. Pouncy has seen the above response and stands by his account of the events at issue, as set forth in his article.