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A TRIBUTE TO DEAN DON WEIDNER

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It is a privilege to write in honor of Dean Don Weidner and to celebrate his contributions to legal education. Don's impact, significant as it has been on Florida State, is not limited to his own law school. His impact has been felt throughout the legal academy, and I am grateful the editors of this tribute issue have provided me the opportunity to write about Don's influence on our profession.

Don Weidner is an original, someone unwilling to accept the status quo and quite willing to shake things up to make them better. That has been a defining aspect of Don Weidner since his entry into law teaching. He began his career at the University of South Carolina's law school, along with a number of faculty who went on to become influential members of the academy, including my co-authors, Charlie Sullivan and the late Mike Zimmer. These three were part of a cohort of law professors who joined the South Carolina law faculty in 1971.¹ As Don, Mike, and Charlie each described those days, they were tumultuous, as these new law teachers sought to shape a somewhat sleepy institution that was not quite ready for the change they attempted to usher in. Don himself, in describing a university-wide retreat for new faculty at which he and Mike were teamed together, explained: "We were brash young men and a bit too iconoclastic to graciously collaborate in what we perceived to be an exercise in groupthink. Retreat planners subsequently let us know that, in the future, law faculty members would not be invited."²

Fast forward from new assistant professor Don Weidner to Dean Weidner. That iconoclastic spirit remains intact, that same unwillingness to succumb to groupthink. Dean Weidner was a dean who truly thought "outside the box," determined not only to raise the profile of his own law school but to challenge what he saw as an often too soft and complacent approach to the scholarly mission in the legal academy as a whole.

Two influential articles by Dean Weidner are on point. In his piece, *A Dean's Letter to New Law Faculty About Scholarship*,³ he criticized the

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1. In addition to Don, whose tenure as Dean at FSU this Issue honors, and to Charlie and Mike, who served as Associate Deans at Seton Hall, these faculty included Biff Campbell, former Dean at the University of Kentucky's College of Law and my former law teacher; John Montgomery, former Dean of South Carolina's law school; Harry Haynsworth, former Dean at South Carolina, Southern Illinois, and William Mitchell's law schools; and Tom Ward, who served as Associate Dean at Maine. As Charlie describes it, "the University of South Carolina looks, in retrospect, like a decanal incubator. At the time, not so much." Charles A. Sullivan, *Remembering Mike Zimmer*, 47 Loy. U. Chi. L.J. 657, 659 (2016).

2. Donald J. Weidner, *Mike Zimmer—An Early Snapshot*, 47 Loy. U. Chi. L.J. 681, 683 (2016).

3. Donald J. Weidner, *A Dean's Letter to New Law Faculty About Scholarship*, 44 J. Legal Educ. 440 (1994).

legal academy for being “too timid about stating our scholarly expectations In short, we have failed to develop a clear scholarly expectation or culture.”⁴ As he went on to explain, “Being a scholar is part of the job. You will not be a complete person as an academic unless you produce, on a regular basis, scholarship that is read and relied on by people who work in your area.”⁵ And he pointed out the benefits for students in having as faculty those who are thought leaders in their fields. I remember reading this piece as a relatively new academic, agreeing not only with Dean Weidner’s message but with his advice on how new law faculty should go about developing and producing a record of scholarship. It may seem unremarkable today for a dean to push aggressively for scholarly productivity, but at the time, Don was ahead of the curve, particularly as the dean of a regional law school, then ranked well outside of the top tier.

As dean, he put his recommendations for faculty into practice. He very purposefully set out to create a research culture with high expectations for faculty productivity. And his efforts have paid off. The law faculty at FSU has become known as a particularly accomplished group of scholars, with the faculty’s scholarly impact frequently ranked among the nation’s highest.⁶

Dean Weidner achieved this reputation for scholarly excellence not only through the expectations he set but through his approach to faculty hiring. One of his former faculty members described Don’s approach to hiring as akin to “Moneyball,”⁷ a description that to me seems quite apt. Don sought out new faculty who had a “fire in the belly” for scholarship but who perhaps had been undervalued in the law teaching market. He cared less about finding faculty who might stay for the long run and more about identifying talent, wishing them well as they left after several years at FSU for teaching positions at more prestigious law schools. And in doing so, he raised the prestige of his own school. FSU has become known as a law school that attracts talented faculty and that nurtures and supports their scholarly endeavors. By launching the careers of a number of prominent legal scholars, and by aggressively nurturing a culture of scholarly excellence, Don’s impact on legal education has been widely felt.

Another article of Don’s, written almost twenty years ago but strikingly prescient, was his *The Crises of Legal Education: A Wake-Up Call for*

4. *Id.* at 441.

5. *Id.*

6. Gregory Sisk & Brian Leiter, *Top 70 Law Faculties in Scholarly Impact, 2007-2011*, BRIAN LEITER’S LAW SCHOOL RANKINGS (July 2012), http://www.leiterrankings.com/new/2012_scholarlyimpact.shtml; Brian Leiter, *Top 25 Law Faculties in Scholarly Impact, 2005-09 (And Highest Impact Faculty in 13 Areas of Specialization)*, BRIAN LEITER’S LAW SCHOOL RANKINGS (Jan. 2010), http://www.leiterrankings.com/new/2010_scholarlyimpact.shtml.

7. MICHAEL LEWIS, *MONEYBALL: THE ART OF WINNING AN UNFAIR GAME* (2003).

Faculty.⁸ In that article, he cautioned law schools to pay attention to legislative concerns over funding for higher education and particularly to the productivity of tenure track faculty. He called, again, for an emphasis on scholarship, advocating merit-based compensation that provides incentives for scholarship, and increased teaching loads for those faculty who fail to produce.⁹ He challenged the newly emerging practice of working from home, calling it a “cancer” that harms both student learning and collegiality, and advocated “meaningful minimum expectations for faculty presence on campus.”¹⁰ He also called for greater faculty involvement with the legal profession, including participation in law reform activities, continuing education, and law-related public service.¹¹ He eschewed the use of “Career Services” as opposed to Placement Offices, instead insisting that such offices return to their core mission of helping students get jobs.¹² And he warned against law schools, faced with declining applicants, admitting students with low academic abilities and then watering down the academic demands of their programs in response.¹³ Law schools, he said, instead must insist on a rigorous academic program that demands excellence.¹⁴ In short, Dean Weidner has not been shy about calling out what he sees as the challenges facing legal education and suggesting how best to meet those challenges head on.

Although enhancing scholarly productivity has been a hallmark of Don’s deanship, another impactful aspect has been his approach to student diversity. In 1992, in the second year of his deanship, he established the Summer for Undergraduates Program, a program that exposes students, often from historically underrepresented groups, to the rigors of legal education.¹⁵ Students attend a month of simulated law school classes, with free tuition, room and board, and a living expenses stipend. This program has been recognized by the ABA “for innovation and leadership in diversifying the educational pipeline to the legal profession,”¹⁶

8. Donald J. Weidner, *The Crises of Legal Education: A Wake-Up Call for Faculty*, 47 J. Legal Educ. 92 (1997).

9. *Id.* at 99.

10. *Id.* at 102.

11. *Id.* at 103.

12. *Id.* at 100.

13. *Id.* at 95-96.

14. *Id.* at 96.

15. Laura Hack, *College Students Get “Taste of Law School” Through FSU’s Summer for Undergraduates Program*, TERRELLHOGAN (July 23, 2012), <http://terrellhogan.com/all-news/college-students-get-taste-of-law-school-through-fsus-summer-for-undergraduates-program/>.

16. Audrey Gibson, *FSU Law School Diversity Program Named for Law School Dean*, TERRELLHOGAN (Mar. 16, 2016), <http://terrellhogan.com/all-articles/fsu-law-school-diversity-program-named-law-school-dean/#ixzz4DwevoUe4>.

and this spring, Florida State University named the program for Don, a richly deserved honor.¹⁷

Given Don's outspoken and sometimes provocative calls for change, particularly in the area of faculty productivity, his lengthy service as dean is a bit remarkable. Change agents rarely have long tenures. But Don's twenty-four years¹⁸ leading his law school is the fourth longest among all currently serving deans¹⁹ and is all the more remarkable given that the median current tenure of law deans is only 3.21 years.²⁰ It speaks to the appreciation his institution, his students, and his faculty have for his dedication and passion to his law school and to legal education as well as their recognition of what an impressive job Don has done.

Being a law school dean is a difficult job. But it is a job Don Weidner has performed exceptionally well by virtually every measure. Under his leadership, the law school's annual giving percentage is 10th in the country, and job placement rates for his law school are the envy of many.²¹ Rankings of the law school improved substantially during his deanship, and he led the successful acquisition and renovation of a 50,000 foot expansion of the law school.²² It is no wonder that he was named one of "Nine Transformative Deans in the Last Decade" by noted blogger Brian Leiter.²³ The list was aimed at identifying deans who had transformed their institutions, especially in the areas of intellectual identity and scholarly profile.²⁴ As Professor Leitner described Dean Weidner:

[H]e has been a successful fundraiser and skilled navigator of Florida's choppy political waters, at the same time presiding over some of the best faculty hiring by any regional law school in the country, as reflected in periodic raids of FSU by top ten law schools. Yet even with occasional losses, Dean Weidner has sustained the scholarly momentum of the law school.²⁵

Those observations ring true. Dean Weidner has been a remarkable dean whose service has benefitted FSU specifically, but legal education

17. *Id.*; Christi Morgan, *Law School Program Renamed in Honor of Dean*, FLORIDA STATE 24/7 (May 3, 2016), <http://news.fsu.edu/More-FSU-News/Law-school-program-renamed-in-honor-of-dean>.

18. Don served as law Dean at FSU from 1991-1997, as Interim Dean from 1998-2000, and as Dean from 2000-2016.

19. Miss. Coll. Sch. of Law, *Listing of All Law School Deans*, ROSENBLATT'S DEANS DATABASE, <http://www.law.mc.edu/deans> (last visited July 7, 2016).

20. *Id.*

21. Christi Morgan, *College of Law Dean to Retire*, FLORIDA STATE 24/7 (Aug. 6, 2016), <http://news.fsu.edu/More-FSU-News/Law-school-program-renamed-in-honor-of-dean>.

22. *Id.*

23. Brian Leiter, *Nine Transformative Deans in the Last Decade*, BRIAN LEITER'S LAW SCH. REPORTS (July 19, 2011), <http://leiterlawschool.typepad.com/leiter/2011/07/ten-transformative-deans-in-the-last-decade.html>.

24. *Id.*

25. *Id.*

more generally. On a personal note, I found in Don Weidner a mentor and friend throughout my time as dean. He was never too busy to provide advice or to serve as a sounding board. Another one of his former faculty members described Don to me as a “player’s coach” when discussing Don’s approach to his faculty. I felt that same approach as a new dean, benefitting from his warmth, wise counsel, and support. I am proud to have been his colleague, and his departure from the decanal ranks leaves a significant void.

