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Scully, Glendalee Oral History Interview

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FACULTY EMERITI INTERVIEWS
UNIVERSITY OF THE PACIFIC ARCHIVES



Glendalee Scully (1976-2008)
Lecturer and Professor of Law
Director of Clinical Legal Education

March 28, 2013

By Roland di Franco

Transcription by Mark Linden, University of the Pacific,
Department of Special Collections, Library

Subjects: Developing programs in clinical legal practices; relationships of McGeorge clinics to California State governments; McGeorge's slowly evolving role in UOP structure; development of McGeorge small claims advisory and mediation services; McGeorge's role in creation of "American Inns of the Court;" development of continuing education symposia in "Ethics and the Law."

UOP ARCHIVES FACULTY EMERITI INTERVIEWS

GLEE SCULLY: It is actually Glendalee Scully. It's spelled all as one word, but all of my life my friends, even my students, have known me as Glee, Professor at McGeorge School of Law, now retired. Today's date is 28th day of March. I am talking with Roland di Franco in room four of the UOP library in Stockton. I'm going to vary a bit from perhaps the ordinary beginning of the discussion of professorship because I came to be a University employee and professor after I was a student in the Law School, and the graduate program after I had finished three years there. Perhaps to put some of my later comments into context, it is of some interest. My recollection is, and may indeed be faulty, in point of fact, of exact times. I believe when I entered the Law School at McGeorge, perhaps the affiliation between the Law School and the University of the Pacific, {when the law school was folded into it}, the University family had been in existence perhaps for two years. I may have the number of years wrong but the affiliation was a relatively short duration. And more than that I was, I think, in the second entering day class offered at McGeorge as opposed to evening class. The law school's day division had a year or two before I came there. It may have been possible I was in the first day class. I just don't remember with certainty, but I think it was the second.

ROLAND di FRANCO: Do you know what year that was?

GLEE SCULLY: I think I graduated in 1972, and so I'm thinking I must have started in '69. I was a three-year student as opposed to four years part-time in the evening program. After I graduated, well two things happened about the University of the Pacific that I think are interesting when you speak of the institution as a whole. I did reasonably well academically, and I was number one in my day school graduating class. There was an honorarium or an honor bestowed upon me, which I knew nothing about until I was informed it existed. Apparently the faculties of the various colleges or units within the University of the Pacific were required to select, in those days, one student who got an award as the outstanding student of that division or unit or school. Lo and behold, no doubt because my academic standing put me in that position, I received this award, and it was necessary for me to drive to Stockton to make an appearance at some event, which I think was held outside here. I remember driving down here by myself, and the truth is, besides visiting on a high school trip fifteen years earlier when I came to see "Much Ado About Nothing" that was put on by the drama department here, I don't believe I had ever visited the Stockton campus. It was a very vague place, and I can tell you that among McGeorge students it was not unusual. So we were part of the

University of the Pacific. Nobody referred to it that way. We referred to ourselves as McGeorge School of Law. We were located in Sacramento, California. That we were part of the University of the Pacific was a very slowly evolving concept. It took a long time to achieve a flowering, let us say, and perhaps is still an opening flower. In any event, the fact that I even found the University of the Pacific in order to receive this prestigious award, I was certainly not familiar with the campus or even really knew where it was located in Stockton. I kind of had to get it mapped out to come down here. Following my law school graduation, I took the Bar and practiced law privately probably for some three or four years. And then I believe that it could have been Gordon Schaber or John Ryan, I can't recall which of them, someone of the two of them called me up and asked me to consider coming down to be the director of a clinical program, which provided civil legal services to the low income community in Sacramento. There had been a law school employee named Ruth Squire who sort of served as a placement officer, and you know, did a variety of other sort of things. And she had one assistant, and they had four or five, maybe six students enrolled per semester who did some legal services in conjunction with the legal aid office in Sacramento. Unfortunately she died, and so they were looking for a person who would come and expand the enrollment of this program and oversee a larger set of students, and a larger number of cases of one sort or another. I said I'd like to think about it, but I was enjoying what I was doing at the time, and I guess I thought a little too long because one day I guess John Ryan called. He said, "Gordon says that you should be giving him an answer. What do we have to do? Offer you a fur coat in order to get you to come here?" So I said just give me another week or something, and I ultimately remember calling back and saying tell Gordon to wrap up the fur coat, I'll be there. So that was how I came to be hired. You know I don't know what my title was; frankly, it was of no moment or significance to me. Certainly there was no faculty search, no faculty input. This was a decision made by Gordon Schaber with the assistance of John Ryan, and there I was, and whether I was actually a lecturer in law or what kind of title they gave to me at that time I cannot recall. Certainly I was not part of any tenure track system. My first days and experience there came in the summer before the next fall semester. Along with two students who had an interest in participating in this program in the fall, I painted the inside of an old building that had been allocated to become the law office on our campus. We painted the inside, and I managed to convince Gordon's brother, the late Gary Schaber, to allocate us a new shag carpet from some place, to replace the tacky old thing that was there.

ROLAND di FRANCO: What was the year that this was going on?

GLEE SCULLY: This would have been about '76, I guess.

ROLAND di FRANCO: So '75, '76?

GLEE SCULLY: Other than that, we were having Formica tops installed. I had a desk. I remember that, and they were having Formica top tables. We had two secretaries assigned to us for this new law office, and we had sagging couches in what was the front room of what was once an old house. So we looked rather like a typical legal aid or legal service corporation office. In fact, our earliest clientele came from a batch of cases that the legal services office, which had a building down the street from us, in those days. They would just arrive down there with 25 or 50 files of people who had come in with, you know, a huge variety of complaints that are typical. Those were our first clients. Ultimately and very rapidly we became a public service force in the community, so that the legal services people didn't have to pawn their old cases off on us. We had, you know, word of mouth referrals and self-referrals and returning clients. The very first semester I was there I think there maybe there had been a little advertisement on campus among the students. But I think I had 19 to 23 students enrolled or something, and the enrollment went right up from there. Annually just increasing and increasing.

ROLAND di FRANCO: What was the official title of the office?

GLEE SCULLY: It was called... Well originally it was called the Law Firm of Rohwer, Ryan, Schaber and Garfield, which was my previous last name before I married Skip. Rohwer, Ryan, Schaber, and Garfield, I think, it might have been once.

ROLAND di FRANCO: O'Connor wasn't it?

GLEE SCULLY: O'Connor maybe and Garfield. I got tacked on at the end. So in those days there was a bit of an ethical issue about whether a law firm could practice under any name than the names of the people who were the owners of the firm, as it were. You wouldn't have a law firm that said Gem of the West Law or something like that. Our banner was those people who were the principles, as it were. It was the guy who ran it. Well I guess that's the circumstances, which brought me there. I, of course, didn't have to relocate because I was already a resident of that area and even then, three or four years after my graduation my first impressions of Pacific were pretty vague, and that would be true of everyone, including what I used to call the podium faculty, as well as the clinical and staff. Everyone didn't know really much at all about Stockton or the Dental School or the connections or, in fact, how they all interconnected. We were pretty darn busy doing just what we were doing right where we were. It was only later, I think, that we began to learn that there was an agreement between Dean Schaber on behalf of the Law School and the University's administration. I think, in essence, it kept the University's hands out of the Law School's financial affairs for a period of 25 years.

It was 25 or 24 some specific number of years, which you know; I lived through to the end of and out. Incidentally Gordon basically himself did not outlive that. But he came very close in doing so. It would be fair to say about Dean Schaber, he did not, I think, encourage interaction between the Law School faculty or staff and the University. I don't think the University spent a whole lot of time encouraging that either. Certainly we had somebody that went to the Academic Council. My first recollections of that were quite similar to those that my husband indicated, and that is that it was not a coveted job, let me say, on the Law School's list of things to be appointed to. Someone might have a reason to want to be the chair of the Curriculum Committee or the head of the EPT Committee of that sort, but going to Stockton was considered kind of at the bottom of the barrel of things. No one was agitating for that position. It meant a long drive. So there was that connection, but by and large whatever reports were made from that person from faculty meetings or the like would just sort of sailed over most of our heads.

You asked if there was someone at Pacific who was helpful when you first came, and so I'm going to just translate that to McGeorge who was particularly helpful to me. The answer is, you know, not really. I mean, not to say that people weren't kind. No one in the faculty, on the faculty, I think was especially helpful to me. In later years, you know, I developed a group of colleagues that were kind but already at the law school.

Initially at McGeorge, you know, most of the faculty were handpicked by Schaber, just like I was. It was only with the affiliation with the University that they began to talk about, well you know, maybe it would be a good idea to have people on our faculty who are not graduates entirely of this institution, and how we might expand ourselves to thinking outside the city of Sacramento, and even outside the state of California, for people who had expertise in various areas of the law. That was an evolving process while I was there. I think it would be fair to say. I remember going to my first faculty meeting, and I would make these reports about how things were going in the clinics. We have 23 students enrolled, and they're enthusiastic, and there are 312 cases and whatever it was. I think I was viewed somewhat as a mascot. Perhaps Gordon Schaber's mascot or the mascot of, you know, whomever those people who really didn't have anything to do with the operation of the Law office. We had our own bank accounts, our trust accounts and our own staff.

ROLAND di FRANCO: So you had your own budget?

GLEE SCULLY: No, we didn't. Well I think they did keep a budget for us and that became ours. When I say we had our own bank accounts, I mean we had money that came in from a fee award we'd sometimes get. Sometimes we'd have a client who would have to have

money put in trust for them or something. That was the law office business that we operated ourselves. Its role as an education experience was budgeted within the law school's budget. And eventually there were times when someone decided we had too much money in our bank account because occasionally we would get a thousand dollar fee, or five hundred dollars here, or something of that sort. When the law allowed the court to award us something, I'm thinking that at one time maybe we had fifteen or twenty thousand dollars that had accumulated in our general office account. It wasn't a trust account. Someone said you have to put that into the big pot, but we'll keep it earmarked for you so that if you have something you want to spend it on, need some books for your library that we're not providing, or you know something like that. Then it'll be there. I know that that money came to Stockton and is not part of that great fund called the quasi endowment of McGeorge here, which I still don't understand. But some time later on, when John Ryan came down here to work for some time, I'm sure that Stockton must be aware that he brought a dowry with him, and that was a much larger amount of money than our little contribution, which wasn't endowed money at McGeorge. But it was an excess over several hundred thousand or maybe a couple million, I don't know.

ROLAND di FRANCO: Were there other women involved in teaching positions when you came?

GLEE SCULLY: I'm trying to think. There was a woman on the faculty when I was a student. That was Florence Luther. I think. I can't think of any other women that were teaching. I feel like there must have been one. But maybe it would have been an adjunct or something. It escapes me who that might have been. Very shortly after I got there they took in a fairly sizable crop of new professors. That was roughly around the time that Steve McCaffrey came, and we had two or three young women who came in one of which was Julie Davis, who now serves as the Associate Dean for Academic Affairs at McGeorge. Michaela White came, and she has been back in the Midwest now for many, many years. There was Joellen, another occasion when Gordon decided he was just hiring someone. A woman named Joellen Mitchell came, and I discovered that she was working for me when I arrived home from vacation one year. She has come and gone away as well. I hired two other women, clinical instructors and a couple of men as well, and then other women found their way on to the faculty.

ROLAND di FRANCO: Was your original position what you would call a faculty position?

GLEE SCULLY: I think that I was called a lecturer in law. That was my formal title. Sometime after, the clinical programs in the meantime were expanding. We were expanding at a good pace. I was having a need in fact to add faculty. I had a part time fellow who worked for me who was a trustee in bankruptcy and also a lawyer and he came. I guess

I hired him full time and then began to sort of add people along the way. I can't recall, but one of my early understandings was my responsibilities other than running an effective law office where students were being taught the fundamentals of the practice of law, where I got to worry about whether we have malpractice insurance and fill out the forms and complete, being sure that we're doing the correct things with the license and the certification of students so that they can operate under the supervision of a faculty member, included all of those sort of administrative things.

It became clear that it would be nice if I would chase a grant or two because some money was floating around the country in those days, both some federal money and some private money, and if I do say so myself, I was relatively successful in that regard. Those grants allowed me to hire additional supervisors to accomplish the purpose of a grant and of course what the grant donors wanted. They said they wanted to educate law students and sensitize them to the problems of the poor or the low income. They wanted to see us handling substantial cases that would alleviate perhaps the pressure on the legal aid society, which came under a pressure federally at that time. I mean not that it seems like a small amount, but in those day I'm pretty sure that during my tenure as the Director of the Clinical Programs, it expanded from this general civil practice to a couple of other things. We placed students in state agencies as interns or what you might call externs. Sometimes, you know, in judge's offices, and we had programs like the juvenile law clinic. We had a landlord/tenant program at one time. We have various sorts of administrative law things that came and went, and there were things that were specific to the times, and to some degree, to the talents of the particular people I had working with me who might have an interest in one thing more than another.

I would say a lot of times at the beginning; I just kind of had to find my own way. It was never suggested to me from the time I commenced there that there was any expectation that I would be doing scholarly research of any sort. Although I hadn't been there a year, they decided that I was the perfect person to teach community property in the evening, and I did that every summer, I think. The first couple of years I didn't even know that people got extra money for teaching, and I'm not sure but think I taught for free. As now, the stipend for doing that was something like three thousand dollars for summer semester. Poor pay for the time, but I did that for a number of years until I just got too tired to do it. I did not have a school schedule in the same sense that the balance of the faculty does because all those cases don't confine themselves to semesters or quarters or to whatever system you're functioning on. So in theory I would have three weeks or a month if I wanted it in the summer when I could squeeze it in at around when everything would be supervised. Somebody still had to be around to do the cases that fell on vacation days when students were working, and that was just

part of being in the practice of law really. Eventually, I think, because we're about to have an inspection, there began to be some talk about the status of the people in the skills programs. Another program was the trial advocacy program.

Sometimes, not always, they had non-tenure track faculty in that program. And so there would be discussions about what was to be done. Maybe we should all have a one-year contract, renewable at the option of the Dean, which was more or less what we did. I don't recall having an actual contract but more or less I did the functions of the job. Then they decided there would be arguments about this among the rest of the faculty. And rarely, I might say there were none of us in the clinical office who were consulted about that, but there was eventually a committee appointed. After all this is a part of the University, and I don't recall anyone saying that the University of the Pacific has rules about the status of these people. I think it was a concern that we didn't have any status that was formalized and here the inspectors were coming. So there was this committee formed and they came up with something. They decided we should have three-year contracts. We were pretty naive I suppose, but I recall writing a response. I sat down and I thought about it and I wrote out something and I said in essence that we thank the Committee very much for thinking this over, but frankly we prefer to rely on Dean Schaber in terms of our employment rather than a three year contract, which separated our status from the rest of the teaching mission of the institution from our perception. So I don't think anybody was too happy with us for that but that was the way it was left that year. The following year they decided maybe we should have a clinical professorship, which would be a tenured tracked position in the same time frames that the tenure track operates in the rest of the University but have a different name and there would be slightly different requirements. One of them was that it became clear to them that we didn't have the time to talk about scholarly writing, and indeed that wasn't the basis upon which we had been taken aboard, as it were, not they thought that maybe perhaps some writing had to be done. So maybe it would be writing for instruction of, you know, continuing education and things of that sort, practice handbooks. That sort of thing would be acceptable.

ROLAND di FRANCO: So teaching materials?

GLEE SCULLY: Teaching materials and that sort of thing, particularly practice materials. We were placed on that system, and I was tenured at the outright when they started that.

ROLAND di FRANCO: Wow!

GLEE SCULLY: Skip, my husband, and others who were on the clinical teaching faculty were placed on some kind of continuum so that he might have been an Associate Clinical

Professor. Anyway as they came down the next year or two, because he certainly had credit from prior years of teaching at Loyola Law School and that sort of thing, they were all tenured, so that there were I think five or six of us. I don't know how long, years went by and they decided once again, not with any discussion or momentum on the part of the clinical faculty, that this was a distinction without a difference. Clinical people should write just like the rest of the faculty should write. Therefore we were all going to be made just regular faculty. So we were all moved over to the regular tenured faculty, and the position of the clinical tenure track process was dissolved, I guess we would say. There we were. I guess that sort of gives you the layers of things.

Eventually someone gave Dean Schaber, who was a master at fundraising, a substantial amount of money and he decided that the miserable old building that we were operating out of perhaps wasn't appropriate for a new and upscale law firm. I think by then the state bar decided we could rid ourselves of the firm name. So we were given the name Community Legal Services. I would like to say that's what it remains from that day to today, although I understand there has been some possible change in that title since my departure. In any event, life sailed on and a new building was built and the Clinic was on the bottom floor of that building, which is now the building that is called the Center for Advanced Study of Law and Policy. The upper story was devoted entirely to a sort of graduate programs, and the faculty who taught esoteric subjects like Steve McCaffery or someone like him does. The lower floor in its entirety was given over to the clinical programs. We all had very nice offices. Our staff had ample space. There was a nice waiting room for clients and it was nicely designed. We had received grants in order to furnish two model offices which were places for meeting with clients as well several small other interview rooms. So we were moved into that edifice. I don't know how the rest of the faculty felt about not having nice new offices, but we thought it was pretty fine.

I guess I've sort of covered the governance thing. We, when I say we I mean those of us on the clinical faculty, were rarely on committees, aside from the occasional appointment to come down here as the representative from McGeorge to the Academic Council. That position has been held by Warren Jones who has probably been the longest running member of the Academic Council in the history of that body. I mean that's what they had Warren do every year, period. That was his assignment. Then Skip and finally me. Then they decided they were going to have a rule that you could only serve three terms or two or something. Then Skip and then myself came here but it hasn't been seen as a plum assignment.

In the mean time I guess you asked somewhere about curriculum programs. Within the clinical programs in the mean time I was not only chasing grants and I also, you know, develop and sort of nurture several small ideas that I had for different clinical programs.

One of the ones that I was the most pleased with was one called the Small Claims Advisors Clinic. The State of California decided that the small claims court system might be benefited if the litigants had an opportunity to be advised about whether they did or did not have a case. What things to bring to have a judge look at? You know, what is evidence. How can you ask for a subpoena to have somebody bring a contract in for the judge to look at? A lot of fundamental things. Small claims is kind of a unique subject area in the civil law in that there is almost no civil subject that might not be a subject of the small claim. Five thousand or seventy-five hundred dollar limit, it is true, but it was a very good place, in my opinion, for students who had just finished contracts and property to exercise their knowledge of those subjects and see how it works on the ground. If you breach a contract or you fail to fulfill your side of a lease or don't make your rent payment or some of those things or what a lemon car law really means, you know. It happens that the counties were mandated to provide an advisory program for litigants in small claims. Gordon was a master, and he and I went down to see a couple of county supervisors, and we had the contract for Sacramento County to provide this. So I had to set up our staff and people in the small claims courthouses where these cases were heard. I gave my own time as a small claims judge in order to pay back a little bit for our being given the contract. I don't know, maybe at the first it was 50 or 60 thousand dollars a year. Then later on, I know at the last of the years we did this, it was more than a hundred thousand from Sacramento County every year to run the program within the county. Then we developed a telephone advisory program for thirteen other counties in Northern California. Through that office we funneled all of these phone calls, which provided them another say 25 or 30 thousand dollars of income from small counties like Sierra County for something where you might get four calls a month, and they'd pay us a certain amount for being the people on call to provide advice. I was part of that program, not only because it was self-sustaining economically, that is to say that we could pay the salaries of the two lawyers and the occasional student who was a work/study student, maintain the space, pay our own electric bills and bring home a little bit of money for the Law School. I thought it gave the students a very good experience both in interacting with live clients and exercising some capacity to begin to recognize what a legal problem is, where the strengths and weaknesses in a client's case are, and so forth. We were pleased with what that did. And as my husband mentioned, unfortunately Dean Caplan wasn't. He eradicated that program.

ROLAND di FRANCO: Do you know what his reasons were?

GLEE SCULLY: I have a suspicion and I guess I don't mind saying so. We had one of the attorneys who worked for us in that program; they were contract attorneys, and who was disabled. She had cerebral palsy. She, I think, she made a bad mistake. She offered to come over to the campus and advise the Dean on what needed to be done on the campus to bring it up to snuff with the Americans with Disabilities Act standards, which was of course going to be expensive. In any event and I think that they took her advice. They worried that she was going to be a big disability case one of these days. That occasionally does happen with some secretary on the campus who had carpal tunnel syndrome or something else, and they never liked those people. They weren't going to respond if she would, you know, ask if she couldn't have some kind of special computer equipment that was voice-activated or things that seemed expensive. So that what I think is the real reason was that they were protecting themselves against an ultimate disability claim. Caplan is now the Dean and Kathin Kelly is the Associate Dean. They did have a committee that thought about it, and in a very close vote they weren't sure that the program had the education quality that they wanted. I have my impression about what was the real motivator behind that, and in fact they couldn't bring the county contract to a close fast enough, practically.

ROLAND di FRANCO: Wow!

GLEE SCULLY: That is one of the ways of the many ways I think the trial advocacy and the clinical programs intersected with the community. It is a way you were speaking of, perhaps, that would be something that our new president would like to have happen. In the meantime, at some point or another, we had another inspection, and I was quite blunt with the inspector who came to see the clinical programs, about what I thought had been some deliberate acts by the Caplan administration to reduce the size and scope of the clinical programs in a number of ways, but that was a particular example.

The day after the inspectors left our campus, that's the AALS inspection, a letter came from Dean Caplan that removed me as the Director of the Clinical Programs. So I'll tell you I'm one of those persons, I suppose, that has a real live understanding of the importance of tenure. That is to say, if I wanted to continue to work at the University, which I did, I was removed and banished to the classroom. This perhaps illustrates the difference between the rest of the teaching faculty and the clinical faculty. They could not understand why I was not delighted to be there, and I could not understand why I had to be doing that when practicing law with my students was where the real joy of teaching was to me. We had so many fascinating cases, and my students excelled far beyond my expectations in terms of their capacity to, you know, understand the subtleties of clients' cases, the application of the law. We did some interesting cases.

We fell into some interesting cases that became test cases. I sent a student one time all the way to Washington D.C. to follow through a case that involved the taking of a child to that location. Marvelous options and experiences that were open for students. My perception to enhance the academic and educational programs and the mission of the University was to do exactly what I was doing, and frankly that was my perception of what at least Dean Schaber thought I should be doing. He complained one minute when any of the money came in from the various grants and contracts that we had. I don't believe that, of themselves, they function to make the program self-supporting, but they certainly paid a substantial part of the cost of running those programs.

I also thought it was a part of my professional responsibility as a University citizen to participate in several federal and state projects of one sort or another. One was small claims. One of them in particular had to do with assessing of the effectiveness of grants of the sort that we received from the federal government, which were handed out to other programs than our own. I was on the committee that did that, and I would go to various institutions across the country and to Washington D.C and in particular to meet with other members of the assessment committee. To me I think those sorts of activities plus the fact that I wrote was valuable. One year I wrote along with another professor in the clinics. I wrote part of the examination questions for the specializations examinations that the state bar puts on. I wrote the materials for the CEB presentations. I was often called upon to be a presenter at, you know, for a weekend course in one thing or another. As far as I know, with Skip, I wrote a particular chapter for a compendium, I guess, a several volume compendium on family law that was published by one of our then professors, although he had moved on to another school by then. You know I wrote a couple other sorts of short articles with a couple of clinical folks as well. There I was and then by golly guess what they did with me on top of that. They shipped me off, down to the Academic Council.

ROLAND di FRANCO: Before we leave this though, we know today that the Law School was suffering from a lack of students, a reduced enrollment. Do you think that the presence of these clinical programs would have made the Law School more competitive in attracting students to the University?

GLEE SCULLY: I don't know that. I think that the loss of enrollment, probably, first of all is similar to that suffered all across the nation, which reflects the down turn in the economy and thus the available employment for graduates of the Law School. It is the primary factor. It is interesting that during the time I was on the Academic Council and when I was chair, I learned that the Regents had, at one time during that time, considered, and indeed to my surprise, and I'm sure it would have been a surprise to all

the rest of the faculty at McGeorge, considered and indeed suggested that it might be appropriate for the Law School to reduce its enrollment anyway. By that time we were probably up at thirteen or fourteen hundred students or close to fifteen at one point. What motivated the reasons to do that, except that even those of us in the clinics were concerned, we were taking in some students whose credentials did not bode well for them passing the Bar Exam. I was particularly concerned and remained that way that in the meantime, about the cost of the legal education. It keeps escalating, and all of a sudden we have students that walk away with a \$125 to \$150 thousand in debt. I recall speaking with the present dean about that, the past deans about that, other faculty about that, saying don't you think we ought to be thinking about inviting people, some of whom we don't even think are going to pass the Bar, at least until they've tried three or four times, to undertake this kind of a financial burden. I could not seem to get a resonance with the faculty on that or with the administrators. It might be that, you know, some clinical programs were popular in those young students. In the early days once we got rolling there was a lottery ticket to get into them, and you had to stand in line and sign up. You know after I was removed, he, Caplan that is, and his administration sort of pared down the programs to the point that there were still quite a number of off campus placements, but the size and scope of the clinics themselves fell, indeed they were eventually moved out of the lovely building that had been built especially for the clinics. So it's hard to know.

ROLAND di FRANCO: Yeah.

GLEE SCULLY: Had it been as robust as it once was I really can't say that. I'm rather inclined to think that perhaps it's more the economy, the present economy, and frankly it may be that we could have a more effective placement office. But the other thing that has happened is that, I don't want to say disappearance, but the fading of what you characterize as the gown and town relationship between the Law School and the legal community and the state of California's capitol has also similarly declined since Dean Schaber. He kept a very close relationship with the legislature, with, you know, the governors and he was a politically savvy guy, and our students in those days got loads and loads of employment options in, you know, in the government offices that constitute the State of California's law offices, of one sort or another. We have had other deans, and I would have to say that Caplan and Elizabeth Parker both have only a very really modest interest in interacting with California government. I think that Dean Parker, well, her focus has been international law, and her connections as it were if you could say, have been Washington-based as opposed to California and Sacramento based. You know, I can't account for her schedule or anything. I just really did not observe over the years that she'd been there, an enormous effort on her part and

certainly not on Caplan's part to build a bridge with the Sacramento legal community. We have been particularly fortunate to have two Regents who are graduates and who have taken a fine interest in California government, Connie [Callahan] and Morrison England. Tom Ares was also a Regent, and from the Law School and I think he helped as well, probably, to try to keep the bridges as well. Does that make sense?

ROLAND di FRANCO: Yeah. I understand. Yeah. I think you sort of, in your own way, dealt with the issues in one, two, and three, maybe some of four. Let me just ask the first question on four. Who were the people at Pacific who were most memorable and why?

GLEE SCULLY: At Pacific, you would mean at the University?

ROLAND di FRANCO: The whole University.

GLEE SCULLY: Well, of course Gordon Schaber would probably be the first one. He hired me, and he was memorable, and it's probably fair to call him autocratic. Perhaps I was a mascot. But indeed you know, Gordon Schaber was a man who I always described as an individual that played chess on a Plexiglas chess board that was about four or five layers high. He was moving men or people or events that he had around in all these different layers and one of his strengths, I think, was his capacity to anticipate future developments societally, politically and personally, in a way to tailor things, including the development of the institution that became really his family in the best way that he saw it to do so. He would be one of the people that is probably the most memorable I have on the campus at the Law School. There are a large number of colleagues, working colleagues, who I think are memorable to me for a whole variety of personal reasons as well as their talents. Not the least of whom of course is my spouse. Then on this campus I remember President Atchley in a rather negative sense. I did not have the interactions with him that people who were here in Stockton had. I was a member of the search committee for the Dean that was to replace Gordon Schaber. I'm trying to remember how that committee got appointed or why it was even that I would have been elected, if I was to be a member. Anyway it was like a 12 or 14 person committee. I didn't think we were particularly effective. What we did was pretty much directed by someone that was appointed named Millard Rude who was an AALS official who...

ROLAND di FRANCO: Outside consultant?

GLEE SCULLY: An outside consultant kind of person came in, and he had been a close buddy with Schaber and so that he probably had a preconditioned view about the search. There was, I think, some assumption that it would be John Ryan who would become the next dean, but we did interview and went through scores of applications, and we kind of came up with some that looked like possibilities. I remember that among my other

duties on that committee was that I would drive one or another of the candidates down to their interview with President Atchley. I did that on one occasion, and the committee members said to me that we noticed that President Atchley has taken this guy, Caplan, from Washington D.C. off his list. As, you know, he's not going to consider him. We had to send him five names or something. We got it down to these four or these three. Speaking to me as the driver, the committee said would you please mind telling him this is the whole committee speaking? When you see President Atchley, when you're down there, ask him if he won't please at least interview this guy Caplan? I did that. I delivered whomever it was that I was delivering. I asked President Atchley if I could just have one private word with him, and I said to him "the committee has asked me to please say that they would appreciate your decision to interview this person." "Well I don't want to interview him because his wife is a lawyer and we're sure to have trouble." Because she is a lawyer at such and such place, he heard that wife of one of the deans was a lawyer and she had caused all kind of problems. I said, "well I'm just relaying this message, President Atchley, and if you can see your way please give him an interview." I came back and said I don't suppose I was successful, but lo and behold he agreed to see him. Ever afterwards Larry Levine, who was one of my colleagues on the campus, said, "it's your fault Glee. It's all your fault. If you had only been less persuasive we wouldn't be in this mess today."

So I think probably here on this campus I didn't have a very good start off with Provost Gilbertson, but I think perhaps he developed a better measure of my character and background when I was on the Council and when I, particularly, was having my individualized meetings with him as the Chair. We began to talk a little more frankly with each other so, you know, he was reasonably helpful, I guess. I got on very well with DeRosa and found him helpful. Among the people, aside from my colleagues at McGeorge, who were otherwise particularly helpful were, of course, yourself, and I also thought Fred Muskal was a very big help. Peg Ciccolella was another person I think went out of her way to be helpful and take an interest in me. I guess this is what I really mean by those folks. You know on my own campus we had folks that came and went. I was disappointed regardless of whether I got on with folks or not. I was kind of disappointed basically with a lot of administrators and academic administrative deans that we had over the years. They came, they went, I didn't. They took no particular interest in either the clinical programs when I was there or any interest in me much when I was not there. Even when I would be things like the chair of the curriculum committee or something like that, I felt sort of mostly like a cipher. Perhaps some of that was me. I have to shoulder my own blame in that regard as well. It wasn't an easy shift.

ROLAND di FRANCO: Yeah

GLEE SCULLY: Shift for me. Most of the clinical staff that were my staff. Those who were tenured or the many of those, and there were several, that never obtained tenure status, once they had the five of us as various ones, some on the tenure track or some tenured, left. They never put other people on the tenure track. They hired or retained contract people to fill those slots, and then as the programs were cut back of course those folks were too. They nonetheless, all remained close friends to me and you know, came to me, and I spent a good deal of time helping and strategizing about how to solve problems within that program and you know to this day practically.

I guess you wanna know how I would describe the students. I think our students were probably like law students; my students were like the ones I intersected with here which were fewer, all very pleasant. I like the representatives. Usually it was the student body presidents that were the representative to the Academic Council.

ROLAND di FRANCO: Faculty?

GLEE SCULLY: To the Regents and I would meet them there and I enjoyed them. The faculty all were very, very pleasant and got on well with the administrators down here with exceptional (??bilib) at one time with Provost Gilbertson. Staff at both institutions I think are superb. All the Regents that I know, I was acquainted with some of the ones that were more difficult, I think, but the Regents that I became acquainted with I got on very, very well with, and I found them pleasant and supportive. You know, I still hear from alumni and University donors of one sort or another. That's kind of all pretty positive. I think that speaking of donations and concerns about money and enrollment is that there has been in my opinion a bloating of the administrative staff at the Law School, in particular in the institutional advancement area. That is to say somewhere in your oral history there may be someone named Hal Kambeck who was Dean Schaber's press man, photographer, the person who organized alumni association meetings, who asked for money from alumni and other people. I can't tell you how many hats this fellow wore. He has been replaced by perhaps a staff of eight or ten people by now. I'm completely at sea as to what they do, to be truthful. Just don't have any idea.

ROLAND di FRANCO: Do you know if they have raised significant money?

GLEE SCULLY: No they haven't. I know they have not. At least, unless there has been something that's come in the past year that I haven't heard about, but no. The failure in fact of our ability to raise substantial money to help the Law School has been the subject of unhappy comment at least among the faculty members that I conversed with. So I

suppose that would give one pause to think about whether a commitment of resources in that area has proved to be useful.

ROLAND di FRANCO: Do you want to describe the working relationship between faculty and administrators during your years?

GLEE SCULLY: Well I believe as I overheard Skip's commentary that, you know, probably there is a fairly good flushing out of the difficulties that occurred primarily on this campus because we hadn't completed our twenty-five years of isolation at McGeorge. At the Law School the relationship between the faculty and administrators, more or less in a sort of saw tooth way, has seen an increase in faculty taking responsibility for appropriate faculty decisional processes, which, you know, I don't think that at the beginning they aren't even new or we hardly even realized were a part of our responsibility. I don't know whether it is true or not true now. Someone described Omar DeJane as the Chair of the Faculty. I think that he is the Chair of the Faculty Advisory Committee. That is what I would think because finally, and only in just a year or two before our retirement, someone said, oh my goodness, the orange book or someone of the policy books calls for the faculty to have a Chair of each School. Nobody at McGeorge School of Law knew that the Chair that might preside at a faculty meeting rather than the Dean. To this day and certainly when we left, we didn't have a Chair of the Faculty unless the Dean happened to be away and some person just stepped in at their request. There wasn't a Chair of the Faculty.

ROLAND di FRANCO: Your saying that...

GLEE SCULLY: Am I correct?

ROLAND di FRANCO: No, you're correct. You're saying that faculty governance was very weak.

GLEE SCULLY: Weak! Now I do think that that. And I know that Dean Caplan, when he came in, requested that there be no Faculty Advisory Committee or some group like that until he got his feet wet or something like that. They all said, well fine. Now finally I think they decided that they ought to jump back on that band wagon, and they did but it's taken quite a little while for that committee to develop the muscle I think that it's perhaps working on now. I respect Omar DeJane and he is one of the persons that I mentioned that I think I would feel supportive of. I think he probably would, by reason of his other life experiences, perhaps be a good person to be leading a group looking into maybe what changes need to be brought both to address the enrollment issue and without capitulating to the easy answer, which is to reduce your statistics for entrance to the Law School in order to increase the class and increase the dollars that come into the door.

ROLAND di FRANCO: If they don't pass the Bar, you're in trouble.

GLEE SCULLY: Well that's right! Many of us have said for a long time, at least we should, if we're going to take them in anyway and take their money we should be giving them notice that says, if your statistics don't bode well, enter at your own risk or something.

ROLAND di FRANCO: Well said.

GLEE SCULLY: Somehow those kinds of comments from me anyway did not draw much attention. Anyway I talked about programs that I think were successful. The controversies that arose were some of the same ones that were arising on this campus. I'm not sure that it would be expressed as a controversy, but it would be and still probably is a very difficult thing to get the McGeorge Faculty to develop any interest in what's going on in Stockton or the rest of the University. If you're having President Obama coming to speak at the Stockton campus, well maybe that would develop enough interest to get three or four folks to come down here, possibly, if you announced it in enough time and somebody said they'd have mimosas on the way down and in some kind of joint van or something. I mean it's hard to round up people to come to graduation down here, or to, well, slimly take any interest, even in the process of the selection of a new President. Well you know, Presidents come and Presidents go. As it turns out the folks at the Law School were not damaged by the choices. What do we call that the lapse year of the TIAA-CREF issue, which happened all those years ago? Gordon Schaber guessed that he exercised his contractual right and said well that's not going to happen to the Law School people.

ROLAND di FRANCO: Wow.

GLEE SCULLY: And it didn't. We, in other words, we went right on having the contributions made right through that year, whereas the rest of the faculty had to pay that. I don't know what happened in San Francisco. I guess it turned out to be a bit of the penalty.

ROLAND di FRANCO: Any other issues on that you'd like to address?

GLEE SCULLY: I guess what I remember most of the students and their activities during my years of service at Pacific is that it is quite remarkable to me that there are some of these students now who remain to this day to be very close friends and colleagues. I still have students call and ask me what to do about one kind of case or another, you know, that they happen to find themselves involved in. I have really warm and kind feelings about the students. I'm very regretful every time I hear a student say, and I do hear this, I don't want another dam letter from Pacific, meaning the Law School as opposed to this institution, from McGeorge wanting money for something. You know, I

will never give a penny to that institution. For whatever reason, what advances that bitterness I don't know, but there are certainly some students who are bitter. The other thing that I think is an achievement though not mine is that the gown and town relationship has been enhanced.

ROLAND di FRANCO: Gown/Town?

GLEE SCULLY: Yeah. Before Schaber's death he got together a group of people and specifically the three people were Justice Anthony Kennedy, who by then was on the Supreme Court, Skip, my spouse, and then Professor and trial ad Bob O'Neil, and asked them to investigate the possibility of having an American Inns of Court Branch, which was then a growing movement in the United States, modeled after the English Inns of Court. The purpose of which is not only to create fellowship and understanding but particular moral and ethical behavior among the legal community. And it would be affiliated or have its meeting at space volunteered by the Law School. And they started that organization composed of judges and various members. It was sort of a balanced group of members of the Sacramento legal community. That particular organization, although it is not McGeorge's, is an independent outfit. They meet on the Law School's campus yet they are named after Justice Kennedy. I think it's probably the single biggest tie between the Law School now and the Sacramento legal community. Skip, I must say, had to go to battle with the folks in that organization in order to assure that they would take more students in on an annual basis so there would be, I don't know, maybe a hundred and twenty five of them that are active in any one year. They sort of rotate so that they are not there forever. For that hundred and twenty-five, Skip has urged and pled and finally persuaded them I think there are about sixteen students that are selected and it's very highly competitive. Sixteen students participate. They all are members of a team and are responsible for one of the programs. Many of the people who belong to that organization are not graduates of McGeorge Law School, and I think it has really positively impacted the view of the community of the institution.

The other program that I think is a positive thing was a grant I received one time and it seems like now it was a very small amount of money, something like ten or twenty thousand dollars. I had applied to do something in order to enhance ethical understanding and professionalism among law students. I was just really tired. Perhaps it was a time when I was expecting a child. I remember being incredibly tired. One of my clinical professors said to me, "Oh Glee you look so tired is there anything I can do to help you?" I said yes you can help me figure out what to do about this damn twenty thousand dollars so I won't feel guilty that I haven't, you know, produced this thing. You know, this is one of those things about collaborative administration. I delegated that to

her and she came up with an idea, not only of a full days program on ethical subjects and the law, but with the idea of not confining it to the law students or rushing in and taking somebody's classroom time for just having it for the clinical students. She said why don't we invite the whole Sacramento legal community and give them some continuing education credit?

ROLAND di FRANCO: Wow

GLEE SCULLY: We had probably two or three hundred people that showed up on the first occasion of that Grant. I remember Glen Fate, who has been a long term fixture at the Law School, not a tenured faculty member, but responsible for a lot of other programs there, coming out of the door watching these people stream in and go out. Everyone's talking and the program went so well. It was really popular. It suddenly occurred to him. You know what he said: "why didn't we think of this before?" We didn't charge anything by the way. Because we had this twenty thousand dollars to get rid of, so we could fund it ourselves. I think I saw the advertisement come out for that program this spring. They have had it every year for like seventeen or eighteen years since.

ROLAND di FRANCO: Beautiful. Beautiful.

GLEE SCULLY: You know that it was really a positive thing that arose out of our programs and connected the town and the Law School.

ROLAND di FRANCO: Of course, they kicked the author of that program out.

GLEE SCULLY: Well she's about to become well known, that employee of mine. I'm so proud of her. After she left the Law School, once again in kind of an employment tenure dispute, she became, among other things, the Director of the Fair Employment and Housing Commission for the State of California, and in addition she's been in private practice and does a whole range of other things. She is, if it hasn't come out in the paper, to be named to be the lawyer for the Sacramento State University campus in the state university system. So that's a job to which she is uniquely well suited, and I was pleased and proud to be one her recommenders. So things go around and they come around.

ROLAND di FRANCO: Yes. Very interesting Glee. Can you take a quick look at page five and see if there is anything more that you'd like to add to you interview.

GLEE SCULLY: Did I rattle too long?

ROLAND di FRANCO: No, not at all. We're still well below two hours.

GLEE SCULLY: I think that there are personalities. I know one of the questions is where did the energy come from for progress and evolution at Pacific. There are personalities I think that simply provide that kind of driving energy. You know Schaber was certainly one of them and some of those are negative and some of those are positive. I'm guessing that the external perception of the academic quality of Pacific as the University as a whole has improved remarkably since I first came to work for the Law School or since I first even knew that the Law School had any connection with a place called Pacific, remarkably. I think that's not true of the Law School. The external perception, it is not either by the standards of something like U.S. News and World Report, which I think is a faulty perception creator anyway, but even by just other kind of standards and why that is I'm not entirely sure. Except I think we need a stronger system of faculty governance with people who can see, as Gordon Schaber did, through several layers of Lucite and perhaps indeed are capable of making some correct assumptions about what the future is going to bring. I think that's in particular very true of the practice of law. It's going to be an evolving profession. Dentists are going to be dentists, and it seems to me there is a finite thing we can do with our teeth. We're just going to get better at it is all. Law I think is quite different, you know, just a different octopus, I guess. My thought is that the faculty there, and maybe less so here in the broader sense, is very wedded to a traditional view of the almost Professor Kingfield and the paper case about what a Law School ought to be doing with its students in a world which has moved far beyond, far, far beyond that role.

ROLAND di FRANCO: Like Tom Brown.

GLEE SCULLY: I guess that's not what I would say. Is that fair?

ROLAND di FRANCO: I want to thank you very much for a wonderful interview. I count one minute and twenty minutes, no one hour and twenty minutes.

GLEE SCULLY: Can I just carry on one little minute? There was one other program that I had some responsibility for, one of the many programs that we worked on in terms of development, both with grant money and other ways. We developed a mediation program and it eventually became a freestanding program. I arranged to have some extra space that was at the Law School, so that they would have a rent-free facility to operate from, and then contracted themselves from the courts to provide mediation services in certain kinds of cases. And so I don't know what's happened to them in these days because the court's resources to pay for these kinds of assistance are quite limited now. But I remember it said down here on this honors and awards section, I remember that to my vast amazement, I was called the Peacemaker of the Year by this

organization. So there we are. I guess I would consider that one of the nicest awards I ever got.

ROLAND di FRANCO: I'm sure it is.

GLEE SCULLY: So there.

ROLAND di FRANCO: Your achievements are magnificent.

SKIP SCULLY: Yeah they are. We still have very close friends from that.

GLEE SCULLY: Lots of good friends.

SKIP SCULLY: Yeah.

GLEE SCULLY: So there we are.

ROLAND di FRANCO: Anything else you want to add?

GLEE SCULLY: No.

ROLAND di FRANCO: I'm going to close off here.