IN APPRECIATION

KATHARINE T. BARTLETT

DEAN, DUKE UNIVERSITY SCHOOL OF LAW
2000–2007

SARA SUN BEALE†

Kate Bartlett and I arrived at Duke together in the fall of 1979, and it's very hard to put into words, especially in just a few pages, my thoughts on what she has meant to Duke Law School and to me personally. Although it won't come near to capturing everything, I'd like to use the idea of a blueprint as a way of highlighting some of Kate's distinctive qualities and accomplishments.

We associate Kate with blueprints because she has been a "building" dean. Building on the efforts of her predecessors Pamela Gann and Clark Havighurst, Kate raised money for and oversaw the construction of the wing that houses two floors of faculty offices (including the one in which I am writing this essay), as well as the absolutely splendid new facilities for our clinics and law journals. She has just announced a ten million dollar naming gift for the library. In a few weeks we'll break ground on a construction project that will renovate the library and add a large and dramatic commons area that will provide a place for everyday interactions among students and faculty over coffee and lunch and can be reconfigured to hold an audience of 300 for major speakers. When this final project is completed in 2008, Kate's leadership and fundraising will have added about 45,000 square feet to the law school. In addition, we have refurbished all of our classrooms, improving lighting, acoustics, and seating, and adding cutting edge technology—which at least some of the faculty have learned to use.

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Kate has also built the faculty. Since she became dean in 2000, we have hired eighteen tenure or tenure-track faculty. With departures and retirements, we increased the number of full-time tenure or tenure-track faculty positions from 32 to 42. As with the building, Kate did this on the basis of a blueprint or plan that was developed in collaboration with the faculty and others. We built strength in key areas including international law, intellectual property, public law, and business, and we hired established leaders in their fields as well as the academic stars of the future. During Kate's tenure we also created six new clinics focusing on animal law, community development, assistance to low-income taxpayers, Guantánamo Bay detainees, and environmental law and public policy. We hired additional clinical faculty and professors of the practice whose experience adds enormously to our community. Within the law school, we see many effects of the larger faculty, including more conferences and lunch talks as well as a vastly expanded array of classes. Outside the law school, our expanded faculty has greatly increased the school's visibility and reputation.

So Kate's been a builder. But the idea of blueprints also provides a way of thinking about Kate's less tangible—but equally important—contributions. Several years ago Kate initiated a process that ultimately produced the Duke Law Blueprint to LEAD (Lawyer Education and Development). This Blueprint (which can be found on our web site at http://www.law.duke.edu/about/blueprint) states and describes a series of goals for students: engage intellectually, embody integrity, lead effectively, build relationships, serve the community, practice professionalism, and live with a purpose. Our Blueprint received the American Bar Association's top award for professionalism,[1] and it is being widely copied by other schools. Of course the recognition Duke received for the Blueprint is wonderful, but what's really important are the values it articulates. And what struck me as I reviewed the Blueprint is that Kate exemplifies its values. So I'd like to use the Blueprint to LEAD as a way of capturing more of what makes Kate Bartlett so special, and what she's brought to Duke Law School.

The first Blueprint principle is to "engage intellectually," by the breadth and depth of your intellectual undertakings. Long before she

1. Duke Law School received the ABA's E. Smythe Gambrell Award for Professionalism in 2005.

became dean, Kate made her mark as a prolific, creative, and influential scholar in the fields of gender theory and family law. She repeatedly staked out new ground in articles and books that are called canonical, foundational, or classics in the field.[2] Her article *Feminist Legal Methods*[3] (published in the *Harvard Law Review*) is one of the most frequently cited law review articles on any subject.[4] It is so well known that the Wikipedia entry describing the *Harvard Law Review* includes it on its short list of the review's most influential publications.[5] Her article on non-exclusive parenthood[6] (published in the *Virginia Law Review*) is a classic on issues of parenthood when the law's premise of the nuclear family has failed. Her "foundational"[7] article *Only Girls Wear Barrettes*[8] "made a big splash, provocatively raising the question of whether discrimination claims based on dress and appearance standards are cognizable under Title VII, the federal law that prohibits discrimination on the basis of, among other aspects of identity, race and sex."[9] Kate also served with such distinction as one of the reporters for the American Law Institute's Principles of Family Dissolution that her contributions were honored by the award of the R. Ammi Cutter Chair.

But reciting these facts about Kate's scholarship leaves out something important. Kate began writing when she had no job security and little or no institutional support. She did not have tenure

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2. In addition to the examples in the text, see, for example, June Carbone, *The Missing Piece of the Custody Puzzle: Creating a New Model of Parental Partnership*, 39 SANTA CLARA L. REV. 1091, 1112 (1999) (describing Katharine T. Bartlett & Carol B. Stack, *Joint Custody, Feminism and the Dependency Dilemma*, 2 BERKELEY WOMEN'S L.J. 9, 32–33 (1986), as the "classic feminist defense of joint custody"); http://prawfsblawg.blogs.com/prawfsblawg/2006/09/research_canons_19.html (nominating two books and an article by Kate Bartlett as part of the feminist research canon).

3. Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829 (1990).

4. Fred R. Shapiro, *The Most-Cited Law Review Articles Revisited*, 71 CHI.-KENT L. REV. 751, 777 (1996).

5. *See* http://en.wikipedia.org/wiki/Harvard_Law_Review (listing fourteen articles, including Bartlett's *Feminist Legal Methods* as well as articles by Alexander Bickel, Louis Brandeis, Guido Calabresi, Oliver Wendell Holmes, James Thayer, and Herbert Wechsler). An article by Duke Law Professor Jeff Powell is also included.

6. Katharine T. Bartlett, *Rethinking Parenthood as an Exclusive Status: The Need for Legal Alternatives When the Premise of the Nuclear Family Has Failed*, 70 VA. L. REV. 879 (1984).

7. Devon Carbado, Catherine Fisk & Mitu Gulati, *Foreword: Making Makeup Matter*, 14 DUKE J. GENDER L. & POL'Y 1, 1 (2007).

8. Katharine T. Bartlett, *Only Girls Wear Barrettes: Dress and Appearance Standards, Community Norms, and Workplace Equality*, 92 MICH. L. REV. 2541 (1994).

9. Carbado, Fisk & Gulati, *supra* note 7, at 1.

or even a full time position with the law school. Yet she wrote because of her intense interest in the issues, and she began her scholarly career in a way that exemplifies the second Blueprint principle, which is to "embody integrity." She never tried to play it safe by her choice of topics or the way she developed them. From the outset Kate stayed true to her intellectual vision without regard to how it might affect the decision whether she would be hired or granted tenure at a time when the law school had very few women faculty, and certainly no one doing feminist theory.

Other Blueprint principles encourage our students to build and invest in relationships. Kate does this as naturally as she breathes, and she does it in all of the many groups within which she operates: within our faculty, among other scholars in her field, among Duke administrators and faculty from other units, among alumni. Within our faculty, Kate's ability to build and nurture relationships has all sorts of effects. It has made her an incredibly successful faculty recruiter (just ask any of the eighteen faculty she's recruited). It has allowed her to create what is widely recognized as a happy and collegial faculty, where everyone feels—and is—valued. Even before she became dean, Kate and her husband, Chris Schroeder, started a tradition that exemplifies the unique nature of the Duke Law community. Recognizing that all of us benefit from the housekeeping staff that keeps our building spic-and-span, Kate and Chris collect money before the staff Christmas party to provide each housekeeper with a substantial gift. One of the new housekeepers told me that she had worked at Duke for many years in other units, and that the law school was the first place where she felt she was really treated as a person. That's not all Kate's doing, but she's a big part of that atmosphere.

Kate is a good friend, both professionally and personally. I am sure every member of our faculty could tell you lots of stories about his or her relationship with Kate. One of my favorite teaching experiences came when we co-taught family law many years ago. I loved Kate's creativity. She wrote a script for a humorous debate to develop the issues raised by *Marvin v. Marvin*, the famous "palimony" case. It was a takeoff on a regular segment on *60 Minutes*, but in Kate's hands it would have been appropriate for Jon Stewart. She is also a person to whom other people turn when they need help, because she's a great problem solver. Several years ago I took a pro bono case in the United States Supreme Court, and when I encountered some unexpected and frustrating practical problems,

Kate gave me the advice that solved them. She's incredibly versatile. She was my closest confidant when I was pregnant with my first child, and she served as the Lamaze coach and partner for another faculty member whose husband was not up for that duty. The same warmth, humanity, quick intelligence, and wit that made Kate such a favorite among the faculty allowed her to forge relationships with leading scholars at other schools (several of which are her co-authors), and perhaps most notably in recent years, with our alumni everywhere. She has also been a great citizen within the Duke University community; indeed, the president and provost both urged the dean search committee to find a successor who would have the same university-oriented approach and commitment.

The Blueprint also urges students to "lead effectively," developing their own leadership style, seeking or creating outlets in which they can exercise leadership, and sustaining organizational success by developing future leaders, delegating, and motivating others. Kate has been an incredible leader, and just as we encourage students to do, she has developed and enhanced her leadership skills. She's thought about what works for her, such as humor and informality. She also brings out the best in others, and she does this explicitly. This is apparent in the Blueprint itself, and in the way she relates to students. They are treated as partners, and when there is a problem they are called upon to help solve it. As you may imagine, this has lots of positive effects. It cuts down on student complaining, making the law school a much more pleasant place to be from day to day, and it helps prepare students for their futures. She takes the same approach with faculty, seeking to make each of us more successful. We each fill out a detailed questionnaire covering all aspects of our work, and then meet with her individually. One of her questions on the questionnaire and in the meeting is what we need to make us more effective. She also encourages excellence and teamwork with her awards for faculty and staff, which include awards for collaboration and making others' work more effective. Kate's leadership skills have repeatedly been recognized in the national academic community. The American Association of Law Schools established a "Resource Corps" to assist schools in developing the capacity for collegial deliberation and decisionmaking, tapping a group of "respected and experienced legal educators"—which naturally included Kate Bartlett—to help law schools make use of collaborative problem solving techniques. Her peers continue to look

to her for leadership. She now serves as a board member of the American Law Deans' Association.

Another Blueprint principle is to "serve the community." The financial support that Kate and Chris have given to the loan assistance repayment program is well known within the law school community, and Kate has been recognized nationally for her support of public service activities. In 2006 she received the Equal Justice Works Dean John R. Kramer Award for her dedication to nurturing an outstanding spirit of public service within the law school.[10] But much of Kate's own extensive community service has never been publicized. I find it quite phenomenal what she's been able to do, even while serving as dean. She has served on the Board of Directors of Durham's Urban Ministries since 1991. She has been on the Board of Directors of Durham County's Department of Social Services since 1999, and she chaired the board in 2002–03. During that same year, she served as Vice President of the North Carolina Bar Association. She served as a member of the North Carolina Chief Justice's Commission on Professionalism from 2005 to 2007. She has also been an active member of her church, serving over the years as chair of the board of trustees, chair of the budget committee, and a Sunday school teacher for a class that included one of my sons. Kate did, however, have to drop out of the law school faculty's Meals on Wheels route because of her heavy travel schedule as dean, and we are hoping she will return. (Indeed, Kate and I were doing the route during the Clarence Thomas hearings, piecing information together from what we heard as we stopped at each elderly person's house.)

Practicing "professionalism" is a Blueprint principle that includes treating others with respect, collaborating to achieve common goals, and taking responsibility for and pride in your work. As noted above, one of the signatures of Kate's deanship has been collaboration with student leaders to achieve our common goals, and delegation of responsibility to them. She has taken the same approach with faculty and staff, leading collaboratively. Within the faculty, Kate has always worked by consensus and collaboration with committees, and fostered a community that respects and values the contributions of every employee at the law school. The staff Christmas party and the Dog Days celebration in August include performances and

10. *See* http://www.law.duke.edu/features/2006/equaljusticeworksaward.html. Equal Justice Works also honored George Soros, the president of the Open Society Institute, at the awards banquet.

contributions by members of the faculty and staff, and they showcase individual hobbies ranging from jewelry making and doll house building to record collecting. But there's also another side to professionalism: serious performance reviews of both faculty and staff. From the faculty perspective, filling out a detailed questionnaire about your teaching, scholarship, and service makes it clear that the expectations for each are high. But at the same time, Kate's goal is to help you (as the Army would say) be all that you can be, so her questions are always what more do you need to be more effective, and how can we improve the law school.

The final Blueprint principle is "liv[ing] with a purpose," which includes striving to balance the personal and professional, and making deliberate choices based on your own needs, values, and goals. Some of you may only see Kate in her role as dean, but there is much, much more. She has so many dimensions and activities outside the law school that it sometimes seems that she must be more than one person. I have noted above the extraordinary range of her community service. She and Chris also have a wonderful family life. They are the devoted and involved parents of three children, and Kate remains close to her mother and other family members. She is attentive to her friends. She does hot yoga and grows roses, which she delights in sharing when they bloom. She lives, so it seems, with grace, balancing and giving herself to many purposes.

Truly, Kate Bartlett is a remarkable person. She is, herself, the blueprint for the Blueprint to LEAD. It's a privilege to be her colleague and her friend.

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STUART MINOR BENJAMIN†

Kate Bartlett has many positive qualities on which I could dwell—she is very smart, she has excellent judgment, she has a great sense of humor—but the one I want to emphasize is her character.

She is a thoroughly decent person. She is fair to everyone. She does not play games. She is forthright and honest.

In some ways I feel that I should stop there. That is a remarkable list of qualities.

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But what is perhaps more remarkable is that she maintained her goodness even as she pushed the law school toward greatness. She made the law school a better place, in no small part by encouraging all members of the community to aim higher. She brought people together even as she helped to change the school. Agents for change often believe they must take liberties in order to achieve their aims, but Kate always cut square corners. And she had great success not despite but because of her candor and commitment to principle.

We are accustomed to leaders who seem to have a casual relationship with veracity. Michael Kinsley said that a gaffe is when a politician accidentally tells the truth. Kate offers a different model—that you can tell the truth and be up front with people, and be a tremendously effective leader. She is the antithesis of a slick operator, and all the more impressive as a result.

Similarly, we are accustomed to leaders who pay lip service to high-minded values but are in fact guided by baser considerations. It is easy to articulate public-regarding principles when they happen to comport with your private interest. The test, of course, comes when your principles, applied fairly, conflict with your own narrower concerns. Indeed, one measure of good leadership is whether you are willing to act against your personal interests when larger interests are at stake (as they almost always are). That describes Kate perfectly. She always acted in the larger interests of the law school. Her agenda was not aggrandizing herself, or making her life easier. It was making the law school a better place.

In fact, Kate is an existence proof that public choice theory does not accurately describe all parts of the world. That theory, in its strongest form, suggests that no leader acts in the public interest—everyone maximizes her private interests, and the question is what those private interests are (power, money, and re-election are three common nominees). Not only did Kate act in the law school's interests rather than her own, she even failed to claim credit for many of her public-spirited actions. She put in longer hours than anyone else in the law school. I know this through my service as Associate Dean for Research. Not only would she respond to my emails at all hours of the day and night, but also if I needed to contact her on a weekend, I knew to call her at work, where she would almost assuredly be. What is particularly striking is that she never advertised this fact, and I suspect that to this day most of her colleagues in the law school do not know it. She worked tirelessly and did not seek credit for what she did. That is the mark of a true leader.

Everything I have written should be applicable to every leader. I leave it to the reader to decide how many leaders actually measure up to this standard.

In the split second after Kate informed us at a faculty meeting that she was going to step down as Dean, one of my colleagues viscerally, almost involuntarily (as he later described it), said "No!" He spoke for us all.

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GEORGE C. CHRISTIE†

As Katharine Bartlett approaches the end of her more than seven-year tenure as dean of the Duke Law School, one can unequivocally say that she has proved to be a most worthy successor to the string of excellent deans that Duke has been fortunate to have had over the forty years that I have served as a tenured member of the law school faculty. During that period, the foundation created by Jack Latty, who reinvigorated the Duke Law School after its loss of momentum in the years immediately following World War II, has been built upon by Ken Pye, Joe Snead, Paul Carrington, and Pam Gann.[11] The building program, whose planning first began under Paul Carrington and resulted in our first major addition under Pam Gann's leadership, was continued with the dazzling new additions that were made possible by the fund-raising abilities and leadership of Kate Bartlett.

The highlights of her deanship have included not only the physical improvements to the Law School that continued to be made during the last days of her period in office but also the enlargement of the faculty by the recruitment of a large number of outstanding appointments, both at the entry level and, through lateral appointment, at the senior level. Under Dean Bartlett's stewardship

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11. I do not wish to be interpreted as casting any aspersions on my friend and former colleague, the late F. Hodge O'Neal. His relatively brief tenure as Dean from 1966 to 1968 came during a period in which opposition to the war in Vietnam, and the turmoil on university campuses that came with it, was starting to build. Under those circumstances, his relatively short period as dean did not afford him the opportunity to leave a lasting imprint on the Law School. He is, however, a person to whom I personally owe a debt of gratitude, as I was recruited to Duke by him.

of the Law School, the Global Capital Markets Center and the Center for the Study of the Public Domain, as well as the Center for International and Comparative Law, have joined the Program in Public Law and the Center for Law, Ethics and National Security as important focal points for conferences and scholarship on some of the most significant legal issues of our time. From a purely qualitative perspective the most dramatic change, and it is a very impressive change, has been the expansion from one clinic, the AIDS Legal Project, which was already in existence when Katharine Bartlett became dean on January 1, 2000, to ten clinics when our latest, the Environmental Law and Policy, becomes fully operational in the Fall of 2007. Dean Bartlett has also strived to provide resources to support faculty scholarship in a host of areas. As one of the beneficiaries of these efforts, I must acknowledge her continued support of my research on comparative legal reasoning, particularly as it manifests itself in human rights litigation.

Katharine Bartlett steps down from the deanship of the Duke Law School to return to full-time teaching. One must congratulate her on a job well done and wish her well in all her future endeavors.

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JAMES D. COX†

In 458 B.C. Rome was threatened by an insurgent group, the Aequi. While the Roman army was large and well provided for, it was virtually leaderless. Although there were plenty of potential commanders from the army's existing ranks, no one of them had a strategic vision, a capacity for leadership, or verve for the fight to advance the interests of Rome. The nation was threatened because it lacked a leader. But not too many years earlier, such a person was in the service of Rome. It was Lucius Quinctius Cincinnatus. He had served his country well for years, retired as a general and returned to the quiet life of tending to his small farm and enjoying his family. Indeed, when the Senate's messenger arrived to ask Cincinnatus' help, he was plowing his field. Without hesitation, he laid down his

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plow, picked up his sword, and headed for the front of the columns he would lead in successfully defending Rome.

Among the accolades Cincinnatus garnered by his selfless devotion to his beloved country is not just the naming of a major American city after him, but that Latin students such as myself would be tasked with translating his achievements into English. While not all the stories so translated during my years of studying Latin stayed with me, this one has—and not surprisingly. It is more than just a story about a critical juncture in Roman history. It is rather prescriptive of values that make societies and institutions great. To be sure, it is a story about the individual, Cincinnatus, but his decision to lay down his plow and take up the sword speaks volumes about the kinds of individuals that created and sustained one of the great civilizations of our time. While I don't place Duke Law in league with Rome—not quite yet anyway—it is a terrifically important institution. And, we should not lose sight that it has become so because of people who exhibited the same character as Cincinnatus. And, we are a greater institution today because Kate is one of those people.

The Duke Law School has been graced by a number of outstanding individuals who have laid down their class notes and research to serve as dean. For an institution to improve it must change, but it must do so by strengthening its good qualities and ridding itself of other aspects of its culture. In her brief seven years Kate transformed many aspects of the culture at Duke, but did so without robbing us of the essential features of that culture: collegiality, lack of hierarchy, openness, individual responsibility, and fair mindedness. Working within these aspects of our culture, she changed other features of our institution. For example, we became a much younger place. When she arrived, 80 percent of the faculty was over the age of fifty. She changed that dramatically and in doing so injected more energy and experimentation in our teaching, scholarship, and public service.

Kate also moved student responsibility to a new level. Repeatedly she reminded all of us that we are not consumers of legal education but participants in each other's education. As a result, student involvement in the life of the school, always good, is now even deeper than it had been in the past. And, she reminded us that behind every successful student or faculty member is a hardworking but often unknown staff member. Staff morale improved greatly during her term, and with it so did the quality of all services provided to students and faculty. Whatever words you wish to use to describe

the fine law school Duke was when Kate assumed the deanship, you can be sure that all sectors—faculty, staff, and students—have a stronger commitment to excellence today than they did seven years ago.

All of the above required considerable vision, leadership, and resilience—much akin to that required of Cincinnatus. And, like that legendary figure, Kate laid down the good life to serve this institution. She became dean with her third child still at home; she was a leading figure in her field and at the height of her powers, and the challenges confronting the new dean were significant (a daunting amount of money to raise in a capital campaign, enlivening an institution that was seen as not keeping pace with rivals in terms of hires, and increasing competitiveness among our peer law schools). Like Cincinnatus, Kate stepped forward and engaged the challenges. And we can now declare ourselves ready for new challenges, confident in the stronger foundation beneath us.

I have been told that Kate initially expressed serious reservations about becoming dean. This gave rise to a meeting she had with then-Duke President Nan Keohane, at which Kate is reported to have raised concerns about the deanship duties interfering with her ability to continue to be warmly and deeply involved in her three children's lives. President Keohane, looking seriously into Kate's eyes, admitted this would be so, and then said, "But if you take this deanship, your children will always be proud of you." How accurate that prediction was. But it extends beyond her children. We, her colleagues, are proud of her for what she has accomplished, proud to have her values aligned with our institution, and proud that we belong to an institution that had the wisdom to make her our dean.