

## TRIBUTE TO JOHN SEXTON

It may be helpful to go back to the beginning, or almost to the beginning. Soon after John became dean in 1988, he acted to revitalize the alumni, and in 1990 he organized a meeting of a new Council on the Future of the Law School. He asked me to speak to the Council about the history and development of the School. When I finished my remarks, John said to me, "It went very well. Let's publish your paper in the first issue of the new NYU Law magazine that is being planned." I replied that I was speaking only from notes and didn't have a manuscript. He waved this off by saying, "Don't worry, I had your talk taped." I learned something about John from that incident.

In any case, the published article was titled "How NYU Became a Major Law School." After reviewing prior events, I came to the new dean, and I wrote, "It is too early to assess the current period, but it is evident that John's extraordinary energy is matched by his limitless ambition for the Law School." I then recounted some of John's early initiatives, and I concluded the paragraph by saying, "There is ample hope that within a few years NYU Law will be firmly established in fact and in the consciousness of the profession and the public as being among the best in the nation."

I wish I could recall exactly what I meant by "ample hope," but whatever I meant we now know that those hopes have been spectacularly fulfilled. The achievements of the last decade or so have surely established the NYU School of Law in the front rank.

An incomplete list of successful actions under John's guidance would include high quality faculty development in varied fields and pedagogical approaches; a sharply improved student body and many new outlets—including several new journals—for their talent and enthusiasm; the rationalization and upgrading of the LL.M., and J.S.D. graduate programs; improved administration in many areas, including financial administration, student admissions, financial aid, placement (including judicial clerkships), and the management of our buildings; alumni development and fund-raising; new systems or criteria for adjunct professors, for grading of students, and for the award of distinguished chairs to faculty; the encouragement and support of new or expanded programs in, among other subjects, criminal law, environmental law, innovation law and policy, international law, labor law, and global law; the introduction of several successful new clinics and an improvement in the Lawyering Program; and the renovation of Vanderbilt Hall and

the planning and financing of the new building on West Third Street.

Of course, John has left unfinished business, and not all of his ventures panned out as planned. Ricky [Revesz, the new dean] need not worry that there will little for him to do. But taken as a whole, the accomplishments of the Sexton deanship are staggering and thoroughly justify John's reputation as the finest law school dean of his generation, at the least.

How did this deanship come about? More precisely, what were the qualities John brought to his new post? These qualities seem to me to include:

- High aspirations
- Unshakeable optimism
- Inhuman energy
- A thoroughly apolitical approach to the work of faculty and students
- A focus on the essentials: quality faculty, quality students, and resources—sometimes known as money
- Deep connections to people at all levels, from trustees to first-year students, including people from his past, so that it seems that everyone John ever met from grade school on has been incorporated in the Law School's life
- The capacity and will to delve deeply, analytically, and creatively into both longstanding and emerging problems.

But these admirable traits should not be taken at face value. Most of them, partly because of John's intensity, carry a potential downside. For example, high aspirations can be quixotic and unachievable and therefore result in waste and disillusion; optimism can be Panglossian and lead to self-defeating exaggeration; excessive amounts of energy (combined with little sleep) can lead to burnout; a scrupulously apolitical approach can be barren; and an analytic focus on only the essentials can slight other important problems.

These negatives, you will observe, are rarely alluded to in appraising John's tenure because of the overwhelmingly positive results of his affirmative qualities. Even John's well-known difficulty in getting numbers right is mitigated by the fact that this problem mysteriously disappears when the number reaches one million. Indeed, John's only deep flaw is his unaccountable allegiance to the New York Yankees.

To understand why the positive glows so brightly after fourteen years and the negative is hardly a blip on the screen, I think we

must peer a bit further. There are, I think, two ways to describe what has happened here. The first is commonly invoked—it is leadership. Like courage and wisdom, leadership has always seemed to me better understood by observing its manifestations in life than through any overarching definition, no matter how thoughtfully composed. The manifestations in this case are obvious—some I have already noted—but even they do not fully tell the tale. An important indicia of leadership consists of the ability to induce others to work enthusiastically on your agenda. By this test John is surely a great leader, as many of us know firsthand. Another way to look at it is to recognize, as Justice Holmes was fond of saying, that people live by symbols. Sometimes these symbols are physical, like a flag or picture, and sometimes they consist of a phrase or even a word. John intuitively understands this, as evidenced by his frequent references to the “community,” the “NYU family,” or the “enterprise.” I wonder how many faculty members, like me, tired a little of hearing those words and the hydraulic pressure they imposed on us to get with it. But the words nevertheless stand for something, something important, and over the years they have had the desired effect on faculty, administrators, and students of fostering a recognition that the Law School is a joint and cooperative mission, and that personal preference should sometimes yield to the common good. It also does no harm that John has a lively sense of humor, is open to criticism, will change his mind, and is uncommonly generous with praise, publicly and privately. This is leadership—intellectual, emotional, and moral. John’s ability to motivate would have impressed even Knute Rockne.

The second way to make sense of John’s leadership is less often invoked. It rests on the power of love. “Love” may seem an odd standard for a dean. NYU School of Law has recently completed a dean search, and many desirable qualities were mentioned during the process. These include intelligence, scholarly achievement, energy, administrative ability, academic philosophy, and vision. But love? How can it be relevant? Yet, on reflection, this has been one of the salient features of John Sexton’s deanship. It includes his well-known love for the Law School. How often have we heard him speak affectionately, even passionately, about the institution, to the degree that some eyebrows lifted and many eyes rolled.

This is part of the love I mean. But I also mean love of the people who make up NYU Law. Why else would he spend countless hours, in and out of his office, conversing with so many, forging relationships, and seeking ways to better each person and, through them, the institution? Why else would he spend an entire weekend,

again and again, with a prospective faculty member and his or her family, showing off the School and New York City and possible housing opportunities?

You wouldn't believe me, and you shouldn't, if I said that John harbors similar feelings for everyone; like all of us he has preferences, and sometimes (though rarely) he has dislikes. But I hope you will believe me when I say that it would be impossible to strive harder than he has to overcome these feelings so that everyone could be brought into the fold. I often heard him express the hope that someone he felt was not committed to the "enterprise" could be persuaded to engage, and I have heard him mention with solicitude colleagues who would be amazed to learn that he was concerned about them and wondered how he could get closer to them.

I consider all this to be love. It goes well beyond the merely rational to a level where we are moved by instincts that come from unknown places. It is, I think, a major element of John's character and personality and ultimately his success.

Now the Law School must look to the future and to its next generation of leaders. I referred earlier to my talk on how NYU became a major law school. I mentioned three ideas that, to me, epitomize a great institution. They are quality, variety, and heart. Of these, quality is the most important but, paradoxically, once a certain level is reached, it is the easiest to maintain. I hope variety and heart, also legacies from the Sexton years, will continue to be avidly pursued, to the enrichment of the Law School, its many constituencies, and the broader public.

NORMAN DORSEN

Stokes Professor of Law

New York University School of Law;

Counselor to the President of New York University;

President, American Civil Liberties Union 1976-1991