

TRIBUTE TO JEFFREY W. GROVE

LAWRENCE P. WILKINS*

The wall of an interior corridor in Inlow Hall serves as a gallery of portraits of many of the past deans of the Indiana University School of Law—Indianapolis and its predecessor schools. A visitor to this gallery can gaze upon visages captured in various artistic expressions and impressions of those who have led this School from the “front office” over the span of many decades. Doubtless, a large majority of law schools in this country have a similar gallery. It is a fine tradition, born of warm sentiment for those who have labored at the administrative tiller of the law school over the years. Hanging their portraits on the walls of the building has made them a symbolic physical part of the institution that they have helped to build, and though living memory of them will fade, the institution itself carries the memory of their service forward to future generations. The portraits are nice (or not—depending upon your taste in artistic style or your assessment of the skill of the artist, or both), but they do not tell the stories of the persons portrayed and the true nature and quality of their connections and contributions to the Law School.

This Tribute to Jeff Grove is another expression of a grand old tradition in legal academies—that of memorializing colleagues who have reached the pleasant intersection of a chronological age that qualifies them for retirement and a psychological state that allows them to realize that retiring is a good thing to do. An obvious, but nevertheless important, positive difference between this printed method of memorializing and the portrait-hanging method is that the tribute sets out at least part of the story of the person memorialized.¹

Others have ably set out the timeline of Jeff Grove’s tenure at the School of Law and the significant events in his career, so I will avoid as much repetition as possible, and I will not attempt to chronicle the entire arc of his career. I will, instead, attempt to provide the reader with some small insights into Jeff’s contributions to the Law School and to add some final dashes of color to the excellent brushstrokes of the earlier descriptions.

Among those deans whose portraits hang in the gallery are those whose efforts have helped shape and move this Institution of legal education. Some of them focused their efforts upon establishment of place, others directed resources toward establishment of programs, and still others worked hard to establish, maintain, and burnish the School’s identity. The third quality, a concept grounded in intangible and intuitive characteristics, rests partially on the first two, but it is more. It delineates the institution in the mind of the person thinking or speaking of it as a unique entity, distinct from every other place where programs of legal education are offered. In this sense identity is related to reputation. Law schools in this day of competitive efforts to attract the best and brightest students

* William R. Neale Professor of Law, Indiana University School of Law—Indianapolis. B.A., 1968, The Ohio State University; J.D., 1973, Capital University Law School; LL.M., 1974, The University of Texas School of Law.

1. The photographs at the beginning of the tributes give future readers an idea of the tributee’s physical appearance.

expend significant effort and resources pressing into the hands of prospective applicants attractive printed brochures adorned with icons of the physical place and glowing descriptions of programs of instruction, experience, and outreach. The forces of this competitive market drive them to vociferously question the value, reliability, and effect of national ranking systems and to devote even more intellectual and real capital aimed always at improving their standing in those rankings. At a deeper level, however, the need for identity in this reputational sense fuels the efforts. We legal educators want to be “known” in the world of education and we want *how* we are known to be a favorable idea in the minds of those who know us.

Identity has a quality that is unrelated to reputation, but no less important to a law school. It has to do with how a law school “feels” to its students, faculty, alumnae, and visitors. In this sense, identity—though it is still related to place and program—seeks to accomplish a sense of separation from “institution.” To say that a place has an “institutional feel” is depreciatory. Law schools want to be thought of as welcoming, warm, nurturing, sustaining places that evoke pride of association.

Jeff Grove, in the twenty-seven-plus years that I have known him, has been concerned about, has worked hard for, and has accomplished a great deal in establishing, enhancing, and protecting the identity of this Law School, both in the reputational sense and in the sense of “feel.” His efforts have matched all of the deans whose portraits grace the gallery in the Law School and have exceeded many.

For a Law School that has a sibling with a similar name living in the same university system, all senses of “identity” become super-charged with importance, and an increase in expenditure of efforts and resources devoted to establishment and protection of identity follows. As in all sibling relationships, rivalrous feelings and conduct are heightened and focused on the other sibling. The law schools of Indiana University School of Law—Indianapolis and Indiana University School of Law—Bloomington have not only to work to establish, enhance, and protect their identities among other national law schools, but also to keep their similar identities-as-place separate in the minds of those who would contemplate legal education associated with Indiana University in any context.

Sibling rivalries can easily get out of hand, and hyperbolic references in both directions can quickly balloon into hard feelings and rash actions. The siblings sometimes need an intermediary to calm those feelings and head off those actions. Jeff Grove has, on more than one occasion, carried off that function of intermediary in great style and effect. One example involves the LL.M. program, which, as you have read, was established with Jeff’s leadership.² As would naturally be the case, members of the Indiana University of Law—Bloomington faculty were concerned that establishing a Master of Law Degree program at Indiana University School of Law—Indianapolis might be confused with the graduate program at their law school. State and university officials charged with

2. See Gerald L. Bepko, *Jeffrey W. Grove Tribute*, 41 IND. L. REV. 273 (2008); James W. Torke, *Tribute to Jeff Grove*, 41 IND. L. REV. 279 (2008).

the responsibility of reviewing and approving new educational programs mirrored that concern. Jeff, who had long been concerned about matters of identity and having thought about such issues well in advance, was empathetic about those concerns. Coupling that empathy with the skillful exercise of his well-developed diplomatic talents, Jeff successfully persuaded the decision-makers and the Indiana University School of Law—Bloomington faculty that the identities of the two schools could continue to be maintained separately and that the new LL.M. program at Indiana University School of Law—Indianapolis would bring no harm to the Indiana University School of Law—Bloomington program.

“Branding” is another aspect of identity to which much human effort and resources are expended in many contexts. Those who offer goods and services to a consuming public want those consumers to be able to immediately and confidently identify the goods and services as those of the offeror. Once an offeror has successfully built a good reputation, the offeror uses the brand to keep the thoughts about the offeror fresh in the minds of actual and potential consumers.

Branding efforts have been a major undertaking in the world of higher education in recent years. Indiana University recently undertook a major initiative directed at reviewing, enhancing, and reforming branding policies and practices throughout the system. The reform effort in its early stages, as most do to one degree or another, had a tendency to overreach. One aspect of the reforms was to emphasize the relationship of place in the brands of the nine campuses within the Indiana University system. That produced some unique problems for this Law School, and Jeff was at the forefront, leading the faculty in a diplomatic mission to meet the objectives of the branding initiative while minimizing any harm to the identity of the School of Law.

To bring into high relief the significance of Jeff’s efforts in this branding reform initiative, some background is necessary. The roots of this Law School go back to the establishment of the Indiana Law School in 1894. Its association with Indiana University dates to 1944. When the Law School moved from the Mannechor Building downtown to the campus of Indiana University Purdue University Indianapolis (IUPUI) in 1970, issues relating to identity immediately arose.³ IUPUI itself had barely only been fully constituted in 1969. The Law School certainly was not a *new* law school, but many—thinking at the level of institution-as-place—erroneously supposed that a newly-born “IUPUI law school” had found its place on New York Street. Efforts by the faculty and administration to protect the already well-established identity of the Indiana University School of Law—Indianapolis⁴ and to try to foster consistent thinking about the School in terms of identity redoubled and continue to this day. Jeff was

3. Ronald W. Polston, *History of the Indiana University School of Law—Indianapolis*, 28 IND. L. REV. 161, 167-70 (1995).

4. The actual “official” name of the Law School was a matter of some question during this time. The faculty had voted to adopt the name Indiana University School of Law at Indianapolis. The present iteration of that name, and the name used in this tribute throughout, was officially adopted by the Indiana University Trustees on September 12, 1975. *See id.* at 169 nn.62 & 63.

part of that early effort. When he moved to the administrative side as Associate Dean for Academic Affairs and later as Acting Dean, he placed high on his agenda efforts to sharpen the brand of the Law School and to counteract the clouding effects of the references to “IUPUI law school.”

In the recent “branding” initiative the early proposals called for modification of the existing brand of Indiana University School of Law—Indianapolis to one in which the initials “IUPUI” were to be colorfully dominant. The veteran of the identity battles of decades past sprang into immediate and intensive action. The new “IUPUI” brand threatened not only to wipe out the efforts of the 1970s, but to eclipse more than a century of effort and resources that had established the identity of this Law School in the national community of law schools. Jeff was determined that this would not happen. He persuaded the faculty and administration that a formal resolution and active diplomacy within university circles were needed to convey the concerns about identity. He knew that the decisionmakers would have to be convinced that preservation of that identity of the Law School and consistency in the branding policies and practices pertinent to the sibling schools were paramount in any modification of branding within Indiana University. His careful wording of the faculty resolution and his diligent follow-up support in negotiations has successfully produced a workable compromise between the original brand and the proposed one, and has reinforced the principle of consistency in the names of the sibling schools.

Jeff’s programmatic accomplishments have also contributed measurably to the identity of the Law School in the sense of institutional “feel.” Other tributes have related Jeff’s instrumental efforts in establishing the summer China Program and the LL.M. and S.J.D. Degree programs. The Law School community has, for many years, enjoyed the colorful and aesthetically pleasing posters advertising the China summer program to prospective attendees, many of which were produced from Jeff’s own on-site photographs. The prominent display in the atrium of international flags representing the nationalities of our LL.M. students, to say nothing of the bits of conversations in other languages that one can overhear in a walk through the corridors of the building, have lent a strong cosmopolitan feel to the School that was non-existent until Jeff’s efforts in the global realm began to bear fruit. His appointment as Associate Dean for Graduate Studies allowed him to focus his efforts, marshal resources, and engage in extensive outreach to launch that program. That has led to another of the “nicknames” that Jeff has carried through the years. “Dean Grove” has been an able and tireless founder and shepherd of the graduate mission of this Law School. In his travels abroad, teaching and directing the summer China Program, lecturing on American law in China, and recruiting LL.M. students, Jeff is frequently presented with gifts and documents of appreciation. One of those documents, framed and hanging on the wall of Jeff’s office, refers to him as “Your Excellency.” It may be a privilege of long-standing friendship that some of us exercise when we address him as “Your Excellency.”

Another of Jeff’s programmatic brain children, the Distinguished Jurist in Residence program, no longer with us in name, remains vibrant in effect and continues to be prominent in the identity of the School. It was Jeff’s idea to recruit prominent judges from across the country to spend a few days at the Law

School, engage with students in classes of interest to the judges and in informal chats with them, participate in colloquia with the faculty, and present their ideas to the larger community. Through many years, that program attracted many judges, and their visits still resonate in the minds of many former students and faculty. More recently, and through the good offices of our colleague James White, we have hosted several visits by United States Supreme Court Justices, and those visits conform to the model that Jeff originally envisioned, though necessarily shorter in duration.⁵ In fact, in 2007 Jeff was instrumental in bringing Justice Samuel Alito to the School. The legacy of that program creates the feel of a school of law with deep professional and intellectual connections with the judiciary, allowing our students to engage the judges in direct dialogue as well as experiencing their human side to complement daily exposure to them through their written opinions.

A strong tradition of intellectual exchange among those of us who inhabit this institution and with colleagues from other institutions is also an aspect of the identity of this School. Jeff Grove has played an indispensable part in creating and fostering that tradition. Early in his years as Associate Dean for Academic Affairs, Jeff conceived of a regular series of faculty colloquia, in which colleagues would share their scholarly works in progress with colleagues in an informal, social setting, complete with refreshments. Employing diplomatic aplomb at his best, he overcame the natural reluctance of some younger colleagues to air their scholarly thinking in front of senior colleagues before those thoughts were “ready for prime time.” Jeff began the program that now flourishes and involves a substantial number of the faculty regularly in the Faculty Lounge once or twice a week most weeks of any given semester. The program, carried forward in recent years by former Associate Dean for Academic Affairs Andrew Klein to include a regular exchange of young scholars with other law schools, has produced as strong a “feel” in this institution of open and collegial exchange of ideas at the highest levels of inquiry, sustained analysis, constructive critique, and moral support that any community of scholars could desire.

Collegiality is an important value for Jeff. His door is always open, not only to students—whose visits to “Dean Grove’s” office are frequent and likely to be of some duration—of course, but also to colleagues. One cannot simply poke one’s head in his door to say hello; Jeff’s welcoming manner and genuine good

5. United States Supreme Court Justices who have visited the School include Justice Kennedy, Justice O’Connor, Justice Ginsburg, and most recently, Justice Alito. Judges who visited during the original program include Judge Ruggero Aldisert, U.S. Court of Appeals for the Third Circuit; Judge Alfred T. Goodwin, U.S. Court of Appeals for the Ninth Circuit; Chief Justice Robert F. Utter, Washington Supreme Court; Judge Prentice H. Marshall, U.S. District Court for the Northern District of Illinois; Chief Justice James G. Exum, North Carolina Supreme Court; Judge Robert L. Carter, U.S. District Court for the Southern District of New York; Justice Martha Craig Daughtrey, Tennessee Supreme Court; Judge Patricia McGowan Wald, U.S. Court of Appeals for the District of Columbia Circuit; and Chief Judge Emeritus A. Leon Higginbotham, Jr., U.S. Court of Appeals for the Third Circuit.

cheer in interacting with colleagues is irresistible as he always invites the quick visitor in to sit down for a longer chat. He also frequently shows up at the doors of colleagues, whether to discuss an interesting case, a matter of Law School business, or (more frequently) to share a humorous story or joke. He has carried his warm invitational tendency to greater lengths by hosting many faculty social functions in his home. Many candidates for faculty positions and decanal appointments have also been his guests as they move through the hiring process. The result of these and other efforts have helped to produce a strong sense of collegiality and good will among colleagues as an important aspect of identity of this Law School. It has long been a favorite statement by members of the Faculty Recruitment Committee to tout the strong collegial feeling and activities of the faculty.

Identity is important to Jeff at a personal level as well. You have already read accounts of his sense of sartorial and tonsorial style and two other of his nicknames.⁶ His expression of style and the nicknames are a direct reflection of Jeff's expression of personal identity. In his early years at this School Jeff garnered one more nickname not yet mentioned. If the reader has an opportunity to peruse the composite photographs of graduating classes of the Law School displayed in the Ruth Lilly Law Library, the reader will see in the composites from the mid-seventies that Jeff's hairstyle was clearly in the mainstream of "thirty-somethings" of that era. Those carefully-clipped helmet-shaped locks earned him the nickname "Prince Valiant" for many years, and some of our older alumnae still refer to him (fondly) with that moniker.

Space limits force a conclusion here, though I could write much more. Suffice it to say that if ever the appellation "institution-builder" pertained to a person associated with this Law School, it would be Jeffrey W. Grove. "Dean Grove" richly deserves to be immortalized in artistic form and to have his portrait hang in the law school gallery.

6. See Bepko, *supra* note 2, at 274.