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Tribute to Dean James J. Alfini: Former Dean and Professor of the Northern Illinois University College of Law

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Northern Illinois University Law Review, Jean R. Sternlight, Jeffrey M. Shaman, Nina Appel, Daniel Reynolds, and Leona Green

A Tribute to Dean James J. Alfini: Former Dean and Professor of the Northern Illinois University College of Law

The Northern Illinois University Law Review wishes James J. Alfini the best of luck as he begins his tenure as Dean of South Texas College of Law. To all of us, he is Professor Alfini of the Northern Illinois University College of Law. He served our law school as dean and professor from 1991 to 1997 and as a professor from 1997 until his departure to the South Texas College of Law in 2003. We publish this tribute in honor of his dedication to justice, which has forever shaped our law school.

Professor Alfini greatly impacted the lives of countless students at the Northern Illinois University College of Law. He taught many of us Constitutional Law and Mediation. He has also taught Commercial Arbitration, Professional Responsibility, Alternative Dispute Resolution, Civil Procedure, and Environmental Law. He allowed students to shine in class by bringing out the best in all of us. He challenged us to improve our legal analysis of cases in a way that encouraged us to develop our own unique voices rather than simply to recite tests and rules. We worked hard in his classes, not out of fear, but out of respect for him. He always made class entertaining. Professor Alfini is (in)famous for his keen wit, infectious laughter, and even his ability to find Elvis song lyrics in cases!

Professor Alfini was also a mentor to members of the Northern Illinois University Law Review. Many members appreciated his guidance while they were in the process of writing their student articles and benefited from the opportunity to collaborate with him on research. He served as a faculty advisor to the law review from 1995-1997, and he was a faculty advisor for many law review symposiums. His contributions to the lives of the members of the Northern Illinois University Law Review will not be forgotten.

James J. Alfini's contributions to the law school will only become more evident as his former students begin to leave their marks on the world. However, the students at Northern Illinois University are certainly not the only ones to have benefited from the work of James J. Alfini. Thus, our tribute to him includes comments from his friends and colleagues: Jean R. Sternlight, Jeffrey M. Shaman, Nina Appel, Leona Green and Daniel Reynolds. A bibliography of the writings of Professor Alfini follows.

JEAN R. STERNLIGHT¹

Although Jim Alfini and I have never taught at the same school, he has been one of my most important mentors in the field of ADR. I first entered academia, in 1992, as an assistant professor at Florida State University. Shortly thereafter I was assigned to teach some ADR courses and even named Director of Education and Research for the Florida Dispute Resolution Center. Unfortunately, I knew very little about ADR at the time.

As I tried to adjust to the academic life and learn a bit about ADR, I kept hearing the name of Jim Alfini, who had recently left FSU to become Dean at Northern Illinois. I learned that like me, Jim was a civil procedure professor, and that like me he had been Director of Education and Research for the Florida Dispute Resolution Center. Unlike me, he actually knew a lot about ADR. I also heard that Jim was a very nice guy who liked to play hearts and poker.

I soon learned why everyone liked Jim so much. I met him early on at an ADR conference and he immediately took me under his wing (arm really) and started introducing me to all kinds of people in the ADR field. This was fantastic, for a novice, because Jim knows everyone and everyone likes Jim. With his help, I was able to begin to make some very good contacts and friendships that have helped me personally and professionally ever since. Jim also read and commented on my drafts of articles, and offered good counsel on a variety of issues.

Given the very high esteem in which I hold Jim, you will not be surprised to hear that I was absolutely thrilled and flattered when he and co-authors Sharon Press & Josh Stulberg invited me to join with them in writing a mediation casebook. Of course I accepted, and it was a great experience. Jim is largely responsible for how well we were able to work together, as his unique combination of organization and good humor kept us all on track and eased a few strains with the publisher. I have great memories of a fun meeting in Chicago and am very proud of the book that resulted from our collaboration.

Over the years, as I have grown a few gray hairs of my own, I have continued to get together with Jim as often as possible at conferences, whether for a beer or a walk or a game of hearts. At these events, I have often seen Jim take other young faculty under his wing. Jim is such a wonderfully warm and outgoing person that this comes naturally. I am sure

1. Saltman Professor of Law and Director of the Saltman Center for Conflict Resolution, University of Nevada Las Vegas Boyd School of Law.

he does not see this kind of mentoring as work, but rather just part of his fun job.

In sum, I am grateful to have been able to benefit from Jim's unique combination of knowledge, judgment, warmth, organization, commitment and humor. Given these traits I am confident he will be a fabulous dean at Texas Southern, just as he no doubt was at Northern Illinois. It has been an honor to walk in his footsteps.

JEFFREY M. SHAMAN²

I first met Jim Alfini in 1984 when he was the Assistant Executive Director for Programs of the American Judicature Society. Jim interviewed me to work on a judicial ethics project at AJS and I was immediately struck by his inquisitive mind, his sense of humor, and his devotion to improving the system of justice. Jim was--and still is, for that matter--utterly devoted to studying and improving the judicial process on a practical level. Full of energy and optimism, he was deeply committed to the goal of the improving the administration of justice. With a proclivity for research and a bent for reform, Jim was the guiding spirit of AJS.

Jim's first association with the American Judicature Society was in the early 1970s, while he was still a law student at Northwestern University. Before his senior year at Northwestern, he was awarded one of the initial AJS Herbert Harley Fellowships (named after the Society's founder) to conduct research on modernizing the courts. Upon graduating law school, Jim worked for a year in legal services as a Reginald Heber Smith Community Lawyer, which, at the time, was a position extremely coveted by those who were concerned about providing legal representation to the poor. After his year as a "Reggie," Jim was asked to return to AJS as the Assistant Director of Research and happily accepted the offer. One of his first achievements in this new position was to help develop a caseload management plan for the Chester County Court of Common Pleas. On the strength of that and other work, after a few years Jim was promoted to Director of Research, and in that capacity guided an impressive expansion of the AJS research department. Under Jim's leadership, the department conducted extensive studies of the judicial rulemaking process, the impact of jury instructions, the effectiveness of programs designed to reduce court delay, and merit selection of judges. These studies led to the publication of groundbreaking books and articles that Jim either authored or co-authored.

2. St. Vincent de Paul Professor of Law, DePaul University College of Law. Professor Shaman served as Director of the AJS Center for Judicial Conduct Organizations (1986-89) and Senior Fellow of the American Judicature Society (1989-99).

Jim also was instrumental in the creation within AJS of a national center on judicial conduct and ethics. Largely as a result of Jim's efforts, the AJS Center for Judicial Conduct Organizations was established in 1977 as a national clearinghouse on information and data about judicial conduct. For a number of years thereafter, Jim guided the expansion and improvement of the Center's activities.

Jim was a wonderful colleague to have at AJS. Devoted as he was to the organizations's goals, he had high expectations for himself and those around him. At the same time, he was extremely supportive of his co-workers, trustworthy, and always ready to lend a helping hand. Jim's colleagues at AJS respected him for his expertise and appreciated him for the friendship he extended to those around him. No doubt about it, Jim Alfini was a great guy to work with, and a warm friend as well.

At some point in the mid 1980s, Steve Lubet, who was on the Northwestern Law School faculty and had written a monograph on off-the-bench conduct of judges for AJS, got the idea that the three of us should collaborate on a book about judicial ethics. Clearly there was a need for such a book, so Jim and I quickly agreed to the project and the three of us began work on what would become *Judicial Conduct And Ethics*, which was first published in 1990. Having won an Honorable Mention for Excellence from the Association of American Publishers, *Judicial Conduct And Ethics* is now in its third edition. Working with Jim and Steve on the book was a wonderful intellectual experience for me. After dividing up the chapter assignments, we each would write first drafts, circulate them to one another, then write comments back and forth and discuss it all over coffee or lunch. It was a truly collaborative effort from which I learned a great deal, not the least of which was the value of deliberation with thoughtful colleagues. Over the years, as the three of us became "wired," we occasionally would have e-mail debates and discussions about various points in succeeding editions of or supplements to *Judicial Conduct And Ethics*. Again, this was an invaluable intellectual exercise for me, and I remain indebted to Jim and Steve for sharpening my mind and expanding my vision.

Over the years, in his quest for finding ways to improve the administration of justice, Jim became increasingly interested in alternate dispute resolution. In 1986 he joined the faculty of Florida State University College of Law and became Director of Education and Research for the Florida Dispute Resolution Center. Jim now was able to pursue his interest in research and reform of the justice system in an academic setting, and he became one of nation's leading experts on alternative dispute resolution. Books and articles about ADR and mediation were added to his growing list of publications. He taught a course and seminar on ADR at Florida

State, as well as teaching Civil Procedure, Environmental Law, and Mediation Theory and Practice.

Jim's impressive accomplishments as an administrator and teacher, not to mention his engaging personality, made him a natural candidate for a deanship, and in 1991 he was appointed Dean and Professor of Law of the Northern Illinois College of Law. He served with distinction in the deanship for six years and for another six years was a greatly admired professor at Northern Illinois. Of course, leaving the deanship gave Jim more time to pursue his research interests and his devotion to serving the legal profession. In fact, over the years, Jim has served on numerous bar association commissions and committees devoted to improving the legal system. Early on, he was elected to the American Law Institute. He was a representative on the Illinois Judicial Ethics Advisory Committee, a member of the ISBA Task Force on Minorities and the Justice System, reporter to the ABA Consortium on Legal Services and the Public, reporter to the ABA Working Group on the First Amendment and Judicial Campaigns, vice chair of the ABA Dispute Resolution Section, Regional Vice President of the Society of Professionals in Dispute Resolution, chair of the AALS Alternative Dispute Resolution Section, and chair of the ABA dispute resolution section. These are but a sampling of the committees and commissions to which Jim has contributed his expertise and wisdom. Indeed, over the years he seems to have served on just about every committee that had anything to do with improving the justice system.

It would be remiss not to mention something here about Jim's character, because he is such a kind-hearted person. Jim is genuinely devoted to helping people--students, individuals in need of legal services, and those seeking justice. I always have been impressed by his altruism and his dedication to improving legal services and improving legal education. Jim is a genuine reformer and educator, and we have been lucky to have him play so active a role in the legal profession. His work over the years has done much to improve our system of justice.

Finally, a word about Jim's great sense of humor. He has a jovial laugh that comes quickly and easily. He's always ready to see the humor in a situation and laugh at the foibles of life. And he is not afraid to laugh at himself on occasion. As for the jokes that he cracks, or tries to, well, they do tend to be on the corny side--quite far on the corny side, as a matter of fact--but he tells them with such relish and gusto, that you can't help at least to smile and chuckle a bit. Jim's joke telling is one instance where form does clearly prevail over substance. Otherwise, though, he is person of wonderful substance--kind and intelligent and devoted to improving the legal system. I consider myself fortunate to have been Jim Alfini's colleague and will always consider him a dear friend.

NINA APPEL³

Thank you for letting me add my own thought to the many others who reflect on the contributions and career of your former Dean, James Alfini. Jim and I first met way back in 1973 when I entered law teaching as an Assistant Professor, and he came to Chicago as a new Assistant Director of Research at the American Judicature Society, an organization I had long admired. Although we did not get to know each other well at that time, everything I heard about Jim and his work at AJS was so positive, that I was not at all surprised when in 1977, he became the Director of Research, a position he held for three years. In 1980 he advanced to the position of Assistant Executive Director for Programs. When I myself became Dean in 1983, I had occasion to work closely with the AJS, so again, Jim Alfini and my colleagues and I got to know one another better. In 1986 Jim left Chicago, to take on his position as the Director of Education and Research at the Florida Dispute Resolution Center, and then began his academic career at the Florida State University College of Law. And of course, as the reader of the reflection knows, Jim came to Northern Illinois University College of Law in 1991 as Dean.

I mention all these various prior assignments because, in my opinion, they provided a wonderful background for a creative and energetic new Dean, and Northern Illinois gained the benefit of his unique perspective. As a law professor, following his tenure as Dean, Jim continued to pursue his research and scholarly interests in mediation, arbitration, and justice. Jim Alfini was a leader in Illinois, whose absence in the years he was in Florida was a real loss to our community. We were delighted to learn that he would be coming back to Illinois, and once more, saddened to have him gone yet again. I speak for all my colleagues, and for many of his Chicago friends, when I join the many others in wishing him all the success and best wishes in his new undertaking. I am confident that he will continue to be an academic leader and look forward to working with him once more.

LEONA S. GREEN⁴

Initially, I was elated when asked to write a tribute to my friend, former dean and colleague, Jim Alfini. Then reality set. The enormity of the task of capturing even the highlights of Jim's accomplishments and relating the significance of his deanship at Northern Illinois University

3. Professor and Dean, Loyola University Chicago School of Law.

4. Associate Professor of Law, Northern Illinois University College of Law.

College of Law (NIUCOL) was overwhelming. I also began to mull over having to do so while he is still alive! Considering the alternative, I soon decided that it would be quite enjoyable to indulge in reminiscence of the twelve years that our law school faculty, staff, students and alumni have benefited from Jim's rich presence, both as our Dean and as a professor. I should add, however, that I did ponder how much fun it might be to simply roast Jim, whose sense of humor is quite hefty.

In the fall of 1991, Jim hit the law school by storm. He was a man on a mission. He seemed to view our relatively young school, the only public law school in northern Illinois, just sixty miles from Chicago, as an incomplete, yet beautiful puzzle that was screaming out to be made even more beautiful in its offerings by the filling in of the missing pieces. As he sought to do just that, he exemplified a spirit of congeniality that spoke to his commitment of inclusion and tolerance of differences that are rare for a leader in higher education. He was a dean who spent time on the floor that housed the professors, traveling from office to office, seeking the opinions, concerns and ideas of his colleagues. Shortly after arriving, he initiated the town hall meeting approach to learning about the students' needs and desires for their education as well as their dreams for the future. He rarely stood on his rank or position and had an open presence that invited discussion about the future of the living, changing place in which we all worked and learned.

I was in my first year of teaching when Jim arrived at the law school, and I was not quite ready for the journey on which he was planning to take the school and me. When he dropped into my office for our first chat, he noted our commonalities, such as the fact that we both were Northwestern University School of Law School graduates and had both taught and practiced in the Alternative Dispute Resolution (ADR) area. During that same conversation he cavalierly offered to co-teach a Mediation, Theory and Practice class with me. While I relished the fact that the law school had chosen a Dean such as Jim, who has a nationally recognized reputation in ADR, Ethics and the Judicial System, and while I had really looked forward to working with him, I felt that to actually teach a class with a well-seasoned professor, let alone my Dean, would be tantamount to professional suicide. Anyone who knows Jim recognizes that when he envisions a goal, his persistence is admirable and unequalled. Nevertheless, it would be several years before I agreed to take him up on his offer. I must say that the outcome of the teaching experience was better than either of us could have imagined. I learned a great deal about how co-teaching can not only help a less experienced professor, but can greatly benefit the students. In the class, Jim and I occasionally took different points of view on current issues in mediation or championed different methods of practice

as mediators. The students seemed to enjoy this modified “good cop, bad cop” approach. In fact, we both received excellent marks on our student evaluations. In the comments section, one student wrote, “The two professors complemented each other well in class. If the two were not already spoken for, they would make a great couple.”

In addition to being a wonderful teacher, Jim has numerous other enviable abilities. He is truly one of those people who has never met a stranger. He loves people and they love him. He has the talent for remembering the names of every person he meets, even the hundreds of students who have passed his way, whether or not he has taught them. Resultantly, Jim was also a great ambassador for the law school. Jim possesses advanced glad handing skills, which in his case are actually sincere. In other words, he can really work a room. He went out of his way to get to know the legal and political community, which provided innumerable benefits for the school, especially in fund raising. Additionally, he continued to show diplomatic expertise in the political environment that is a necessary element of the life of a public law school. He forged new and stronger alliances with the alumni, the local judiciary and other interested friends of NIUCOL by forming our first Board of Visitors. This advisory committee has been so generous with its time and efforts that I understand Jim has decided to duplicate his success in this regard by forming a Board of Visitors during his deanship at South Texas College of Law.

Jim helped to spread the good news about the benefits of mediation in Illinois with much success, just as he had in Florida. It was a privilege for me to join with him in organizing and providing training for Illinois lawyers and judges in several counties in the area of court-mandated mediation. No wonder that while at NIUCOL, Jim became the first person to be elected and to serve simultaneously as Chairperson of the American Bar Association Dispute Resolution Section and the Association of American Law Schools, Alternative Dispute Resolution Section during 1999-2000.

It was under Jim’s leadership that NIUCOL began its highly successful Study Abroad Program in Agen, France, utilizing some of our own faculty members as well as local law professors and providing an opportunity for travel and exploration in this global society that many of our students would not otherwise experience.

To be sure, Jim’s years at NIUCOL did not pass without tragedy befalling our law school family. We were, however, fortunate indeed to have Jim at the helm during one of the saddest yet poignant times in the history of the law school. In September 1994, Marla Dickerson, a young African-American student who had just begun her second year at NIUCOL

perished on Boeing 737, Flight 427 when the airplane plunged into a wooded hillside near Pittsburgh, Pennsylvania. She was on her way to attend a friend's ordination service in Pittsburgh. Under Jim's graceful direction, the law school made arrangements for a beautiful memorial service shortly thereafter. The service was held in the Justice Thurgood Marshall Gallery, which through Jim's initiation had been dedicated earlier that year after a majority vote of the student body.⁵ Ms. Dickerson's family, who resided in the State of New York, attended the service. Members of Ms. Dickerson's family were also present at the graduation of Ms. Dickerson's classmates at which Dean Alfini presented a Juris Doctorate degree, posthumously, to Ms. Dickerson's father. The next year, the Dickerson family donated the funds to endow a monetary award in Ms. Dickerson's name for a graduating senior.

After much reflection, I have determined that in the final analysis, Jim's accomplishments and success at NIU and in his career in general, has been due not only to his hard work, intelligence, tenacity and talents, but to the genuine feelings of love and respect that he has for his fellow human beings. I arrived at this conclusion, in part after reading the open letter his youngest son, Michael sent to be included in a collection of congratulatory comments the faculty presented to Jim when he completed his term as Dean. For me, it was the most impressive contribution to the album. Unlike his older brother, David, Michael chose not to follow in his dad's footsteps by becoming a lawyer. Instead, he chose to travel across America playing his guitar with the rock band that he had organized and led while he was in high school. In a very touching way, he thanked his dad for allowing him to choose his own path in life and supporting his efforts. In addition, he thanked Jim for teaching him not to be prejudiced against anyone because of his race, nationality, ethnicity, sexual orientation, disability or for any other reason. For me this was a clear demonstration that Jim not only "talked the talk" at his job, but "walked the walk" in his private life as well. Under Jim's leadership NIUCOL became, perhaps one of the most diverse faculties and student bodies in the nation.

Jim "ascended" to the faculty after his very successful term had ended as dean. Even though he professed a desire to get back to full-time teaching and scholarship, several of us faculty members suspected that he was unaware of how much he really loved being a Dean. Perhaps that is why no one seemed to be surprised that after his six-year hiatus, he again left what has been called "the best job in the world—teaching" to return to

5. The Northern Illinois University College of Law Chapter of the Black Law Student Association held a rededication of the Justice Marshall Gallery on the 10th Anniversary of the Gallery on April 7, 2004.

“the worst job in the world—deaning.” I truly wish Jim the very best at South Texas College of Law and will always cherish the efforts, energy, talents, knowledge and humor that he shared with us.

DANIEL REYNOLDS⁶

As they prepared to leave the stage, this year's editors of the *Law Review* wanted to express their appreciation and affection for a man who played such a large role in their law school. It is a mark of the lasting nature of Jim Alfini's accomplishments here at Northern, and the continuing high regard in which he is held here, that they are dedicating this, their final issue, to him with gratitude, appreciation and best wishes for continued success in his life's chosen path—the formation of new lawyers. The venue may have changed (and even I, an NIU “lifer,” have to concede that Houston probably does have its charms) but no one doubts that the story is continuing and yet more generations of capable and compassionate lawyers are coming to the profession under Jim's guidance and that of his new faculty colleagues.

Someone asked if I had any advice for those new colleagues at South Texas as to the proper care and handling of their new Dean. By now, of course, they will have worked this out on their own. Faculties have a way of doing that. They will no doubt have discovered, for example, that it is next to impossible to plan on a quiet one-on-one lunch with the Dean. On our campus, the lunch spot of choice (well, of habit anyway) involves a walk across the Commons to the Student Center. In the course of that two-minute stroll Jim would invariably just *collect* people—provosts, poli-sci profs, groundskeepers, students . . . anyone who looked like they were heading to lunch alone . . . and in short order one's plans for a private lunch with the boss were up in smoke. Probably just as well, because those occasions for special pleading would never quite turn out the way one hoped anyway. Fairness is such a wonderful concept in theory, but being on the receiving end can be bittersweet. I thought this communal habit of his might be a behavior dictated by the circumstances of campus life but I found myself in Paris once when Jim and Carol were there as well. A hoped-for quiet dinner for three quickly turned into something resembling a church supper. Between hotel lobby and the corner, Jim amassed a small

6. Associate Professor of Law and Law Review Faculty Advisor, Northern Illinois University College of Law. Professor Reynolds has served as Interim Dean and Associate Dean at the Northern Illinois University College of Law and directs the summer session with the University of Bordeaux in Agen, France.

brigade of wandering Americans and we trooped across Paris and back again in the rain. I don't know Houston, but the mind's eye can picture a roving band of Texans, native and not, following a bobbing head of gray hair down the streets, looking for lunch.

By now I should imagine that our South Texas colleagues have discovered what a special kind of treat it can be to watch Jim, a professional deeply steeped in the values of mediation and creative dispute resolution, deal with that archetypical decanal role of herding cats—managing faculty meetings and conflicts, egos and ids—getting the herd to go where their better natures know they want to go but for fallen nature's catalogs of reasons not to. And memorable, too, are the occasions when the mediator's persona would be set aside and a rather more directive Jim would surface. Put it this way, Texas colleagues: Get those grades in on time. You don't want to know

Truth be told, we might be a little envious of those Texas colleagues, a little possessive of the Dean we like to think we trained. But we have at least had the pleasure—there is no better word for it—of having Jim post-deanship as a regular faculty colleague when he “ascended” to the faculty (in the words of the Faculty Resolution welcoming Jim “downstairs.”) From high-minded debates about our craft (and yes, Jim, you are still wrong about Model Rule 4.1) to good-natured ribbing waiting for the coffee to brew, Jim knew how to be a colleague in this always grand, but sometimes dreary business of reproducing the legal profession day in and day out. He made it easy to be one back. And this colleague is grateful to the *Law Review* editors for the opportunity to say so out loud.

Ad multos annos, as my people would say. “Y'all don't forget us now” in your new way.

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