



UNIVERSITY OF MINNESOTA  
TWIN CITIES

All University Senate Consultative Committee

383 Ford Hall  
Minneapolis, Minnesota 55455  
Telephone (612)373-3226

AGENDA (D)

Thursday, November 6, 1980  
12:45-1:15  
Regents Room

1. Call to order.
2. Fix agenda.
3. Minutes of October 23.
4. Report of the Chair - oral.
5. Report of the student Chair - Oral.
6. Committee Reports.
7. Old Business.  
(Assembly Consultative Committee only.) Request  
ACIA to review constitution and by-laws.
8. New Business.  
Additional items for agenda with President?
9. Adjourn



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MINUTES

APPROVED 11/20/80

SENATE CONSULTATIVE COMMITTEE  
November 6, 1980

The fourth meeting of the 1980-81 academic year of the Senate Consultative Committee was called to order by Chairman Marcia Eaton at 12:50 p.m. on Thursday, November 6 in the Regents Room of Morrill Hall. Other members present were Julie Bates, Orhan Arkan, Robert Brasted, Russell Hobbie, Judy Nord, Sue Pribyl, Dennis Sargeant, Vera Schletzer, Skip Scriven, Julie Sellgren, Donald Spring, Patricia Swan, Bruce Thorpe, John Verrill, and Allan Ward. Also attending were Maureen Smith of University Relations and Trish Van Pilsum of the Daily.

1. The minutes of the October 23 meeting were approved with corrections which were read and will be distributed in writing.

2. Consent Decree.

a. Establishment of new University committee. It was moved and approved without dissent to approve for the Senate docket the third version of the motion to establish the University Committee on Equal Employment Opportunity for Women, the same version recommended by the Committee on Committees.

b. Judicial Committee hearings--openness issue. Two documents were distributed to the members. One was a set of grievance procedures drafted by attorney Charles Mays. The other was a list of nine clarifications to the Consent Decree, clarifications which the University has signed. Point 8 specifies that, "Prior to January 1, 1981, the University shall fully consider internally the issue whether any hearings held by any internal tribunal pursuant to this decree shall be public or non-public and, as a result of such consideration, may adopt any procedures it deems appropriate, subject to the review provisions set forth in this clarification..."

Professor Eaton read a memorandum from Edward Rippie, Chairman of the Senate Judicial Committee, which stated the present governing rules of confidentiality and the committee's three responses under consideration to the issue of openness. The SCC concurred in Eaton's recommendation for steering the question of openness to all appropriate Senate, University and Campus committees and announcing the intention of placing the item on the agenda of the winter quarter Senate meeting, February 19. The committees from which the SCC will solicit responses are Judicial, Tenure, Academic Freedom and Responsibility, Faculty Affairs, Student Affairs, and Student Behavior. The SCC proposes to hold an open hearing on the question sometime in January. Eaton will write to Leonard Lindquist, the Special master,

describing the Consultative Committee and other committee progress and schedules on both the new equal opportunity committee and the open hearing question, stressing the serious nature of the openness issue as one which should be decided only after careful déliberation.

Professor Schletzer noted that every collegiate unit has an operating grievance proceeding, and that all grievance officers attended the recent grievance workshop. It is clear there is much in place to deal with grievances. It was pointed out that confidentiality was originally intended for the protection of everyone involved in grievance proceedings--the person bringing the grievance, the person grieved against, and all who give testimony. Spring and Hobbie recommended that all collegiate grievance officers be notified that a hearing on openness will occur in January and asked to report their committees' attitudes toward confidentiality as developed from their experiences over the last few years. Eaton will forward this notice and request to Donald Ireland, Chairman of the University Appeals Committee on Academic Freedom and Responsibility, asking him to canvas the grievance officers who report to him.

3. Report of the Chair. (Eaton)

a. The Professional Academic staff category proposal ("P.A.") will go before the Regents for action at their December meeting. The month's postponement was at Eaton's request to permit the Tenure Committee time to send its report on the proposal to Academic Affairs.

b. The Facilitative Committee, with Professors Eaton and Spring, will meet with Vice President Hasselmo and several Planning Council members November 10 at 1:30 in B-12 Morrill Hall to discuss development of the mechanism for the joint mode study on a topic along the lines of "Barriers to Increasing Faculty Productivity." SCC members are invited to attend.

c. Eaton asked for a discussion at a future meeting of guidelines under which some meetings of UCBRBR and SCC might be closed.

4. Report of the Student Chair. (Pribyl) Deep concern arose among the students over the space crisis in General College this fall, where a 14% enrollment increase forced crowding. The President's office has responded quickly to alleviate the situation.

5. Crookston representative. The Chairman welcomed Dennis Sargeant, newly elected student representative from Crookston, and introduced the other committeemembers to him.

6. Committee Reports.

a. UCBRBR. Professor Brasted reported the committee had an informative session October 30 with Vice President Keller who reviewed possible retrenchment programs. Robert Hexter, Chairman of Research, chaired that meeting.

b. Grievance. Professor Schletzer said she had been amazed and pleased to see at the Grievance Workshop the many grievance mechanisms which exist here. Officers are able to channel grievances in the right direction.

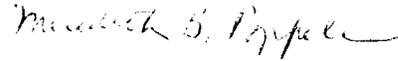
She reported that all women of the faculty have received within the last few days a ballot from which to elect four women, two of whom will

be chosen as members of the incipient University Committee on Equal Employment Opportunity for Women, as the two reserved by the Consent Decree specifically to be chosen by members of the plaintiff class. The women faculty members of the SCC noted that they had had no opportunity to participate in the nominating process and in fact still were not informed as to what that process had been.

c. Reorganization. Professor Spring reported the writing committee continues its regular meetings, with the next meeting scheduled for later on this day, November 6.

The meeting adjourned briefly at 1:15 p.m. to await the start of the conversation with the President.

Respectfully submitted,



Meredith B. Poppele,  
Secretary



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All University Senate Consultative Committee

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APPROVED 11/20/80

CONVERSATION WITH THE PRESIDENT  
November 6, 1980

The Senate Consultative Committee's November 6 meeting with President Magrath began at 1:15 p.m. in the Regents Room of Morrill Hall. Also present from central administration were Vice Presidents Keller and French, Associate Vice President Linck, and Assistant to the President Pazandak. SCC members present were Orhan Arkan, Julie Bates, Robert Brasted, Marcia Eaton, Russell Hobbie, Judy Nord, Sue Pribyl, Dennis Sargeant, Vera Schletzer, Skip Scriven, Julie Sellgren, Donald Spring, Patricia Swan, Bruce Thorpe, John Verrill, and Allan Ward. Also attending were Maureen Smith of University Relations and Trish Van Pilsum of the Daily.

1. The Humphrey Institute. President Magrath acknowledged receipt of Professor Eaton's letter expressing SCC concerns on academic considerations in choosing a site for the institute. He stressed that his main concern was that it be built, along with other high priority capital requests--major new Twin Cities construction starts, remodelings, and coordinate campus buildings. He said that institute plans have for a long time included 10%-15% of the square footage for memorial purposes, and reminded the group that last year's long discussions within the University produced the Regents' recommendation of the Oak/Washington site, that the legislature approved a West Bank location, and that there was no actual funding.

2. Immediate space needs for General College. The President and Vice President Keller acknowledged the space problem and reported that it had been solved, albeit by generating a different space problem. Sue Pribyl expressed appreciation on behalf of students for such prompt relief provided by the President and other administrators.

3. Outreach. Professor Eaton said the SCC was seeking an update particularly on "inloading" and asked when a report on the results of the pilot studies was expected. The President asked the committee to bear in mind that the University has extensive outreach, much of it through Continuing Education and Extension, but with considerable offerings also from the Health Sciences, the coordinate campuses, and other units. The aim of the proposal is to make outreach an even more integral part of the University. The sticking point in the proposal is the anticipated effects.

Associate Vice President Linck spoke of the difficulty in wording a questionnaire to sample units, to find out the nature and the means of what they want in outreach. His office selected two units for the pilot study: Economics in the School of Business at UMD, a unit under heavy enrollment pressure, and History at the Twin Cities--a department with declining enrollments and not greatly involved in research. In this small, carefully done

sample, Dr. Tom Benson conducted individual interviews of the faculty members. The study is to be completed by the end of the quarter and should be reported to SCEP in early January.

Professor Brasted said the results would be valuable. He posed a large question which remains, namely the cost to big departments for the additional support staff they would need to competently and adequately carry out their teaching, advising and service functions if they were to offer their full program in evenings and summers. Associate Vice President Linck said the outreach study committee made cost models but feared they would raise faculty anxieties of inloading as being a fait accompli if they asked departments for figures for the models. Actually, implementation is to be very gradual. In response to the question of other aspects of the outreach proposal which are being implemented, Linck cited the evening M.B.A. program, and Vice President Keller named new credit and non-credit instruction, improved communications links from the University to state communities, and technology transfers to small businesses outstate.

President Magrath said the administration would not want to diminish entrepreneurial spirit within the University. An enormous amount of outreach instructional education takes place, he said, which is not coordinated through C.E.E., and there is nothing to prevent any unit from establishing new programs.

Professor Schletzer said that C.E.E. is always trying to meet the needs of the public and that their whole program of offerings is essentially new each year. She cited a new source of competition: 300 different companies are going to have degree-granting programs over the next several years. President Magrath described these as "invisible universities." Vice President French cited also the difficult competition from numerous national societies with dues-paying members that subsidize other kinds of continuing education. President Magrath pointed out the funding question. Presently the consumers basically support the C.E.E. courses. Hence if all that is now C.E.E. were inloaded, the University would need a bigger state appropriation or funds from other sources, both of which appear problematical in these times.

4. University legal services. Describing the background to his request to the Stein committee and its report, the President said he had long felt that the structure of the University's legal services within the administration was not optimum. Large, complex universities are now massively involved in legal matters--including litigation, affirmative action broadly considered, federal regulations such as OSHA, the relationships between research universities and the federal government over accountability, collective bargaining issues, relationships with outside business and industry, environmental law, and patent law. He sees the need for a "preventive law" effort to anticipate difficulties and establish policies to avoid breakdowns. Many complex universities such as Minnesota have far larger legal staffs. This University has needed to retain outside counsel for specific issues. The President would like to diminish the need for outside counsel insofar as possible and would prefer to rely on in-house counsel who have a good understanding of the University. Hence, he asked Dean Stein to chair a special committee to study and analyze what the University was now doing and what it might do in this regard. The report says that the University is not now geared to deal with current and anticipated legal problems and will have to make changes.

Sue Pribyl asked what the current relationship is of the University attorney to the central administration. The President explained that he now reports directly to the President, although he formerly reported to the Vice President for Finance. President Magrath continues to believe the senior counsel should report directly to the University president because the issues cut across all lines. Mr. Tierney provides much service, for instance, on contracts, but his work is largely reactive and he has not the time to anticipate problems. The President said he was very positive about the report. In response to a question, he said that he did not favor having the University attorney position at the Vice Presidential level, as the report recommended.

Professor Eaton inquired if there is any growing body of experts in legal services for higher education. The President said that while there are some, it is probably much better to retain an individual well acquainted with the university and the state in which he works. Professor Spring said he views an expansion of the University's legal services as a way of relieving some of the burden which is increasingly falling on the Judicial Committee and other grievance bodies.

Judy Nord asked if there are guidelines on when to retain outside counsel and whether an in-house counsel's work would be only preventative. President Magrath replied that in-house counsel was to be primarily preventative and policy-making, but also would deal with litigation and judge when to hire additional counsel. He said he hoped to work on the new legal service plan in the next two to three months.

Sue Pribyl observed that it would be useful for students to know when what they undertake collectively might cause trouble for the University, such as in the expansion of the travel service. The President said it would be possible to structure means for student government, as well as the faculty and other groups, to explore the legal consequences of proposed undertakings.

5. Consent Decree: Ballot for the plaintiff class electing two members of the new Equal Employment Opportunity committee. Professor Eaton reported that the Committee on Committees has established a double slate of nominees, arrived at in the traditional way, for the other 5 of 7 members on the new committee, to be submitted to the President if the Senate establishes the committee. Eaton asked on behalf of the women faculty how the list of nominees from members of the Class was arrived at. Professor Schletzer added that there appeared to have been no solicitation for nominees from the members of the Class.

Mr. Jeffrey Lalla, associate University attorney who has worked on aspects of the consent decree, was summoned to describe what he knew of the nomination process. Mr. Lalla reported that the five female faculty members who have constituted themselves an advisory committee submitted the nominations for the ballot after consultation with special master Lindquist and Paul Sprenger, attorney for the plaintiffs. The same committee of five is working to establish a group of advisers to be available to the claimants. It was recommended that members of the Class should address any protests on the process to the special master.

Professor Eaton asked if the SCC wished to add to its letter to the special master (see minutes of 11/6/80) its reservations about the nomination

procedure. Professor Spring moved, and the Consultative Committee approved without dissent, the following statement:

"Members of the Class have brought to the attention of the Senate Consultative Committee the fact that nominations have already been made for membership to be elected by the Class to the University Committee on Equal Employment Opportunity for Women without solicitation for nominations of all the members of that Class. They object to this procedure. The Consultative Committee agrees unanimously that determination of nominations without consulting all members of the Class is an unsatisfactory practice and could easily lead to a loss of confidence in the committee and legal objections to the determinations such a committee might make."

The conversation concluded at 2:25 p.m.

Meredith B. Poppele,  
Secretary.



UNIVERSITY OF MINNESOTA

Office of the President  
202 Morrill Hall  
100 Church Street S.E.  
Minneapolis, Minnesota 55455

October 6, 1980

Professor Marcia Eaton  
Chairperson  
Senate Consultative Committee  
383 Ford Hall

Dear Marcia:

As you will recall, I mentioned to you that I received last summer a report from a committee I asked to provide me advice on the best directions for University of Minnesota legal services in the years ahead. Although I received the report in July, I did not have a chance to meet with the committee to discuss it in depth until August, and, because of the fiscal crisis, I simply have deferred moving ahead on this.

However, I am convinced that we do need to reorganize our legal services and plan to address this systematically in the next couple of months. Accordingly, I am sending along a copy of the report (for your convenience I have enclosed five copies) as well as a copy of the letter in which I asked the Committee to address certain issues.

At the convenience of the Senate Consultative Committee, I would appreciate any comments, reactions, or suggestions you or your colleagues might have.

Cordially,

C. Peter Magrath  
President

CPM:kb

Enclosures: February 28, 1980, letter to the Committee to Advise the President on Legal Services (5 copies)  
Report of the Committee to Advise the President on Legal Services (5 copies)

July 10, 1980

Report of the Committee to Advise the President on Legal Services

I. Introduction

On February 28, 1980, President C. Peter Magrath requested the undersigned to serve as a special committee to advise the President and the Regents of the University of Minnesota as to how the University can best handle its growing legal obligations and law related policy issues in the 1980's. President Magrath noted that:

"We find that the University is involved increasingly in legal matters, including the growing volume of litigation in which the University finds itself a party; issues of a legal and policy sort involving the federal government in such areas as affirmative action and equal opportunity, handicapped regulations, safety and energy requirements, to name but a few; policy questions affecting University programs and activities that have a legal dimension -- an example here might be the safety conditions involving our Williams Arena sports facility on the Twin Cities campus; and the generalized circumstances that matters of law and policy increasingly intersect for complex institutions of higher education such as the University of Minnesota. Our University, as you know, is one of the country's largest in terms of student enrollment, in terms of complexity of programs and activities, and in terms of the volume of our activities -- measured in dollars alone we are expending close to three-quarters of a billion dollars a year.

Among the many policy issues before the University that have legal dimensions are such measures as collective bargaining involving faculty as well as other University employees, and the complex questions involving the Health Sciences and our University Hospitals."

President Magrath specifically asked the Committee to provide judgments and responses to four specific questions:

- "1. Should the University reorganize its legal services, and if so, in what way?
- "2. If the answer to question one is affirmative, would it make sense to designate a Special Counsel to the President to oversee all law-related questions affecting the University. Such a person could be a highly skilled attorney serving in an advisory capacity on major policy issues involving legal questions and complexities.
- "3. Should the University expand its current legal staff, which consists currently of four individuals?
- "4. Is the University appropriately receiving the best legal advice at the present time, and more particularly, should the University undertake to handle more of its representation directly through an expansion of its in-house counsel? Alternatively, what is the best mix of University reliance on outside legal counsel versus developing its own expanded legal staff? Relatedly, should we try to focus our outside legal counsel more on two or three major firms, or should the University rely on a large number of law firms depending on the particular area of expertise needed?"

We have met on two occasions to discuss the issues raised by President Magrath. We have reviewed the arrangement and organization for the provision of legal services at several of the institutions of higher education in this country. We have reviewed the developing literature on this subject, and particularly the report and recommendations of the Interassociation Committee on Legal Affairs calling for a national law office for higher education. We express our appreciation to Mr. R. Joel Tierney, University of Minnesota Attorney, for meeting with us and providing us with information about the operation and history of the Office of the University Attorney. The following recommendations are offered in response to the charge of President Magrath.

## II. Recommendations

1. We recommend the establishment of a position of General Counsel to the President and Regents of the University.

This individual should be a senior officer of the University. The General Counsel must have adequate authority to influence the development of University policy. Some members of the Committee believe that it would be desirable to designate the position as a Vice President of the University for legal matters in order to ensure that the position has the necessary authority. Other members of the Committee believe it is not necessary that the position be provided the title of a vice presidency, but all agree that the position should have status and salary comparable to a vice presidency, and should report directly to the President and through the President to the Board of Regents. The General Counsel should attend all meetings which the President has with the Vice Presidents of the University.

It would be the responsibility of the General Counsel to direct all legal work on behalf of the University. The legal staff of the University would report directly to the General Counsel. In addition, the General Counsel would select any outside counsel which would be retained by the University in connection with specific legal matters and would serve as a liaison between the University and such outside legal counsel.

In addition to directing the legal affairs of the University, the General Counsel would serve as a senior policy advisor to the President, the Regents, and the other senior officers of the University on major policy issues that involve legal questions and consequences.

In addition to the responsibility of supervising legal services within the University and advising the President and Regents and senior officers, the General Counsel would have the responsibility of remaining well informed on current developments involving legal issues affecting higher education. It is imperative that the General Counsel be well acquainted with the University in order to anticipate potential legal issues which might arise. It is hoped that through such an officer, the University might pursue a policy of preventive law that would avoid legal controversies to the maximum extent possible and develop policies that would ensure the best litigation position possible for certain inevitable legal challenges.

2. It is difficult to advance conclusions about the extent to which the current legal staff should be expanded. However, we believe some of the legal work which is currently performed by outside counsel can and should be performed by members of the legal staff of the University, and if that is done that might result in some modest increase in the size of the staff.

The principle that should guide the decision as to where to handle legal matters of the University is that that work which can be done in a highly competent manner in-house ought

to be performed by the legal staff of the University. There are certain areas in which problems occur with a high degree of frequency, and the expertise to handle such problems can be developed internally. The advantage of having attorneys on the University's staff to handle such questions is that such attorneys become highly knowledgeable about both the University and the subject matter of dispute.

Possible areas that might be the subject of internal staff expertise include collective bargaining law, employment grievances, and discrimination law. In addition, we recommend that the General Counsel explore whether some litigation expertise to handle certain repetitive matters should be developed within the legal staff of the University so that outside counsel need not be retained for every dispute in which litigation ensues.

3. It is clear to us that the University should not seek to develop expertise within its legal staff in all areas in which issues arise, and therefore certain legal matters will continue to be referred to outside counsel. For example, some areas that are likely to continue to be referred to outside counsel include: bond matters (for which the opinion of an outside counsel will be required) and personal injury litigation.

It is difficult to make generalizations about the situations in which the use of outside counsel is appropriate, and each decision will reflect the judgment of the General Counsel. Serious consequences can sometimes result from an incorrect decision to handle in-house a matter that calls for the expertise that in-house counsel do not have. It is important that the General Counsel not be given the feeling that the extent of use or non-use of outside counsel is a measurement of the value of the General Counsel's performance.

4. When outside counsel is selected to handle certain matters on behalf of the University, we would recommend that various individual attorneys having expertise in particular areas be selected to represent the University in cases involving their expertise, rather than selecting one outside firm to which all matters would be referred.

We recommend that individual attorneys be selected, rather than the firm of which they are a part, and that the University insist that the individual attorney selected be responsible for the work which is provided to the University.

We recommend that legal matters be referred to several lawyers in the area rather than only one law firm, and that the overriding consideration be that the best possible legal representation be obtained. For example, when an attorney competently represents the University in a particular area, it would not be inappropriate for other cases involving the

same subject matter to also be referred to that attorney to obtain the benefits of efficiency and knowledge of the University.

It would be our hope and expectation that the University would be billed for legal services performed by outside counsel at a discount from their normal rates, because of the public interest nature of the work. We understand that this is a quite common practice in firms in many parts of the country.

Also, the General Counsel to the President and the Regents should provide a very clear statement to the bar of the basis for selection of outside counsel so that the process is well understood by the public and the legal profession.

5. To the extent consistent with its constitutionally autonomous status, the University should explore the possibility of obtaining legal services from the Attorney General in certain situations where that is appropriate.

The Attorney General currently provides legal services to the state university system, and has six staff attorneys providing services in this subject area. It might be possible in certain matters to ask the Attorney General to provide legal advice and representation to the University, and that arrangement might save expenses for the University and the State of Minnesota. We understand that this was done with some frequency in the past.

Attorney General Spannaus, a member of this Committee, has indicated a willingness to explore this possibility.

### III. Conclusion

We believe that in order for the legal needs of the University to be adequately served, a position of General Counsel should be established to implement and direct a program of preventive law. The concept of preventive law has been described in this manner:

"Preventive law involves a continual setting of the legal parameters within which administrators should operate in order to avoid litigation or disputes with government agencies. Counsel identifies the legal consequences of proposed actions; pinpoints the range of alternatives for resolving problems and the legal risks of each alternative; sensitizes administrators to legal issues and the importance of recognizing them early; helps the institution devise its own internal grievance mechanisms for resolving legal disputes; does legal health 'check-ups' by periodically reviewing institutional regulations, policies, forms, and practices; and determines the impact of new or

proposed laws and regulations, and new court decisions, on institutional operations.

. . . .

"Treatment law [which focuses on actual challenges to institutional practices and on affirmative legal steps by the institution to protect its interests] today is indispensable to the functioning of a post-secondary institution, and virtually all institutions have such legal service. Preventive law is not so readily accepted, although it becomes increasingly valuable as the presence of the law on campus increases." Kaplin, The Law of Higher Education, p. xi-xii (1978)

There are several issues concerning the organization of the legal staff of the University for the delivery of legal services that must be further addressed if the University counsel's office is to adequately practice preventive law. Kaplin identifies some of these questions:

"To what extent will administrators and counsel give priority to the practice of preventive law? What working arrangements will assure that administrators are alert to incipient legal problems and that counsel is involved in institutional decision making at an early stage? What degree of autonomy will counsel have to influence institutional decision making, and what authority will counsel have to halt legally unwise institutional action?" Kaplin, The Law of Higher Education, p. xi-xii (1978)

Communication appears to be unusually effective among the senior officers of the University, and we expect that these issues can be successfully addressed. However, the first step is the establishment of the position of General Counsel, which we strongly recommend. As part of the responsibility of performing the broader function we have identified as legal policy advisor to the President and Regents, the General Counsel once appointed can help to resolve the many other organizational issues.

Honorable Earl R. Larson  
John S. Pillsbury, Jr., Esquire  
Honorable Robert J. Sheran  
Honorable Warren R. Spannaus  
Melvin C. Steen, Esquire  
Dean Robert A. Stein, Chairman

- Attachments:
1. Letter, President C. Peter Magrath to members of the Committee to Advise the President on Legal Services, February 28, 1980
  2. Letter, Mr. R. Joel Tierney to Dean Robert A. Stein, April 22, 1980

February 28, 1980

TO: Dean Robert A. Stein, Law School  
Chief Justice Robert Sheran  
Attorney General Warren Spannaus  
Mr. Melvin Steen  
Judge Earl Larson  
Mr. John Pillsbury

Dear Gentlemen:

I am writing to ask you to provide a service of great importance to the University of Minnesota by coming together as a special committee of advisors to provide me and the Regents with recommendations on how the University of Minnesota can best handle its growing legal obligations and legally-involved policy issues in the 1980s. I know you are all very busy, but hope you will consider this request.

Very briefly, we find that the University is involved increasingly in legal matters, including the growing volume of litigation in which the University finds itself a party; issues of a legal and policy sort involving the federal government in such areas as affirmative action and equal opportunity, handicapped regulations, safety and energy requirements, to name but a few; policy questions affecting University programs and activities that have a legal dimension -- an example here might be the safety conditions involving our Williams Arena sports facility on the Twin Cities Campus; and the generalized circumstances that matters of law and policy increasingly intersect for complex institutions of higher education such as the University of Minnesota. Our University, as you know, is one of the country's largest in terms of student enrollment, in terms of complexity of programs and activities, and in terms of the volume of our activities -- measured in dollars alone we are expending close to three quarters of a billion dollars a year.

Among the many policy issues before the University that have legal dimensions are such matters as collective bargaining involving faculty as well as other University employees, and the complex questions involving the Health Sciences and our University Hospitals.

During the approximate two years that Dean Stein served as Vice President for Administration and Planning, the Regents and I were able to draw on the background and experience of Bob, who was enormously useful on these major policy law-related issues. As I believe you know, we do have a University Attorney. The legal needs of the University in the 1980's may be different than they were in the past few decades, and we should examine the possible implications if this fact is indeed true.

February 28, 1980

Page Two

Accordingly, I would be extraordinarily grateful if you could come together, under the chairmanship of Dean Stein, to provide me with judgments and answers to these questions:

1. Should the University reorganize its legal services, and, if so, in what way?
2. If the answer to question one is affirmative, would it make sense to designate a Special Counsel to the President to oversee all law-related questions affecting the University. Such a person could be a highly skilled attorney serving in an advisory capacity on major policy issues involving legal questions and complexities.
3. Should the University expand its current legal staff, which consists currently of four individuals?
4. Is the University appropriately receiving the best legal advice at the present time, and, more particularly, should the University undertake to handle more of its representation directly through an expansion of its in-house counsel? Alternatively, what is the best mix of University reliance on outside legal counsel versus developing its own expanded legal staff? Relatedly, should we try to focus our outside legal counsel more on two or three major firms, or should the University rely on a large number of law firms depending on the particular area of expertise needed?

Unquestionably, there are other issues that need to be examined, and other recommendations and judgments that the Committee might make. Dean Stein, by virtue of his position in the School of Law and his general knowledge of the University, can help identify these questions as they emerge. I would welcome any additional suggestions and advice that your Committee might choose to provide.

I realize that you are all extraordinarily busy, but the questions involved here are of fundamental importance to the University of Minnesota and must be addressed creatively and constructively. I would very much hope that your Committee could present me with a report and recommendation no later than July 1, 1980. Naturally, I will be more than happy to meet with the Committee to provide my own perspective, to answer questions, and to participate in your discussions. I will be in touch with you by telephone, if I have not done so already, to see if you can accept this assignment. Dean Stein will then be in touch with you to determine the best time to try to get as many of the Committee members together as possible.

Please accept my thanks for considering an important assignment in which I strongly feel the need for the kind of guidance, judgment, and perspective that you can provide.

Cordially,

C. Peter Magrath  
President

CPM:kb