

**Marcilynn A. Burke**

<http://www.law.uh.edu/faculty/mburke>

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January 9, 2017

Werner Boel  
Witt/Kieffer  
3414 Peachtree Rd., Ste. 352  
Atlanta, GA 30326

Re: Dean Search for the University of Oregon School of Law

Dear Werner:

I am honored and excited to be nominated for the position of the Dean of the University of Oregon School of Law. In light of the challenges that legal education continues to face, I am particularly interested in this position for several reasons. I am impressed by the School of Law's ability to weather the storm. As one of the nation's top law schools, Oregon Law continues to excel in preparing its students for the dynamic practice of law, producing impactful scholarship, and providing service to the University, the state, and nation, and indeed the world. And I welcome the prospect of leveraging my experience and expertise to enhance Oregon Law's existing strengths and to explore new directions in pedagogy, scholarship, and service to the state and the wider community.

#### Distinguished Professional Achievement

I am a nationally respected scholar in environmental, natural resources, and property law. My work has been characterized as both creative and thorough. I received tenure from the University of Houston in 2009 after a unanimous positive vote of the University of Houston Law Center (UHLC) faculty. I am consistently sought after as a speaker for and contributor to scholarly conferences and publications. Indeed it was my scholarly work that drew the attention of the transition team for the Obama Administration to seek me out in 2009 to join the U.S. Department of the Interior (DOI), as a presidential political appointee.

During my 3 ½-year tenure in the Obama Administration my "teaching" and service were in high gear. I was unable, however, to engage in scholarly writing, though I made presentations at a number of academic symposia. Since returning to academia I have begun developing several projects. One of those projects has been published, and another will be published later this year.

### Successful Leadership and Administrative Experience

In 2009 I took a leave of absence from UHLC to serve in the Obama Administration at DOI. I have detailed my experience in my C.V. and the document, “Leadership and Management Experience.”

I first served as the Bureau of Land Management (BLM) Deputy Director for Programs and Policy. The BLM manages approximately 245 million surface acres of federal public land—more land than any other federal agency—and 700 acres of subsurface federal mineral estate (including more than 33 million surface and almost 34 million subsurface acres in Oregon). As Deputy Director I led development and implementation of key policy initiatives, steered day-to-day operations, and represented the BLM in a myriad of internal and external forums.

After I served as the BLM’s Deputy Director for approximately two years, President Barak Obama asked me to serve as the Acting Assistant Secretary for Land and Minerals Management (ASLM) and later nominated me to fill the position permanently. Through that promotion, I became the supervisor of the directors of the BLM, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. As Acting ASLM I oversaw these four bureaus with almost 12,000 employees and combined budgets of more than \$1.7 billion. These bureaus endeavor to ensure appropriate management and use of federal lands, waters, and other resources, and the regulation of surface coal mining. The geographic scope of these activities is vast, encompassing the continental United States and large parts of Alaska, on- and offshore.

I returned to UHLC in 2013, and on January 1, 2015, I became the Associate Dean. During my tenure as Associate Dean my direct reports have included the Facilities Manager, the Director of the Library, the Assistant Dean for Faculty Development, the Director of Metropolitan Programs, almost 150 adjunct faculty, and my immediate administrative staff. I have worked on a number of student, staff, faculty, and alumni issues since that time.

### Sustainable Funding

In addition to helping run the day-to-day operations of UHLC, I am working on several strategic initiatives, including those to enhance our centers and institutes, as well as our LL.M. degree programs. We recently began a “3+3” program with our Honors College and are investigating non-degree granting programs as well. As the dean, I would work to help ensure the success of Oregon Law’s program with the Robert D. Clark Honors College. I would also work with faculty and staff to continue the success of the LL.M. programs, as recognized by National Jurist, and explore the desirability of expanding the LL.M. program in areas of existing strengths. I would also work to sustain and create robust joint degree opportunities for the students, and support collaborations with other schools such as the Charles H. Lundquist College of Business; the School of Architecture & Allied Arts; the School of Journalism and Communications; and the highly ranked College of Education. I also would welcome the opportunity to explore online options at the School of Law, as we are currently doing at UHLC.

At UHLC during my tenure as a co-director of the Center for Environmental, Energy and Natural Resources Law, I began to work actively with the development staff to renew previous financial commitments and attract new ones. My experience in establishing and building upon relationships with a host of different stakeholders can only help propel the School of Law's growth in its donor base and achievement of its fundraising goals. As dean of Oregon Law, I would work with the professional staff to develop a communications plan that presents a powerful, LawPOSITIVE, and coherent image that makes a compelling case for support by key constituencies. Working with the development team, I am equipped to help the School of Law build upon its recent success in gaining philanthropic support for the Dave Frohnmayer Leadership Fund and the Legal Research and Writing Program and meet its goals as part of the University's current comprehensive campaign.

The School of Law also must be a careful steward of the resources provided by its donors, the taxpayers of the State of Oregon, and the students, ever searching for opportunities to maximize income and rationalize expenses. I can lead the School of Law in establishing and prioritizing goals that will uphold the School of Law's tradition of excellence in scholarship, teaching, and service, while also finding new ways to do so more efficiently and effectively.

#### Deep Commitment to Scholarship, Teaching, and Public Service

I am deeply committed to faculty scholarship. I believe that it complements the goals of (1) preparing students for successful careers and (2) serving society through the development and reform of law and legal institutions. As a leader of the faculty, I would encourage and support impactful scholarship, facilitate excellence in teaching and service, and cultivate a collegial and constructive environment. I also would attract, mentor, develop, and retain top-tier faculty.

While enhancing the intellectual culture of the faculty is imperative, it is a growing challenge to provide students with a high quality education—at a reasonable cost—that prepares them for their careers as ethical problem-solvers for their clients and society as a whole. I am drawn to the school public service mission and would welcome the opportunity to facilitate that service in its many different forms.

#### Strong Listening, Communication, and Consensus-Building Skills

While at DOI, I worked with representatives from tribal, state, and local governments and other federal agencies and offices. One of my duties as the Deputy Director of the BLM was to serve as a liaison to Congress. I testified at committee hearings frequently and worked closely with members of Congress (both Republican and Democrat) and their staffs to achieve the agency's public service mission. I also worked with industry—energy, grazing, recreation, and timber—non-governmental interest groups, and the general public. As Associate Dean I am working with all of the faculty committees to address their charges and implement our strategic plan.

I also have developed relationships with faculty and administrators in other units of the University of Houston (UH) to collaborate on new programs and campus-wide priorities. Last fall the

president of UH tapped me to lead the effort to implement the state's new law allowing the carrying of concealed weapons on public university campuses. I was honored and humbled to have been chosen to lead a group of individuals representing our diverse constituencies in developing—through a transparent and participatory process—a policy to protect the health, safety, and welfare of the UH community. Moreover, last spring the provost asked me to chair the five-year decanal review committee for UH's business school. In addition to providing the provost and the dean meaningful feedback, I look forward to learning more about the business school and strengthening UHLC's ties with that school through this process.

With the right leadership, the Oregon Law can further develop its ties to the rest of the University of Oregon to explore new opportunities for collaboration, in areas such as sustainability. These connections could provide options for new educational enterprises, which could include new funding and academic resources.

#### Vision for the School and Student Success

The new dean must be able to explain why students, faculty, and staff should choose the University of Oregon School of Law over the many institutions trying to attract them. In order to do so, the new dean must articulate a vision for the School of Law. That vision must respect and promote the many ways in which a diverse environment significantly contributes to educational, professional, and civic success. The dean will need to set the tone and take a visible role in recruiting, moving beyond the traditional media and fora. The School of Law needs to make new strategic use of its scholarship funds, and a clearly articulated strategy will attract donors and ambassadors for that effort.

I also would bring to the deanship a deep commitment to continued student success. As dean, I would lead—in coordination with faculty and staff—the planning and execution of a recruitment strategy to attract and retain a highly qualified and diverse student body, while meeting enrollment and financial goals. I would also support career services by enhancing the visibility and reputation of the programs. In so doing, I would promote the School of Law as a leader and innovator in contemporary legal and international education, whose programs and experiences distinguish its graduates and meet employers' diverse needs.

As dean I also would strive to ensure that faculty and staff receive the support that they need to provide the desired educational experience for the students, as well as develop themselves as professionals. I value the traditional role of the faculty in governance and believe that it is critically important for creating a sustainable future. I would develop a strategy to build the faculty's reputation and influence, and I would support and encourage their efforts in scholarship, teaching, and service, including development and support of centers of excellence, such as the nationally recognized Appropriate Dispute Resolution Center and Environmental and Natural Resources Law Center.

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My success at the Department of the Interior and as the Associate Dean at UHLC demonstrate that I am a strategic thinker, planner, and actor, who is adept at working with diverse constituencies. With those attributes I would challenge faculty, staff, students, alumni, and other School of Law constituencies to re-examine their conceptions of legal education. I would encourage and support innovation in all facets of the School of Law, while being respectful of institutional traditions and norms.

As an outside candidate, I understandably have less than full information about the University of Oregon School of Law. That said, as a faculty member and administrator at a large public research university, I believe that I have a good sense of the possibilities for Oregon Law. It has the potential to emerge from these challenging times in an even better position than before. The latest U.S. News & World Report ranking is very encouraging, and there are areas which can be improved with sustained focus (employment and bar passage rate). No matter what one thinks about the validity of these measures, they are ones to which prospective students, faculty, staff, donors, and university administrators all pay great attention. I would work closely with the faculty and staff to analyze these trends and develop a strategy to continue the School of Law's upward mobility.

I have the passion, energy, and drive to lead the University of Oregon School of Law. I possess the personality and the leadership and management competencies to attract and retain both human and financial resources. With respect to fundraising, you will see that I possess the characteristics of a successful fundraiser. I am an exceptional communicator who can inspire others through my enthusiasm, commitment, and vision. Moreover, I am vigilant, conscientious, systematic, and organized. The Portland Program would provide an excellent base from which to extend Oregon Law's engagement with its alumni and the community.

As the dean I would develop a clear strategic vision, with significant input from the faculty, staff, and students. I would also consult other key constituencies such as alumni, the university administration, the bench and the bar, as well as other potential employers. I have the ability to articulate and achieve a vision for the future that acknowledges that the current trends in legal education are more than just temporary market adjustments, but rather the advent of meaningful and persistent changes. I look forward to discussing with you how I am ready to pick up the baton and lead the Oregon Law to the next frontier in legal education.

Very truly yours,



Marcilynn A. Burke