

DEAN TONI M. MASSARO—A TRIBUTE

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In 1988, a friend at the University of Florida Law School called me out of the blue to tell me about a colleague of his named Toni Marie Massaro. Almost every other word was a superlative, and this was from a man not known for hyperbole. “She is truly extraordinary,” he said. “She’s an unbelievable scholar, a prize-winning teacher, a fabulous colleague. You would love her.” When I asked him why he was telling me these things, he explained, with a touch of sadness in his voice, “She’s interested in moving to Arizona.”

Realizing our great fortune, the faculty hiring committee moved quickly. Toni came out for an interview, wowed us with a presentation on the growing use of narrative in American law,¹ intrigued us at dinner, and promptly received an offer to join the faculty as a full professor. She accepted our offer and officially became one of us in 1989. Today, twenty years later, it is hard to envision where or what the James E. Rogers College of Law would be without her. In these brief comments, I’ll mention only a few of the ways in which Toni has shaped this institution.

As a faculty member and as a dean, Toni has been an intellectual force inside and outside the College. She leads by example. Her scholarship is nuanced, wide-ranging, and rigorous, addressing some of the most important legal and social issues of the day. She has produced brilliant work on empathy and shame, Equal Protection and gay rights, hate speech, religious freedom and the Establishment Clause, civil justice, and educational policy. In her books and many articles, she returns time and again to core constitutional norms across a variety of debates: individual liberty, equality, and fair process.

Toni is not just a creative and insightful scholar; she is also a master teacher who works selflessly to engage all of her students in learning. Once when I was bemoaning my own sense of inadequacy as a teacher, she said to me with characteristic clarity: “Barbara, it’s not about you. It’s about the students. Forget about yourself and focus on *them*.”

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1. Her work in progress was later published as *Empathy, Legal Storytelling and the Rule of Law: New Words, Old Wounds?*, 87 MICH. L. REV. 2099 (1989).

Toni's power as a teacher has not gone unnoticed. Even as a dean, she continued to teach the upper-level Constitutional Law class and attracted a full-capacity student enrollment. Student comments speak for themselves: "best teacher I've ever had in all categories," "thoughtful, caring, natural, real," "respects multiple viewpoints," "a genius . . . who can communicate ideas with clarity and depth," "brilliant instructor," "enriched my perspective on the world," and "simply the most intelligent, well read, well reasoned professor, period."

In 1999, when the faculty forwarded Toni's name to the Provost to succeed Joel Seligman as dean, we knew she was an exceptional scholar and teacher. We knew she was a person of absolute integrity. We knew she had thought long and hard about legal education and her potential role as dean. We wanted her, our cherished friend, to be our dean, but we didn't know whether she would actually take to deaning. Toni did take to it and, with the wise counsel of her life partner Jerry Leavitt, met the challenges of the deanship with passion, intelligence, and humility.

As dean, Toni believed in transparency and always let her views be known, but she was also a listener and a consensus-builder. In her 1993 book, *Constitutional Literacy*, Toni urged people to embrace pluralism. "Our *unum* is our *plures*,"² she wrote, explaining that one dimension of this nation's strength is its rich diversity. With diversity comes the responsibility to listen. "Meaningful participation in constitutional conversation," Toni reasoned, "involves both speech and reflective silence, as other speakers, especially those least like ourselves, take their turn."³ That insight served her well through the decade of her deanship.

From the start, Toni was open to new ideas and relentlessly upbeat about the College of Law. With grace and vision, she forged new ties with the local, national, and global community and arranged for a dazzling array of speakers over the years. Many new faculty members joined us under her watch, including renowned scholars and emerging stars in criminal law, environmental law, intellectual property, corporate law, property law, civil justice, and indigenous human rights. Toni established the Rogers Program in Law & Society, uniting professors and graduate students from multiple disciplines for conferences and colloquia. The Rehnquist Center⁴ also originated with Toni's deanship and has already hosted visits by U.S. Supreme Court justices and other luminaries in the legal profession. She managed, even in hard economic times, to expand funding for student scholarships and faculty research. Always a cheerleader, Toni sent out her signature e-mail messages throughout her deanship, applauding the accomplishments of faculty, staff, and students.

I've never measured deans by their fundraising ability or their impact on school rankings (although Toni has done superbly in those categories). In my view, the true measure of a dean is how she responds in a crisis. One of the most searing times of Toni's deanship was the tragic death of second-year student Susan Barber

2. TONI MARIE MASSARO, *CONSTITUTIONAL LITERACY: A CORE CURRICULUM FOR A MULTICULTURAL NATION* 4 (1993).

3. *Id.* at 153.

4. The William H. Rehnquist Center on the Constitutional Structures of Government was established in 2006.

in 2003. Toni's deep compassion and empathy for Susan's family set the tone for all of us. She and her administrative team arranged for a memorial program at the school just a few days after Susan's death and later supported a scholarship in Susan's name. Toni's leadership during that period was from the heart—she acknowledged the incomprehensible loss to Susan's family and friends and at the same time pulled the law school community together to focus on the meaning of the young woman's life. On that occasion and others, Toni met calamity with honesty and grace.

And then there's the new Law Commons. Toni imagined it, inspired others to generously support the project, displayed optimism and good humor during the dark days of Corleone, and accomplished the impossible through sheer force of will: a transformed facility, on time, under budget. Her ability to be funny—guffaw funny—kept us laughing all the way. I'll never forget the image of Toni in her hard hat marching Sherman-like into the construction zone. (Or the day classes were cancelled because a family of javelina had wandered onto the site.)

Toni was, of course, the first woman dean at the College of Law. As anyone who has ever been a "first" knows, primacy has its benefits and risks. People notice your achievements as well as your mistakes. And, when all is said and done, you do not want history to remember you solely as "the first ____." Today, the "firstness" of Toni's deanship has all but disappeared as the breathtaking accomplishments of her deanship have taken center stage. She will not be remembered as our first woman dean. She will be remembered as one of our greatest deans.