

February 20, 2007

Bernard Dobranski  
Dean and President  
Ave Maria School of Law

**By Hand Delivery**

**Re: Resignation Letter**

Dear Dean and President Dobranski:

I am writing to inform you that I have accepted a full-time, tenure-track faculty position at Campbell University's Adrian Wiggins School of Law to begin in August 2007. Therefore, I will not be renewing my contract with Ave Maria School of Law (the "Law School").

The Ave Maria community contains many skilled faculty, excellent scholars, wonderful students, and people of outstanding moral character. I regret that I will no longer be a part of it. Nonetheless, I find that the direction that the Law School has taken no longer furthers my professional goals and interests. Since I believe that this fine community is a gift from God, respect for the community demands that I express my reasons for deciding to leave the Law School that I once treasured.

Ave Maria was attractive to me because I believed that it was committed to serious Christian scholarship in an atmosphere of open, rigorous, and intense intellectual inquiry. As you know, I have committed my academic and professional life to Christian legal thought and particularly the project of working out the implications of John Paul II's thought for legal theory. Ave Maria at first appeared to be the ideal place to pursue my vocation. There were many signs that the Law School would fulfill its promise and prosper intellectually and spiritually, as well as materially. For example, I was impressed with the stated objective of building an outstanding national law school that would find a place in the upper tiers of the *US News* rankings. The mission statement was implemented by an outstanding faculty that spoke of high academic aspirations and their

personal devotion to Mary and to the Catholic Church. And, it was my understanding that scholarly conferences and programs would be cultivated on campus, that efforts would be made to create an environment that would encourage outstanding scholars to join the faculty, and that fidelity to the teachings of the Church would guide the Law School in its scholarly endeavors as well as in its operation.

Sadly, the full promise of the Law School has not materialized. What I have witnessed at the Law School, particularly over the past year, has led me to conclude that the academic leadership and corporate governance of the institution are not as responsive to the vocation of serious intellectual inquiry and fidelity to the Catholic Church as I had originally believed them to be. I now believe that beyond the controversies surrounding the proposed relocation of the Law School lurks a weakness in the vision of the school's mission, which in my opinion is the greatest obstacle to the Law School's achieving its promise.

Several specific concerns regarding the mission have led me to leave the faculty. The first concern has to do with my assessment that you have been less than diligent in attempting to create an environment that is welcoming to diversity. A decent vision for a Catholic academic institution seeks actively to be hospitable to people of all races, genders, and cultural heritages. It has concerned me greatly that despite your commitment to "take proactive steps to address sensitivity toward diversity and related issues" (letter from you to me dated December 8, 2006), to date you have not taken any such steps with respect to these issues. In fact, you emphatically refused to appoint a faculty committee on race and gender when I requested it at a faculty meeting last fall. I have come to the conclusion that this will not be a priority for the Law School under your leadership.

An even more alarming disappointment is that, in my estimation, the Law School has failed to fully embrace the Church's teaching on the nature of a Catholic academic institution set out in foundational documents such as *Ex Corde Ecclesiae*. This document in particular suggests that the mission of the Law School must be understood in true devotion to Mary. John Paul II prayed in the encyclical, *Fides et Ratio* (the title of which was taken as the motto of the Law School) that Mary, Seat of Wisdom, may be the "***sure haven of all who devote their lives to the search for wisdom.***" (§ 108) (emphasis added). Her unqualified "yes" to the message of Gabriel was the leap of faith that made possible the salvation of all people. According to the encyclical, it is this parable of Mary that illustrates the proper harmony of faith and reason that Catholics should seek to emulate. Just as she offered up her worldly concerns and earthly existence so that "the Word God might take on flesh and become one of us," so too the faithful Catholic should offer earthly reason to the service of God. Read in this light, the mission of the Law School commits the institution to use earthly reason and critical inquiry to understand the fullness of Christ's presence in our academic work and in our community. John Paul II writes of the "ancients" who knew Mary as the "table of intellectual faith. In her they saw a suitable image of true philosophy and realized that they must be philosophizing with Mary." He used the term "philosophy" here in the ancient literal sense, meaning "love of wisdom." To give due respect to Mary, whose name the Law School have take, the mission must be interpreted in accordance with Mary's example of submitting herself to faith in God.

This means that the mission statement commits the Law School to live up to Mary's example by trusting in God to be the guide in the search for ultimate truth and practical wisdom. In implementing this mission, the Law School should be guided by the *Ex Corde Ecclesiae* which teaches that at a Catholic academic institution the community should be viewed as a gift of great value to be stewarded with respect and charity, since it is primarily through the community of scholars that the search for wisdom occurs. A Catholic educational institution that takes the name of Mary should seek to be a haven for those who devote their lives to the pursuit of wisdom and truth. Respect for Mary therefore demands that the faculty, as leaders of a scholarly community that seeks truth and wisdom, be served by the institution. In other words, the Law School must be committed to being a "sure haven" for the scholars who devote their lives to the pursuit of wisdom through the intellectual faith that Mary exemplifies. At a minimum, this demands treating the faculty as free and responsible persons, not merely as units of production (*Gaudium et Spes* ¶ 27) that can be moved or discarded when they become inconvenient to institutional goals. The faculty must not be viewed as easily replaced with equally qualified faculty. To do so is an act "incapable with being ordered to God" because "it radically contradicts the good of the person made in God's image." (*Veritatis Splendor*, ¶ 80).

Regrettably, I have come to believe that at the heart of many of the challenges to the future of the Law School lays a misunderstanding of the mission, born of a narrowness of vision and shallowness of thought. Some comments that have appeared in the national news media have contributed to this belief. As I see it, the Law School is now dominated by an idiosyncratic personal understanding of what Catholicism should be, rather than by the richness and subtlety of the Church's teaching. In some respects I find it to be an environment hostile even to the teachings of John Paul II. It is this commitment to a narrow private vision that I believe has led the institutional leadership to become suspicious of how its faculty scholars search for wisdom. Fearful that the faculty might depart from that private vision, they are suspicious of the faculty. And it is a suspicion that quickly hardens into hostility toward open and genuine inquiry. Openness is essential for the search for wisdom, but is difficult to achieve in an environment such as this. Trust and respect for inquiry are essential to open academic freedom. Under the conditions that exist at the Law School today, I believe is no longer possible to engage in robust and open academic inquiry. Policies that protect rights to privacy, academic freedom, expression, and belief are fundamental to any decent vision of a community of academic inquiry and particularly for a Catholic academy inspired by Mary who teaches by example to place our trust in God. In my opinion, the Law School administration is so distrustful of the faculty that academic freedom has been significantly threatened.

This is accompanied by the stunning lack of seriousness toward the academic environment of the Law School, which is well-evidenced by the weekly radio show that is promoted as the "Voice of Ave Maria School of Law." Even beyond some of the provocative comments made by one of the hosts (which I think at times suggest that racism, sexism, and other forms of bigotry are treated with indifference by the administration at the Law School), I believe that the tone and content of the show are banal and thoughtless. Sensationalism and hyperbole substitute for the difficult business

of seeking truth and wisdom. What shocks me most about this show is that it is aired in the name of Mary, *Seat of Wisdom*. Because the show lacks seriousness and probity, I believe that it is an affront to the entire Law School community and to all who would philosophize with Mary.

The lack of seriousness carries into the governance of the Law School. In my estimation the Law School operates in a manner more in tune with Thomas Hobbes than Thomas Aquinas. Rather than seeking to promote a community of scholars devoted to the common good, respectful of the dignity of all persons, and trusting in God for its well-being, the guiding principle at the Law School appears to be a totalizing drive for assuring the material well-being of the institution, even at the cost of destroying the spiritual community and injuring the individual persons who comprise it. The Law School appears to have become a place where grand gestures of powerful people are celebrated, but the miraculous, quotidian gestures by which God's grace is known are trivialized. Institutional actions have taken the place of the pursuit of wisdom and intellectual faith as the center of meaning for the Law School's leadership.

The decline in the Law School began when the school's focus shifted to the visionary plans of the Chairman of the Board of Governors and away from the mundane concerns of an intellectual community that shared in the love of the Mother of God. I think this may have occurred because the Law School's leadership was distracted by the grandeur of the vision that eclipsed the humble ways that God's presence is made manifest in the community. So many of the small but concrete blessings God gave to the Law School community here in Ann Arbor (and in particular so many friendships) have been sacrificed on the altar of those aspirations for glorious but ephemeral future financial security. (Is all of the money in world worth more than a true friend?) I have no doubt that the loss of our humble Catholic community of wisdom-seekers tears at the flesh of Our Lord. It is impossible for me to reconcile the current state of the Law School with any respectable description of a "*sure haven*" for those who seek though intellectual faith to understand the fullness of Christ's presence. I can only conclude that the Law School has lost its way and departed far from its mission.

I believe that by departing from its mission the Law School has jettisoned many of its institutional goals and programs as well. The Law School was once a place where Catholic scholarship was undertaken in service of the Church. Although in the past there have been some faculty-lead efforts to host significant conferences, they were poorly supported by the administration. Today, this seems to have been abandoned, as evidenced by the failure of the Law School to respond to the request of Pope Benedict XVI to hold conferences on the vitality of the natural law tradition. This is a profound failure for a school with Ave Maria's mission, and in my estimation profoundly disrespectful to the Church and to the Mother of God. I doubt that the institution can return to committed Catholic scholarship until it places the community of faithful wisdom-seekers at the center of its focus and purpose.

Given all of these matters, it is not surprising to me that over the past three years the law school has failed to attract the sort of outstanding faculty candidates that would lead it to fulfill its once-stated goal of becoming a top-tier school. It is not surprising that

the job placement rate has dropped dramatically. It is not surprising that the reputation of the school now appears to be firmly fixed at the lowest possible levels. (It is an undeniable fact that the Law School is now ranked in the fourth tier, and to my knowledge little has been done to improve the Law School's reputation. Despite promises by you that a faculty committee would be formed to develop a strategy for improving the ranking of the Law School, nearly a year later no such committee has been formed.)

For these reasons, I have determined that it is no longer in the best interests of my family or my career to remain at Ave Maria. I hope that the school will find its way through these difficult times and find the leadership and governance that it needs to grow and prosper. It is truly regrettable that by letter dated February 16, 2007, the Board of Governors, acting through its Chairman, has expressed its unwillingness to meet with the faculty in order to better understand the community's views on the issues regarding the leadership and governance of the Law School. Given the serious issues that plague the future of the Ave Maria community, the blind reaffirmation of confidence in the current Dean and President of the Law School seems to be frivolous and irresponsible at best and profoundly inconsistent with the high moral standards and solemn purpose called for by the mission of the Law School. While my prayers will be continue to be with the Ave Maria family, it seems unlikely to me that any meaningful improvement will be obtained without a substantial change in the direction of the institution.

Very truly yours,

Kevin Lee  
Associate Professor

cc: All Law School System