

KENNESAW STATE UNIVERSITY ORAL HISTORY PROJECT

INTERVIEW WITH S. ALAN SCHLACT

CONDUCTED BY DEDE YOW AND THOMAS A. SCOTT

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for the

KSU ORAL HISTORY SERIES, NO. 21

WEDNESDAY, 20 OCTOBER 2004

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Wednesday, 20 October 2004
Location: CIE/CETL House at Kennesaw State University

DY: I want to start by asking Alan why he came to Kennesaw.

AS: It's an interesting story, or at least I think it's interesting. I was having a pizza and a beverage with my wife, who was my girlfriend at the time back in '79 or '80. We were eating with one of her close friends back then, Sylvia Bernstein, [who] was a student here. I was telling her that I was thinking of leaving my law firm and opening my own office, and out of the blue she says, "You ought to go teach; Kennesaw is looking for a business law professor. I saw a notice on the bulletin board. I bet you'd be good at that." I said, "Boy, that'd be great. I can leave my law firm, open my own law office, and I can teach." She said, "You better hurry. I think the deadline for submitting your resume is this week." So the next day I called up here, talked to [William] Bill [G.] Thompson or his secretary, Barbara Blackwell—I can't remember which one—and they said, "You better hurry; tomorrow's the last day for submitting resumes and applications."

TS: Bill Thompson [at that time] in 1979 or '80 would have been the chair of the business division.

AS: Yes, the business division; that's right. We didn't have a school or college of business; it was just a division. So I hastily had my secretary gussy up a resume, and after work at the law firm I drove out here. I'd never been to campus, didn't even know where it was or anything related to it. I was living off of North Druid Hills and Briarcliff at the time . . .

DY: That's what I guessed; you were probably having pizza at Emory.

AS: Or close by. I was with Harmon, Asbill, Roach and Nellis; we were corporate counsel for Days Inns. They're all still practicing but with different firms.

TS: Nellis?

AS: Jim Nellis.

TS: Were you a partner?

AS: No, I was an associate. I'd graduated law school in '78 so I'd been practicing for about two years. I wanted to leave the larger firm—there were about twenty lawyers—and I wanted to get to a smaller firm or open my own office. So I thought this was perfect; I could come to teach and perhaps arrange my schedule.

I quit the law firm, opened my own law office on the tenth floor of the Equitable Building and came up and interviewed for the job. If I got the job, fine; and if I didn't, I was teaching also at the Columbia Southern School of Law over in Decatur at the time. I liked it, and so I thought this would be perfect. So I came and I interviewed [with] [Dr.] Fay [H.] Rodgers, [Dr.] Mildred [W.] Landrum, Charlie [Charles S.] Garrett—God rest his soul—[Dr.] Jerry [D.] Sawyer, [Dr. Thomas] Tom [B.] Roper and [Dr. Donald] Don [M.] Sabbarese.

TS: So Roper's already here then?

AS: Right. He came in '78.

TS: So we have one person teaching business law.

AS: That's correct. And they said, "You'll have to teach tax law also; we have a taxation class. Can you do that?" I said, "Yes, I made a high grade in law school in tax; I can teach tax." And they said, "You'll have to teach five days and two nights a week"—because that's what we always did back then. I said, "Yes, I can do that." They said, "Okay, fine." Charlie Garrett looked at my resume, and he said, "Can I ask you something before you leave?" And I said, "Sure." He said, "Why would you want to come here?"

TS: [laughter]

AS: Because here I was, you know, doing really well with a law firm, [having] gone to Chapel Hill and Emory, and I said, "Because it looks like it might be that I'm getting in on the ground floor of something, and it looks like it could be fun." He said, "Fun?" And I said, "Yes, it looks like it could be fun." About a week later, Bill Thompson called and said I was hired.

DY: That's a great story!

TS: Easier to get hired back then in terms of not having to go through all the different steps.

AS: Apparently I was the only one with an actual jurisdoctor degree to have applied for the position because the pay was \$17,000 [for] my first contract.

TS: It sounds to me that just about everybody that was in the business division was there to interview you, weren't they?

AS: Right. I think there were 15 or 16 people in the division, and there were probably close to a dozen there at the interview.

DY: That's ideal.

TS: Very democratic, I guess. The whole department. I wonder if we could just back up a little bit and talk about how you got to this point. You mentioned going to Chapel Hill; let's see, I think you were born about 1953 if I saw correctly on your Web site.

AS: That's correct.

TS: Did you grow up in North Carolina?

AS: No, I grew up in Charleston, West Virginia.

TS: Oh, that's right. That's what I wanted to ask you about.

AS: I was born and raised in the same house, went to the same high school my father went to.

TS: Is that right? What did your father do?

AS: He was a pharmacist, and he said I could be anything I wanted to but a pharmacist.

TS: Why?

AS: Because he worked for the same company for many, many years, and when he went to retire, they fired him to deprive him of his pension. So in his 60s he had to go find a job. About when all that was happening, I was thinking about going to law school. I thought of the injustice of what had happened. I'd always toyed with the idea of going to law school, and I felt that had I been a lawyer, maybe I could have made a difference. At that time, ERISA, the Employee Retirement Income Support Act, had not been passed, and they could [fire] him. My father was 62, and my brother had just been killed in a car accident—[after being] voted the most outstanding freshman at West Virginia University.

TS: At West Virginia?

AS: Yes. He was three years ahead of me, and he was killed in a car accident over spring break. My grandfather—who had been living with us—died, and my father had to go find another job. So it was kind of tough around my little house in West Virginia.

TS: I hope you went back and sued the company for something.

AS: No. I ended up having to work my way through high school, and then I worked through college and law school to be able to pay for them. I didn't feel like I could ask my dad, who had worked until he was 75 so that he could afford to retire.

DY: What job did he get, Alan?

AS: He ended up working for the Welfare Department for the state of West Virginia at about half the salary, but he was able to use his military years toward his state retirement. He was able to get a retirement from the state. So he worked there for 13 years.

TS: Did you study political science when you went to . . . ?

AS: Yes, I did.

TS: And you went to Chapel Hill, one of the premier state institutions in the South. Is that why you went there?

AS: No, the original plan was I would follow my brother to the University at West Virginia, but after his death I felt like I needed to leave the state and to get away from everything. So I took a string and a tack and put it on Charleston, West Virginia, to go about 250 or 300 miles [out]. I circled around and picked out the schools I could afford to go to. That eliminated most of the private schools. We started looking at all of the public schools. My father had gone to [University of Cincinnati], so I contacted them and was accepted. Then I contacted [University of North Carolina at] Chapel Hill and was accepted. We weighed them and decided Chapel Hill was the better of the two options.

DY: Did you enjoy Chapel Hill while you were there?

AS: I was a little lonesome the first year because, you know, I'd never really left the state except [for] Boy Scout campouts and things like that. So it was kind of strange to go some place with 20,000 people [where] I didn't know a soul.

TS: You were talking before we got started about how Boy Scouts were important to you. You want to say a little something about that?

AS: Growing up in a, I won't say rural, but an isolated area—even though Charleston, West Virginia, is not isolated, it's not a big city—it was very important because it allowed us to learn a lot of skills, and I say this all the time. You learn things you won't learn anywhere else about first aid, about being on your own, about accomplishing goals and learning the things that make you successful in life. So that's why I thought that it was important. My father used to work six [or] seven days a week, so this was a chance to go someplace where we had a lot going on. We'd go on adventures. I learned to snow ski; I learned to white water canoe and all these things because of Boy Scouts.

TS: Was your father involved in Boy Scouts?

AS: He was busy trying to earn a living. I think that was our parents' generation.

DY: I do, too.

AS: The job and providing for the family was more important than anything else, and I think our generation is more [about] the emotional support and the time you spend with your kids.

TS: Yes.

DY: Like you being involved in the Boy Scouts with your son.

AS: Right. My youngest is 14 now; I just see him growing inch by inch, and I know he's going to be gone [soon]. Your sphere of influence is only so big as they get older, and you've got to make sure that [your] influence is a good one because they leave it so quickly.

DY: You want a far-reaching one, which is what you're assuring.

TS: You mentioned a son—before we got started—who's a baseball player.

AS: Mike is a baseball player.

TS: Michael?

AS: Michael.

TS: Did you participate in sports when you were going through school?

AS: Yes. I was not a good baseball player so . . .

TS: Didn't have a 95-mile-an-hour fastball?

AS: No! I was not a good baseball player at all. I did not do well at Little League. But what you do as a parent is you find out what your children are good at, and you become interested in that. That assures that the two of you will have [a] mutual interest, and [it] gives you a chance to spend time together. I don't know whether Michael enjoyed having his dad as a Little League coach every season, but I think it was important.

DY: Well, it seems to have served him well.

AS: He hasn't suffered.

TS: But athletics were not your thing going through school.

AS: I played basketball. I made JV one year, but I didn't see a future in it. And then I had to work after school, so that kind of cut into the ability to go to practice.

TS: What kinds of jobs did you do after school?

AS: I mopped floors at a dairy store for 90 cents an hour; I worked at the drug store stocking shelves and throwing out trash and things like that. My best job was actually at a bank, the National Bank of Commerce in downtown Charleston two blocks from the high school. There's no branch banking in West Virginia. Each bank was its own entity, so there were a lot of banks. I had won an award my senior year, the Soroptimist Award.

DY: What does Soroptimist mean?

AS: It's optimist with–Soroptimist [an international volunteer organization for business and professional women]. I really couldn't tell you what they did other than [being] a community-oriented group in the city that gave an award for students who applied and wrote an essay, and I wrote an essay and won. There was a dinner, and the president of the bank was there, and he said, "You seem well-spoken; if you ever need a reference or anything, please contact me." So the next day I wrote [him] a letter saying, "I need a job; I'm off school at 12:20." And he said, "Come in and see me." His name was Payne Brown. I went in to see him, and they hired me.

DY: That's interesting. What impresses me is that clearly you're bright; you can express yourself well; you're articulate in writing.

AS: Oh, it's an act.

DY: But you're a go-getter, too...

AS: Well, when you have to do things, you have to do things.

DY: Yes, you do Alan, and you learned to do that early.

AS: You don't have a choice. I knew if I was going to go the University of North Carolina, I had to go get a job. The good thing about working at the bank is that I could always work at the bank. You know, [I] could work every day. They taught me to be a teller, so I was a teller on Saturdays when the bank was open, and then the rest of the week I worked in the Trust Department. It worked out pretty well because when I came home from [college], they would always hire me for a week or for however long I was home. I would be the replacement teller, and they loved that during the holidays because . . .

DY: People wanted that time off.

AS: People wanted off. Whereas I wanted to work so I would make extra money. But once I was in college, my old Boy Scout leader—this tells how important it is to remain friends with people like that—my old Boy Scout leader was the plant manager of the Libby Owens Ford Plant, and he said, “Alan, we have an opening.” So from then on, I would work there when I had time because I was in the union and could make some great money. I was making time-and-a-half, double-time for nights and weekends. So basically, I could work that summer and then pay for out-of-state tuition, room and board, and everything with what I could make in three months.

DY: So were you interested in labor law?

AS: No.

TS: Well, let’s see. I guess you started to college in ’71; of course, this is right when Vietnam is still heated up, but in ’71 did we have the lottery?

AS: Yes, we did. And my number was 314.

TS: Well, you didn’t have anything to worry about.

AS: I didn’t have worries.

TS: At Chapel Hill, why political science as opposed to finance or whatever?

DY: I thought the same thing when you said something about working in a bank.

AS: Well, I started in business. I took both accountings, and I took both economics, and I took business math. I took economic stat and was going to be a business major. Then I sat down with my advisor, and he said, “What do you want to be?” And I said, “I’m thinking I’m going to law school.” He said, “Well, if you look at what is required to be a business major, you only have three electives; everything else is laid out.” Which was pretty much true. He was a political science professor, and he said, “If you take political science, you need eight courses to be your major; you can take anything you want for your minor, and then you have plenty of room for electives. You’ll probably be better served by doing that. I would recommend you take advanced writing”—which I did. You take courses that interest you, and you take courses in speech and communications”—which I did. He had good advice. So I switched.

DY: Are you glad you did?

AS: Yes, because I took speech from Paul D. Brandis at UNC, and we became friends. He wrote my recommendation to get my job here.

TS: One of the things we’ve been asking everybody about is mentors along the way.

AS: Yes, he was one of my mentors. I'm standing on his shoulders. Wherever Dr. Brandis—he used to say that—wherever he is right now, whatever I am, I owe part of it to Dr. Brandis. He was a phenomenal teacher. I mean, you didn't want to miss class because you knew you were missing something good. You knew your life was going to be diminished if you missed one of his classes.

DY: How did he teach, Alan?

AS: Being a speech professor, he was an excellent presenter. He just told things the way they were, and he did things we can't do today. He put this big bulletin board on the side of his classroom next to his office. It had everybody's name on it. He kept track of all the projects and things you did and turned in, and everything was right there on the wall. I guess he wasn't worried about confidentiality. He said, "Where are my out-of-state students?" And of course, UNC is limited to 15 percent of the population, so just a few people raised their hands. He said, "To the rest of you all, this is your competition. They're going to be pretty stiff on you all, and we're going to keep track of everybody on this board. If you're embarrassed that you've got D's or F's, it's up to you to raise [them]." And he was out front with everybody about that. He said, "Don't you have any self-respect? If it's hard, study more. You want to earn more money? Work harder. That's just the way life is, and you need to learn that now."

DY: And it hasn't changed.

AS: No. He was great. He was funny, he was entertaining, he was constructive, and he was just good. I took a second class from him called Persuasion. He called everybody by their last name; he said, "Everybody is entitled to respect." So he said, "Mr. Schlact, if you're going to be a lawyer, don't you think you ought to take my class on persuasion?" I said, "I believe I should, Dr. Brandis." And I did. My roommate took him [too] and loved him. He taught me quite a bit. I think that class on persuasion did more to help me be a better lawyer and be a better professor than any other class I've taken.

DY: How is that, Alan? What do you mean?

AS: Oh, he taught the whole psychology of persuading people and how to see their point of view and how to help them see your point of view. I mean, he had us do all these interesting projects. One was wonderful. He was talking about interference, how you'll get interference when you're trying to get information. He had us go out on campus with a measuring tape and a clipboard, and we were to stop ten students at random and ask their height. For the males, he said, "As soon as they tell you [their] height, you need to ask them, 'Do you mind if I measure you with your shoes off?' Then I want you to record, as best you can, whatever they tell you as soon as you say that." And we found that it was a perfect bell curve in truthfulness; as you got to six feet, there was almost 100

percent accuracy. Everybody knows their height; we all know our height without shoes. And at six foot, you will know. [Dr. Brandis] allowed us to figure everything out about how untruthful people are when they're particularly short or particularly tall. Everybody wants to be like everybody else, and he was helping us understand through a hands-on experiment. He wanted us to write down their excuses for why they weren't being accurate or what he called "interference" in trying to get the information. [Comments like] "Oh, well, I haven't measured myself in awhile." Or, "Well, at least my driver's license says I'm that tall." All these wonderful statements, and we just had a great class. That was 30 years ago, and I can remember all of what we did because it was so good. Instead of lecturing and telling us something, he wanted us to go out there and figure it out for ourselves.

TS: Did a lot of them say they wouldn't let you measure them?

AS: Only one or two.

TS: Really?

AS: [Dr. Brandis] was really funny; he said, "You know, I used to do women's weight, but the physical assaults on some of the people that did the asking was too much. So we had to go to height."

DY: I can see the connection with the—what is the word now?—experiential learning. You know, in Boy Scouts and then in this experience in this class that you liked so much. Do you carry that over into your class?

AS: Oh, yes. I'm a pure Socratic teacher. Every now and then somebody will say, "Will you just tell us the answer?" And I'll say, "Oh, no, I can't do that. But I tell you what; if you listen, the answer is here. You just haven't recognized it yet." See, and I always tell them this, and they hate to hear it. I say, "Come on, y'all, education is the questioning of answers, not the answering of questions."

TS: Good, good.

AS: We have a good time.

TS: Well, Brandis is, I guess, your most memorable professor from college?

AS: From college. And then my other professor, and he's gone too and no tribute to him—and you're going to think this is strange.... I walked [into] law school at Emory, and one of the first classes I had was criminal law. In fact, it was in my first semester. The professor walks in, big head of white hair, and says, "Hello, my name is Don Fyr." [pronounced *fear*] And that was his name, [Fyr]. Professor [Fear]. And he turned out to be excellent. He was the master of the Socratic method. If you've got a good mind, it was just like this wonderful

obstacle course to go to his class every day and to hear him weave the questions. Your mind was going a mile a minute. What's he after now; what's he looking for? And the bell would ring, and you'd think, "I just got here; how could an hour and a half [have passed]? That's got to be a malfunction." You'd look back, and the clock would say you'd been there an hour and a half. [Dr. Fyr and I] became friends, and I took him for civil procedure, criminal law and another class. He wrote me a nice recommendation. I kept in touch with both professors. [Fyr] died of a heart attack suddenly about four or five years ago, and there's a portion of the [Hugh F. MacMillan Law] Library named for him [the Professor Donald W. Fyr Rare Book Room].

TS: Why did you go to Emory?

AS: Because I guess, let me see...Harvard turned me down? No. I was at UNC, and I knew that I had to go some place where there was a large metropolitan area where I could find [part-time] work. I applied to Duke [University], University of Richmond, Washington & Lee—even though it's a private school in Virginia, it has a West Virginia scholarship for a West Virginia student each year. I thought, well, I can go for very little money if I go there—but then I visited Lexington, Virginia, and it's in the middle of nowhere.

DY: That's where my husband went to undergraduate school.

AS: So you know what I'm talking about. W&L is in the middle of nowhere.

DY: Yes, it is.

AS: And I started looking at what I needed to have to be able to get an education. Emory's a well thought of school; it's right in the middle of Atlanta. I'd never been to Atlanta, and I figured, this is a good choice; I'll go there.

TS: So you graduate from Emory in . . .

AS: '78.

TS: And went into practice?

AS: Took two bar exams. Took the bar exam here and the bar exam in West Virginia because I'm from there, and I thought I'd go back. I was offered the clerkship for the Chief Justice of the West Virginia Supreme Court.

TS: How can you turn that down?

AS: Well, my wife-to-be said she wasn't moving to West Virginia.

DY: Where did you meet your wife?

AS: I tell the story, it's when I was in the public defender's office, and I got her off that felony charge! She says, "I wish you would quit telling that!" Because it's not the truth. I was looking for a place to live the summer before my third year of law school, and I was calling [in response to] ads in the paper of houses for rent. [One] landlord said, "I've got three old maid school teachers renting a house from me. I'll call them and tell them you're coming." I went and knocked on the door, and [my future wife] answered the door. I didn't like the house, but I was smart enough to get her phone number. She was just coming out of a bad relationship with a boyfriend, and so it seemed like it'd be a pretty good thing.

DY: Timing is everything. So she was a school teacher?

TS: Old maid school teacher of what? Twenty-two?

DY: Yes, right. I was going to say the same.

AS: She was probably 24 or 25 at that point. I think she was probably about twenty-four. She has a master's degree in special ed and behavioral disorders and taught handicapped and retarded children in De Kalb County. You know, she['s] said there was a stranger knocking at [her] door, and the fact that I said I was from Emory Law School didn't mean anything to her. She said what changed her mind was [that] I have a handicapped brother who is mentally retarded. She said that the way I described him when she asked [if I had] any brothers or sisters changed how she saw me. She said people with handicapped siblings are different from everybody else. So all of a sudden she was a little more interested in what I had to say, and she was wanting to go on a second date at that point.

DY: I guess she heard compassion and identification in your ability to connect with someone else.

AS: My brother lives in a group home here in town, and he has a job in the mailroom at Wachovia. I basically am his guardian.

TS: What's his name?

AS: Steven.

TS: You've mentioned two brothers. Do you have any other siblings?

AS: I have a younger brother, Norman, who is a physical therapist in Tampa, Florida, and he's an Emory grad. He went to Tennessee and then transferred to West Virginia University and graduated there, then got his master's at Emory.

DY: Tom's a UT grad.

TS: Yes. I went to Tennessee.

AS: So you're pretty happy about last week's [Tennessee-Georgia football] game?

TS: Well, sure. [chuckle]

AS: [Dr.] Jane [E.] Campbell in the accounting department—everything in her office is orange. Her students, even if they were Georgia fans, were thrilled because they knew their professor would be happy for awhile.

DY: Oh, that's good.

TS: One of my colleagues in the history department has the picture up where Georgia is being defeated, and I keep telling him he needs to have a lower profile or he's going to get us both into trouble. [laughter]

DY: Really. And he's untenured too.

AS: He's flirting with trouble.

TS: He is, indeed. You've got to be careful. So when did you ever start thinking that you might like to teach?

AS: Well, I was a teaching assistant in law school.

TS: Oh.

AS: And I liked that. Well, I did because it goes back to being able to pay for school; they paid second- and third-year students to teach the first-year reading and writing and research. So it was a one-hour course.

TS: They teach reading and writing?

AS: Legal research and writing, how to use the library, how to use the codes and how to hunt for cases. It's cost effective for the law school to do that because, let's face it, the people who are best able to do the research and understand what to do are the students. They're not going to find a lawyer who's going to come in and do it because, you know, lawyers specialize in a certain area, and their skills tend to be in that one area. So I was making several hundred dollars a semester teaching that one-hour class each week and grading papers. I had been a teaching assistant, actually a grading assistant at Chapel Hill in the math department—the only non-math major in the whole department—and had made money doing that, so I figured this would be a good idea. And I always kind of enjoyed it.

DY: I was going to say, it must have honed your skills, too.

AS: Well, yes, because [there are] a lot of strong personalities in law school; a lot of stubborn, obnoxious people, and they make stubborn, obnoxious lawyers. So

yes, it seemed like kind of a fun thing to do. I was teaching at this night law school when Josie's friend, Sylvia, said they needed somebody here. That sounded like a good idea to me. I was going to teach for a couple of years, maybe three or four until my law practice really took off. And the practice was doing pretty well; I had a couple of good cases. I was teaching [a] 7 a.m. tax [class] daily, a 9 a.m. business law [class], and a night tax class two nights a week. Then I was practicing downtown in the Equitable Building in between.

TS: Where were you living then?

AS: Off I-85 and North Druid Hills Road.

TS: You were in the car a lot.

AS: I was running the car to death. I had a Volkswagen diesel Rabbit that was just putting the miles on. But you know, when you're 27, 28 years old . . .

DY: You've got that energy.

AS: Yes, it feels like a good thing to do. We were [in] an older home, renovating it on the weekends, and it was kind of fun. My wife was working as a teacher, and so we had time together when we were both off at the same time. I mentioned I liked to play basketball. Well, back then I loved to play basketball, and so one of the students said, "Hey, you want to play on the intramural team that we've got?" I thought, I'm really kind of busy, but I'll come when I can. Well, pretty soon that became [a] pretty good priority for me to make those games. I was having a good time. And then I thought, well, as long as I'm over in the gym, maybe I'll work out here in the weight room and take a swim. Instead of going to the office downtown today, I'll just stay here, have a bite to eat in the student center and then teach my night class. And pretty soon that became much more fun than going downtown [to] practice law. We did a [law] office sharing; I was with two guys, Paul Kehir and Jim Baker.

TS: Paul Kehir?

AS: Kehir. He's still a criminal defense lawyer over in Gwinnett, and Baker's a real estate lawyer down in Clayton County still.

TS: What was your specialty?

AS: I did litigation, and I did just about anything that came in the door. I was on my own; I represented some criminal defendants. I had a couple of personal injury cases—I had a child that had been run over by a drunk driver—I did some wills, some divorces, some name changes. I don't know how my name got circulated in a strange part of town, but I did some name changes for men who had undergone sexual reassignment surgery; I represented a couple of exotic dancers.

TS: You did anything.

AS: I was one of those lawyers who you see in the movies who says, “If you can pay the fee and this looks like an interesting case, I’ll take it.” And then I had some people who couldn’t pay the fee, but [if] it was an interesting case, I took that, too. I was given that luxury because I had the income of the school. I had a case of a child wrongfully accused of something at his school. I could afford to take their case because I didn’t have to get paid. I did that until about the mid- to late ’80s. We moved our offices to the Rhodes Haverty Building, and then we moved our offices to Fourth Street. A guy named Rob Bennett, who’s married to Judge Orinda Evans, a federal judge, had a Victorian home off of Fourth Street, and so I just shared space there. I’d practice on days I’d feel like it, and on days I didn’t feel like it, I wouldn’t go in. And then Toby Prodgers came and taught for us part time; you remember Judge Prodgers?

TS: Yes, yes.

AS: He was with Awtrey and Parker, and he said, “Alan, would you like to be of counsel to us?” *Of counsel* means you’re not an employee, and you’re not a partner, but you’re associated with the firm. You can utilize all the firm’s resources. We had a financial arrangement that was mutually beneficial. [For] cases I worked on, I would receive a fee and keep some of it, and the firm would keep some of it. I guess as far as the school was concerned, it was a type of consulting. They were happy I was keeping busy, so that everyday I could come back to class and bring real-life examples. And I made sure that school was always the first priority. I never cancelled a class or missed a meeting because of anything related to law or anything else I did. In fact, they’ll tell you in my classes, I’ll come and lecture even if I’m sick as a dog because I don’t miss class.

TS: Did Kennesaw encourage you to continue your law practice?

AS: I think that just like all the other economists and the other people, everybody consults because that’s what lends an air of legitimacy to what we do. It would be difficult to be a law professor and explain to people what happens in a courtroom if you haven’t ever been in a courtroom.

TS: I was just thinking that Charlie Garrett used to do my taxes for me.

AS: Exactly. And there are plenty of people who do accounting work in the accounting department. The other thing is that having come in at a low salary, my wife was not used to the standard of living that being a professor afforded her as opposed to the practice of law.

DY: I want to ask you a question about teaching. Give me the commonality or the connection of working with your clients and working with your students. I would

- guess with you—and, in fact, you’ve said that practicing law in cases that you take—you do it because it is meaningful.
- AS: Right.
- DY: What are the commonalities there in teaching students and in practicing law, Alan?
- AS: It’s really funny because actually what you’re doing with your clients, if it’s a preventive type of thing, [is] educating them. You’re trying to explain to them why we have to do it this way or why you need this in writing or why it’s difficult to do the contract this way—because I’m trying to do a five-year contract, I don’t know all the things that can go wrong in the next five years with your situation and that commercial property. So it’s an educating thing with them. Also with litigation, you’re trying to explain to them what’s going to happen based on what they’ve already done, and what they could have done to avoid where they are. I tell my classes, “Lawyers, when you hire them in advance to review something, are very inexpensive. But when [they’re] trying to get out of it after you already signed it, then lawyers become very expensive.”
- DY: Preventive medicine.
- AS: Or, as I told the class today, “An ounce of prevention is not worth crying over spilt milk.”
- DY: [laughter]
- AS: Or was it “A bird in the hand is not worth crying over spilt milk?” It was one of those. I like to do things in class that will get a laugh because then you know [students] are listening. And the thing is I treat my students as if all of them are my clients. I say, “You got an expensive lawyer who’s not charging you hourly; this is all about me advising you as if you were my clients.” And so that’s what class is [like] every day.
- DY: I like that analogy. I like that metaphor.
- TS: What kinds of students take the business law courses?
- AS: It’s a required course of all business majors.
- DY: Good!
- AS: Well, we used to teach so much law; I used to teach a consumer law [class]; it was great. It was 15 chapters, and each one was just so relevant to their lives. One chapter was [on] rights—I don’t know if that’s a good term—but everything legally surrounding marriage law, the rights of children, motor vehicle law,

landlord-tenant [rights], real property law, [and] employee versus employer rights. It was just a great course. But there's just no room in the curriculum. I mean, how many required courses can we have?

DY: They ought to take that and put [it] in KSU 1101.

AS: It was a great course. It was full all the time.

DY: I'll bet.

AS: I was teaching in that little annex that we used to have, that little trailer that we had right out here. One quarter I had three classes: I had [a class load of] 70, 70 and 70. I had one of those [rights classes] and then two of the intro classes. Well, now I've got 48 in real estate law because the room only holds forty-five. We've got three students sitting in the aisles. And then my other class is [at] a hundred, and it's in [Burruss Building, Room] 151. That's only because [John P.] McAllister said, "I just can't in good conscience, with three separate preps—one a graduate class, one a senior class and then that one—I just in good conscience can't put more people in there."

TS: You must not be making them do much writing in there.

AS: Oh, yes, absolutely I do.

DY: How do you do that, Alan? How in the world do you do that?

AS: I spend an inordinate amount of time grading, and my wife says it's crazy. I spent 12 to 15 hours grading my graduate class. My graduate class has no exams and they all love it; not because there are no exams, but because the assignments I give them are real. I make individual assignments for all 40 people because I don't want them to have the possibility that they would want to look and see what somebody else did, so they can't. [For the first assignment] there are 40 separate code sections they have to look up and 40 separate cases. They have to read the code sections, read the cases and do case briefs for me. Then I grade them, and I grade their writing. Did you see the article about the professor at Emory in Sunday's paper?

DY: Yes, I did.

AS: This is a wonderful article about this teacher at Emory [who] taught at Berkeley before. He said, "Students in college are bad writers whether they're at Harvard, Berkeley, Emory or Podunk U. I've talked to professors all over America, and students can't write. Is it because of TV and video games, [because] their parents don't read and write well, or [because of] multiple-choice exams? The answer is, all of the above."

DY: He's an American historian.

AS: I took it to class and I said, "Y'all, this is why I correct your grammar and your spelling. Let me tell you something; if I ever sent a brief to the Court of Appeals out of my office with mistakes in it, the other firm's going to look at that and say, 'That guy's a bozo. He can't write. I'm going to whup him in court.'" So I said, "I don't want you to go out with KSU on your back and look like an idiot. I can't have that, y'all, because you're in my class, and I won't stand for that."

DY: I genuflect to you, Alan. Thank you.

AS: So I correct their spelling; I put that apostrophe on *it's* when it belongs, and I take it out when it doesn't belong. *Their* [versus] *there* is a killer, isn't it?

DY: You're preaching to the choir here.

AS: But the English faculty, it's not just their job. If we would all band together . . . So then my second assignment is to take a news article—not one they go find on the internet [but] an article they [find] from a periodical they read on a regular basis: *Wall Street Journal*, *The Journal and Constitution*, *Georgia Trend*, *Atlanta Business Chronicle*...[something] that relates to the ethics portion or the law portion that we're discussing. They have to take [it], and they have to show how the situation in the article deals with what we're doing in class—whether from an ethical standpoint [or] a utilitarian result. Who were the stakeholders? Was the situation one in which Immanuel Kant says that they should have followed the rules? And this is from a guy who is not a philosophy major. Then they have to go find a Code of Ethics, either from a company they worked for or a profession that they're in, and take it and explain if it [is] enforceable or [if] it is merely guidelines. Is it part of the Employee Handbook? We go through some things, and they turn in a paper on that with the Code of Ethics attached. So I'm getting 41 completely different papers and trying to figure out a baseline for how to give the grades. Next they're doing interviews about the toughest ethical business problem they've ever had and then analyzing how the person decided [the outcome] and whether it agrees with what we do in class or not. Next comes some on-line research. I'm teaching them how to do legal research on-line with Lexis.

TS: I was going to ask about that. Do they find the code on-line?

AS: Oh yes. [With] Lexis, you can go through our library and find anything throughout the world. It's a wonderful system.

DY: It is wonderful.

AS: Make sure the librarians know I am a huge supporter of this.

TS: Well, I've used it where you type in the case name and it comes up.

AS: Right. And I force every one of my students at every level to use the resources that we have. So there are six series of projects that my graduate class [does], culminating with a large, individually drafted assignment. I spend hours drawing up 40 different legal scenarios that can happen to you in business or life or whatever. They used to go the library; now they can do it all on-line—and find and write me a three- or four-page paper with cases and statutes justifying their conclusion as to who will win, what they think will occur and why.

DY: I bet they enjoy that, too.

AS: Yes, and that's why they don't like exams. They say exams are about "Can I remember things?" as opposed to "Can I learn a process?" You know, Betty Siegel says that she had a professor [at Cumberland College] she went back to see, and he [asked], "Do you remember [such and such]?" She says, "No, but I remember what you were." See. I want to be the guy who they remember [as] the process so that when they're gone from my class . . .

DY: They can extrapolate.

AS: They can always find answers.

DY: Yes, you teach them how. It's a mode of inquiry.

AS: So I never did traditional grading. We start with a clean slate; I don't use red ink, I don't use minus signs; those are negative. And you don't motivate students to do well by tearing them down, so you start with a clean slate. As I go through grading the essays and the other things, I start throwing points on there. But I have questions where the answer isn't always the answer. In law, you don't get penalized for going in the court and arguing things. Just say, "Oh, I don't agree with that." But you're not penalized. You never know when a judge will say, "Yes, that's interesting. I can see that." So on my answers, there may be three or four or five different constitutional theories for why so and so can't do what they're trying to do. Or why they can do what they're trying to do. I'm thinking that the average student is going to get two of those, so I'll make it [worth] eight points. About a third of the class will see one issue, and they'll get that. About a third of the class is going to see two; but my brightest students are going to see more. It's going to be open-ended. They're going to start putting down who knows what. So I'll give eight points for a good answer that really hits the two main points, and then I start giving bonus points when they hit the more subtle issues of law. Pretty soon my exam becomes a treasure hunt. Instead of [giving] our students an "A" when they think just like us, I want them to think beyond. I want them to be able to realize that they're being rewarded—as in life—when they are way above and where they're out expansive beyond what we think they can do.

TS: Wow.

AS: See, that's why I have to give written work.

DY: That is why you have to give written work. And the fact that the process of writing is also the process of thinking.

AS: Exactly. And I harp on this and, as one student said, "I've already had [whatever]." I firmly tell them every semester, "You need to take our English class on advanced composition and expository writing." I forget, it used to be English 310 or 311, and I used to be able to say that all the time. Now I don't even know the number, but I tell them they have to take an advanced writing class. This student always said, "I've already had English." [And I'd reply,] "Come on guys, it's not like measles; you can have it again. You're not vaccinated against it. You can do it again."

DY: I'd argue they could take a class in analyzing literature, particularly poetry, and come out with those skills really honed because it's attention to language.

AS: Exactly. The whole point is to learn to communicate better. Once you write better, you'll read better. Once you read better, your grades will go up in everything you do. I had a professor in undergraduate school, Townsend Luddington IV—what a great name for an English Literature professor! He taught me my advanced composition. In fact, I got a nice note from him just a month or two ago. We have on rare occasion exchanged notes. He had just finished a book back then, *The Thirteenth Chronicle: The Life of John Dos Passos*. He really taught me how to write; boy, did he teach me. But I was a terrible writer, and I made a *D* on the first paper. I said, "Why did you give me a *D*?" He looked at me sternly, and he said, "Because I didn't have the heart to fail you on the first paper." And on the final paper he wrote, "Excellent! Well written!" It was a *B*, and I said, "Well, Dr. Luddington, if it was so good, why is it a *B*?" He smiled, slapped me on the back, and said, "Because, Mr. Schlact, for you it was excellent; for the average student, it's a . . . well, it's a *B*." But that's when I really learned to write. I didn't realize until then how important good writing was. [Dr. Luddington's] the one who convinced me that, just like anything else, good writers aren't born. He said—and he's right—"Are you a good golfer the minute you pick up the club?"

DY: Well, what's coming through here, and I think what we want to get in this session and on this transcript, is your philosophy of teaching.

AS: Positive, always positive.

DY: That you reward.

AS: Sure. I don't have an attendance policy, and some people say, well, you ought to be like life; you get penalized in life if you don't show up. I say, "People who don't show up to class are penalized enough. They've missed out on all that great information. I don't want to do that. And they're adults. We should treat them like adults. Quit punishing people for not doing what they should do." If people don't show up for work, they get fired, so if they don't want to come to my class, their grade will reflect that they didn't come. I tell my class, you can come any time you want; you can leave any time you want. Don't raise your hand to ask, "May I use the bathroom, please?" I don't care; this isn't first grade. We're adults. If you need to leave, leave. If you have to take a phone call, take your phone call. I'm just up here giving information, and if you want to come, then that's your business. I'll make it as interesting and as relevant as I can." It's the same way; I'm pretty easygoing on lots of things. Grading is a different story. Their grade is something they've earned, and I make sure it's as fair as possible. We all know the deal, and we know what everything is worth. We know what the bottom line is.

TS: Do you give lots of A's, or are you a tough grader?

AS: No; they say I'm pretty tough. I don't give grades in terms of that. In other words, the points speak for themselves. There is what we call—and this is an ancient legal term—the finagle factor. That is, if they'll come to class and participate to where I know they've read the material—because the class discussion is worthless if they haven't read the cases we're doing. Like today, there was a quick case about a kid in the 1800s who had agreed with his uncle that he wouldn't swear or drink or gamble or use tobacco until the age of 21 in exchange for \$5,000. You know, if your book is good and the cases you bring to class are good, then they'll want to come, and they'll want to do the work. The key to a good class is, have they read the material before[hand]? I tell them, "I'm not going to read the book to you. You read the book, and I'll make it relevant. So we start talking about is a promise like that enforceable? Then I find somebody in class saying, "Okay, I'm going to build you a house." If I build you a house, but then halfway through we agree on this, is our modification enforceable in court?" And generally it's not. So we go through a lot of interesting scenarios. It's just one hypothetical after another. And I always ask, "What do you think? How many of you say *Yes*; how many say *No*? Why? And then I'll let them fight it out. I'm like the director or the referee.

TS: In your case, did the kid sue because he wasn't going to get the money?

AS: No. The uncle wrote him and said, "I've heard that you've been very good and you've lived up to your promise; that you are a changed man. But at the age of 21, this is a lot of money. I will keep it on account." And what happened is he died. So [the nephew] sued the estate, and the estate's defense was no consideration. All contracts have to have consideration, something of value. They said the uncle gained nothing of value from his promise, and the Supreme

Court of that state said, “It doesn’t matter; the fact that [the uncle] asked him to do it and [the nephew] did it is sufficient consideration form of contract.”

DY: Yes!

AS: And then we go through scenario after scenario. I am constantly cutting out interesting legal cases from newspapers, from *Newsweek*, from whatever source. So instead of boring things, we talk about these three jewelers locally who answered a reward because they knew where the jewels were for the heiress of the Ford fortune. This happened in ’97 or ’98. They had a fence bring them the jewels, and they figured out that these [were] the stolen jewels. They turned them in to the FBI, and the guy pled guilty. They get ten years in jail, and Mrs. Ford won’t pay the million-dollar reward to get her \$8 million in jewels back. And they sued her. So we talked about it; was there an offer and an acceptance? Was there consideration? Did they answer and accept the offer perfectly, or were not all the jewels returned? You know, we have a chance to go through everything, and everybody’s interested.

DY: It’s fascinating.

AS: It’s great.

TS: Cases always are fascinating, and there’s good history, too.

AS: If you can pick the good ones; and that’s the key: to pick the ones that you know people will be interested in. My favorite one is when we do fraud. I always ask, “Is anyone here getting married, recently married or engaged?” There are always five, six or seven. I had this wonderful case where this guy’s engaged to be married out of Columbus, Georgia, and he’s given his bride-to-be a house, a car, a fur, a diamond, everything, only to find out shortly before the wedding that she is really a “he.” So then we go through all the elements of fraud, and it’s a fun time. And should it have been *caveat emptor*; should he have done a reasonable inspection? So, you can make class fun and relevant—and I felt this way about tax. Everybody said, “Oh, tax is so boring.” No, it’s not boring when you find the cases that involve deductions that are so strange and bizarre that [students will] learn all the elements of the deduction. Well, all of a sudden, half the battle is won because they’re laughing and writing everything down and throwing comments back out. It’s just wonderful.

TS: Yes. I got excited about a case out of Cobb County called the *Amos Reece Case*. A reporter from the *Baltimore Sun* called me up trying to find Amos Reece, and he didn’t realize that Amos Reece had been executed back in 1957. The case had gone all the way to the U.S. Supreme Court, and the Supreme Court overturned the conviction, then they tried him a third time finally.

AS: And got him that way.

TS: Yes. And it's just some fascinating stuff about the way the courts used to operate. This was a black man; there's no doubt that he committed a rape while he was in prison, so to speak, on a work gang and going from place to place. But the issues were that they had to call the grand jury back—they'd already dismissed it for that term. They called it back to indict him.

AS: So the question was the proper indictment.

TS: Yes, the proper indictment, and also it became an issue later on that he did not protest the fact that there were no blacks in the grand jury pool. The other part of the case was that he was clearly of low intelligence, and that became an issue also. But it was a question of whether a man of low intelligence who did not have an attorney should have known what his rights were so that he could have protested the grand jury makeup at the time of his indictment. It went all the way to the U.S. Supreme Court. They overturned the conviction, and they tried him a third time. The state Supreme Court had overturned it earlier, and it was just a fascinating case.

AS: If you pick the right cases. But I don't see myself as just a law professor. See, today we taught history in class. Today we talked about how Samuel Mudd, who was the doctor who set John Wilkes Booth's leg, was convicted. We were talking about John Surratt, one of the co-conspirators [whose] mother was executed by the U.S. government as a co-conspirator in the assassination of Lincoln. You think, why am I getting into that? Well, because Surratt leaves the country, a guy named Atzerodt is executed for it, and there were three or four people hanged. Surratt escapes and goes to Italy. Henry Benjamin St. Marie answers an offer by the U.S. government to bring him back for \$25,000. He goes to Italy, gets him, then Surratt escapes again. St. Marie ends up going to Tripoli, captures him and drags him back. But during that time, President [Andrew] Johnson revokes the offer, so the question is whether the contract had been made or not. And I always ask the question, "Aren't you all familiar with the conspiracy to kill President Lincoln? What are we teaching in history class?" But I have a wonderful time talking about all these historical situations, and I can teach the elements of a contract and teach history at the same time. Or I can teach writing at the same time. You know, there are all these things tied together. I can teach economics; I can teach all these wonderful things that make, to me, a great learning experience. And the binding on my book is ready to break; it's just loaded with articles and things that are worth talking about in class. It varies on a daily basis. I try not to make any class the same as the last one.

DY: I guess the test is, if you're bored, they're bored.

AS: I tell you the easiest thing for me to do is [to] get the teacher's manual and read the outline of the chapter to them. What's that movie?—*Weird Science*, I think, from about fifteen or twenty years ago. It's [set on] a college campus, and in the

first scene there's a professor in a big lecture hall lecturing, and everybody's taking notes. Later in the movie there's a scene where he's lecturing, and the classroom's about three-fourths full, and there are some tape recorders. Later in the semester, he's lecturing and the classroom is half-full and tape recorders at all the tables. By the end of the movie, the whole classroom is nothing but tape recorders recording the lecture, and the lecture is being given by a large reel-to-reel recording. [laughter]

DY: I think we are all three lucky because we are all three basically in interdisciplinary areas.

AS: If you're willing to do it.

DY: Yes, you have to make the intellectual connections, but then you have to do the practical thing of bringing it to bear in the classroom.

AS: Are you willing to do what needs to be done? And see, that's the thing. We have to start teaching more and more ethics. I mean, they all looked around the business school. Well, who's going to teach it? It ends up in law because law and ethics are so tied together. Then, all of a sudden, I have to get up to speed. [It] took a long time to be able to feel like I could talk intelligently on the subject. I had to go all the way back to my undergraduate days, the philosophy and all that.

TS: Do you enjoy teaching business students as opposed to teaching in a law school? Did you ever aspire to teach at Emory or whatever?

AS: Yes, I taught there, and there are times that I think I would like to do that. At the same time, I think that I do more good here. That's just my personal feeling: that I can help [many] more people here.

DY: Why did you stay at Kennesaw?

AS: I don't know. Would inertia be a good answer?

DY: No, not given what you've been talking about because I wouldn't believe it. There's nothing inert about you.

AS: I guess I did it because everything just seemed to fit into place for me in terms of—I don't know if the word convenience fits? But if everything just seems to feel so comfortable, why would I leave?

DY: And I think something you just said, you feel like you can do more good here. You feel like what you are doing here is necessary and important.

AS: And let's face it, I can make a whole lot more money doing other things. In fact, I do have other business interests that provide a lot more income. But—and I'm reaching a point in my career with this where the classes are so big and the work load and everything else—I talk with [Dr.] Roger [C.] Tutterow in the economics department all the time on cost-benefit analysis, and he says, "Alan, you're a smart guy; I can't believe you're still here." [laughter]

TS: Same with him, isn't it?

AS: Well, he's department chair, and he does quite well. Because as a department chair, he has that aura of being that financial expert which gets him all the other things that he needs. Think about that. He's always on TV, he's the economic consultant for a lot of groups; he gets paid very good money because of his credentials. You know, Betty Siegel is a good speaker, but she started really getting her entrée by being president of the university. People like to see labels and tags to justify why they're spending what they're spending for this person. Roger's the same speaker either way, but he sure looks good when he's the chair of the economics and finance department at Kennesaw State University. So I guess I've stayed because, where else would I get to teach? Would it be different at another university? Would it be better if I were at Yale, Harvard? Would it be any better? You read this article in the paper that says the writing is bad everywhere. I have students here who are 30 or 35 years old who could step into any law school and be successful. And then I have bad students who could go to any school, and they'd be doing just as poorly wherever they are.

TS: So you're really saying the options are, teach here or practice law full time?

AS: Well, no, I also have interests in the real estate area. I'm probably more interested in that. I teach real estate law; I'm more interested in real estate. When I leave here, I will not practice [law]; I will be doing real estate.

TS: Okay.

DY: Let me ask you a question about the—and again, this might be why you stayed or maybe it's not—the intellectual climate on campus.

AS: No, I really stayed for the high wages.

TS: Well, now, I was just thinking, what you're doing sounds a lot more interesting than practicing real estate.

DY: What he's doing in that classroom you mean?

TS: Yes.

AS: I don't know. If you make a lot of money on a deal, that's pretty interesting. I've got some friends, and we've been involved in some things and [been] really fortunate. Boy, you take that check to the bank; that's real interesting! You find that a lot of fun. And I'd like to find that even more interesting in the future.

TS: Oh, you've got all the money you need.

AS: Yes, but I have a family to support.

TS: Your son's going to make \$10 million a year.

AS: If his right arm holds out. You know, pitchers—that's the toughest way to make it because so many things can go wrong. Only about 6 percent of minor leaguers make it to the majors.

DY: That low?

TS: Yes, oh, it's real low.

AS: Yes, he's making \$850 a month for the months he actually plays. In fact, this month he doesn't get paid at all. They provide him a hotel room, one meal a day and \$13 a day to live on. That's it. He has to bring his own cleats, his own glove. The minors are a very misunderstood area for him. So I'm in full support that this is a once-in-a-lifetime opportunity. It's his dream, and he needs to go do it.

TS: Right. Intellectual climate; I lead us astray.

DY: Oh, intellectual climate on campus.

AS: I think the intellectual climate is a good one. I have had great relationships with people, both in the business school and outside the business school. It's not like it used to be, where we could go to the student center, and I could see a Tom [Thomas H.] Keene, and we could have a wonderful disagreement about who knows what subject. I miss that; I miss that dearly. We've become so big I can't find people like you on a regular basis just to sit and talk. But within the business school, we have some phenomenally talented people, and it's kind of fun. I team-taught with [Dr.] Janet [S.] Adams, whom I have great respect for. She is just a phenomenal person, and a lot of the ethics that I've learned in terms of the ability to teach is because of her work [regarding] women in the work place and her ethical analysis of a lot of that.

DY: She has an undergraduate degree in English.

AS: I know she does because we shared an office when she first got here. And she's the one who convinced me that if I'm going to grade papers, I have to grade the total paper, the way it's written. And so you'll find on virtually every paper that

has mistakes, I'll say, "Mechanical errors, stylistic errors—whatever mar the effect of your argument." I think that Kennesaw has passed that point of being a local, regional college; I think we're drawing people from all over. Alison Arnold-Simmons taught for us for many years. [She's a] business law recruiter; her undergrad degree was a joint [one in] accounting and economics from Radcliffe with honors, and her law degree and MBA with honors were from Harvard. So we're pulling in people of wonderful caliber. Her office was across from mine, and it's pretty stimulating to have people like that close by that you can bounce things off of.

DY: What do you think about the students?

AS: Well, I gave back the exam the other day, and I said, "I'd like to quote Charles Dickens. Your exam reminds me of *A Tale of Two Cities*. 'It was the best of times; it was the worst of times.' Some of y'all are going to be thrilled to see your paper, and some of you will not."

DY: Isn't that funny, Tom? Tom and I teach a joint class, *Georgia Writers, Georgia History*, and when we gave our tests back the other day we said, "Some of you will rejoice; some of you will need to probably have a little conversation with us!"

AS: Right. And [for] people who don't do well, I put on there, "Please see me if I can help." But you know what? They know it's their fault. Occasionally when I'm disappointed, when I felt like things were real[ly] clear [but] half the class missed a particular question, [to the] half that got it right, I say, "We went over that, and it was so clear." I occasionally do a post-test review where I ask them to tell me: How often do you come to class? How often are you prepared for class—prepared meaning I've read the material, I'm ready to discuss it? How long did you study for the test? What grade did you get, and what grade do you think you deserve based on your preparation? I'm shocked at people who say, "I come to class some of the time; I'm prepared some or none of the time. I studied an hour for the exam; I got a *D*; I expected a *B*." [Those are] unrealistic expectations. But I have it in writing, and then I can tell them, "You're not realistic in your expectations." We don't work students as hard as you and I worked. We talked about that at my house the other night. When I took international politics in undergraduate school, we read a book a week. We read *Fire in the Lake* one week; that was 800 pages. You were expected to read it. In literature, we read a book a week, and you were expected to do that. For my honors thesis, I was expected to produce a hundred-page document on an original topic of research. We don't ask anything close to that.

DY: No, we don't. I don't in my lit classes, certainly [not] world lit.

AS: And you know what, you guys that play video games or go to Web sites and spend hours learning how to get past the wizard on level 4, but you won't spend a tenth of that time finding out about contract law even when I've given you

- interesting scenarios...it really tells me who in this class will be successful and who will not. You want to go in[to] the business world of Atlanta, and yet you don't read the *Atlanta Business Chronicle*, you don't read the newspapers, you don't read *Georgia Trend*, you don't read *Wall Street Journal*, you don't read *Business Week*—and yet you tell me you're going to be a successful member in the business community. I said, "Because of what? You're going to have a winning lotto ticket? Because it's not going to be by your preparation and hard work." They say I sound like a tent revival speaker occasionally.
- DY: Well, good, keep going! Do an *Elmer Gantry* on them! Well, you have others, and we certainly reinforce that. Alan, thank you so much, it's been such a treat to talk to you.
- AS: I miss seeing you. I used to see you a lot more often. You're over here in the boonies, or am I in the boonies, I don't know?
- DY: Well, I guess it's all relative; I think we're all isolated from each other in strange ways. And one of the things we're working on is the Senior Faculty Advisory Committee that [Dr.] Linda [M.] Noble has cranked up.
- AS: I saw Linda walking. She said, "Are you going to your oral history?" I said, "Yes." She said, "Will you do me a favor?" I said, "Certainly, Linda, what is it?" She said, "Will you mention that when you gave the commencement address several years ago that you gave the top ten reasons why commencement speakers should have a short address?" I started laughing. I said, "You remember that?" She said, "Oh, it was great. I remember virtually every one you gave."
- DY: There you go.
- AS: So, Linda, I've said what you asked me to say.
- DY: And this goes back to exactly what you were saying about what you do in your classroom every day and why you are a successful teacher. People are interested when you're telling them something that means something to them.
- AS: And you can make any subject on this campus interesting to the people who are in there. History, I would think, would be phenomenally interesting. Especially, when you start talking about things they didn't know anything about, like the assassination of Lincoln; you bring all these wonderful things in, about a bounty hunter who has to go find one of the co-conspirators. To me—how can you not be interested in things like that?
- TS: Yes.
- AS: I mean, if I had to teach tax law, I found ways to make it interesting . . . Steve [Steven W.] Smalt did a great job with accounting, which I find incredibly boring.

You know what they did? They scrapped what they've been doing for a century and went to a new method of teaching accounting. They started with a student who for a part-time job is selling lemonade—just a lemonade stand and the cost of his lemons, the cost of sugar, the cost of the cups, everything, and what he's selling it for. [They figure] the debits and credits of running a lemonade stand, and they build on that. He gets a bigger stand, and he has to hire somebody to help him make the lemonade. Then he has two stands, and he's buying in bulk; and it begins to get larger and larger until he has a lemonade store. [Next] he has frozen lemonade, and then finally he's a big company. So they've shown the student how to go from this to this. That, to me, is how you teach.

DY: That's a great metaphor. That's going to come across very well. This is going to be a real fun one to read. [Dr. Yow left the interview at this point for a service commitment across campus].

TS: Well, we've talked about a bunch of things. I guess in your academic career, because of your consulting work, you've made service your second area after teaching. Is that correct?

AS: Well, I've done a lot of publishing, too.

TS: I wanted to ask you about that, too, about your scholarship.

AS: Yes, I was just notified by the *Blackwell Encyclopedia of Economics and Management*; I've got two chapters in there that need to be updated. And I've just been notified that the *Georgia Realtors Bi-monthly Journal* is coming out, and they're going to do an article by me on social host liability for Christmas parties.

TS: Social host?

AS: When you're a host you have liability; when you're a social host for people that go out, and they're drunk. You have no idea how much can go wrong at a Christmas party: sexual harassment because of the mistletoe, discrimination for calling it a Christmas party and you have people of other faiths. So it made for a nice article.

TS: We were talking about scholarship, and we're going to also talk about service along with it. But let's continue with some of your major publications maybe. Or, at least how you're defining scholarship in your career, because Kennesaw really has had a wide-open definition of what scholarship is, I think.

AS: I agree, and I think that's good. We're not all cut out to do journal articles for obscure journals. I've submitted newspaper articles that have been published; I've done a lot of presentations for the American Business Law Association—which is now [known as] the Academy of Legal Studies in Business—and [for]

the Southeastern Academy of Studies and Business. In the past, though not recently, I have always presented a paper on an interesting and unusual topic. One year's was [on] viatical settlements, which are very common now, but at the time that I wrote the article and presented it, no one knew what it was. It is the buying of life insurance policies before the death of the insured by an investor. It was big with AIDS in the late 80'—the people with AIDS who didn't have health insurance or [whose] health insurance had met the maximum needed money. So what they could do is sell the benefits of their insurance policy, knowing they were going to die, and there were investors who were willing to buy the policy at a discount. I wrote an article on whether that creates a security, [whether it] should it be registered with the Securities and Exchange Commission—all of the ramifications of the legal aspects of viatical settlement. So I've always tried to make my articles interesting and cutting edge in areas of law that are just beginning.

TS: Who do you see as the audience for your articles?

AS: Well, I would do those presentations to other business law professors knowing that they would be the ones to take it out there to the business student. That's our next generation of business people. I've done articles for professional publications. I see myself doing less of that, unfortunately, because of the large number of students that we have and the other obligations that we have as professors at this point in our careers, such as Promotion & Tenure Committee meetings and chair of this or that. I'm teaching Saturday in the Merit Badge University here on campus.

TS: The Merit Badge University is the Boy Scouts?

AS: The Boy Scouts. So I'm active in other philanthropic things outside of school, and there are only so many hours in the day.

TS: Do you see increased pressure in the business college toward more publications in those obscure journals that you were talking about?

AS: I think there is. I wouldn't say pressure, but we're being encouraged to publish more because that's what a mature university does. It has a research component, and we've reached that stage. I think the publications that are coming out of the business college run the gamut from people writing for the newspaper or the *Atlanta Business Chronicle* all the way to the *Journal of Accountants* here or economic journals. We have a broad range in between because we see ourselves as providing information for the average business person and for professionals. So, you see a lot of professional journal publications here now.

TS: Right. Let's talk a little bit about service. Of course, we all do more service than maybe we really want to do on this campus, but what kind of service activities are you proudest of in your 20+ years at Kennesaw? Almost 25 years.

AS: I was the acting dean of the business school for about a year, and then we hired [Dr.] Harry [J.] Lasher to succeed me. I was the assistant dean for awhile, and I've been an acting department chair. I helped start the paralegal program over in continuing ed, which I'm proud of because hundreds of—maybe even thousands of—graduates are now paralegals in the metro area. I recruited probably half to two-thirds of the teachers over there, who are all lawyers I know: Ted Hall, Matt Mashburn and several others. I taught in the program for years until I just didn't have the time. Then years ago, with the \$50,000 grant split between Small Business Administration at the University of Georgia, we started the Small Business Development Center here on campus, which sees hundreds of small business persons for classes and for individual counseling. They say [that] for every dollar we have spent on the SBDC, it has returned \$13 to the local community. That's the figure I've seen, so I'm real proud. Carlotta Roberts ran it for years, and now it's being taken over by others. They've done a wonderful job. It's a big part of the business college.

TS: What do you see as the relationship between service and teaching?

AS: For me, teaching is service. To be a lawyer and to give up the chance to practice and lead the life of a lawyer—I felt that teaching was my greatest service. Connected to that are all these things such as giving free legal advice to those who need it and helping create institutions on campus that carry on what I'm about in class.

TS: I think before we turned on the tape you were talking about all the students in your classes that come in for free legal advice. Would you say a little bit about that?

AS: I consider that to be my best service. That's what we call in the profession *pro bono* work. I haven't gone down to the courthouse to represent these people. I tell my students, "I can't represent you; I don't even want an appearance of a conflict. I don't mind giving you advice as to where you can find the answer or who you should go see." So there's a constant stream of students, faculty, staff and others to my office for advice.

TS: So anybody who comes in, you'll give them free advice?

AS: As best I can. I refrain if they want advice [regarding] a grievance against the university. I try not to get involved in that unless it's something I don't see as a conflict. I'm not going to tell a student how to sue the university.

TS: Not even telling them who to go talk to?

AS: I'll give them other sources of information for them to go to; but I explain to them this is my employer, and I tell them I hope they understand. I've represented—or

- helped as the advisor under the catalog—[when] a student has sent a grade appeal.
- TS: What kinds of things do students come in and ask about?
- AS: Oh, probably the top four or five things: domestic relations, a divorce, child custody, something along those lines. Roommate situations, landlord-tenant [problems], anything related to the motor vehicle—speeding tickets and other traffic [issues]—that may be number one. Then next is probably employment, the problems they’re having at their employment.
- TS: Sexual harassment?
- AS: Or discrimination. Or “I was fired and I was the best employee there; my boss just didn’t like me.” I have the unenviable task of explaining that Georgia is an employment-at-will state, and they have no case.
- TS: It sounds to me, though, that you’re turning these into a teachable moment in that you’re telling them how to go find the answer for them.
- AS: We do a lot of that in class. Usually, I’ll turn around to my computer and say, “Go on Lexis; use your student account at the library, and here’s what you need to be looking at. You find all this, and you come back and tell me what you think is going to happen. Here’s the name of three or four different lawyers I know who might be able to help you.”
- TS: So that’s definitely an extension of what you do.
- AS: To me, it’s my service.
- TS: In terms of courses, you mentioned the basic business law course that all the business majors have to take, and you mentioned a graduate class . . .
- AS: Right, *Current Topics in Law and Ethics*. Then I teach Business Law 4300, *Real Estate Law*. I’ve also taught Business Law 4100, although not recently. That’s *Advanced Business Law*; and then I’ve also taught Business Law 4960, *Current Issues in Business Ethics and Law* for undergrads.
- TS: What’s your favorite?
- AS: On any given day? Right now, I think the real estate law has to be my favorite because I’ve been involved in so many facets of real estate. That’s really nice to be able to show them with all of the resources Cobb County has online [how] to do title searches there on the screen in front of them. With each of them with a laptop doing title searches with me, [accessing] plats of subdivisions, the Tax

Assessor's Office, the Tax Commissioner's Office and all these wonderful resources—it relates to what's in the textbook.

TS: The tax appraisal records are online?

AS: Yes.

TS: You mean the actual records of how much taxes people paid last year?

AS: Sure. Your whole bill. I can find out anything you want about all of your bills for the last several years.

TS: Oh, I didn't know that was online.

AS: I can print your bill off online.

TS: I knew about the Superior Court because I take my research class down to Superior Court, and I always have them go online ahead of time. All they've got to do is print out for me what the Kennesaw State University Foundation has transacted in the last year, which is plenty. But I didn't realize that you could also get the tax records online.

AS: Oh, it's amazing. I told my class today, "For once, Cobb County is at the forefront of something good that the other counties in Georgia are way behind on." It's instant. If you record a deed, you take it to them, and they scan it and record it instantly now.

TS: It's interesting. Jay Stephenson . . .

AS: I was going to say Jay Stephenson; what a wonderful person. And, of course, I used to take my classes there on Saturday mornings.

TS: He opened up on Saturday mornings?

AS: He opened up. They would be open because they would be updating all their record books on Saturday morning when they could catch up because no documents were coming in. He'd let me bring my classes, and he would always come and talk to my class for a few minutes. He would remind them that his position is an elected position.

TS: I've never even thought about asking on a Saturday. I always take them down during the week when I've got a class during the week, and he always does a great job.

AS: Can I tell you something else? For years I would take my Saturday graduate classes downtown. I'd say, "We're going to meet at 8 a.m. at the Atlanta

Municipal Court.” And we would watch an hour to two hours of municipal court because they really didn’t know what law was until they went and did that. We would then walk over to either Fulton County Superior Court or the Bankruptcy Clerk[’s Office]. This was before 9-11 so they were more willing to do this. The bankruptcy clerk would open up, we would go in there, and we would use a courtroom and discuss all the ramifications of Chapter 7, 11 and 13 bankruptcies. What a classroom, [a] federal courtroom at the bankruptcy court! And then, at Fulton Superior Court we would use their record room. Then maybe on another Saturday I would tell everybody, “For the last two hours of class, we’ll meet at the Cobb Courthouse, and we’ll use their records.” Or we would meet there, and I would do a mock trial for two hours, and then we would go downstairs and research for two hours. A lot of work.

TS: That is. But that’s great in terms of teaching.

AS: Yes, if you’re going to do this, you might as well do it to where they actually walk away with something that they’ll never forget.

TS: Yes. Well, let’s talk a little bit about master teaching. First of all, how would you define a master teacher?

AS: I don’t know. I’d like to think that just the word teacher would presuppose that you would be good at it and that if it’s your profession, you would care enough about it to make it worthwhile for others to hear. I think a good teacher is someone who is interesting and relevant. The students always worry about are you fair; are you equitable? A lot of times they don’t mind getting a *C* if they knew what the ground rules were. They feel that they earned it, for better or for worse. If you can be fair, and you make your material interesting and relevant as to why they need to learn it, then I don’t think you can ask for much more than that.

TS: Right. Have you found yourself mentoring other faculty?

AS: Only when they ask for it. This is an ego-driven profession, and you have to be careful not to step on toes. There are a lot of other professors who feel like their way is the only way. If you’re teaching business law, and you’re well liked, they say it’s because you have an easy topic, or you make it easy, or you give too many *A*’s. So those people who want to learn how to do legal research, I’m more than happy to help them. Or those who have questions that may help them in their class, I’m always available. I’ve guest lectured for probably a dozen professors on campus. And I don’t mind.

TS: Well, I think we’ve pretty well covered the waterfront on your career at Kennesaw. You were saying ahead of time that you may retire some day, but I can’t believe that for another 10 or 15 years for you.

- AS: No. I guess it's a situation where I've done all of this when I had the energy and the desire, and now I realize that I don't want to be like my father in the one respect that he felt that he had to work to the very end. I don't want to miss the time I have now with my boys while they're still teenagers. As important as it is to be in the classroom, I think it's more important for me to be camping with my Boy Scout son or to be at his baseball game or [at] my older son's baseball game. I need to be taking care of my mother in her declining years rather than perhaps teaching contract law. There's a group of students who enjoy it, but there's a group who don't appreciate what I'm doing.
- TS: Right. We started out talking about your father and really didn't talk about your mother at all. Is she down here with you now?
- AS: She's in Clearwater, Florida, and [has] lived a very interesting life.
- TS: What's her name?
- AS: Frances Schlact. She was the nurse at Walter Reed Hospital for John "Blackjack" Pershing when she first got her nursing degree. She said, "Don't tell people that; they'll think I'm old." As a 19-year-old, she met all the heads of state at the beginning of World War II who came to talk to Pershing about World War II.
- TS: World War I?
- AS: No. He was there in his declining years. It was 1941, and World War II hadn't started for us yet. [Heads of state] were coming [to] ask his advice on world affairs. When the war broke, she said a lot of military people and other diplomats would come and discuss things because she said he remained mentally sharp even at that point in his life. So then she ended up in London for parts of the war, through the bombings; and she was on a ship in the Panama Canal when the War ended. She said they steamed back up on [the] way to the Pacific Theater and San Francisco Bay, and [she] said that they were showering their boats with confetti when they pulled in. She became a public health nurse in West Virginia and would get in this jeep and drive up into the mountains to help take care of poor people.
- TS: Right. There are some pretty poor people in the mountains of West Virginia.
- AS: I would have to agree with that. No shoes, maybe [a] tar paper wood shack in the coal mining communities. I think I get a lot of my desires to do community service from her.
- TS: Well, you know, you can still continue to maybe teach that real estate law course after you retire.

AS: I've thought about what I would do. I don't know that I could give up teaching completely, and I told my wife if I didn't have all of the other things pulling at me, both inside and outside the university.... As you know, the paperwork here as we become a larger school is a ridiculous situation in terms of sometimes turning in our curriculum vita or whatever on an almost monthly basis. [First] to one side of campus, and then you have to do it again for another side of campus to be approved to teach in the graduate program or for AACSB [Association to Advance Collegiate Schools of Business] or for SACS [Southeastern Association of Colleges and Schools]. The amount of such time-consuming things is just ridiculous.

TS: I just did my post-tenure review. [chuckle]

AS: Need I say more?

TS: I understand. Well, what do you see as the future for Kennesaw? Where do you think we're heading?

AS: Oh, I think if given the proper opportunities, Kennesaw will become a major southeastern school. I'd like to say national, but that would be hard to do. We're basically a young university, and we don't have that—I hate to use athletics, but you need to use something where your name goes nationwide. Now, we've had it for baseball and softball and soccer and now basketball. If we were Division I where it was a headline: "Kennesaw State Wins College World Series"—that's a different story. I think with Coach [Michael W.] Sansing you've got a good chance at that. We've had a lot of pro players come out of here.

TS: Absolutely. And maybe [we'll] even have a football team one of these days.

AS: I think the school is missing a golden opportunity not to buy the open land next to the old outlet mall. That, eventually, I think, is going to become a BrandsMart. That's the last of the open lands.

TS: Is going to become a what?

AS: A BrandsMart, one of those big appliance stores. I think that's the last open land contiguous to anything we own.

TS: I'm surprised the foundation is not gobbling it up.

AS: I can't believe somebody hasn't figured it out that where the old Malibu Racetrack is, that whole strip all down through there goes right up to the outlet mall. Wouldn't that be a great football stadium? Or dorms and classroom buildings?

- TS: Right. There was a reference in the paper recently that they were looking at Wal-Mart—Wal-Mart’s going to move out—to buy that for a football stadium.
- AS: Oh, from over there? Well, we’re in a position that it’s going to be expensive for us to do anything. When you think ten or twenty years ago what the school could have bought just as a buffer, just to own for \$40,000 or \$50,000 an acre, now it’ll be ten times that. It’s sad that we didn’t have the foresight.
- TS: You had mentioned earlier about people in the business college that were helpful to you when you came here. Why don’t you just say a word or two about who you see as the stars maybe in the Coles College of Business.
- AS: I’d hate to leave somebody out, but I’ll tell you that there are people that have been here a long time with me. Paula [H.] Morris—I’ve always admired her; she’s a great teacher. [Dr. Randall] Randy [B.] Goodwin’s been here a long time, and students love him. He and I are the same age, and we’ve had a lot of the same philosophy. I think it’s a shame he’s been nominated several times for [the Distinguished Teaching] award and been in the semi-finalists or the top ten and never won it. He gives of himself to the students.
- TS: The business college really has been under-represented.
- AS: I’ve said that for years. I wonder if it’s because it’s the nature of what we teach or the type of students we have?
- TS: I don’t know because I think [it’s been] just you and Tom Roper from the business college.
- AS: Well, there are years when there are no business people in the top ten or there’s maybe one out of the top ten.
- TS: I guess the way they’ve got it set up now, there will always be one from each college that will be nominated.
- AS: And is that all a committee-type of thing now? We don’t let the students vote?
- TS: I think the students have been eliminated from the process, and I think that’s sad.
- AS: It is. But what do the students know? We need to not have this paternalistic view.
- TS: Well, thank you for the interview.

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