

# Once a Critic, New Law Dean Now a Champion of Cornell

**Tania Karas, *New York Law Journal*  
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Eduardo Peñalver's first stint in administration at Cornell University lasted less than a week.

The year was 1993. Peñalver, then an undergraduate, led more than 100 students in a four-day takeover of Day Hall, the administrative office building, after vandals had scrawled racial slurs and a swastika on campus artwork by a Hispanic artist.



*NYLJ/Rick Kopstein*

The students demanded a meeting with Cornell's president to discuss what they saw as a lack of support for Hispanic students. Their list of grievances was so long, Peñalver told the campus newspaper at the time, "I think I could have a rally every day until the year 2016."

Today, Peñalver is rallying for, not against, Cornell University as the new dean of its law school—the first Latino to be appointed dean of an Ivy League school of law.

Peñalver, 41, took the helm July 1. He had taught law on campus for six years but left in January 2013 to take a position at the University of Chicago Law School.

He was drawn back to upstate New York as former law school dean Stewart Schwab was nearing the end of his 10-year term limit.

"Life kind of brought me to Ithaca over and over again," he said in an interview. "Intellectually, it feels like home. So I was eager to have the opportunity to help the institution grow."

Peñalver, a property law and land use expert who has also taught courses on law and religion, said he wants to convince prospective students that a legal education, especially one from a top law school, is still a wise investment.

At a school like Cornell, which consistently places in the top 15 of U.S. News and World Report's annual law school ranking, that may very well be true. Of the 2013 graduating class, 90 percent were employed in full-time, long-term jobs requiring bar passage nine months after graduation, according to American Bar Association statistics, compared with 57 percent of law graduates nationwide.

The Cornell Law class of 2014 is on track to surpass that, with about 90 percent working in such positions already. The majority take jobs with major law firms.

Unlike schools lower in the rankings hierarchy, which suffer from declining applications and the financial quagmires of forced downsizing, Cornell's applicant pool is relatively stable. Last year, it was the only one of New York's 15 law schools to see an increase in applicants. For the class entering this fall, applications were down slightly: 4,003 from last year's 4,098.

"The competition for the top applicants is pretty fierce, so that requires us to invest resources in attracting the very best applicants and get them to spend three years with us," Peñalver said. "That's a challenge for everyone up and down the rankings."

He sees his mandate as dean to raise money for more financial aid, faculty hires and an expanded loan forgiveness program for graduates entering public interest careers—"the things

prospective students care about in making their decision," he said.

The school also intends to improve its presence in New York City, where about half its graduates start their careers. Peñalver said he is working to introduce an LL.M. in business and technology in partnership with Cornell NYC Tech, a \$2 billion graduate campus being built on Roosevelt Island. Law students would be able to spend a semester on that campus, preparing them for a trend in tech startups hiring in-house counsel fresh out of law school. Pending regulatory approvals, the partnership could be ready as early as fall 2015.

"As long as we're able to deliver good results for our students, I think we can be confident that we will be able to fill our classes with students of the quality that we want," he said.

### **'Just Relentless'**

Jim Bishop, a recent Cornell Law graduate, said Peñalver was a patient but demanding professor who often stopped his property law class to ensure students understood all the material.

"It was clear from the moment he walked in that he expected a lot from us," said Bishop, an associate at Wilson Sonsini Goodrich & Rosati in Seattle. Peñalver became a mentor to Bishop in his job search.

"He gave me great advice and made call after call on my behalf," Bishop said. "He was just relentless. That's the only way I've seen him."

As a Cornell Law professor, Peñalver served as director of faculty research, which involved managing the budget for endowed lectures and organizing faculty retreats and workshops. He also chaired a committee that prepared Cornell Law for its accreditation review by the American Bar Association, a lengthy process all law schools go through every seven years.

Prior to teaching at Cornell and the University of Chicago, Peñalver had taught at Fordham University School of Law and was a visiting professor at Harvard and Yale law schools.

So when he applied for the dean's job, he had the advantages of both an internal and external candidate, according to members of the school's search committee.

"He understands what the law school's strengths are and has the confidence of the faculty and students," said professor Michael Dorf, who served on the search committee. "He has deep roots in this place. He didn't want to just be a dean—he wanted to be dean at Cornell. But he also has the strengths of having worked at other institutions, so he won't be myopic in any way."

Peñalver's name "popped to the surface right away" during the nine-month dean search, said John Siliciano, Cornell Law's senior vice provost for academic affairs and head of its dean search committee. The group sought a candidate who was aware of the uncertainties facing U.S. law schools and would put Cornell in "leadership mode."

"It was critical that the dean start to answer those questions, even though we don't have the wolves at the door and the school is still fundamentally strong in its finances and student body," Siliciano said.

Peñalver was chosen over finalists Sheri Johnson, a Cornell Law professor, and Vikram Amar, associate dean for academic affairs at the University of California, Davis School of Law.

### **Family Influences**

In the early 1990s, when Peñalver first arrived at Cornell, Latino students did not have much of a voice on campus, he said. As president of La Asociacion Latina, he led a coalition of student groups demanding change.

Administrators summoned police, twice, during the Day Hall occupation, and threatened to suspend Peñalver and his cohorts.

But by the spring of 1994, Cornell's Board of Trustees agreed to create a cultural center for Latino students and pledged to increase resources for the Latino Studies program.

"I've always been interested in trying to make the environment around me better in any way I can. Undergrads have a particular way of doing that," Peñalver said of his college activism. "And to its credit I think the university responded to us in a very patient and constructive way."

He said his interest in social justice led him to enter the legal profession. "It was compelling to me that law was the profession that you would go to if you wanted to make the world, structurally, a more just place."

After completing his undergraduate degree in history, Peñalver spent two years as a Rhodes Scholar at the University of Oxford's Oriel College, studying philosophy and theology. He then attended Yale Law School, where he formed positions that land ownership was a human right and that restitution claims should be awarded for seized property. Both became recurring themes in his scholarship.

Peñalver's interests as a lawyer and academic are based in his upbringing as a Cuban-American and Catholic in Seattle, he said. His immigrant father fled Cuba in 1962 after the U.S. Bay of Pigs invasion. The family's property was confiscated in the revolution after Fidel Castro took power.

"That experience of losing property sort of defines the Cuban-American experience," he said. "My grandmother never recovered from that."

Committed to advancing minorities in the profession, Peñalver has served as a faculty adviser to Latino law student groups at every school where he has worked. As dean, he said he would like to increase diversity among the faculty through more minority hires. But the process can be slow in academia, especially in a small school like Cornell that hires just two or three faculty annually.

Cornell Law's student body, however, is a different story. The school took the top spot on U.S. News & World Report's most recent ranking for most diverse law schools. Forty percent of its students are minorities.

"I can't take credit for it, but I'm proud to be affiliated with it," Peñalver said.

As dean, Peñalver said he'd like to take advantage of the school's small enrollment of just under 600 students by starting a seminar series in faculty members' homes.

The personal attention law students can receive from Cornell faculty is a big selling point to Peñalver—one he made to his younger brother, Andre, when he was considering law school. Andre Peñalver graduated from Cornell Law in 2010 and now practices in Washington state.

"When I'm talking to prospective students, I tell them, 'I'm telling you exactly what I told my brother— this is a great place to come to law school. This is a place where the entire range of options will be available to you in a supportive, friendly environment,'" he said. "And I can do that with a lot of sincerity because I wouldn't lead my brother astray."

That environment is what drew him to the deanship, he said. He joined professor Michael Dorf in describing Cornell Law's culture as "serious without being stuffy" and "elite without being elitist."

"Eduardo gets that," Dorf said. "He'll preserve the collegiality of the place between students and faculty while moving nimbly in a challenging environment."