

THE APPALACHIAN SCHOOL OF LAW: TRIED BUT STILL TRUE

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The Appalachian School of Law (ASL) will survive. After a year that included the most devastating tragedies imaginable, the dedication of the faculty, staff, and students has ensured the success of the institution. Applications have increased more than twenty-five percent over last year, and admissions are up. We have hired six new highly qualified full-time faculty members and two visiting faculty members. The three students who were injured have recovered and are doing well academically. We continue to work toward full ABA accreditation, having received provisional accreditation in February 2001. Although we all hope that nothing like this will ever happen again, the lessons learned by ASL, and the example set by ASL, may help another school when faced with a similar tragedy.

On Wednesday, January 16, 2002, former student Peter Odighizuwa shot and killed Dean L. Anthony Sutin,¹ Professor Thomas F. Blackwell,² and a first-year student, Angela Dales.³ Odighizuwa also shot and injured three other female students. This news spread rapidly throughout the community of American law schools, which reacted with horror, grief, then support, assistance, and empathy.⁴ All classes were cancelled until the following week.

* © 2002, Wendy B. Davis. All rights reserved. Dean of Students and Assistant Professor, Appalachian School of Law, Grundy, Virginia. B.A., University of Massachusetts, 1980; J.D., Boston College Law School, 1985. Dean Davis served in the Peace Corps and as Vice President of Shawmut Bank, N.A. She teaches Property and has also taught Real Estate Transactions, Secured Transactions, and Legal Process. This Article is dedicated to the memory of Tony, Tom, and Angela. It was an honor and a privilege to know you.

1. L. Anthony Sutin was a Harvard Law School graduate who left his position in Washington as a Senior Justice Department official to teach at the Appalachian School of Law. Nara Schoenberg, *Appalachian Tragedy*, 1 Chi. Trib. C (Mar. 5, 2002). On July 1, 2000, the law school drafted L. Anthony Sutin to be the new Dean of ASL. *Id.*

2. Thomas Blackwell was a popular professor at ALS, and he was one of Peter Odighizuwa's professors. *Id.*

3. Angela Dales was a recruiter at ALS before she started law school there. *Id.*

4. *E.g.* JURIST, *Condolence Book for the Late L. Anthony Sutin* <<http://jurist.lawpitt.edu/forum/condolences.php>> (accessed Sept. 8, 2002); JURIST, *Con-*

The day following the shooting, Associate Dean Paul Lund was named Interim Dean, and the Author, an Assistant Professor, was named to a new position of Dean of Students. The remaining six full-time faculty members met that day to volunteer for additional teaching duties to replace the lost faculty members. Not a single faculty member left as a result of the shooting.

I sent out a message on the Associate/Assistant Deans' listserv⁵ asking for advice. The support, offers of assistance, and condolence messages were both touching and helpful. We received and implemented many helpful suggestions, and we are grateful for that help. Bernadette Feeley, former Dean of Students at Suffolk University Law School, worked with me in defining my new role, and Norah Wylie, Associate Dean/Dean of Students at Boston College Law School, provided helpful suggestions for our first day back to classes. One tool I wished for, but could not find, was a checklist, so that in my frazzled haste I would not let something important slip through the cracks. The attached list⁶ was my reminder list, which I pass along in hopes that it will help the next groups of victims get through their troubles.⁷

Reminiscent of Princess Diana's floral tribute left outside St. James's Palace in the days after her death,⁸ cards, signs, and flowers began to arrive on the steps of the school almost immediately after the shooting. Yellow ribbons appeared on all the telephone poles, office doors, and other sites throughout the town.⁹ Sympathy cards and bouquets were displayed in the Lion's Lounge, the classroom building's entrance area that serves as both student lounge and lobby, and in every office in the school.

dolence Book for the Late Thomas F. Blackwell <<http://jurist.law.pitt.edu/forum/condolences2.php>> (accessed Sept. 8, 2002) (collecting condolences from individuals in the legal community and presenting the collection to L. Anthony Sutin's and Thomas Blackwell's families and colleagues). The Jurist news article archive, compiled by the University of Pittsburgh School of Law, is a source of legal research. JURIST, *Law School, Legal News, Legal Research* <<http://jurist.law.pitt.edu/>> (accessed Sept. 8, 2002).

5. This listserv, which is sponsored by the American Bar Association, allows associate and assistant deans from around the country to communicate with each other and to share ideas and information.

6. *Infra* App. A.

7. The attached list, Appendix A, was distributed at the 2002 ABA Associate/Assistant Dean's Conference on June 14, 2002. It is included here with minor changes.

8. CNN, *London Begins Cleanup of Floral Tributes to Diana* <<http://www.cnn.com/WORLD/9709/11/diana.flowers/index.html>> (Sept. 11, 1997).

9. ASL is located in the southwest Virginia town of Grundy. ASL, *Community Links* <<http://www.asl.edu/miscinfo/links.htm>> (accessed Oct. 1, 2002).

The evening after the shooting, William Robert (“Rob”) Sievers, a third-year student and President of the Student Bar Association, planned a candlelight vigil, during which nearly 400 students, faculty, staff, family members of victims, and townspeople gathered in the frigid cold in the school’s front yard. Several faculty members delivered heartfelt remarks. The silent mourners then filed in line toward the granite sign bearing the school’s name, where the candles were added to the growing mountain of flowers left by well-wishers. The Salvation Army arrived moments before the vigil, with plenty of coffee, cocoa, and snacks. There were angels among us in those days.

We spent the Martin Luther King, Jr. holiday weekend attending numerous memorial services, wakes, and funerals for the victims. This was also the time for the administration to create a new class schedule and prepare for the day the school would reopen, which would be the following Tuesday, five days after the shooting. Cumberland Mountain Community Services, a state-funded counseling center, the victim assistance team of the United States Department of Justice, and the Buchanan County Victim/Witness Program, all sent crisis-management counselors to campus to assist in the recovery.

With the advice of the professional counselors, ASL’s administration and faculty prepared for the students’ return to classes. All four students were harmed in the Lion’s Lounge. On January 16, the scene in that room was a nightmare of blood and terror.

The counselors advised us that students would have a difficult time entering that room again, and if the room were merely cleaned but unchanged, students’ imaginations would recall the blood and gore they saw there. Redecorating was recommended. The counselors also advised that, in any grieving situation, participation and ceremony is important.

Rather than hiring professionals to redecorate, I asked any student whom I found on the grounds that weekend to join me on Monday to redecorate the Lion’s Lounge. The most common fear was that the building was not “clean,” with students fearing that they would see more blood or other evidence of the shooting. We were fortunate that Dr. Joseph Segen, the county coroner, is also a part-time student, and he arranged for the county hospital’s professional cleaning staff to help us.

About a half-dozen students showed up on Monday with good ideas and enthusiasm because they felt they were helping their

fellow students. With a budget of only \$250, we ordered big bouquets of brightly colored silk flowers to place around the room. When the order arrived, it included two flowered wreaths to hang on the door. The Lion's Lounge is so named because two wooden, six-foot lions, standing upright on hind legs, were given to ASL and placed in that room. We decided fierce lions were a bit too aggressive for our newly tender sensibilities, and we were looking for a way to tame them. When I spotted the wreaths, I placed one on the head of a lion, drawing giggles from a few students. Giggles had been lacking for too long, so we were encouraged to continue along this vein, wreathing both lions and adding yellow bows to their paws — making them appear as demented bridesmaids. The lions have rarely been naked since, with students decorating them for every holiday.

We moved furniture around and added area rugs, soft pillows, and many boxes of tissue. Several ASL trustees stopped by and added some major donations, including an armoire with a color television, to give the lounge a more welcoming look. We added soothing music from a tape player, scented candles, and soft lighting.

We set up a table in the Lion's Lounge with three memorial albums containing photos of each victim. Piles of pens were included, and students were encouraged to write a note of remembrance to be given to the victims' families. Many heartbreaking stories were told in those pages.

We knew that the first day back to classes could not be "business as usual." If we required students to follow the usual class schedule, then the professor teaching the first class of the day could facilitate a discussion of the events, but what would the later, afternoon classes consist of? We decided that the entire first day should be devoted to ceremony, with classes resuming the following day.

I asked a local church group, the Butterfly Ladies from the Grundy Church of Christ, to provide breakfast for our students on Tuesday. My plan was not merely to provide food, but to have a few grandmotherly ladies in the room to comfort students. I also spread the suggestion to wear yellow for remembrance, taking a clue from the yellow ribbons adorning the telephone poles. A staff member made up hundreds of yellow ribbons with pins to put on lapels.

A student distributed a group e-mail suggesting a prayer gathering at the school flagpole at 8:45 Tuesday morning. Students individually stepped forward to say a few words in remembrance of one or more of the victims, many of them humorous stories that highlighted the humanity and wisdom of Dean Sutin and Professor Blackwell. This was the first opportunity students had to speak out, so we set no time limits on this event, and it ended on its own accord after about a half-hour.

Staff and faculty lined the walkways to accompany each student as he or she arrived on campus, so no student would be required to enter the building alone. The movement into the building went well, with students arriving in groups to support each other, and faculty and staff members adding reassurance as needed. A lot of hugging was evident. Not many students partook of the donuts and breakfast goodies, but many said it was comforting to have food there.

We then proceeded into our largest auditorium, where our new Interim Dean announced scheduling changes, professor reassignments, and other housekeeping details. Counselors were introduced, and they briefly explained the expected reactions to events of this type, including loss of appetite, sleeplessness, and guilt. Students were encouraged to visit the counselors for a free and confidential chat at any time, with the counselors remaining on campus from 9:00 a.m. to 5:00 p.m., five days per week, for the first month or so.

After the group assembly, we provided each student with a helium-filled balloon and a marker to write a personal message. We went to the front of the school building, and after a song and a prayer, released the balloons as a symbol of releasing the spirits of our lost friends, and releasing our grief. It was a perfectly windless and cloudless day, and we watched in silence for many long moments while the balloons soared for miles overhead.

As a spontaneous gesture, a student asked if he could raise the flag from half to full mast after the balloon launch. I was concerned that a week was a bit brief for this mourning symbol, but I think the student had the right idea that we needed to move on, and the idea was well received.

We wanted to provide lunch for students, but at the same time encourage them to attend the planned afternoon group counseling sessions. We had a light lunch delivered to each of six classrooms, and told students they could go to whatever room

made them comfortable. In each room, in addition to food, a counselor and a faculty member were present. We had hoped that a debriefing-type discussion would take place, during which each student would describe what he or she saw, and heard and felt, to begin the healing process. In the end, many students simply had all they could take for the day and went home, which we expected and did not discourage. About one-third stayed, and some rooms simply had casual conversations, with students enjoying each other's company, which was encouraged. A couple of rooms had the more structured counseling sessions, but we tried not to push too hard.

We told students that attendance would not be taken for the first week, so there were a few students who took advantage of the extra week to remain with their families. At the same time, all faculty were encouraged to start keeping track of any missing students. If a student had not been seen at any class or memorial service since the shooting, we called him or her at home, or at his or her parents' home, to ensure that no one was sitting home alone in misery. I started to maintain a list of students and staff members whom I considered critical, based on my observations, or the observations of others. I encouraged students and others to inform me if they saw someone acting irrationally or who seemed sad or alone. Students directly involved, such as those who rendered first aid, were added to the list and removed only when some faculty or staff member could confirm that they were back in class and appeared to be coping. An expected reaction by a survivor of a traumatic event may be suicide; we did all we could think of to prevent this.

We had many heroes. Students assisted in apprehending and detaining the shooter. Students rendered first aid to the injured, while others drove the injured to the hospital in their personal vehicles. There was a tendency to want to recognize and show gratitude to the heroes, but the counselors discouraged this. We all felt that we should have done more to help the victims, or to somehow prevent this tragedy, and hero worship can only make this guilt worse. The counselors encouraged the attitude that those who ran and hid to keep themselves safe, thereby minimizing the body count, were also heroes.

The support from the Grundy Community, the community of law schools, and the students was wonderful. Many church groups in Grundy prepared food for the students, giving us an-

other opportunity for fellowship. The messages and flowers left outside the school were comforting. Several law schools, including Harvard, offered to send professors to teach classes. Several deans of students, including Norah Wylie, offered to come to Grundy to help me learn my new duties and survive the critical first days.

About two weeks after the event, I trudged up my apartment stairs around 7:00 p.m. to find two students delivering dinner to me. They had cooked complete chicken dinners, with side dishes, all neatly packaged and kept warm, personally delivered to every faculty member at our homes. They said we had done so much for them in the past weeks, and they wanted to make us feel better because we all looked so sad.

On February 13, Sidney Williams, Dean of Students at the University of Dayton School of Law, and two of his students, drove seven hours, arriving in Grundy at 3:00 a.m. They were delivering 250 care packages prepared by University of Dayton students as gifts for our students. Each box was different and contained Valentine candy, highlighters, personal notes, and other small gifts. Students were delighted with the packages, which were delivered by Dean Williams and his helpers on the day Governor Mark Warner arrived at ASL to offer his condolences.

Many law schools sent cards and notes, and several law schools, including George Washington University Law School and Valparaiso University School of Law, sent poster-sized condolence messages, including the signatures of every student and faculty member at their schools. These posters remained on the walls of the Lion's Lounge until the end of the semester.

On February 14, the grammar-school children of Buchanan County delivered hand-made Valentine cards by the hundreds and spread them out on the tables in the Lion's Lounge. Our students were encouraged to take one or more cards to keep.

In March, Rebekah Wood, Assistant Dean of Student Affairs at Regent University School of Law, arranged to have several members of Regent's faculty and staff visit our school and provide lunch for all of us. They arranged for delivery of a great lunch of pizza and salad, devoured after thoughtful messages of prayer and sympathy were spoken by the Regent's people.

The victims' families were included in all ceremonies and as many events as possible, including the graduation.

In January 2002, we suffered a loss one can never get over. Our hearts were broken, but not our spirits. Most of us who knew Tony, Tom, and Angela will spend the rest of our lives trying to make them proud of us. Those of us who remain at the law school, either as faculty, staff, or students, are determined that the school will survive in their honor and will attain the goals toward which they worked so diligently. We are grateful to the community of other law schools for assisting us in achieving that goal.

APPENDIX A

CHECKLIST FOR ACTIONS AFTER CRISIS

First twenty-four hours

1. After the police leave and access is permitted, ensure that all evidence of the crisis is removed. People will be afraid to enter the building, concerned that they will be forced to see blood or other gory evidence. Check with your local hospital for equipment and solvents to remove blood-stains, and cover all bullet holes. Remove all police tape before students re-enter the building. If harm was inflicted in rooms that can be locked, consider leaving the rooms closed and locked for a time, but eventually that space will need to be reclaimed or returned to normal.
2. Arrange for a chaplain or local minister to be available on campus. Alternatively, ask local ministers to take one day per week, so that there would always be at least one minister on the premises for students to visit.
3. Set aside a place for flower arrangements that will be sent in condolence; a place outside may be appropriate so that community members can leave things after hours.
4. Collect all condolence letters, cards sent with flowers, and gifts for future thank-you notes.
5. The first day of classes after the crisis cannot be business as usual. Acknowledge the event and allow students to discuss their reactions. A full student-body assembly is best, because if students meet in individual classes, the first class of the day cannot be the same as the last class of the day. Ask counselors and crisis managers for input. An administration official should provide as much information to students as available; otherwise, students will think you are hiding something.

6. Assign one employee to send flowers to funeral homes and hospitals, and to call families of victims within twenty-four hours of the crisis.
7. Assign several employees to visit all victims in the hospitals.
8. Fly campus flags at half-mast.
9. Prepare a press release, using only known facts. Consider assigning one person as the media liaison. Caution employees, students, and others that statements to the media could cause pain to victims' families, and could create liability.
10. Faculty or employee offices and desks are private spaces even after the employee is deceased. Exclude curious visitors from these places until family members have the opportunity to remove all personal belongings.

Two to three days after crisis

11. Plan a candlelight vigil a day or two after the event. Local churches are good sources for bulk candles and holders.
12. Contact the Salvation Army to provide food and hot drinks, which are helpful, especially for outdoor events such as candlelight vigils in cold weather.
13. Contact local mental-health services. Counselors should be available on campus every day for the first month, and on a more limited basis for six months or more.
14. Think about security upgrades, possibly adding new or temporary security guards on campus.
15. Set up a room as a meditation or remembrance room, with blank books to remember each victim, in which students may leave messages for the families. Displaying photos of the victims is helpful. This room also can serve as a place where students can collect their thoughts and deal with their emotions.
16. Redecorate, to the extent possible, any room or area in which harm was inflicted. If you leave the décor as-is,

people who were present will still visualize the blood even after it has been cleaned up. Change colors by painting walls, add area rugs, move furniture. Live flowers are appropriate if they do not look like funeral arrangements. Music or scent may be appropriate.

17. Identify students who have not been seen or who have not attended classes. Make certain every student has been seen or contacted. Watch for loners, and ask students to help locate any missing students.
18. Let people participate; they will feel better if they think they are helping. Students can help with phone calls to missing students, redecorating, or writing thank-you notes for flowers. Writing notes in remembrance albums, releasing balloons, and writing letters to children of victims are all participatory.
19. Post notices of funerals, memorial services, or other memorial events so that all community members will have information.
20. If faculty members were killed or injured, locate replacement instructors for their classes.
21. Consider offering to pay hospital bills or funeral expenses for victims.
22. Contact the school's insurance carrier and workers' compensation carrier. Assign one employee to handle paperwork for the victims' families.
23. Confer with legal counsel regarding insurance, statements to investigators, and statements to the press.
24. Set up funds to collect monetary gifts for the victims' families. Scholarships in the names of the victims, or funds for the children of victims, may be appropriate.

One week after crisis

25. Set up a shelf in the library with books on dealing with crisis, grieving, and related issues.

26. If a student was killed, ensure that all billing records, transcripts, and other mailings are stopped.

Following weeks

27. Establish a committee to plan an appropriate memorial. Avoid hasty decisions. Avoid memorials in high-traffic areas, as they are constant reminders of sadness.
28. Establish an anniversary committee to prepare events for the one-year or six-month anniversary. Counselors should be available at these events.
29. Inform all people who had blood contact that they should be screened for hepatitis and HIV.
30. Send thank-you notes for condolence messages.
31. Consider awarding posthumous degrees to deceased students.
32. Victims, witnesses, and others who were close to the crisis will share a bond. Let this bond help the healing process by providing opportunities for social gatherings.
33. Include the victims' families in ceremonies when appropriate.