

Eleanor Swift transcript (edited)

Kathryn Abrams: I'm Kathy Abrams, and I'm delighted to be here to interview my colleague, Eleanor Swift. I'm a professor at the law school, as Eleanor has been, and we've known each other for close to 20 years now. Eleanor was on the faculty when I joined in 2001, and she was an important part of why I decided to come here, because the stories that I had heard of the women at the law school, and the resistance of the women at the law school, were really important to me as a feminist scholar. And I'm really eager to talk about all of that.

Eleanor Swift: Great.

The following video interview is part of the UC Berkeley Emeriti Association's Legacy Project, which preserve the recollections and reflections of Berkeley's emeriti. In conversation with a colleague of their choosing, emeriti are invited to discuss their academic careers, including contributions, accomplishments and challenges, especially as they relate to campus history. This recording is intended to provide a personal record of value to the family, friends and colleagues of emeriti and to document the history of the Berkeley campus as it pertains to the individuals, departments, school and college.

Abrams: OK, Eleanor, you graduated from law school in 1970 and you joined the faculty of Boalt Hall School of Law -- now Berkeley Law -- in '79. What did you do during those nine years?

Swift: I had two wonderful clerkships, with a district court judge, first, in Hartford and then the D.C. Circuit, Judge Bazelon. So -- and I also had my son as a child. And so I had a kind of a part-time clerkship with Bazelon; but he was a great person to work for.

Abrams: Boy, he's a famous...

Swift: He's a famous judge.

Abrams: What was the experience like clerking for him?

Swift: Well, he loved me. And he was known to be rather acerbic with some of his clerks. But I never got that side of him. So he was very, very avuncular -- a very good experience. And then I moved to Houston, Texas, with my husband and my son. And I practiced at a very large law firm, Vinson & Elkins, and I did civil litigation. So I did that for five years, and then the idea of academics arose.

Abrams: Was it something you thought about before when you were in law school?

Swift: I don't think really, because I was kind of a product of academic environment growing up, in the University of Chicago area. So I wanted to be practical and change the world. And I thought I could do that better in practice. But after my -- I practiced it with Vinson & Elkins for five years -- and at that point many major law schools were really looking for women. And they -- so this was '78, '79. And they called Yale, where I went to school, and I was one of the names that they gave out. So I got calls from several law schools and had interviews. And I just decided it was time for me to leave practice. I really didn't want to be a partner; I didn't want that kind of work schedule. And I was divorced at the time, so it was really just me and my son. And so I decided to take the academic role very seriously. And I interviewed at a couple of law schools. And I just very much liked the Berkeley attitude -- the history of UC Berkeley and the Free Speech Movement, etc. So I

was trying to be an activist at the same time as a scholar or a lawyer. And so I just made the decision to come out to Berkeley.

Abrams: Was it hard when you had to transition? The firm life is utterly unlike what we experience in academics, from what I understand. I never did it well.

Swift: It wasn't difficult in the classroom. I really enjoyed the teaching and I taught classes -- civil procedure and evidence -- that grew out of my litigation experience. So that was really a lot of fun. The solely academic side -- the research, the writing -- that was more challenging for me and ended up being quite challenging in my career. So that's another part of our story here. And let me say here that in both important aspects of being a law professor, classroom teaching which is very, very important for the education of what are really graduate students, and academic writing obviously, I had a wonderful mentor on the Faculty: Professor Robert Cole. He was a brilliant teacher and in that first year, we were both teaching evidence. He gave me terrific feedback on my ideas about teaching for many, many classes. And, when I started work on my tenure article, his support, both intellectual and personal, made it an experience of learning for me about how to write an article and also wonderful feedback on my ideas. We were married later in our careers and our relationship, I think, was really the backbone of my academic career at Berkeley. So, I wanted to say that at the outset of this interview.

Abrams: So let's start first with the teaching. I'm curious about what parts of your practice you thought translated into what you did in the classroom and how?

Swift: Well, I did do trials and so I had trials with partners and also one or two small trials on my own. And when you prepare for trial, you have to figure out who your witnesses are and whether you can get their testimony into evidence. So you study the rules of evidence. So I felt very comfortable teaching evidence because I had a rich, pretty rich experience of thinking about admissibility of what my witness was going to be talking about. So that came easily.

My other class, civil procedure, is a pre-trial class mostly, and I really enjoyed it because that was a first-year class. So I had brand new law students and I always integrated kind of real life issues. And in small sections I had them actually performing and being lawyers and making arguments. So I had a good time with that.

Abrams: I bet they had a good time with it, too.

Swift: They liked it; they liked it. I think that for me the research and the writing was tougher.

Abrams: Why do you think? What seemed -- did it just seem outside your experience?

Swift: It seemed outside my experience, and I didn't really know what the standards were and what kinds of topics would be approved or disapproved. And it's hard work. I mean, as you well know, scholarship and getting it published and showing, you know, creativity and insight -- that was (since I was more used to trying to persuade a jury or a judge, you know, rather than an academic audience) it was tough. So that's another part of my story

Abrams: Did the solitariness of it bother you at all? Because it seems like as a lawyer your work would be much more social.

Swift: Well, I found my social -- really with the students. In other words, the teaching really opened up my relationships with each passing group. And I was not that close to them, but they

were my audience, you know. And now for academic writing, the faculty is your audience. So that was a different world for me.

Abrams: Also a hard audience to judge, because it's not like watching a jury or a group of students. You know, it's very hard to know what your colleagues think.

Swift: Yes. And when you have an audience of 20 to 30 senior faculty, most of whom you don't know very well, you really, you know -- your audience is even tougher.

Abrams: Yes. Speaking of tough audiences, from what I understand, when you joined the law faculty there were two women on the faculty?

Swift: Two women -- Herma Hill Kay and Bobbie Barton, and they had been on the faculty 20 years. Marj Schultz was hired two years before me. And so she was the other non-tenured person for at least a couple of years. That was the two of us.

Abrams: So if there were two women hired in the '60s and two more hired in the late '70s...

Swift: Yes.

Abrams: Was there hostility toward women? What sort of an environment did you find when you arrived?

Swift: I think that there had been other women -- in fact, some very top graduates of the Berkeley law school interviewed for teaching positions, at least two of them I know of, and they did not get offers. So, yes, it was, it was tough. Marj Shultz was hired, I think, two years before I was. And then I came with this, you know, pretty sophisticated, well-known background with Bazelon, etc., etc. And so, yes, it wasn't anything that I feared at the time. But certainly as the years -- early years -- went by, it was clear that the older men on the faculty were not that into younger women in their field. They didn't really like it. So I think as -- well, we'll talk about the tenure issue.

Abrams: Yes. Did you -- was it mainly in terms of judging scholarship that this resistance on the part of the older male faculty came out? Was it expressed socially? Did you see any other signs of an environment that was uncomfortable?

Swift: I don't think there was much sociability with a lot of the top faculty, male faculty. I think that it was in the evaluation of the scholarship and a sense of two or three people, particularly in the field. Marj's field was contracts; my field was evidence and procedure. The top two older men in those fields were very much against both of us.

Abrams: Yes. So Marj was denied tenure in 1985.

Swift: Yes.

Abrams: And you in 1987.

Swift: Yes.

Abrams: From what I understand, you left the school at that point.

Swift: I left the school; I walked out and so....

Abrams: So you thought the environment was not receptive when you came, and then two women are then denied tenure. Did you think about taking any kind of legal action or filing a grievance with the university?

Swift: I didn't, right away, at all. I was very happy to just leave to think about what else I could do -- probably some type of practice. And I was very happy to be a little more at home. My son was in his teenage years and so I was more related to his high-school experience, which I enjoyed a lot.

And so it wasn't -- I left the school in the Spring with the end of the academic year, spent the summer and a couple of months in the Fall. And then I was contacted by Sally Fairfax, who is a professor and was working under Doris Calloway, who was the provost of professional schools at that time. And Sally met with me for coffee and she said "I think you should file a Privilege and Tenure grievance. And if you do that, then we have evidence that will support you." [And] that Doris had been working on this issue, both with Marj and with my case. And she didn't ever say exactly what it was; she didn't say, you know, "This is what you should do." But she planted the seed in my mind to file an internal university grievance on a discrimination charge.

Abrams: And had Marj grieved at all, had she made any complaint?

Swift: No. No. No. And she'd been denied tenure two years before me.

Abrams: Yes. Yeah. Yeah. So I'm curious because you described yourself as having had an activist side. And it sounds like you did. And also having been quite cognizant of the fact that the school, particularly its older faculty, were not receptive to women. So why didn't your -- that sort of strand of your personality -- come out initially when you were denied?

Swift: Well, it was very painful. And I felt that I could take the time, as I said, again, to be more with my son in his last two years of high school. And it never occurred to me that I would win. You know, it's not an easy thing to prove discrimination. There was no smoking gun that I knew of. And as a person who has worked on trials and litigation, you know, you've got a jury, and so you never know. And I just felt, you know, this has been painful enough; I'm not sure I want to go back anyway. And so I wanted to take at least -- at least a year off -- and just, you know, figure out what I wanted to do next.

Abrams: Well, so it makes sense to me that this was really painful and you didn't want to jump back in. And, and also that that, you know, you hadn't seen a lot of signs of substantive fairness thus far, and you might have had some doubts about what you would get if you if you took it to the point of a grievance. Was there anything else?

Swift: Well, I think the provost for the professional schools at the time, I believe (my memory is a little shaky), that I went and talked to him. Because the provost changed during the summer that I left the law school. And that particular provost said "There's no real point. You know, this is a definitive judgment and you'll just be, you know, throwing away your own time." So sort of grow up. Then Doris Calloway became the provost and she had Sally Fairfax as her associate in the University Hall. And Doris had a very, very different approach to what was happening to women across the campus, and in particular because Marj Schultz had been denied tenure. She put Sally Fairfax to work on evaluating all of the tenure cases from, I think, the '50s for the law school.

Abrams: Yeah.

Swift: And Sally spent that summer in the attic of California Hall reading tenure files and evaluating what the standards, you know, had been up through that long history -- 20 to 30 years of history. So they decided together on a strategy to change the law school. And I was the tool that changed the law school. And Sally came to me -- we met at Strada and we had coffee. And she said that if I filed a Privilege and Tenure grievance, there would be evidence that the law school standards had been misapplied to me.

And so I took that quite seriously. In addition, I learned that, as I made the decision to file this grievance, some of the faculty were interviewed about their evaluation of my case. And Professor Herma Hill Kay is well known to me to have made the statement the man before me and then my case -- she said the only difference she could see between the two tenure cases was my gender. And she would have testified to that if this had actually gone to court. So that was pretty ...

Abrams: Yes.

Swift: That pushed the administration also to try to find a resolution that would not require, you know, testimony in court. So, also, I believe that the Vice Chancellor, Rod Park, at that time, made the suggestion that there be a comparative review -- that my grievance could be resolved by a committee that would evaluate the accomplishments of four to five men and compare that with mine. And that that would be a way to have a fair kind of judgment.

Abrams: Now, was Marj part of that comparison?

Swift: No. It was just mine, right? Because then -- yes. So then the chair of the Privilege and Tenure Committee, Professor Sheldon Zedeck, agreed to chair a committee that would conduct this comparative review of my articles. My published writings would be evaluated as against the published writings of the men who had been granted tenure. I don't know the other members of the committee; I believe it was two law professors and three people from out of other law schools. They were not all evidence people, but there *were* at least two evidence people, because most of my writing was in evidence. And so their task was to (if I understand it correctly), their task was to evaluate the publications of the five men who had been granted tenure most recently and me. And the result was, as I've heard (and I don't have any real first-hand knowledge) that my writing was viewed by this outside committee as being in the middle of the range, and that therefore there was no reason why that amount of, and that quality, of published research and writing should have been denied tenure.

So that's my understanding of what happened. And I think that I also want to say that we were prepared to go to -- my lawyers and I were prepared to go to -- Privilege and Tenure and really duke it out. And this settlement idea came through at about 2 in the morning. We were in a law office in Oakland. And I believe that Professor Zedeck was running back and forth between the faculty representatives and my lawyers and myself, trying to work out a way to settle the case.

Abrams: So the question was, given the conclusion that had been reached about your scholarship, what was going to follow from that practically? That is, would you return to the law school with tenure?

Swift: Yes.

Abrams: Yes.

Swift: Yes. And that was the deal; that's what my lawyers insisted on: that if they've found that my scholarship was in the ballpark, then I would get my tenure position. Right.

Abams: It's an amazing story.

Swift: Yeah, it is.

Abrams: When you think about an institution being so proactive, in terms of conducting a review of what had been happening at the law school. Understanding how you fit into it, and then your sort of lawyering up and getting ready to go to the mat on it. I mean, just a lot of proactivity on both sides.

Swift: Well, there were two other cases of women at that particular time, and both of them used my lawyers after I had found them and trained them. And one was Jenny Harrison in Math and the other was Margaretta Lovell in Fine Arts. And they both received a kind of evaluation of their work in the same way that I did. And they used my lawyers to do that. So that was the kind of high point, in terms of uncovering discrimination in so many different areas of the campus. And hopefully, you know, it was a turning point where people -- first of all, the younger people, the men at the law school my age and younger, they were totally behind me. I mean, they -- and behind Marj -- they didn't like at all what the seniors were doing and what -- and they sat in the meetings, you know, and so they heard the discussion. So I think that this was in a sense also a turning point in the introduction of a whole different type of man in academia that was open to the idea that there'd be women. They wanted women colleagues. So that was, I think, you know, 1987 and later -- that was, that was what was happening.

Abrams: Oh yes. And you know, as someone who I started teaching here, Marj was denied tenure. And so I feel like I was the beneficiary of that different man. Because I think that was happening -- probably not as dramatically as at Berkeley -- but that sort of reappraisal was happening at a lot of law schools.

Swift: I think so, yeah.

Abrams: So you came back to the law school in 1989. And despite the fact that your immediate cohort widely supported you, it must have been strange to come back. How did -- can you tell me whether it was difficult and what moments helped you through?

Swift: Well, it's much easier to be a happy winner than a sore loser. I went first to the office of the dean, Jesse Choper, and he is very [chokes up] -- he handed me my keys and he said "Eleanor, if you have any trouble with anybody, you tell me." So, you know, they understood what had happened. And when I went to the first faculty meeting, Herma Kay sat beside me. So, you know, people were very welcoming and ...

Abrams: They understood the stakes of it.

Swift: Yeah. And I think that actually Marj had been voted tenure just the year before me. But I think it was just undeniable that the fact that I filed the grievance, you know, made that happen.

Abrams: They reconsidered her case?

Swift: Yeah, they reconsidered the case.

Abrams: That's so interesting!

Swift: And of course, by the time *that* case came up, that decision came up, there *were* tenured men of our age group who were totally in favor of her, you know. So the whole thing changed around 1987, '88, '89. And that was really the turning point. Yeah.

Abrams: So you came back to the law school sort of a victor, then.

Swift: Absolutely.

Abrams: And I'm wondering what you think about as your most important accomplishments once you returned to the law school for keeps.

Swift: Well, I loved the teaching. I continued to teach evidence in, I think, very creative ways. I continue to teach civil procedure. And because I had had five years of practice, which many of the faculty had not, I really tried to integrate practice role-playing in the classroom, so that the students would act as lawyers making an argument about the case we just read, or about how would you interpret that case in the next iteration. And I would write little scenarios of, you know, disputes, and they would play the lawyer and usually two of them, so that they would practice together and develop their ideas together against two. And yes, that takes up time. But it was really a great -- particularly in a small section, it really was, I think, a wonderful way to learn civil procedure.

In evidence I just had a lot of practice problems. And we, we worked on problems out loud in class. And 10 people were assigned to speak up for each week because, you know, as you know, some people aren't prepared and it's just awful to call on someone. "I'm not prepared!" So I always had assigned groups to work on these problems. So I always tried to integrate real applications of professional argumentation into the teaching of these two classes. And since they are litigation classes, you know, it seemed to me that was very justifiable. So I loved my teaching and I taught a couple of other seminars with colleagues, younger colleagues. And those were also, I think, very successful.

Abrams: So Eleanor, I have a question about how this practice-oriented approach worked in evidence, because your evidence classes were epically large. You know, students sort of waited semesters to take the class with you. How did you manage those kinds of exercises, even using 10-person panels? How did it work in a class with 100 people?

Swift: Well remember that each class, each week, there were three classes. So I had groups assigned to prepare arguments back and forth about the case that we were going to read or the problem that I created. And somehow -- and I think I restricted enrollment to a hundred. I never took -- I don't think I took more than that. And they would just have to wait.

Abrams: That is a big class.

Swift: So if there are three classes and then per week, you know, you could do things with smaller groups, as long as you identified who they were and you had a sense of what amount of time it would take to have them in a dialogue. But I thought it was very valuable to do it. So it would take 15 minutes and then we'd go on. Yeah, but I always tried to have at least one interchange like that, where they made arguments, because that -- if they're going to be lawyers, they have to learn how to do that.

Abrams: And I think the students that weren't part of the argument were probably very good listeners.

Swift: Well I hope so, yeah.

Abrams: Because of the direct applications of the Rules.

Swift: I think so. I think so. So, you know, I had a lot of fun with that. I enjoyed that. And I worked on a casebook that was in its -- had already been one iteration and it hadn't sold very well. So then they asked *me* to help them and I turned it into more of a problem book. And then it was a much better, much more effective casebook.

Abrams: So they could really teach from it.

Swift: So they could really better teach from it, rather than being so sort of philosophical.

Abrams: So what other kinds of scholarship did you do after you came back?

Swift: Well, I really stuck with the evidence and I worked on this casebook. And then I was asked to be an author of the McCormick treatise on evidence, which is one of the two great treatises. And it was being revised, which it is revised every five or six years because the cases change. So I worked with a group of three or four men in evidence from around the country; it was a lot of fun. And we divided it up and we took -- each of us took our specialty, and so I did hearsay. And so that was a lot of fun. So that's really what I focused on. And I was satisfied with my scholarship. It wasn't going to, you know, blow over the Budget Committee, but it was -- I liked it.

Abrams: And you say that in these treatises you were working primarily with men. I'm wondering: did more women, over the course of your career, join the field of evidence, or is that still a male ...

Swift: Well now, now in the younger group in our faculty there's two or three women teaching.

Abrams: And is that the case nationwide?

Swift: Probably so.

Abrams: Yeah.

Swift: Yeah.

Abrams: Yeah

Swift: I assume so. I don't know.

Abrams: Maybe it takes a while for it to trickle up to the point of editing a treatise.

Swift: It may.

Abrams: Yeah.

Swift: Well, I've just retired from the McCormick. So I can see and I have suggested a younger woman colleague to be my replacement.

Abrams: Yeah. I hope that'll happen.

Swift: We'll see.

Abrams: Yes.

Swift: So then I branched out into kind of trying to put what I *really* believed in -- which is clinical education -- as not the *main* thing that people do in law school, but that is really such a wonderful learning tool. So Steve Sugarman asked me to teach a companion class to the clinical class that students working at the East Bay Community Law Center [EBCLC] were taking. And that the key point in successful clinical education is to have a companion class where they're studying the tools that they're using, the way in which to relate to clients, particularly clients of color, clients of lower economic status. And how to turn their legal knowledge into the ability to work with a client. You can always make your argument in court, but to find out the case, get the facts, you know, analyze it, have the client believe in you, particularly if they're underprivileged person -- that was the issue that we addressed in the East Bay Community Law Center. So I taught that with Steve for two years. And then the people running the Law Center said, "Well, we don't think we need you guys anymore. We want to run the class ourselves." And I said "Well, OK, but I'm going to stay with it for two more years and make sure everything is going." So Steve stopped. I continued, and --

Abrams: He partnered with somebody from EBCLC?

Swift: Yes. Yes. Yes. So the director and one of the staff attorneys. So there were three of us teaching. So that was just fabulous; I loved that. And of course, I got to know the people in our law center and worked very, very well with them, I think. And then because EBCLC was so effective and popular, Herma Kay, the dean, then asked me to chair the committee which would explore having in-house clinics at the law school. EBCLC was out in the community because it was a community center. But all over legal academia, schools were beginning to really explore this type of legal education -- clinical education.

And so I chaired the committee because Dean Kay appointed me, and we proposed the first clinic, which I believe was the International Human Rights Clinic, because we had kind of a group of people in the building doing that already. And the faculty voted for this proposal of how to start a clinic, how to give credit for the clinic, you know, who to ask to lead the clinic. The whole package was a -- was part of our committee report. And over the years, we now have three very vibrant in-house clinics: Death Penalty Clinic; Law, Technology and Public Policy, and then the International Human Rights. So -- and those clinical faculty are as close to being full-blown, you know, members of the faculty, than I ever imagined would happen. They do write, you know, and they do -- they're *more* engaged in teaching perhaps than the regular faculty. But they come to all the committee meetings and all the faculty meetings. And, you know, there's a few little distinctions. But basically, I think they're pretty comfortable within the faculty.

Abrams: And was that something that you -- you said that they had sort of succeeded and become integrated beyond what you had anticipated. But did you have the goal of creating a kind of a clinical position that could -- where the occupants could enjoy greater parity?

Swift: That was *their* goal.

Abrams: That was their goal!

Swift: *They* taught me.

Abrams: Oh, that's so interesting.

Swift: That it was not really what they wanted to be fully second-class citizens. They wanted to be, you know, 90-percent citizens.

Abrams: Yeah.

Swift: So they don't have everything, but -- no, absolutely. *They* were very committed to, you know, increasing their role within the school. So that was -- that wasn't me; that was them.

Abrams: And so at some point -- and I think it was shortly before I arrived in 2001-- the school had appointed a kind of director of the whole clinical enterprise, somebody that was brought in from another school. How did -- were you a part of creating that position and thinking about how that person would lead a group of clinics?

Swift: Well, I'm sure I was; I don't really remember. So Chuck came and *was* a regular faculty member given the task of running the clinic. And I think there was a little friction there, because the clinical people felt, "We don't need Chuck," you know. But he was a bridge. And it satisfied the people on the faculty who weren't fully, you know, prepared to embrace clinics like that. And then at some point he withdrew and does his own thing.

Abrams: Yes! Right.

Swift: And he's a faculty member. And I think they were much happier. So our clinical faculty sort of rotate, now, the running, they're running the clinic. Right, right. So that was a very -- that was a very interesting turn --

Abrams: Yes.

Swift: -- when they became really independent. So one more thing that happened that I think is quite important is when the California Legislature and the California Supreme Court basically abolished the ability to admit students to law school, or really any educational institution, on the grounds of race. And that race could not -- so that was SP1 and the Proposition 209. So this decimated the -- not necessarily the *admission* of people of color, but they didn't come, and they didn't come probably all over California. We had *one* student in 1998, a student of color, and no prospect in sight that we could really turn this around. So it's pretty scary. A lot -- were you here in '98?

Abrams: No, I came in 2001.

Swift: So a lot of student demonstrations, marches in the hall. You know, really very highly, highly tense political situation.

Abrams: I knew our colleague Angela Harris at that time --

Swift: Yes.

Abrams: -- through feminist circles. And I remember her saying that it was *not* easy for her to get up in the morning and find purpose in her life --

Swift: No.

Abrams: -- during that period.

Swift: No, it was terrible for her. And Rachel Moran -- the three of us bonded together and we had talked previously. But this really put a fire under us to create a center for social justice. And it would be a center at which the person in charge would develop programs for the students who wanted to work on social justice -- whether white or African-American or Hispanic, it didn't matter. But we thought that that center would be a beacon, in a sense, for students to think about our law school as a place in which they could thrive. And so Angela, Rachel and I worked on a plan for it. I think I was associate dean at that point under Herma. And we went to Herma, and we said, "Well, we need 50,000 dollars to start this center." So she and the three of us went to lunch at the Women's Faculty Club with a very wonderful donor who had given 50,000 dollars to start a kind of a crummy constitutional-law research project. And no one had ever picked it up; no one had ever started it; no one wanted to do it. Blah, blah, blah. So Herma said, "Well, would you consider shifting your 50,000 gift to start this center?" And he said, "Absolutely." So that was great. So we really got going in 1999.

Abrams: So Eleanor, you mentioned in the course of your last question that you were serving as associate dean under Herma. And I think about that and I kind of marvel. I was associate dean for a while and that job is not for the faint hearted; it is a very demanding job. And I think about how it must have felt as somebody who had had to bring an action against the university to get tenure -- to then be associate dean. How did you think about taking on that responsibility?

Swift: Well, it was several years later. Herma was not -- well Herma was appointed dean, I think, in 1992. And my husband, Robert Cole, served as her associate dean. In fact, he led this movement for the solution to the admissions process. And he wrote the Cole Report, with help of some other faculty, of how to change our whole approach to admissions in order to really sell the school, be more aggressive in the admissions, but also show our values. So he really changed the whole face of -- in addition to some of the things that happened in the school, his work on admissions really changed, and turned the situation around.

Abrams: I think that's still true. I mean, we're still known for having a different kind of admissions process --

Swift: Yes. I think so. Yeah, that's great.

Abrams: And it's been incredibly effective at increasing the numbers of students of color.

Swift: Yes. Well, yeah, that's great. So, well, I think that Herma, you know, she's a very canny person, and I think she picked me because she knew I would do the job and really devote myself to it. And by that time the really negative faculty, who had been so hard on Marj and me -- you know, that's almost 15 years later. And many of them had passed away; the worst ones had. So -- and she asked Bob, and he was kind of a lone wolf, too. But he did this terrific job for her as associate dean. And then she asked me. So why she did? I don't know. But I had a good time working on working on this center for her.

Abrams: I remember when I became associate dean, you had the best organized binder of things that you presented me with.

Swift: How great!

Abrams: Yeah. And I -- it's actually really funny. I learned so much from it, because I had started being associate dean 18 months after I arrived in the institution. So I had no idea where the bodies were buried. And that helped me figure it out.

Swift: Yeah.

Abrams: And I did the same thing for my successor, who is a man, who never even opened it.

Swift: Oh, my God!

Abrams: You know, like he wasn't that interested. But *I* was interested and I learned greatly from that.

Swift: Well, that's such a lesson.

Abrams: Yeah, yeah. So can you tell me about any other service to the law school that was important to you during your -- Wow, you retired in 2014, is that right?

Swift: I think so, yeah. Well you know, it's what every faculty member does -- but I was the advisor to the *California Law Review* for 10 years; I had a lot of fun with them. I served on an Association of American Law Schools (AALS) committee, to establish two conferences in evidence. And then I was elected to give the graduation speech to the graduating students four times. So ...

Abrams: That's got to be some kind of record.

Swift: I was popular.

Abrams: Yes.

Swift: Yeah. So then I decided that it was time for me to do something else. And then in early, I think about 2010, I was persuaded to run for president of the Women's Faculty Club, and I did that. And I was elected and nominated to be the president, and I have just loved it. I've really -- it's another kind of way in which my interest in organization and my interest in committees, I was student-council president in high school, so now I'm the president of this board. I get them together; we meet, we have an agenda, we talk, etc. So ...

Abrams: And you've made a lot of changes.

Swift: We've made a lot of changes

Abrams: Can you talk about some of that?

Swift: Well, the main one is we started this fundraising campaign, because the club (which, as you know, is open to all faculty at Berkeley, even though it's called the Women's Faculty Club) really is 100 -- the building is 100 years old. And so we need funds to really keep it up and restore it. So we entered into the first major fundraising effort about -- I think we started about five years ago. And we've done very well. We set our goal as a million. And we're not quite there, but we have a few more months in 2019. And it's just been great for me. We have men on the board and women on the

board. We meet, we have committees, and it just brings out all my organizational abilities, again. So I've had a wonderful time there and the club has really flourished. It's got, as you know, great programs, great music, great talks. And it's just a real icon, and the best food on campus.

Abrams: I was going to say, very good food! Eleanor, it's been so much fun talking to you. I've heard some of these stories before, and every time you talk about them I learn something new, and this was no exception. So if I can ask one more thing: I'm just curious about what's next for you. You've given us so many chapters of your life. And what do you see unfolding now?

Swift: Well, I'm not quite done with the Women's Faculty Club yet. I think that any organization needs new blood and you don't want to outlive your welcome. So within probably the next year -- I'd like to finish the campaign, raise the money, etc. So maybe within a year I'll find something else. And then I really have no idea. Maybe I'll have a grandchild; that would be great. Maybe Bob and I can travel a little bit more, while we're both still very healthy. And I might find something in the community -- I really don't know. So thank *you*; this was great.

Abrams: Oh, thank you. I enjoyed it so much.

Swift: Good.