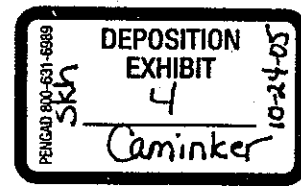


To: "Deborah Malamud" <MALAMUDD@juris.law.nyu.edu>
 From: Evan Caminker <caminker@umich.edu>
 Subject: Re: CONFIDENTIAL



CC:
 BCC:
 X-Eudora-Signature: <evan>

Hi Deborah. Are you still here (somewhere), or back in NY planning on talking with Peter by phone? I'd like to speak with you before either of us speak with Peter (I'm seeing him at 5pm tonight). If you're in NY, can you call, or give me your number and I'll try you? I fully understand Peter's set of questions and agree they are reasonable and predictable, but am firmly of the view that the right answer is NOT for any of us as individuals to give him a synopsis of what transpired at the meeting, or even a synopsis of critical views of the scholarship [which, frankly, were largely revealed in the criticisms from outside letters Peter was shown]. I'm also inclined to think that it would not be appropriate for Jeff and me to provide Peter with such a synopsis as representatives of the institution. Despite Peter's reference to "common law judges," there are a host of reasons why the school isn't and I think shouldn't feel obligated to explain its reasons as if it were an appellate court. I do think that, at some point, Peter's ability to think about his future options would be facilitated if he knew what kinds of reactions his scholarship had elicited, and if there are to be any revelations about individual views of the scholarship I think they should be in the vein of helping Peter figure out where to go from here.

Re process, I'm planning on sharing with Peter tonight my views (still shared by Jeff) as to where appropriate boundaries should be placed on Peter's conversations with colleagues, and I'm hoping thereby to "run interference" for others like yourself who will subsequently be talking with Peter, to make it easier for you all to stick to such boundaries. But I'd feel much more comfortable about my own conversation with Peter if we could try to chat today.... Ugh.

Thanks, Evan

At 07:39 AM 2/27/02 -0500, you wrote:
 Jeff and Evan:

I'm scheduled to talk to Peter tonight. He has forwarded to me a set of questions he composed in response to a message from Rick Lempert. (That message is attached.) All are reasonable and predictable, and we anticipated most of them when we were talking after Jeff called Peter with the news. I have to agree with Peter that without some answers, there's really no way he *can* move on.

How far have you-all gotten in thinking about how to address them? I would *like* to be able to tell Peter that you-all will be prepared to offer him some real guidance, soon.

Received: from harumscarum.mr.itd.umich.edu
 by juris.law.nyu.edu; Tue, 26 Feb 2002 22:05:40 -0500
 Received: from 0017152336 (pm660-29.dialip.mich.net [207.75.182.87])

UM 1169

Printed for Lynette Kosky <lynettek@umich.edu>

5/19/2005

by harumscarum.mr.itd.umich.edu (8.9.3/3.3s) with ESMTTP id WAA12223
for <MALAMUDD@juris.law.nyu.edu>; Tue, 26 Feb 2002 22:06:23 -0500 (EST)
Message-Id: <4.2.0.58.20020226220541.012b8740@h.imap.itd.umich.edu>
X-Sender: hammerp@h.imap.itd.umich.edu
X-Mailer: QUALCOMM Windows Eudora Pro Version 4.2.0.58
Date: Tue, 26 Feb 2002 22:06:37 -0500
To: MALAMUDD@juris.law.nyu.edu
From: Peter Hammer <hammerp@umich.edu>
Subject: Fwd: Re:
Mime-Version: 1.0
Content-Type: text/plain; charset="us-ascii"; format=flowed

FYI. This is a message I sent to Rick. It provides a fairly accurate summary of the types of things I am thinking about.

Peter

Date: Fri, 22 Feb 2002 06:53:20 -0500
To: Richard Lempert <rlempert@umich.edu>
From: Peter Hammer <hammerp@umich.edu>
Subject: Re:
Bcc: hammerp

Rick,

Thanks for the message. I am not sure what to say or think. In the short term, I am going to need help trying to answer the following types of questions: How do I understand what happened? What type of credible stories can I tell to outsiders about why I was denied tenure? Acknowledging that I am now "damaged goods," how damaged am I, and how do I realistically calibrate what the range of options are that are available to me? What do I do next? How do I make tradeoffs between pursuit of my professional objectives and the damage such a pursuit could cause to my partner and my family? What do I say to my students? What should I think about an institution to which I have blindly devoted the majority of my professional career that could do this to me?

In the intermediate term, I will need people to help me identify a range of plausible future options. I will need individual members of the faculty to honestly indicate who is in a position to be able and willing to help explain this action to the outside world and to serve as effective references on my behalf for future jobs.

I would also like individual members of the faculty (and the faculty more broadly) to honestly think about the role that norms of hyper confidentiality actually serve. Common law judges openly announce and explain the reasons for their decisions for good reasons. On a more personal level, this is a trauma not unlike the death of a close family member. Obviously, the ultimate orientation must be forward looking. Obviously, at some point you must simply get over it and move on. But it is not possible to do so until coming to terms with the "whys" and "hows." This requires openness and understanding. The most helpful thing that could happen, would be for a small handful of people that I respect who voted against my tenure to openly explain the bases for their actions, not in the manner of an inquisition and not in an effort to persuade, but simply as an aid to understanding.

Peter

At 01:06 AM 02/22/2002 -0500, you wrote:

Peter,

I just want to say that I am very sorry about the results of last night's tenure decision. I am sure it is hard on you, and you have my sympathy. If I can help you in the future please feel free to call on me.

best,

Rick

Evan Caminker
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