



## Faculty Lunches with the Dean (Trey Allen)(No. 17)

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I've blogged recently about the most latest round of Faculty Lunches with the Dean by describing the work shared by Dona Lewandowski and Greg "The Wizard" Allison. This post covers the work that was shared by Trey Allen, as well as an interesting discussion about what it means to "follow in the footsteps" of a long-time faculty member who had established a certain way of doing things.



Trey Allen

Trey Allen. Trey talked about some of the work he has done on board procedures, which has



grown out of advising he does for clerks to city councils and clerks to boards of county commissioners. You may not immediately think about board procedures as the most exciting work, but you would be wrong. Trey says the subject is interesting and lots of fun to teach, and I believe him.

He has just finished an extensive revision of *Suggested Rules of Procedure for a City Council*, and it builds on earlier work by former faculty members—especially and most recently Fleming Bell. One virtue of the earlier edition of this book for city councils is that it is brief, and so are the School's other publications on board procedures. That also is a downside because it doesn't answer a number of recurring questions that confront the clerks and their boards. It is a challenge to find the right balance between thoroughness and accessibility.

Consider the following example. A board needs a quorum to take action. There is a statute that specifies how to determine the number of members needed to establish a quorum for a city council. So far, so good. Unfortunately the wording of the statute is confusing and questions come up all of the time. Trey has provided a detailed explanation of the statutory quorum formula in the new edition of the procedures book for city councils. In addition, he also has provided a table that eliminates uncertainty in quorum calculations by listing the number of members needed for a quorum based on a council's size and the number of vacant seats. These changes sound like really nice improvements.



In providing greater detail for certain kinds of questions, Trey hopes to save time by referring more clerks and others to the book for answers. That is a worthy goal. Now he has turned his attention to revising *Suggested Rules of Procedure for the Board of County Commissioners*.

Trey's expertise on board procedures is in high demand, so it is a good thing that he likes teaching it. He teaches procedures to local elected and appointed officials in lots of our programs and for our partner organizations. He also recently taught a webinar for the International Municipal Lawyers Association. State boards also need to know about procedures. Trey recently taught a session for the NC Irrigation Contractors Licensing Board, and he is scheduled to cover procedures for the NC Hearing Aid Dealers and Fitters Board. Who knew?

The group also talked more generally about two interesting questions. In written materials for our



clients, should you write about legal questions if you don't know the answer—if there is no legal authority or if there is a split in authority? I actually think that writing under those circumstances is one of the ways in which we provide the greatest value for our clients. They frequently have to make decisions in any number of areas in which the law is unclear. It is important to let them know that the law is unclear, and then to outline factors they might consider in assessing the risks and the best course of action. My experience is that our clients really value our help in navigating the many gray areas of the law.

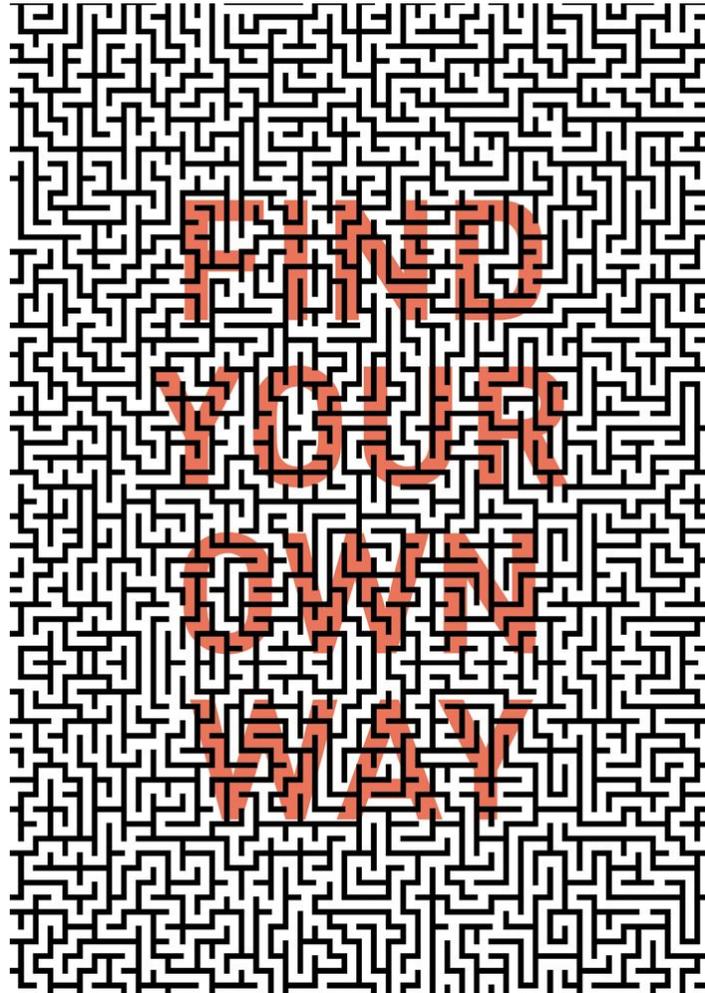


The other issue the group discussed was how challenging it is to be “following in the footsteps” of a faculty member who was a legend in their field—which pretty much feels like everyone who preceded you. How much are you obligated—or should you feel obligated—to do things like the other person did them? Can you even approach legal and other questions from a fresh perspective if you learn the field from your predecessor? How can you evaluate whether we may have missed something in the past? If you disagree with a predecessor’s legal conclusion, how can you figure out if you are missing some kind of hidden history that explains the earlier interpretation?

I feel strongly that new faculty members have complete discretion in making a field their own, including moving away from what a predecessor did or how she did it—including offering different legal interpretations. Everyone at our lunch agreed that the work of an earlier faculty member deserves respect and careful consideration. In the end, however, you must decide on the best way to meet the needs of your clients today—and it seems inevitable that those needs evolve over time. Still it can be hard because a new faculty member especially feels the weight of history and respect for the choices of a former colleague. It may be even more challenging if the person has continued



on the faculty in phased retirement.



We have a responsibility to improve our work over time and that means finding ways to do it better. It can be hard for a person who has spent their career working in a field to see someone come in and make changes, and yet I think that most of our former colleagues have managed to make a clean break and accept that change is inevitable. Maybe even that change is good. After all, they had the opportunity to define a field over time and it is only fair that the next person have the same chance. In my case John Sanders has been a model for how to behave toward one's successor—he has been supportive and has never criticized even when I've made changes that he thought were wrong. I am sure that my successor will make changes, and I will be supportive because that is how the School will continue to have the greatest possible impact over time. In the meantime, I will encourage—and even expect—faculty members to find their own way and improve our work in every field.