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# "Civil procedure is what it's all about": Law School Dean A. Benjamin Spencer reflects on career

By **Molly Parks** - February 7, 2023



*Courtesy photo // A. Benjamin Spencer*

On July 1, 2020, in the midst of the global COVID-19 pandemic, national economic uncertainty and the Black Lives Matter movement that called for a stand against police brutality and racial injustice, A. Benjamin Spencer began his role as dean of the College of William and Mary Law School. After taking the reins of the law school over Zoom during an unprecedented year for the U.S. legal system, Spencer became the first Black dean of any school at the College.

An expert in civil procedure and federal courts, Spencer has been interested in the rule of law since his early childhood. He grew up in Hampton, Virginia and graduated as valedictorian of the 1992 class of Hampton High School before attending Morehouse College. As an undergraduate, Spencer studied political science and economics on a full scholarship. His father, James R. Spencer, influenced his decision to pursue a career in law. His father was a federal judge for the Eastern District of Virginia, Richmond Division and was appointed by President Ronald Reagan.

"I got to go to D.C. for his confirmation hearing," Spencer said. "Ted Kennedy was the chair of the subcommittee that was dealing with my father. And I got to meet people on Capitol Hill

and our U.S. senator at the time, John Warner, who was supporting my father. So, it was a great experience. And it just was the model of a career for me."

During his senior year at Morehouse College, Spencer received the British Marshall Scholarship, which he used to earn his Masters in criminology and criminal justice policy at the London School of Economics. After receiving his masters abroad, Spencer returned to the United States to attend Harvard Law School, like his father.

"That's a very challenging environment," Spencer said. "It's very intense. It's extremely competitive. I had a lot of fun... I met great people who I'm still connected with today. It's one of the strongest networks in the world. So, I enjoyed it. My best experiences academically at Harvard were around working on the law review. I was on the Harvard Law Review, and also I did moot court."

Spencer originally went to law school to become a prosecutor. However, after taking a class with Professor Arthur R. Miller and working at a law firm during the first summer of law school, Spencer became interested in civil procedure.

"People always say that first year students don't really understand how important civil procedure is until they get their first job in that summer... because it's really hard to understand the abstract," Spencer said. "But once you start working, you realize this is the whole game. Civil procedure is what it's all about. And that's what Arthur Miller taught us."

In 2016, Spencer became a coauthor of the renowned, multi-volume Wright and Miller *Federal Practice and Procedure* treatise, which is regularly cited in court.

*"EVERY LAWYER HAS HEARD OF 'WRIGHT AND MILLER'. MY PROFESSOR AT HARVARD WAS THE 'MILLER' IN 'WRIGHT AND MILLER'. AS HE'S RETIRING, HE'S GIVING OUT SOME OF THESE VOLUMES TO OTHER PEOPLE. SO, I GOT FIVE OF THESE VOLUMES, BASICALLY, TO INHERIT FROM HIM TO KEEP ON THIS TRADITION THAT HAD BEEN GOING FOR OVER FIFTY YEARS, THIS TREATISE. IT'S REALLY GREAT TO BE PART OF THAT LEGACY AND TO KEEP IT ALIVE."*

"Every lawyer has heard of 'Wright and Miller,'" Spencer said. "My professor at Harvard was the 'Miller' in 'Wright and Miller. As he's retiring, he's giving out some of these volumes to other people. So, I got five of these volumes, basically, to inherit from him to keep on this tradition that had been going for over fifty years, this treatise. It's really great to be part of that legacy and to keep it alive."

In his time as Dean and Trustee Professor at the law school, Spencer continues his work updating his volumes of the treatise. For the past seven years, he has also worked for the United States Army Reserve as an officer for the Judge Advocate General's Corp. Additionally, Spencer is finishing up his final year on the Advisory Committee on Civil Rules of the U.S. Judicial Conference, to which Chief Justice John Roberts appointed him in 2017.

"So, the advisory committee on Civil Rules is the committee that writes the rules and amends the rules of civil procedure," Spencer said. "So, to get to the point where my work and contributions to the field have been recognized, and the Chief Justice of the United States is going to appoint me to the committee that amends the federal rules of civil procedure, which is what I've been teaching my whole career, that's a really high honor."

Spencer also discussed the importance of his day-to-day conversations with students and professors at the College. One of his most rewarding student interactions as Dean of the Law School was around the subject of civil procedure.

"One of my times when I was walking around, I ended up in our cafe and ran into three guys who were interested in civil procedure," Spencer said. "That's the area of expertise that I have, and one of them was writing a paper on a topic that was related to things that I had written about before. I sat down with them at their booth and had a long conversation, I mean... at least 30 or 40 minutes. And in the end, I ended up hiring the guy who had the paper as my research assistant. He's working as my research assistant this year and I really wouldn't have known about him if I hadn't stumbled upon him in the cafe."

*"THE CONCEPT OF THE RULE OF LAW IS VERY IMPORTANT,  
AND IT'S UP TO LAWYERS TO BE GUARDIANS OF THAT."*

Regarding the current state of legal education in the United States, Spencer sees the polarization and politicization of the rule of law as challenges for current law students and educators. Lawyers, he believes, are integral in the protection of democracy in the United States and internationally.

"The concept of the rule of law is very important, and it's up to lawyers to be guardians of that," Spencer said.

Reflecting on his past three years as dean at the law school, Spencer is proud of the achievements and progress he has been able to make. Coming in during the summer of 2020 in the midst of a national movement against racial injustice, Spencer put together several initiatives surrounding diversity, equity and inclusion and helped start the College's Center for Racial and Social Justice. Furthermore, Spencer discussed how he has been able to improve the business model of the Law School and its overall financial model.

"There's more resources that have enabled me to provide pay increases on multiple occasions, on three occasions for faculty and staff," Spencer said "We've been able to fill in a lot of staffing gaps. You have people who are doing the job of two or three people. They would say, 'Well, we do more with less,' and I said, 'Well, why don't we try to do more with more? I'm going to provide more resources and we're going to hire the people that we need and pay people appropriately.' We've been able to do that. We've also been able to improve the quality of the entering class in terms of selectivity around LSAT and GPA. That has increased consistently each year. So that's been really good. We've hired faculty, and they've added to the gender and racial and ethnic diversity of our faculty... The student body diversity has improved significantly. So we're really happy with that. And our faculty is very productive in terms of scholarship, which is really important."

On his maternal side, Spencer comes from a long line of educators. He notes that his mother and maternal grandparents had a significant influence on his interest in pursuing a career in legal education.

"My mother was an elementary school principal and her father was a professor at Notre Dame. He was the first Black professor that Notre Dame ever had... And his wife, my grandmother, she was a high school principal," Spencer said.

Before coming to the College, Spencer held various professorships and academic appointments at Harvard Law School, University of Chicago Law School, University of Virginia School of Law, The George Washington University School of Law, Washington and Lee University School of Law and University of Richmond School of Law. Spencer lives with his wife and nine children in Williamsburg.

## Molly Parks

Molly Parks is the 113th Editor-in-Chief for the Flat Hat and a junior from Haddonfield, NJ. Molly studies English and History at the College and is on the Club Tennis team, involved with her sorority Kappa Alpha Theta, and is an Orientation Aide. On campus you can find her at Swemromas listening to The Daily podcast, on the Sadler Terrace, or at one of the Rec Center cycling classes.