

# Thomas Dorer: General Counsel for West Virginia University

GCC Profile

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## Thomas Dorer: General Counsel for West Virginia University

By Kenneth Davis

As an undergrad studying history at Brown University, Thomas Dorer decided that he wanted a career in law, but not just any type of law. He specifically wanted to practice higher-education law.

"Before I went to law school, I knew that I wanted to practice higher-education law," he said. "This was actually a long-term goal of mine, and I wanted to be going to law school for a reason. It was really valuable to me to know why I was going to law school and to have that goal; and the other thing is I really wanted a client that I cared about."



After graduating from Brown in 1984, Dorer worked in student affairs administration at Ohio University for the 1984-85 academic year and at Brown University for the 1985-86 academic year before attending Harvard University in the fall of 1986. Dorer earned a Master's degree in education from Harvard in 1987. He said he thought a Master's degree in education would be a good foundation for a career in higher-education law. Dorer entered UC Berkeley School of Law in the fall of 1987 and earned his law degree in 1990.

Following graduation, Dorer clerked for two years for the Honorable Annie E. Thompson of the U.S. District Court for the District of New Jersey. In 1992, he joined Dow, Lohnes & Albertson in Washington D.C. Dorer said he was drawn to the firm because of its solid higher-education practice.

"It's a firm with a variety of practices, one of which is a sizable higher education practice," he said. "And it's really a dedicated practice. A lot of firms have higher-education practices, but it's not as formalized as it is at Dow Lohnes—that is, you might have a dozen people who have a variety of clients, some of whom are higher-ed clients, some of whom are other non-profits or for-profits; and Dow Lohnes has probably as many as about a dozen lawyers who do nothing but higher-ed law."

As a higher-education lawyer at Dow Lohnes, Dorer's practice focused on regulatory matters related to federal financial aid programs, accreditation by accrediting bodies, and licensing by states. And he said he also handled a variety of employment issues as well as contract issues. Dorer left the firm after working there for two years to take the position of Associate Counsel at the University of Massachusetts in December of 1994.

Dorer explained why he took the position.

"The reason I wanted to go in-house was because I wanted to broaden the practice, and I wanted to be more directly engaged in my client's life," he said. "As an in-house, I am a real generalist. I'm sure you've heard that in talks with in-house counsel in all sorts of organizations, but I think it's particularly true in higher education. And that's what I consider to be one of the real benefits of the job."

After serving as Associate Counsel at UMass for seven and a half years, Dorer joined West Virginia University as General Counsel in July of 2002. He said as General Counsel, he handles matters that pertain to governance, contract law, constitutional issues that mainly center around areas of free speech and occasionally matters relating to separation of church and state, employment law, intellectual property, legislative analysis and reform, risk management, and intercollegiate athletics.

Dorer said some of the more notable matters in which he has been involved include "a number of significant construction law disputes" and his involvement in a major litigation pertaining to issues related to the status of a Division One Conference—the Big East Conference.

He discussed what he enjoyed most about his job.

"I definitely enjoy the variety of the work and my colleagues," he said. "I love not knowing what's going to happen any day I walk in the door. University, by nature of its mission, is a wonderful place to work. Everyone's pulling together in the same direction towards this very important public good, and we all wake up feeling really good about ourselves, not in a self-satisfied way but confident that we are doing something that's beneficial to our state and to the country. And not every job allows you to say that."

Dorer said that his involvement in the litigation over the Big East Conference was one of his most memorable and challenging experiences as General Counsel at WVU.

in the Big East issue, we were fighting to save the conference, and that was certainly very time-consuming, ultimately rewarding, and occasionally frustrating," he said.

Dorer added that other memorable and rewarding experiences at WVU include national discussions on free speech in which the school has been involved.

"We've taken some lumps along the way, but I think we have gotten to the right place," he said.

Dorer talked about some of the biggest challenges he faces on a day-to-day basis in his job.

"We're undergoing tremendous increases in regulatory obligations," he said. "That's been going on for the last 10 or 15 years in higher education. That's not unique to this industry, but it certainly feels like we're hit particularly hard without a lot of resources. We're also heavily engaged in research, and a lot of things that have spun out post-911 have had a major effect on our research activities, all for very understandable reasons. We get the public policy behind it, but it's a real challenge to stay in compliance and still maintain that rigorous research agenda."

Dorer advised law students interested in pursuing a career as in-house counsel for a college or university to possibly look into working at a law firm that has a strong higher-education practice.

**Q. What do you do for fun?**

A. Spend a lot of time with my family, sing choral classical, jazz, and barbershop quartet.

A. Jazz groups Orphan Newsboys and Squirrel Nut Zippers.

**Q. What is the last magazine you read?**

A. *Science News*

**Q. What is your favorite TV show?**

A. *Nova* on PBS.

**Q. Who is your role model?**

A. Just a variety of folks who were lawyers, no one in particular.

"I mean that's certainly a way, probably not a majority, but a disproportionate number of people move to in-house," he said. "They've been at a private firm, and they've developed a group of higher-ed clients. And that could be in intellectual property; it could be in employment law; it could be in general litigation. And there are a lot of firms around the country that work with prominent colleges and universities. If you're particularly interested in working at a state university, I'd actually go and check out and see whether the Attorney General's office is providing legal representation. And that's not always the case, but in a lot of states it is the case; and it's a good way to feed into the state in-house positions. And it might be that the flagship has their own in-house counsel, but the state colleges at the next tier of higher-ed institutions use the Attorney General's office."

A successful general counsel needs the ability to react to rapidly changing circumstances and the ability to juggle a broad range of issues, Dorer said. And he added that a successful higher-education general counsel "should always stay focused on the institution's mission."

"A lot of things that are first reactions of attorneys in the protection of their client for good reasons don't fit very neatly with the mission of a higher-education institution because we're so focused on public service that sometimes we have

to take risks that a business would not take, he explained.

Dorer was born in New Jersey. He has been married for 11 years and has a five-year-old son.

## **On the Net**

West Virginia University

[www.wvu.edu](http://www.wvu.edu)

University of Massachusetts

[www.law.berkeley.edu](http://www.law.berkeley.edu)

Brown University

[www.brown.edu](http://www.brown.edu)