As Nova struggled to survive, a few key individuals and some pragmatic decisions helped to right the ship. Perhaps the most important event in 1969 was Jim Farquhar’s timely intervention. Farquhar, who had come to the rescue on several occasions, once again bailed out the university.

Farquhar later reflected on the tense situation that prevailed in 1969: “We owed a lot of money, and we would have to just go out and scratch for it and pay the bills and get going again.” Robert Ellyson said that on many Fridays it appeared that Nova would not make the payroll. Ellyson would include notes with the paychecks asking the recipient to hold it for a few days if they did not need the funds immediately. Ellyson praised Farquhar for coming forward time and again to help meet the payroll, often with statements like, “Well, if you need another $20,000, I’ll see what I can do.”

Farquhar remembered a finance committee meeting where they had decided, “This is it, boys, we have to do something or close the doors.” He had already pledged 100 acres of farmland to Nova, and with Abe Fischler’s encouragement, Farquhar agreed to sell eighty acres of the donated property. In fact, he sold it that very day for $7,500 per acre. Within two weeks of the sale date, August 6, 1969, the school had $600,000 to use for expenses. The university used the money to satisfy the IRS and to pay off some bank loans. The board of trustees wanted to keep the land because it was contiguous to the campus, but at that time they did not envision a use for the land in the near future. The board was desperate for money, the university was in
Figure 3.1 Abraham Fischler, EdD, president, 1970–1992. (By permission of Nova Southeastern University Archives, Fort Lauderdale, Florida.)
survival mode, and the land sale seemed the most prudent thing to do. The board of trustees understood that the one-time land sale was not a solution, only a reprieve.¹

A more hopeful development occurred on May 17, 1970, when Nova University held its first commencement exercises. Five students, including two women, were the first to earn PhDs at this inaugural event. The five graduates were Michael Yost Jr. (science education), Earl Hughes (science education), Robert Kendall (oceanography), Clarice Moreth (oceanography), and Marilyn “Mickey” Segal (behavioral science). Abe Fischler presided over the joyous occasion, and honorary degrees were awarded to Louis Parker and Jim Farquhar. The accomplishments of the five new graduates encouraged the faculty and administration that there would be many more successful students in the future.²

**Merger with New York Institute of Technology (NYIT)**

Behind the scenes, however, the board of trustees was searching for a way to save the university from collapse. The most hopeful and perhaps final possibility was a merger with the New York Institute of Technology (NYIT). Pursuit of a possible affiliation began in 1967, when Abe Fischler heard a speech by Alexander (Alex) Schure, the president of NYIT, outlining his educational goals. Impressed with Schure and his innovative approach to education, Fischler encouraged Warren Winstead to meet with Schure.

The first official contact between NYIT and Nova University took place in June 1968, when Winstead reported to the board that he had received a proposal from Schure to establish an undergraduate college at Nova. Winstead went to New York to meet with Schure and apparently made great progress in planning a union. Immediately following the visit, Winstead sent Schure a draft of the articles of incorporation between Nova and NYIT, to be known as the University Federation, Inc. Schure responded that the articles looked fine and hoped to proceed with the arrangement. In May 1969, the Nova Board of Trustees invited representatives of NYIT to make a presentation to Nova about a possible affiliation. In July 1969, NYIT vice president David Salten journeyed to Nova to discuss the financial aspects of an agreement.³

At the time, NYIT had locations in Old Westbury, Long Island, and Manhattan. Alex Schure and his family founded the school in 1955;
The Abraham Fischler Presidency

it was chartered by the State of New York in 1957. The original charter, for a two-year technical school, was amended in 1962 to include the granting of four-year degrees and approval to operate suburban campuses. As of 1970, NYIT had approximately 4,200 students and awarded bachelor’s degrees in computers, fine arts, business, and communication arts, as well as a master’s degree in business.

Alex Schure earned two doctoral degrees, one in education and one in communications. His family made a fortune in electronics, and he decided to use his specialty—applying technology to teaching—in the development of an educational center. He pioneered the use of automated teaching machines and computers. Schure believed that the key to education was not so much the content as the delivery system, and he saw a day when education “via satellite and communication systems” would be available in learning centers, corporations, and homes. Schure was an early champion of computer animation, and NYIT gave research funding and a home to a computer brain trust that would later evolve into Pixar Animation Studios.4

After some preliminary discussions about finances, on June 25, 1969, David Salten arrived in Fort Lauderdale to meet with the Nova Board of Trustees. Salten stated that since both institutions were private and innovative, NYIT would be interested in joint programs. Most of NYIT’s courses were at the undergraduate level, so it was willing to establish a master’s degree in business and some undergraduate courses on the Nova campus. Nova would continue as a separate graduate school, and there would be a combined board of trustees representing both universities. NYIT would agree to extricate Nova from its immediate financial difficulties, and as security, the New York institution would accept fifty acres of campus land as collateral. NYIT wanted Nova to adhere to its experimental concept and did not plan to make any additional changes in its faculty or programs.5

After some deliberation, in 1969 NYIT reneged on its original proposal and resolved not to make an agreement with Nova University at that time, although Schure had written to tell Winstead that the initial articles of agreement looked fine. Abe Fischler recalled that the NYIT representatives “did not trust Winstead.” Alex Schure was reluctant to fund Nova partly because of Nova’s ongoing debt and because Winstead kept insisting that Nova wanted to be the MIT of the South. Schure told Winstead, “If you want to be MIT-oriented, you need financing on a scope which is beyond what we have to offer, and if the community [Broward County] can’t provide it, you have to come to one of two choices—either change the objectives of the institution
and go on from there, or reexamine how you do your financing and find some other way to do it.”

Schure indicated that while they were interested in Nova, they could not satisfy the large financial requirements to fund a major research university. NYIT was also troubled about a lack of local students. Until the issue of financial security was rectified, Nova would not garner much local support and would have to look outside of Broward County for financial contributions.6

It appeared that the initial effort to lure NYIT into an agreement had failed, but Abe Fischler was not willing to give up. He had known Schure for some time, liked him personally, and was excited about what was going on academically at NYIT. Fischler, interested in the concept of self-learning through technology, approved of NYIT’s implementation of some of these concepts, especially in science education.

Therefore, in May 1970, when Fischler was still executive vice president of Nova University, he decided to go to New York and visit Schure. Fischler knew that Schure was interested in the entrepreneurial spirit at Nova and that a merger would afford Schure the opportunity to pursue some of his creative educational concepts. Schure and Fischler shared a philosophy of learning, and their respect for each other made it easier for them to discuss a new arrangement. Within thirty minutes, according to Fischler’s recollection of the meeting, Schure came up with a scenario for a NYIT-Nova federation. Fischler said that when he told the Nova Board of Trustees that he had obtained a verbal agreement on a merger from Schure, they did not believe him. The next day, the board called Schure to confirm the offer. When Schure indicated that he did want an official merger, negotiations began in earnest. Fischler visited NYIT again in June 1970; the gist of their conversation would form the core of the final agreement. Once Winstead resigned, Fischler, as the executive vice president, was the chief executive officer of the university and had the permission of the Nova board to pursue a merger with NYIT.

The main difference between NYIT’s refusal of a merger in 1969 and the agreement in 1970 was primarily due to Fischler and Schure’s friendship. They liked and trusted each other and now that Winstead had departed, they were free to pursue an affiliation. Schure said he felt positive about a merger since Nova had a dedicated board of trustees, a top staff and great professionalism. He thought Nova’s graduate students would fit in well with NYIT’s undergraduates.
Schure expected the joint venture to go well since both were independent universities with great flexibility. On July 1, 1970, NYIT and Nova signed the official document setting up a federation between the two schools. This agreement saved Nova from having to close its doors and affected its future more than any other event up to that time. Schure and Fischler had already agreed to the general terms of the contract, and Fischler reported the essence of these terms to the Nova University of Advanced Technology Board of Trustees (BOT) on June 17, 1970. The BOT accepted the basic overview of the federation and agreed to work out the details at a later date.

The July 1 agreement indicated that each university would maintain its not-for-profit legal entity and name. Six of the present board of trustees at Nova University (Charles Forman, Ellis, Farquhar, Young, Ellyson, and Horvitz) would be members of the new joint board. The remaining Nova trustees would have to resign. NYIT would then appoint nine members of the new unified board of trustees, giving Schure a controlling vote on any proposal. Thus the new board would consist of fifteen members plus the chief executive officer of each college: Schure and Fischler. NYIT in turn agreed to elect two members of the Nova board (Fischler and Farquhar) to the NYIT Board of Trustees. Alex Schure took the title of chancellor of Nova University. Fischler would serve as president of Nova University and would report to the chancellor. By the terms of the agreement, Schure was the presiding officer of both schools and would be paid a generous salary by both institutions. Since the chancellor needed to be on the Nova campus on a regular basis, Nova supplied Schure with an apartment on the beach in Fort Lauderdale.

The official agreement specified that Nova University would continue its PhD programs and assist in developing similar programs at NYIT. The academic programs at Nova were to be enlarged to include a number of master’s and undergraduate programs sponsored by both NYIT and Nova. The boards of trustees at both universities could allocate faculty of either campus to the other’s campus when it was deemed that their experience could be best utilized.

To insure Nova’s financial integrity, NYIT agreed to contribute $60,000 a month for twelve months to Nova for operating expenses. The final sum to be paid by NYIT to get Nova out of debt would be $720,000, paid by June 30, 1971. In addition, NYIT promised to pay by December 13, 1973, the sum of $224,000, which would
cover Nova’s current pension debt, FICA, Internal Revenue Service withholding debt, money owed to creditors, and restricted fund indebtedness. Finally, NYIT accepted the responsibility for repaying Nova’s long-term obligations. NYIT would pay $147,000 the first year and $147,000 the second year for debt reduction. These fiscal terms would be invalid if Nova had any hidden debts or if the figures given to NYIT were incorrect.8

NYIT thus provided approximately $1.2 million to Nova ($720,000 at $60,000 per month and a payment of $147,000, another payment of $129,000, and $224,000 for FICA and IRS debt) in the form of prepaid rent for NYIT to function on the Nova campus. The NYIT Board of Trustees would not have approved merely giving $1.2 million to Nova. If the money were used for prepaid rent on a lease arrangement, then the $1.2 million would not show up as a debt in NYIT’s accounting ledger. In essence, Nova leased some 30,000 feet of space to house NYIT activities and courses and the personnel who would develop these programs.

While the infusion of funds from NYIT saved Nova from insolvency, its financial woes had not been resolved. There were still deficits, and the administration struggled every month to make the payroll. Charles Forman, pleased with the final agreement with NYIT, made the motion for the board of trustees at Nova University to accept the merger. Forman reasoned that Schure knew education and had run a profitable institution. “We need his programs and his ideas,” said Forman, and his money would give Nova the funds to operate and a chance to grow the university. Forman, recognizing that the financial situation at Nova was uncertain, thought that Nova had “sold” Nova University as a good investment for Schure, otherwise he would not have agreed to the contract. Forman said to the Nova board that if they agreed to the federation, “we are all going to be heroes or goats, and I hope we are heroes.”9

Persuading the Nova University Board of Trustees to finalize the merger proved more difficult than anticipated. Several local citizens voiced their disapproval of a takeover by some “damn New Yorkers.” About half the board did not like the deal and thought it was a mistake to sell out to a not very prestigious New York university that no one had ever heard of. Some trustees feared they would lose local control since NYIT had a voting majority on the board. A few members resented those “New York carpetbaggers” coming down to tell Nova how to run its university. Some of Nova’s founders were concerned that the agreement would end up betraying the university’s origins
and purpose and would not be in Nova's long-term interests. Others resented Schure's high salary as CEO of both universities.

There were also some hard feelings from the nine Nova University board members who were forced to resign. The nine trustees had agreed to resign for the good of the institution because they thought the NYIT merger was the only option, otherwise Nova would have had to close down. Tinsley Ellis said, "We did it to survive, pure and simple, because it wasn't a good fit to begin with, but it did serve its purpose over a period of years. I'm glad we did it. Otherwise we wouldn't be here today."\textsuperscript{10}

The\textit{ Fort Lauderdale News and Sun-Sentinel} praised the new federation: "The expansion of Nova University is good for the community. Its trustees and administrators should be congratulated." One of the advantages of the new alliance, declared the paper, was that Nova would be better able to fulfill its original intent of being a school that citizens of Broward County could attend. With the implementation of undergraduate courses, a local student could start in first grade at Nova Elementary and continue through high school, college, and graduate school—all at the Nova campus.

Nova, with only twenty-four graduate students, hoped to expand enrollment to 300 with undergraduate courses beginning in the fall of 1971. Fischler explained that Nova's immediate debts would be paid by December 31, 1970, and the university would begin paying down its long-term debt. He predicted that by gaining control of its finances, Nova would be able to recruit outstanding faculty and increase the number of students and course offerings.\textsuperscript{11}

The transition to the federation was initially difficult for Nova since the university lost some control over its curriculum and administrative decisions. Now, with a new partner, Nova faced a crisis of confidence and identity. The school had abandoned its original concept, had almost gone bankrupt, had been essentially invisible to the community, and had merged with a New York institution that very few ever heard of. Nova had to redirect its energies and make the most of its new affiliation.

In the beginning, Nova leaders worried that NYIT would exercise total control over the university's decision making. Most of the individuals involved in the merger, however, claimed that NYIT chose not to interfere with Nova administrators' decisions. Tinsley Ellis said that for the first three years the New York board members did not overrule any decision the combined board made. Schure had ultimate authority but did not use it. In the early years of the union, Schure
and Fischler were friends and operated in a congenial and cooperative manner. Ellis contended that Schure “left a great deal of the authority with Abe Fischler because he had a great deal of confidence in him.” Hamilton Forman insisted that Nova had not sold out with the merger and continued to do pretty much what it always wanted to do.12

Initially, Nova ran the NYIT classes on campus, and NYIT covered program expenses and took any profits earned from the programs. Nova complained that its overhead expenses were greater than NYIT’s allocation to cover those costs, so from 1973 to 1977, NYIT allowed Nova to share in the small net surplus the federation earned and to take 10 percent of the income from the joint programs to assist with overhead costs.13 That 10 percent was helpful, but it did not alter the bottom line.

From the time of his arrival on campus in 1966 to the end of his presidency in 1992, Abraham Fischler had an indelible impact on Nova’s survival and subsequent success. Born in Brooklyn, New York, Fischler was a product of public schools. He matriculated at City College of New York (CCNY), but after one year went into the U.S. Navy as a medic, serving in 1946 and 1947. He received his BS degree from City College in 1951 and his master’s in science education from New York University. When he completed his doctorate at Teachers College, Columbia University, Fischler accepted a position as assistant professor of science education at Harvard University for three years and later became a full professor of education at the University of California, Berkeley. Fischler’s main focus in his academic career was improving the way students learned. Rather than having students restricted by arbitrary time periods, Fischler proposed that the curriculum be tailored to each student’s needs, with content delivered in a manner and at a pace consistent with each student’s learning style.

Fischler, described by a local newspaper as a “pipe smoker with a keen, flashing wit and smile,” made a momentous decision in 1966, both for himself and for Nova, when he left a tenured position at one of the most prestigious institutions in the country to come to Fort Lauderdale to a new university that had not even opened its doors. He was attracted by the innovative possibilities of founding a new university and intrigued by the possibility of expanded research on how students learned, and he never regretted his choice.14

During Winstead’s presidency, Fischler was the dean of graduate studies and director of the Behavioral Science Center. On November 4, 1969, the day after Warren Winstead abruptly resigned, the
board of trustees of Nova University made Fischler the executive vice president. Although Winstead, who was on sabbatical, remained on campus for a while, from November 1969, Fischler was the acting president, in authority if not in title.

While acting president, Fischler negotiated the merger with NYIT and began making draconian cuts in expenses to keep the university operating. He acted as executive vice president until the board chose him as the second president of Nova University in August 1970. There is some dispute as to whether the board of trustees had begun a national search to find a replacement for Winstead. If so, they did not have to look far. Fischler did not think there was a formal search, and his recollection was that he got the job because Alex Schure said the merger would not go through unless Fischler became president. Also, Fischler could not imagine why anyone else would want the job, what with the university’s deplorable situation at the time. Joel Warren, director of the Germ-Free Life Research Center; William Richardson, head of the Oceanographic Center; and Fischler were the only three experienced administrators left, and neither Warren nor Richardson wanted to give up his current position. Fischler told Jim Farquhar that he would accept the presidency for just one year until the university had stabilized and made some strides toward profitability.

The board’s August 24, 1970, decision to select Fischler as president had enormous ramifications for Nova’s future. This move probably did more than anything to ensure its survival, as Fischler would demonstrate strong leadership for the next twenty-two years. As would often be the case for Nova, he would turn out to be the right leader at the right time. Trustee Cy Young, upon Fischler’s appointment as president, described him as “a remarkable man. He’s a scholar, he’s a scientist, he’s an expert in education. And now it turns out that he’s a damned fine administrator. And that’s very unusual to find those qualities combined in one man.”

In September 1970, Fischler presided over the opening session of the fourth year for Nova University. Twenty-six graduate students, thirteen of whom were new, registered for classes. Fischler announced that the third floor of Parker Physical Sciences Center had new chemistry and immunology laboratories and the permanent facilities at the Oceanography Center were nearing completion. The new leader declared that the affiliation with NYIT would give Nova the necessary resources, faculty, and knowledge to move into a new growth period.

Nova University formally installed Abe Fischler as president on October 4, 1970. He received the symbols of his new office from board
Figure 3.2 Alexander Schure, PhD, chancellor of Nova University, 1970–1985. (By permission of Nova Southeastern University Archives, Fort Lauderdale, Florida.)
of trustees chairman Jim Farquhar at the newly completed Mailman-
Hollywood Education Center. The occasion served to introduce Nova
University supporters to NYIT officials and executives. Nova awarded
Alex Schure, president of NYIT and chancellor of Nova University,
with an honorary doctor of engineering science degree. The degree
recognized Schure as the founder of NYIT and cited his expertise in
educational technology and for blending technology and education.

In his inaugural address, Fischler promised that new programs
would be developed jointly with the business and industrial commu-
nity of Broward County. He hailed the federation with NYIT, say-
ing that the merger brought together two complementary institutions
and was a “truly symbiotic relationship.” Fischler praised the business
leaders who founded Nova University and expressed great pride in its
early period of growth and development, which he characterized as
its “infancy.” While the early period required “much nurturing, tender
loving care and dependence; it did allow us to unify and solidify.”

On November 15, 1970, Nova University dedicated the Mailman-
Hollywood Education Center and invested Schure as chancellor of
the university. In his address, he proposed that the university should
continuously search for indestructible virtues and the betterment of
the community. Schure hoped that in time Nova would broaden its
curriculum, and he encouraged the development of additional aca-
demic specialties in medicine, law, environmental studies, and infor-
mational science.

When Fischler characterized the relationship between Nova and
NYIT as “symbiotic,” he overstated the case. Immediately after his
inauguration, Fischler faced significant difficulties in establishing suc-
cessful undergraduate programs on the Nova campus and continued
to be plagued by ever-increasing financial problems. Many of Nova’s
debts had been paid, but the cost of running a university with twenty-
six graduate students and a comparatively large faculty, no tuition,
and a lackadaisical response from the local community to the merger
made life difficult for the new president. Fischler needed an additional
$800,000 for expenses during the 1971–1972 school year just to
maintain current programs and pay outstanding bills.

In the beginning, Schure kept all of the money NYIT earned from its
programs at Nova; that decision restricted Nova’s ability to expand.
By 1973, as noted earlier, Schure opted to give Nova 10 percent of the
earned income from NYIT courses. The extra income helped but was
not enough; from 1970 to 1985, Nova lived on the brink of finan-
cial failure. Fischler must have frequently recalled the significance of
Schure’s comments in his investiture speech: “There are many details of the relationship still to be worked out. There will undoubtedly be many problems and will require much mutual patience, cooperation, and . . . forbearance in order to solve them.”

Fischler knew about the problems inherent in organizing a merger and the forbearance necessary to keep all parties happy better than anyone else since it was his responsibility to work out the details. He obviously did good work during his first three years as president, because in 1973 the board of trustees offered Fischler a four-year contract at $45,000 per year. The board commended him for his outstanding job “under tremendous pressure in a difficult and thankless position.” While they were in session, the board changed the institution’s name from Nova University of Advanced Technology, Inc., to Nova University, Inc.19 Nova was no longer a technical and scientific graduate school, and the new name more accurately reflected the undergraduate programs and the university’s revised mission.

In 1973, the most stalwart and faithful friend of the university, Jim Farquhar, citing health reasons, resigned after ten years as chairman of the Nova Board of Trustees. Abe Fischler publicly praised Farquhar for his many contributions to the university: “He didn’t have a bad bone in his body. I never saw him angry. I never saw him overly upset. He would do it rather than ask you. An absolutely unusual guy.” Fischler recounted the number of times that Farquhar had come to Nova’s aid. He had given land worth millions of dollars, loaned the school money to meet payrolls, and worked tirelessly as chairman of the board during the institution’s ten most difficult years. In 1979, Nova honored Jim Farquhar at a testimonial dinner given in recognition of his many years of devotion and service to the university. At the dinner, Fischler lauded the honoree for his generous contributions to the advancement of education and the arts and for his part in the development of the South Florida Education Center. Fischler noted that most people kept the money they earned, but Farquhar contributed to the lives of others and made a difference in those lives. Fischler designated Farquhar as “Mr. Nova.”20 Nova would not have survived without this gentleman’s advice, commitment, and generosity.

In an attempt to attract more students and to ramp up interest in the new federation, Nova placed a prominent ad in the New York Times, which garnered approximately 9,000 responses.21 The ad gained some notoriety for the school but did not result in a large number of new applications. Despite ongoing economic issues, Nova pushed ahead on four fronts: persuading prospective students to at-
tend Nova, improving student housing, creating a law school, and expanding off-campus educational programs.

With formal accreditation achieved in 1971, Nova decided to launch a law school in 1973 and planned to offer an off-campus doctorate of education program in nine major U.S. metropolitan areas. The other area of concern had been partially addressed when the three buildings in the Davie Founders residence halls were opened. The dormitories were named for large contributors to the university: Jim Farquhar, Earl and Adella Vettel, and A.D. Griffin. Once completed, the buildings were immediately occupied, but these apartments still did not solve the housing problem. Nova continued to investigate new ways to increase the number of student quarters. Although at the top of Nova’s agenda, the law school and additional dormitories would be costly to develop, and Nova lacked funding for these projects. Fischler hoped the off-campus programs in educational leadership would offer a panacea for Nova’s economic shortages.

**Educational Leadership Program**

To increase Nova’s revenue, Fischler devised the blueprint for the first distance education program in the nation in which students could earn an EdD degree. The concept was ahead of its time and in many ways was the forerunner of today’s online education programs. The idea was to find alternatives to campus-bound degree programs, redefine the traditional notion of a college, and take the campus to the student to foster external, field-based courses—in short, long-distance education. Fischler’s degree program, called the Educational Leadership Program, was aimed at principals and superintendents in public schools around the country who wanted to earn an EdD degree but were working full-time. Fischler set up “clusters” of students in metropolitan areas around the country, hired top-flight professors to teach the courses, and then flew the faculty into the city for a weekend of classes and seminars. These field-based courses enabled school administrators to progress in their career by acquiring an advanced degree without interrupting their current employment. To be admitted into the EdD program, participants had to have a MA degree and be employed in an administrative position.

The initial curriculum offered courses in leadership, curriculum, supervision, school finance, and evaluation. Ed Simco, one of Nova’s early instructors, recalled that when teaching an off-campus cluster
class, he would meet with the students on Friday night and get them oriented toward their class on Saturday. The class usually met once a month, and students were given assignments to complete prior to class. The professor would teach the cluster for eight hours on Saturday, lecturing, discussing issues, breaking out into small groups, and having students submit projects for evaluation by the entire class. The class ended late Saturday afternoon, and the faculty member would return home on Sunday.

For Fischler, it was a cost-effective model that led to increased income for the university. He paid the professor’s salary, plane fare, and hotel, but he did not have to pay health benefits or retirement. Fischler sometimes had to pay rent for a facility to hold the classes, but frequently was able to take advantage of academic institutions that had unused classrooms on the weekend. The same professor taught the same course wherever and whenever it was held. Fischler and others had a network of contacts in the educational field and thus hired some of the best professors in the country who taught the same courses they taught at their own universities. Most traditional universities would try to use their own faculty to teach off-campus courses, but no school would command the experts that Fischler could call on to teach his clusters. Nova officials expected criticism of this novel idea of distance education, but they believed that the high-quality faculty would mitigate such criticism.

Each cluster included a local coordinator who held an advanced degree and lived in the area. The coordinator was available to handle problems and provide guidance for students who needed help. The coordinator would ensure that classrooms were available and that the students had their books. The students would then travel to Nova University or another location for a one-week intensive session in the summer. Written and oral exams ensured that the candidates had mastered the material. Each student had to complete a major applied research project to be approved by the Nova faculty. Since all students held full-time jobs, the course work required a significant amount of self-discipline to succeed.

Fischler liked the cluster idea because of the camaraderie and dialogue it generated between the twenty-five to thirty people in each cluster. The students read each other’s papers and shared professional experiences, and could immediately apply what they learned to their daily activities as school administrators. In essence, they had their own research laboratory—they could try out new methods as administrators in their own schools and report the results to their class-
mates. The students learned from a knowledgeable mentor who gave them feedback and guidance as they pursued their degree.

Fischler had discovered and filled an important niche in higher education, providing an opportunity for individuals to get degrees without vacating their job or leaving their geographic area. Nova would come to them. The program began in 1971 with four clusters. Fortunately for Nova, the external degree program quickly won approval from Gordon Sweet and SACS in 1971, with the provision that the program be evaluated every year. John Scigliano, then director of admissions, designed the programs, and Fischler hired Donald (Don) Mitchell as the director of the Educational Leadership Program. In 1972, the program received a big boost when the Ford Foundation awarded Nova a grant of $70,480 to be used in the planning and the implementation of the clusters. Mitchell said the “Ford grant will be used for the improvement of study materials, for an evaluation of the program, and for the coordination of the national lecturers input.”

John Scigliano observed what Don Mitchell had done with principals in elementary and secondary schools and decided that the same could be done for community college administrators. Fischler liked the idea of a field-based program for community college administrators. If the program proved successful with primary and secondary school principals, why not community college administrators? Scigliano wrote a concept paper, SACS approved that program, and it became very successful. Ultimately the university would develop similar programs for city and state executives and courses for employees in the criminal justice system.

When Fischler first proposed the idea of external programs, some members of the board of trustees were concerned whether Nova would be able to maintain the quality of the programs and worried that Nova might be characterized as a diploma mill. Once SACS approved the idea and the programs were accredited, however, those board members changed their opinions. If SACS approved the Educational Leadership Program, it must be sound, they concluded. The board also understood that Nova could earn some sorely needed money from the program, and that new income was enough of a positive factor to mitigate any criticism that was bound to come. Tinsley Ellis saw it as an institution-saving decision because Nova needed the money to keep functioning. As for the expected attacks on course quality, Ellis said Nova had to show that the program was of high quality and had to respond to any and all attacks.
By 1973, the Educational Leadership Program had 817 students from 23 states and the community college degree program included 707 students. Nova then added a doctorate in public administration for county and city managers. According to Fischler, by 1973 the income from the various programs amounted to about half of Nova’s budget. The welcome influx of funds from the distance education courses kept Nova at least close to stability.

Despite a large student enrollment in the off-campus programs and steadily increasing income, the Nova field-based courses faced serious challenges from various states and universities who looked on Nova’s incursion into their territory as unwanted competition. The more successful Nova became in the 1970s, the greater the resistance. Each state had its own method of determining the educational opportunities that would be allowed within its boundaries, and Nova had to be licensed in most states just to be able to conduct its classes. As Nova’s numbers and influence grew, several states worked hard to keep Nova out of their jurisdiction. The political bureaucracy did not want outside universities coming in and offering courses that their state universities already taught. Tenured professors did not like the idea. They viewed Nova as an unworthy interloper trying to rob them of students. Nova had to fight several costly legal battles to protect its concept and to continue to offer classes.

One typical legal challenge was when North Carolina refused permission for Nova to teach its classes in the state. Nova went to court arguing that state universities were competitive institutions and had no right to exclusive jurisdiction over an educational concept. The North Carolina Supreme Court agreed, ruling that state law did not give the North Carolina Board of Governors authority over Nova’s courses since the school granted its degrees in Florida, not North Carolina. Refusing Nova permission to teach classes in North Carolina would be a restriction of free speech.

Nova won the North Carolina lawsuit but faced many other challenges throughout the country. Nova had to file lawsuits everywhere it was opposed or had to get injunctions to allow the university to operate in that state. Arkansas challenged the Nova courses because they did not teach Arkansas history; Massachusetts objected because Nova did not have a library at its classroom sites.

Texas allowed Nova to have two clusters in Dallas, but when it opened another cluster in Galveston, the Coordinating Council for Higher Education in Texas said Nova had to cease and desist in Galveston—it could operate only in Dallas. So for three years, Nova
had to fly students from Galveston to Dallas for their instruction. When Fischler planned to challenge the Texas ruling in court, Gordon Sweet asked Nova not to oppose the decision. SACS had received letters from North Carolina and Texas threatening to withdraw from SACS if SACS continued to support Nova. SACS could not afford to lose two prominent states from its association. Fischler, deeply indebted to Gordon Sweet, agreed to withdraw his challenge to the Texas ruling. The commissioner of the Texas college and university system said that Nova agreed “they won’t operate any more clusters in Texas and I won’t raise any more hell about the ones that are already here.”

On an earlier occasion, Sweet had replied to an attack on SACS for being “misguided” in giving accreditation to Nova’s program. Richard Morland of Stetson University had described Nova as “a diploma mill,” and Sweet assured Morland that Nova had been “the subject of a number of evaluations by respectable and reputable persons from recognized colleges and universities.” Sweet concluded that Morland was guilty of sensationalism, uninformed judgments, and irresponsible charges. Sweet’s defense of Nova helped establish the university’s bona fides and helped, at least briefly, to stem the tide of the angry attacks.

Other states used various ingenious means to thwart Nova, and Nova often responded in kind. New Jersey ruled that students who took Nova’s courses in the state could not use them for credit in getting a superintendent’s license or certificate in New Jersey. Although the courses continued to be taught in New Jersey, Nova had the students certified in Pennsylvania. Because of reciprocity, the students would then be certified in New Jersey. In Puerto Rico, Nova attorney Tom Panza reported that when Puerto Rico tried to close down the cluster there, he flew down for a hearing on the issue. The entire hearing was conducted in Spanish, and when Panza protested that he did not speak Spanish, the local officials said, “Too bad.” Once again Nova got creative and chartered a boat to take the students out to sea to attend classes beyond Puerto Rico’s legal jurisdiction.

Resistance came not only from other states, but also from the State of Florida, which tried to restrict the program by preventing Nova from using adjunct faculty to teach the clusters. Florida wanted to require prior state review and approval of “branch classes” established more than thirty miles from a school’s main campus. Hamilton Forman and Tom Panza traveled to Tallahassee to change the minds of the cabinet members. Fischler knew how important this vote would be—if the restrictions held, Nova would not be able to carry out its
field-based programs. Fischler said, “Seven hundred and fifty people would be unemployed, 6,000 students would no longer be going to school, and Nova University would have to close its doors.” Within a few days, Forman had persuaded five of the seven state cabinet members to rescind the restrictions.24

Until 1978, the off-campus programs expanded and prospered, but the many objections to the program began to create problems for Nova. The Cincinnati Enquirer wrote an editorial referring to Nova “as a mail-order diploma school reported in 1976 to be operating out of Florida.” The newspaper’s editor was upset because administrators in Ohio had received pay raises and promotions based on “spurious” EdD diplomas from Nova: “The doctoral degree traditionally has been too highly valued to be had without the most rigorous academic investment. The Nova program, in all honesty, was a conspicuous shortcut.”25

President Fischler fired off a letter defending the degrees and pointing out that SACS had accredited Nova’s programs. The board of trustees gave Fischler permission to pursue redress in the courts. Nova sued the newspaper, the editorial writer, and the publisher. The legal brief defended Nova’s programs and explained that SACS had given Nova University full accreditation in 1975 and that the nineteen-member inspection team included faculty from Harvard University, the University of Wisconsin, UCLA, and the University of Washington. Nova was neither a “mail-order diploma mill” nor an illegitimate university. The suit argued that the Cincinnati Enquirer published these erroneous facts maliciously, knowing they were false. As a result, Nova University “had been defamed, held up to contempt, ridicule, and disparagement before the public,” and its reputation had been harmed. The suit asked for $5 million in compensatory damages and $5 million in punitive damages. Nova won the defamation suit, and the Cincinnati Enquirer printed a retraction.26

In 1979, the Educational Leadership Program suffered another setback as the National Council for Accreditation of Teacher Education (NCATE) denied accreditation of Nova’s doctorate program. The group concluded that the program had only one strength—the use of recognized authorities as instructors—and had several weaknesses. The students did not meet with the lecturers for enough hours, Nova’s library facilities were inadequate, and the fiscal stability of the program and the university was questionable. Although Fischler did not address the negative aspects listed by NCATE, he dismissed the
ruling because the NCATE was unwilling to recognize the value of a nontraditional program.27

Throughout its existence, Nova University constantly had to defend its off-campus programs. At one point the university hired a marketing company to help frame an effective response to the attacks. The Barton-Gillet Company stated that Nova had the toughest marketing task of any educational institution it had studied. The firm urged Nova to emphasize the many and varied programs it offered and to point out the favorable reports from school principals and superintendents around the country.28 As a result, Nova launched a positive series of ads about its offerings.

In 1980, the Chronicle of Higher Education published a balanced article about Nova’s distance education program. The Chronicle quoted Fischler as saying, “If our programs had come out of Harvard, they would have been the greatest thing coming down the pike in higher education.” Other Nova University officials constantly complained about the critics who had been unwilling “to consider the facts and judge the program on its merits.” The Chronicle also included negative comments from educators who maligned external programs because they did not have a critical mass of students and faculty necessary for the collegiality and interchange that existed in a good graduate program. Any good graduate program required quality labs and libraries, which Nova did not have, and also required an intensely researched dissertation, not a work project. Some educators who objected to off-campus programs simply resented the amount of money Nova made and did not believe external programs provided the same quality education as internal programs. The article concluded with a comment from a Nova official, who pointed out that the University of Massachusetts and Pepperdine University were offering off-campus courses much like Nova’s: “They know this is the future. They are taking our model and running with it.”29

Tom Panza, an attorney for Nova, always believed that the university would survive these difficult times, partly because Abe Fischler would not let it fail. Panza thought the distance-learning idea was good and that it was the wave of the future. Because Nova was an independent institution, it could act decisively and effectively because the school did not have to go through all the bureaucracy required of a state university. Nova could develop a curriculum that met a particular need and could do so in a reasonable period of time.30 Today, when almost all major universities use distance learning, the concept
has become widely accepted. At the time, however, Nova had to put up with the sniping and criticism to get the revenue it needed.

**University School**

Marilyn Segal, who earned her doctorate in behavioral science, was one of the first five graduates of Nova University. After receiving her degree, Mickey, as she was known, presided over a small experimental preschool and kindergarten at Temple Beth-El in Hollywood, Florida. The school, known as the Pre-School Private School, was initially the brainchild of Myron Ashmore and a pilot program in which disadvantaged preschool children and tuition-paying students shared an educational experience. Segal, the daughter of A.L. Mailman and mother of five children, earned her degree in English from Wellesley College in Massachusetts and her master’s from the McGill University School of Social Work in Montreal. At the preschool, Segal administered a very innovative type of open classroom environment with individualized instruction.

Abe Fischler knew about Segal’s preschool and was impressed with its initial success. He needed a student population to continue his research into how children learned educational science concepts. Fischler wanted a school with easy access, and he persuaded Mickey Segal to move her academy onto the Nova campus. The new school would be known as the University School, and the Mailman Family Foundation gave Segal $60,000 a year to run the operation.

At the beginning, in 1970, the University School was affiliated with and located on the Nova University campus. Fischler assured the board of trustees that Nova had not taken over financial control of the school. Nova University assumed responsibility for the school’s academic affairs and management, but the University School had its own separate board of trustees.

In 1971, President Fischler requested that the board consider incorporating the University School into the Institute of Early Childhood Education. He argued that bringing the University School aboard would complete the promise made to the SFEC—to provide an educational continuum from the time a child is born through to the PhD. The board balked. They were willing to give the land and supervise the school, but were adamantly opposed to assuming the University School’s $85,000 debt and would commit to a building only if the money were raised through a fund drive.
Eventually, A.L. Mailman agreed to assume the outstanding $85,000 debt and to assist in getting a bank loan for the cost of the new building. In November 1972, after being located on the campus for two years as an independent school, the University School and its assets officially merged with Nova. It would continue to serve as a laboratory school for research in the Behavioral Science Center and for Fischler’s graduate students in education.31 It should be noted that the University School at Nova University was a private lab school and was distinct from Nova High School, which was tax supported and part of the Broward County public school system. The two schools were often confused because both were new, innovative schools and the campuses were very close to each other.

Fischler was perhaps a bit disingenuous in his request for the University School to be affiliated with Nova. He tried to persuade some of the Oatmeal Club members who were also on the board of trustees with his pitch about the cradle-to-the-grave concept, but he also wanted the school on campus for his own research. As the University School grew, Nova had problems housing the students, first in the Rosenthal Center and later in the Parker Building. The acquisition of the University School proved to be a drain on university resources at a time when the school was constantly in debt.

In November 1970, the University School did a self-study explaining its educational strategy and how the school was organized. In 1970, there were 290 students from age two and a half to fifteen. The University School made a concerted effort to recruit African Americans and Native Americans, and enrolled children of all racial and religious backgrounds. The school hoped to maintain a delicate balance between an open classroom setting, a school without walls, and a disciplined freedom while promising to be flexible, innovative, and self-critical.

The University School stressed individual accomplishment relative to one’s ability and expectations rather than performance in comparison with a group. There would be no letter grades. The institution tried to maintain an unthreatening climate; fear of failure was absent. The full development of the child, academically and socially, was the top priority.

In its early years, the University School continued to be a financial liability for Nova, but the school slowly grew and with an increase in student enrollment gradually paid down its debt. By 1975 the University School had a $2 million school complex located on seventeen acres of university land. There was a 42,000-square-foot main
building with a library, classrooms, offices, media resources center, auditorium, and cafeteria. In 1979, there were 950 students supervised by 63 faculty and administrators. Some 60 percent of the faculty held graduate-level degrees. The school had been accredited by SACS and the Florida Council of Independent Schools. It had become the official Head Start Center for Broward County and served as a model training center for other Head Start personnel in the county. The University School would eventually become one of the better laboratory schools in the nation.

**Promoting Diversity**

From the outset, Nova University placed a strong emphasis on recruiting a diverse student body and faculty. Abe Fischler worked diligently to persuade an African American student, Leroy Bolden, to become a member of the first class at Nova. Fischler wanted the community to know that Nova was going to be an integrated institution and that it welcomed minorities on campus. Fischler believed setting the right tone and being sensitive to racial issues should be a major responsibility of any university. Furthermore, he argued that a university campus should create an environment where people would be more accepting of racial and cultural differences. At Nova, the school considered only the capabilities of the individual, not the color of their skin.

Fischler recalled that during the late 1960s and early 1970s in Davie and Broward County, he could not take an African American friend to lunch at the Rolling Hills Country Club. In 1967, in conservative Davie, Florida, there was much local opposition to the transition into an integrated school system. The Ku Klux Klan had a very active presence in Davie, and even in the 1970s, hundreds of people turned out for Klan parades on Davie Road.

In 1972, Fischler risked a firestorm of protest when he invited congresswoman Shirley Chisholm to give an address to the first summer institute of the Educational Leadership Program. In 1968, Chisholm became the first black female elected to Congress, and in 1972, she was the first woman to seek the nomination of the Democratic Party for president of the United States. In her 1972 quest for the Democratic nomination, although her life had been threatened on several occasions, she campaigned in twelve states and won twenty-eight delegates.
Chisholm was heavily involved in her campaign for president when she arrived in Fort Lauderdale in August 1972. Her appearance galvanized the Klan and led to many complaints about Nova inviting a person of color to speak at a university-sponsored event. Fischler refused to retract the invitation, and Chisholm addressed some 250 educational doctoral students. She began by encouraging the local schools to hire more black and minority teachers. If integration of the schools were to succeed, she cautioned, it must be seen not only in terms of race, but also in terms of culture and should be considered pluralism, rather than assimilation. As expected, there was an outcry of protest and a few local citizens urged the board of trustees to fire Fischler because he was “rubbing their nose in” racial integration. The board refused their entreaties.  

Davie was also a hotbed of anti-Semitism, as Jews had long faced discrimination in South Florida. In the 1950s the Anti-Defamation League of B’nai B’rith singled out Fort Lauderdale as “intractable in their discriminatory attitudes”; more than 80 percent of Fort Lauderdale resorts and hotels displayed “restricted clientele” signs. In 1960, Fort Lauderdale remained one of the “sore spots of Florida” since 60 percent of its hotels retained odious discriminatory policies. Abe Fischler described the high level of anti-Semitism when he arrived on campus in 1966. A few members of the board of trustees had reservations about choosing a person of the Jewish faith as president of Nova. Fischler, as president of the university, could lunch at the Rolling Hills Country Club and the Fort Lauderdale Yacht Club, but could never become a member since neither club accepted Jews. However, over a period of years, anti-Semitism waned as members of the Jewish community rose to prominence as leaders and contributors to progress in Broward County.

Law School

In 1973, Alex Schure and Hamilton Forman, looking for a way that Nova University could garner local support from the people of Broward County, declared that it was time for Nova to establish a school of law. A law school was the only realistic option as a professional school since a medical school was out of the question due to cost. Schure and others thought the university, with most of its students off campus in distance-learning classes, needed a strong tie to the
community. The law school would be the foundation that would bind Nova to the community.

Broward County citizens did not usually interact with students and faculty at the Davie campus and generally did not know what was going on at Nova since few courses were available except for graduate study. NYIT’s attempt to start undergraduate classes had not met expectations, and Schure thought that if Nova could develop a good law school, it would be popular with the community and local citizens would send their children to study at Nova. There was a large base of potential students in South Florida since there was no law school of any consequence in the region other than at the University of Miami. Backers argued that the law school would fill a need for more attorneys in the area and would have a favorable economic impact on the county. A key advantage to setting up a law school would be the infusion of tuition money into the leaking university budget and the long-term prestige of having a law school on campus.

Abe Fischler was reluctant to open a school of law since it would be very expensive and he did not want to take on any new debt—Nova could barely meet its expenses as it was. He knew it would be very difficult to build a law school from the ground up. Fischler also knew that Schure wanted the law school and controlled nine votes on the board of trustees, so Schure could get the proposal passed if he so desired. Fischler agreed to charter a law school if the trustees raised $1 million. If they did so, Nova could open its doors in September 1974, but Fischler reminded everyone that Nova did not have the cash to start a law school. He pointed out that the university had to hire a dean, at least four faculty members, and needed a large law library to gain accreditation. All of that cost money. An active fundraising drive for the law school, led by August Paoli, ran into difficulty with local donors and managed to raise only $250,000.

Due to the lack of funding, Fischler was unsure how to proceed. The board of trustees phoned Schure and asked what they should do. Schure replied that they should go ahead and open the law school and he would find some way of providing the funding. The NYIT Board of Trustees approved Schure’s decision, and he then pledged NYIT’s resources and its endowment to the American Bar Association (ABA) as a guarantee that the law school would meet the required ABA’s standards.

Schure believed the law school would be essential if Nova were to endure. He likened the situation to a military campaign: even if you did not have the resources, if the time is right, you have to gamble
and move ahead rapidly. The commitment to build a law school in desperate economic times was yet another example of Nova’s entrepreneurial bent and the school’s belief in taking measured risks. Without Schure’s willingness to pursue his goal in an uncertain economic situation, Nova would not have opened its law school in 1974. Nova succeeded in part because of its flexibility—its ability to modify and change the original concept when necessary and to be always alert to new opportunities.

When first informed of the possibility of a law school, most members of the Nova Board of Trustees were indifferent, while others opposed taking on more debt in such precarious economic circumstances. Some of the local lawyers opposed the idea, contending that there were enough lawyers in the area already. Robert Ellyson favored the law school. He said that nobody ever built a church with money on hand; rather, he said, “You kind of built it with the faith that you are going to get it. You’ve got to believe somehow that it’s going to happen.” As in the past, an unwavering belief in the future of the university helped carry the day.

Abe Fischler used the $250,000 that the Paoli committee raised to pay the professors and dean. He borrowed about $500,000 to stock the law library, and local law firms helped by donating books. Fischler borrowed other funds to renovate the first and second floors of the Parker Building for the library and classrooms. By the second year, enough tuition money was coming in that Fischler did not have to take out any new loans.35

Fischler began organizing the law school by hiring its first dean, Peter Thornton. Thornton earned his JD and LLM degrees from the Brooklyn Law School and was a professor of law at the University of Notre Dame. Thornton was mainly concerned with the basic problems of putting together the foundation of a good law library, a sound curriculum, and an expert faculty. He hired four faculty members and a librarian. He persuaded some local attorneys to fill in as adjunct professors until a full faculty could be recruited. Thornton had a difficult time getting senior faculty to come to a university that barely had its head above water and to begin work in a new law school without a library and cramped facilities. Nonetheless, he managed to attract some highly qualified junior faculty.

Dean Thornton announced that the law school would operate as a full-time day division and would accept only full-time students. No night classes. The applicants had to be eighteen years old and must complete undergraduate requirements prior to entering law school.
Some of the first-year courses would include contracts, property, procedure, criminal law, constitutional law, and legal research. Thornton projected the first-year enrollment at 150 students, with an ultimate enrollment of 500. In 1973, approximately 840 students applied for admission to Nova, 327 were accepted, and 175 ultimately enrolled. The first class averaged a score of 555 on the Law School Admission Test (LSAT) and had a grade point average of 3.09. Acceptance to Nova’s law school was based on the student’s performance on the LSAT, academic achievements, personal character, and aptitude for the study of law. Nova’s applicant pool included several local residents, some of whom were looking for a second career, and many of whom were older than the average law student.

For a student, choosing to attend a new law school was a tricky business. The law school was not accredited in 1973, and without accreditation, a graduate could not take the bar exam. The faculty was new, and the facilities were less than stellar, so anyone who came to Nova was taking a risk. In 1974, the campus was still sparse, with only three completed buildings. One person said it looked like a moonscape. Ronald (Ron) Brown, NSU professor of law, remembered when a law student from Montana, who had not previously visited the campus, came on-site for the first time. After viewing the desolate, underdeveloped landscape, she just sat down and cried.

Nova’s Center for the Study of Law, the fifth law school in the state of Florida, opened its doors on September 5, 1974, to 175 students. The chief justice of the state of Florida attended the opening ceremony, along with a group of distinguished jurists and attorneys. About 56 percent of the new class was under 25 years of age, 14 percent were women, and 45 percent were married. There were five Hispanic students and one African American student in the class.

The Nova law school faced an unusual obstacle in attaining accreditation from the American Bar Association (ABA). The ABA required that all law school faculty have tenure, but Nova University, a nontraditional school, did not offer tenure to any of its faculty. They were all on one- to three-year contracts. Fischler opposed giving tenure to any faculty member since a more traditional law school would be bound and constrained by structure and organization and less willing to be innovative and buy into Nova’s vision of the entrepreneurial spirit. However, the ABA refused to even come to the campus for an inspection visit until Nova established tenure for the law faculty. Nova and Fischler had no choice but to comply, and in 1975 the board of trustees set the standard for law faculty to obtain...
tenure. A law faculty member had to demonstrate scholarly work and outstanding teaching ability during a probationary period not to last longer than seven years. In practice, Nova was now a hybrid university—part traditional, the law school, and the rest nontraditional. Although the law school would eventually pay its own way with tuition money (tuition was increased to $2,600 per year in September 1975), the first few years were difficult. The university tried a fund-raising campaign for the law school, but despite persistent activity, only $15,000 had been accumulated by March 1975. Fischler complained of an extremely tight cash-flow problem in the law school and asked NYIT for assistance to sustain it through this period.

Peter Thornton, who had no previous administrative experience as a dean, had difficulty adjusting to both Abe Fischler and the nontraditional, creative academic environment. Citing the “undue pressure of administrating,” Thornton resigned effective June 30, 1975. The first dean had lasted barely two years.

Fischler moved quickly to select a new dean, choosing Laurance M. Hyde, a faculty member at Nova who had arrived in 1974. Hyde earned his BA and JD degrees from the University of Missouri and came to Nova from the University of Nevada. Shortly after Hyde assumed his duties, on August 12, 1975, the law school received provisional accreditation from the ABA. Provisional accreditation meant there would be an obligatory three-year waiting period, until the first class graduated, before the law school could apply for full accreditation. During that time, the ABA would monitor the law school. Fischler reminded everyone how important ABA approval was. It meant that every current and future student could sit for the state bar exam to be licensed.

The Nova law school began its second year in 1975 with fourteen full-time faculty members and a student body of 330. In 1976, with the completion of the second floor in Parker, the law school had access to four classrooms, three seminar rooms, and a new library. Louis Parker, the original donor for the Parker Science Building, would occasionally walk into the building and say, “What is this law school doing in my science building?”

Law professor Ron Brown, who took up his post as an assistant professor in the fall of 1976, said that he had accepted the position at Nova partly because of the climate and partly because of the challenge and excitement of starting a new law school—“a speculative adventure.” Mark Dobson, also a new professor, admitted that the campus was not very pretty, but he did not mind. He was willing to
commit to Nova for the experience of building something from the ground up.

In Brown’s view, the facilities in the fall of 1976 were less than adequate. There was a very small library on the second floor of the Parker Building and a limited number of classrooms. The classrooms were not well insulated. Instructors had to tell the students to speak up so they could be heard over the class next door.

Brown shared an office with a colleague. Unfortunately, the space was divided by a partition that did not go all the way to the ceiling, so they could hear each other counseling students. If a faculty member needed an office repainted, the professor did the work himself. Brown claimed that one big advantage was the smallness of the law school. It was an intimate group, and they were all in it together. He said, “[In] the early days it was much more like a commune” than a conventional law school. Some of the more mature students were older than Brown, but the age difference did not matter.

In exchange for his salary, the law school expected Brown to perform scholarly research, participate in the annual ABA accreditation evaluation, and teach two classes each semester. His first students were a mixed bag. Some were trapped in the area and chose Nova because of geography, others because they could not gain entrance to the other state law schools. The married students and those seeking a second career, according to Brown, were “absolutely terrific.” Brown taught a number of weak students who required more attention, but that was typical of a new law school. In later years, Brown noted that the academic quality of the students improved dramatically.40

Dean Hyde, knowing that the size and quality of the faculty had to be improved or the center would not get approval from the ABA, hired eight new faculty members in 1976. He also hoped to develop a more scholarly student body as the second class, in 1975, had a composite LSAT average of 539 and a GPA of 2.93, slightly lower than the original class. From that point on, the number of applications and the LSAT scores of entering students increased. Hyde notified Fischler that a student bar association had been organized and that the Nova Law Journal had been established. The Florida Bar Association reviewed the first issue of the law journal and deemed it “an outstanding publication” with a good balance of subjects and with topics of interest to judges, lawyers, educators, and law students.41

The ultimate and overriding goal for Fischler and the Nova law school remained full accreditation. Provisional accreditation came quickly, but Nova could never aspire to be a superior law school
without full and official approval from the ABA. Early problems that the ABA provisional inspection team cited included concerns about the university’s financial state, inadequate facilities, and an inferior library. The ABA expected Nova to improve the student-faculty ratio and to hasten curriculum development. In 1978, the ABA refused to extend the law school’s provisional accreditation because it lacked an adequate building for classes, offices, and the library, and because of Nova University’s financial instability. Nova’s failure to get the money from the Goodwin Unitrust (see Chapter 4 for a full discussion of the Unitrust controversy) hurt its chances, as that money that had been legally donated to Nova by Leo Goodwin Sr., but distribution of the funds had been held up by lengthy and intense litigation.42

During the ABA’s annual inspection of Nova University law school, team members found some areas of improvement, but also some lingering and troublesome problems. The team noted that the law school administration appeared to be strong and competent, that there was an active board of governors, and that student and faculty morale was high. The publication record of the faculty was reasonable, considering that most were relatively inexperienced, and the library’s core collection was solid, but there was an immediate need for a library addition. A promised sum of $5 million from the Goodwin Unitrust would be essential for the effective functioning of the law school as the school had counted too much on revenue from tuition.

The ABA feared that if a school were dependent on tuition, there would be a temptation to process students simply to get their money, rather than set high standards for admission. The evaluation team again expressed grave concern about Nova University’s financial stability and thought that the law school paid more money than the other centers to the central administration to the detriment of the law students. The team worried about Nova’s relationship with NYIT and that the New York school might in some way extract funds from Nova for its own use. The inspection team cited several areas of needed improvement: faculty compensation was low in relation to comparative schools; there was only a minimum amount of student scholarship aid; the faculty-student ratio of twenty-eight to one was too high; the bar pass rate was lower than other Florida schools; and the school needed to make efforts to recruit more highly qualified students.43

The law school faculty constantly objected to the university’s use of money derived from law school tuition. They thought of themselves as the “cash cow” of the school and believed that they were subsidizing the rest of the university—and to a large extent they were. In
1978, the law school contributed $590,000 to the university’s overhead. The law school had increased its tuition in 1981 from $4,050 to $4,250 and expected that money to be used for faculty salaries and improvements to the library.

Dean Hyde wrote President Fischler a stinging letter in September 1978 expressing the law school’s anger: “The law school protests and refuses to acquiesce in the budget process . . . which has attempted to unilaterally increase the amount taken from the Law School’s revenue to support the university and other university programs. . . .” This action deprived law students of the benefits of legal education and deprived “the law school of its autonomy in making educational decisions.” Hyde said the law school felt isolated from the rest of the university, and much of the ill will and alienation resulted from quarreling over allocation of funds. Fischler, fearful of a burgeoning movement to make the law school autonomous, faced a growing rift between his office and the law faculty. The money issue would eventually be solved when Nova received the funds from the Goodwin Unitrust.

Dean Hyde resigned in September 1978. This exposed an early difficulty for the law school: instability in the administration with the rapid turnover of deans. Thornton lasted only a little over two years, and Hyde resigned after three years. The subsequent choices of a triumvirate and dual interim deans to lead the center proved to be unsatisfactory solutions to the problem. Fischler ended the temporary reign of the co-deans when he hired Ovid C. Lewis as the third dean of the Center for the Study of Law on June 10, 1979. Lewis took office on July 1, 1979, and began a period of stability at the law institute.

Dean Lewis matriculated at Rutgers School of Law and obtained a JSD at Columbia University in New York. He came to Nova after a stint as professor and acting dean at Northern Kentucky University Chase School of Law. Ovid Lewis chose Nova because he viewed the law school as a strong, solid, traditional program in an experimental academic environment. Like many other early faculty, he saw “incredible potential” for Nova to become a respected, quality law school. He came partly because of his faith in Abe Fischler as a visionary leader. The law faculty was relieved to get someone who was a worthy leader from an intellectual viewpoint and who gave high promise of being a permanent fixture. Ron Brown found Lewis to be stimulating with many interesting ideas: “He was exciting, fun, and good-hearted.” Mark Dobson noted that the students loved him, although
they did not always understand what he was saying: “He exuded erudition to a fault.”

When Dean Lewis began his term as dean, he was aware of the money problems and the limitations of the library and facilities, but his initial focus was on hiring the best faculty he could find. He encouraged the faculty to become more scholarly and urged them to get more involved with the other centers on campus because interdisciplinary academics would be beneficial to everyone. Lewis declared that essentially he had the autonomy to run the law school as he saw fit.

Dean Lewis knew that Nova was a backup school for many students and that the typical applicant did not earn high scores on the LSAT, nor did the early classes do well in passing the bar exam. Upgrading the academic quality of future students became a priority. Foreseeing the importance of technology, Lewis had eight computers installed for students to use in their research and writing. He called them his “computer confessionals—little cubicles where students could go and confess their ignorance to the computer.”

A major part of Lewis’s agenda was a visiting professors program; he achieved a major coup when he persuaded Arthur Goldberg to become the first Leo Goodwin Sr. Distinguished Visiting Professor at the law school. Goldberg, a U.S. Supreme Court justice from 1962 to 1965 and a former U.S. ambassador to the United Nations, would teach one course on constitutional litigation. Goldberg’s presence on campus gave the law center much favorable publicity and endeared the dean to students and faculty alike.

While Lewis was working to improve the faculty, students, and library, two issues demanded much of his and Fischler’s time and energy. First was the ongoing pursuit of adequate facilities for the law school, without which they could not earn accreditation. In the search for appropriate quarters, the university’s attention was directed to the International Union of Operating Engineers Local #675 Building at 3100 Southwest Ninth Avenue, in south Fort Lauderdale, about nine miles from the Davie campus. The local union had built an office building on speculation with money from its pension fund and was preparing to move from its Ninth Avenue building into a new facility.

The union never completed the second through the fifth floor since it did not plan to use the building for very long. When representatives from the law school visited the site, they saw that the auditorium would be perfect for the law library and surmised that they could build out floors two through five to suit the needs of the law school.
Olympia and York Florida Equities Corporation had expressed an interest in either acquiring a building or constructing a new facility on or off campus to lease back to the university for the law school's use. Olympia and York chose the union building at Southwest Ninth Avenue. After the appropriate renovations were completed, the university leased the building on a lease-purchase from Olympia and York for twenty-three years at an annual rental of $346,500, payable in monthly installments of $28,875. Nova eventually purchased the building for the law school.47

The leasing arrangement with Olympia and York was a great deal for Nova since the school did not have the money to either purchase or refurbish it. Olympia and York, and eventually the university, got a good deal on the building since the union needed to sell. The law school persuaded the ABA that although the law school leased the building, it was and would be university property. The ABA accepted the law school's argument, thus removing a major obstacle to accreditation. In August 1979, the Nova law school moved into its new 64,000-square-foot building. The $2.35 million facility had been renovated at a cost of $750,000.

The new building was perfect for the law center: there was plenty of parking, and it was on the east side of town, closer to downtown and the courts. The old union hall became the library, and the school used the first floor for administrative offices. The third floor contained classrooms, and the fourth floor held faculty offices. By 1979 the faculty had increased to twenty-three, with a ratio of students to faculty of twenty-two to one, and the incoming law class numbered 210, up from 180 the previous year.48

In 1981, the American Bar Association wrote Fischler and Lewis that it had made a close study of the on-site team’s 1980 inspection report and had reassessed the financial status of NYIT and Nova. With the money from the Goodwin Unitrust now available and a new law school completed, the ABA awarded Nova full accreditation.49 The ABA approval proved to be a huge achievement for Nova. The university now had a fully accredited professional school, which increased Nova’s prestige and tied the university closer to the community. Local attorneys would teach courses at Nova and could use the law library, and now parents in Broward County could send their sons and daughters to the local law school. Best of all, the law school would generate a significant amount of money through tuition.

Behind the law school were five acres of land and buildings that were owned by the Fort Lauderdale Oral School, a school for the
By 1979–1980, the Fort Lauderdale Oral School was in financial difficulty and was obviously not operating at full capacity. Mickey Segal took Abe Fischler to visit the Oral School, where they found only six children, from ages three to sixteen, enrolled. Segal thought it was a shame that the school had all those facilities and were not using them. She proposed bringing the school onto the Nova campus. Segal thought it would benefit the hearing-impaired children if they were mainstreamed into a school serving children with normal hearing and given the individual care they need.

Jack LaBonte, a member of the Nova Board of Trustees and chairman of the Oral School, met with Fischler, and they agreed that if Nova would erect a $1 million building on campus, the Oral School would raise the money to pay for it. LaBonte made the agreement because otherwise the Oral School would have failed, and he thought the school would be a valuable addition to the university.

In January 1983, the board of trustees approved the acquisition of the Oral School. The Ralph J. Baudhuin Oral School, as it came to be known, was integrated into the University School, and eventually a new building was constructed to house it. The Oral School became the Baudhuin School because Ralph Baudhuin was president of the advisory board of the Oral School and later gave it an $800,000 bequest. Again, an unexpected gift coupled with an effective business strategy led to the expansion of the campus while satisfying the needs of the hearing impaired in the community.

Nova University had made significant progress in the preceding few years. The merger with NYIT saved the institution and, to some degree, stabilized its finances. The Educational Leaders Program provided a new source of income, and the law school gave Nova academic respectability. The University School and the Oral School expanded Nova’s community outreach and helped realize the founders’ vision and commitment to a cradle-to-the-grave educational system. In 1970, Nova had a viable partner and in Fischler a new leader who would guide the university through turbulent times.