

# ARTICLES

## Deaning for Whom? Means and Ends in Legal Education

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I was an accidental dean. Law school deanship, or any kind of administration, was something that had never occurred to me. But after almost thirty happy and rewarding years as a constitutional litigator, state trial and appellate judge, and frequent law school professor, my dear friend, W. Haywood Burns,<sup>1</sup> asked me to apply for the deanship at City University of New York School of Law (CUNY). Any request from Haywood was a good enough reason for complying.

When, to my surprise, I was selected, I had to confront the more profound question of *why* I should become a law school dean, or, more particularly, why I should become the dean of CUNY. I do not know whether this question is so stark for other prospective deans, who mostly come from law school faculties or have already served as deans or associate deans. From the years of conversations and a quick and unscientific review of “deaning” literature, I also suspect that my reasons for becoming a dean are not those of the majority. But the answer to that question enormously influences both what you will do as dean and how happy and/or fulfilling your deanship will be. I offer my own story and thoughts as an incentive for you to think deeply about what the purpose of legal education, and of the institution you aspire to lead, are for you.<sup>2</sup>

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1. See Michael Ratner & Eleanor Stein, *W. Haywood Burns: To be of Use*, 106 YALE L.J. 753 (1996) for a lovely discussion of the work of the great civil rights lawyer, leader, educator, and my predecessor as Dean of CUNY School of Law.

2. This presentation was part of a panel titled, Promoting Diversity in Deanships. The first, obvious point is that if your aspiration is not directed toward this *particular* law school—what it does, what it is capable of becoming—then don’t do it. There are, however, a cadre of what I think of as “professional deans” (they are more likely to call themselves recidivists) who move from school to school, doing an excellent job putting out fires or building on particular strengths, for whom I have developed great respect. Perhaps you will become one of them. Because, however, this is a SALT conference aimed at people contemplating deanship for the first time, this Article is directed to those still in the early stages of consideration and planning.

I have no doubt that most deans care about their students, the educational and socializing experiences provided to them by law school, and their success, however defined, after graduation.<sup>3</sup> I have not, however, heard or read other deans reveal that *their students* are the reason *they* took and do their job.<sup>4</sup> For me, the students, together with the clients they will serve as lawyers, are *the* reason for being a dean.

In many conversations over the ten years I was dean, I heard a variety of reasons for seeking, holding, and leaving the position. Often, especially among female deans, there was a call of necessity from the institution in which they taught and to which they were deeply committed. For others, especially those who had served as associate deans, it was an obvious, if not always appropriate,<sup>5</sup> next step. Many spoke of the “enterprise” of legal education<sup>6</sup> or the ability to lead or facilitate a community of scholars. Some lucky few extolled the particular mission of their law schools and their desire to further that mission: a purpose that resonated with my personal commitment to CUNY’s public interest mission, “Law in the Service of Human Needs.” But, with rare exception, no one wanted to become dean either *because of* the students, or explicitly in order to serve the client base their school’s graduates would represent.

To check my recollection, I reviewed the *Leadership in Legal Education* Symposia published yearly since 1999 by the *University of Toledo*

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3. A number of articles in the various symposia deal affectionately and respectfully with students as an important constituency. See, e.g., N. William Hines, *Are Students a Dean's Primary Constituency?*, 31 U. TOL. L. REV. 629 (2000) (stating that, while students may not be a dean's “most important constituency,” they are “the constituency most in need of the dean's assistance to assure that their law school experience is as educationally productive and professionally beneficial as possible”). See also *infra* note 9 and accompanying text.

4. Valuing students as *a* or *the* primary reason for being a law school dean is different than understanding and appreciating students as a dean's primary constituency, although the actions of both certainly overlap. See, e.g., Lawrence Dessem, *Ten Things Deans Can Do with Students*, 35 U. TOL. L. REV. 45, 45 (2003) (“As I sometimes remind my faculty colleagues . . . law schools exist because of our students and not the other way around.”); Hines, *supra* note 3.

5. The desire to continually “move up” seems particularly prevalent among lawyers whose successes have secured them positions in legal education, although “promotion” does not always lead to greater happiness. I am reminded of judicial colleagues who have been happy and productive on the trial bench, but for whom an appellate judgeship, with its very different work and setting, has proven irresistible, and disappointing.

6. John Sexton has spoken often of the enterprise of legal education as the “usually unarticulated . . . goal of law schools in the United States” to produce graduates capable and worthy of serving the ideal of the “lawyer as a fiduciary for and conscience of the civil realm” and to “instill a respect for the rule of law and a sense that law is a product of reason, not power.” John E. Sexton, *“Out of the Box” Thinking About the Training of Lawyers in the Next Millennium*, 33 U. TOL. L. REV. 189, 195 (2001). References to the ideals of Thomas Jefferson are common, especially among deans of more elite law schools. See, e.g., Robert E. Scott, *The Lawyer as Public Citizen*, 31 U. TOL. L. REV. 733 (2000).

*Law Review*.<sup>7</sup> Most of the pieces discussed practical issues, like dealing with a dean's many constituencies, and predictably emphasized the faculty and the central university. A small number focused on student services or the importance of "student culture,"<sup>8</sup> but none even suggested, much less named, students as the *raison d'être* of legal education. Similarly, while a few, primarily deans of Jesuit institutions, wrote about their school's missions or special obligations to serve their communities,<sup>9</sup> only one of the hundreds of articles published explicitly foregrounded serving the needs of the law school's client base.<sup>10</sup>

Making the students my primary reason for becoming dean was a relatively easy position to assert as dean of CUNY. I am not undervaluing the superb faculty, hardworking and committed staff, or the many benefits—both intellectual<sup>11</sup> and practical<sup>12</sup>—that came from being part

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7. The symposia solicit material from current and past law school deans. Because authors are encouraged to contribute pieces of relative brevity and informality, many share valuable information, insights, and wisdom. I have borrowed extensively from symposia articles in order to share their thoughts here.

8. See, e.g., David E. Van Zandt, *Building the Student Culture*, 37 U. TOL. L. REV. 171, 171 (2005) (describing students as "our greatest asset" because "[they] have the most to gain from the objective and reputational improvements in the school" and urging an increased and productive role by student service professionals and others in the law school community in building a positive student culture).

9. See, e.g., Jeffrey S. Brand, *Law Schools and the Pursuit of Justice*, 37 U. TOL. L. REV. 13, 14 (2005) (discussing the need for deans to create "an environment that allows students to explore the relationship between law and justice and . . . [that] fosters opportunities for the law school community to engage in activities that promote justice"); Mark A. Sargent, *An Alternative to the Sectarian Vision: The Role of the Dean in an Inclusive Catholic Law School*, 33 U. TOL. L. REV. 171 (2001) (noting the responsibility to instill "[the] ethical and spiritual obligation as lawyers to serve those afflicted by poverty or oppression"). Although she did not contribute to the symposium, Seattle University Dean Kellye Testy is certainly another example. Steven C. Bahl brings a different religious perspective. See Steven C. Bahl, *Leading Students to Distinguish Between Career and Vocation: Reflections From a Lutheran Law School*, 35 U. TOL. L. REV. 11 (2003) ("Law schools should encourage students to understand how they can use their skills, gifts, and passions, as well as their own views of morality and appropriate conduct, within the legal profession to advance justice."). Deans of public law schools also recognize the need for engagement with the community which, at least in part, financially supports the school. See, e.g., Rex R. Perschbacher, *The Public Responsibilities of a Public Law School*, 31 U. TOL. L. REV. 693 (2000) (noting that "[a]s publicly financed law schools, U.C. Law Schools have an obligation to devote greater effort to centering their curricula more around the problems of the poor and less around the problems of the corporate elite"); Barry Vickery, *Are We Gatekeepers?*, 34 U. TOL. L. REV. 179 (2002) (noting the responsibility of state public law schools to the citizens of the state in which most graduates will practice).

10. Suellyn Scarnecchia, *Serving the Most Important Constituency: Our Graduates' Clients*, 36 U. TOL. L. REV. 167 (2004) (noting her background as a clinician in foregrounding the importance of clients and urging development and use of an outcome-based assessment process to serve students and the clients they will represent). Katherine "Shelley" Broderick, Dean of the District of Columbia School of Law is another dean who has consistently demonstrated an extraordinary commitment to the community served by her graduates.

11. The depth and breadth of the faculty at CUNY's eleven undergraduate colleges, six community colleges, graduate center, and graduate schools of social work, public health, criminal justice,

of a great urban university. But CUNY students are, for lack of a better word, breathtaking.

They are incredibly diverse<sup>13</sup> in so many ways: race, ethnicity, class, age, immigration status, sexual preference, abling condition, and especially past life experience. Although some come directly from college, where they have already demonstrated their commitment to social justice, the majority have already done justice work, and in a myriad of ways: as union organizers, reproductive rights activists, AIDS and LGBT advocates, directors of non-profits, educators, domestic violence counselors, and activists in domestic and international human rights organizations. Their vitality, their conviction, and most of all their passion make CUNY an extraordinary place.<sup>14</sup>

Our students continuously challenge, invigorate, and re-invigorate a law school community already committed to social justice. From classroom discussions and the services they provide in CUNY's celebrated mandatory clinical program, to the endless variety of extracurricular justice initiatives they generate, it is the students who make deaning at CUNY so rewarding.<sup>15</sup> In one of my final conversations before making the decision to accept the deanship, I asked Haywood what he most loved and hated about being dean. For obvious reasons, I won't reveal his answer to the second half of the question, but the first was immediate and unequivocal: "the students." Of course!

So, if students are the reason to become a law school dean, what are the implications once the job is yours? First, I think, is ensuring that the

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journalism, and the like are unparalleled. Both the students and faculty at the Law School benefit immeasurably from access to their varied expertise.

12. For example, when we wanted to begin an interdisciplinary program in our Battered Women's Rights Clinic, the Social Work School was an enthusiastic partner in supplying M.S.W. students who worked side by side with law students in attending holistically to client needs. Less seriously, Kingsborough Community College, located on the waterfront in Brooklyn, traditionally opens its beautiful private beach to our graduates at the yearly "Post-Bar Beach Bash."

13. Many deans are understandably, and appropriately, concerned about increasing diversity in their law schools, and thus also in the profession, as the University of Michigan Law School famously demonstrated in litigating *Grutter v. Bollinger*. 539 U.S. 306 (2003). See, e.g., Jerry R. Parkinson, *Admissions After Grutter*, 35 U. TOL. L. REV. 159, 166 (2003) (noting, with regard to admissions, "[a] de-emphasis on the numbers in our admissions practices will benefit many deserving students, not just members of underrepresented groups . . . [and] may benefit the legal profession [as a whole]."). CUNY's mission explicitly includes recruiting and training students from historically underserved communities, and it has been one of the most, diverse law schools in the country.

14. This is not always, however, so wonderful in practice. Having hundreds of students noisily "sitting in" the Law School's lobby in protest of a contentious tenure decision during my five-year "Presidential Evaluation" was hardly optimal. Wishing they would just get up and go to class, I was, however, also secretly proud of them. As I confessed to some of them later, were I in their shoes, with the limited information available to them, I probably would have done the same.

15. It has to be. Salaries for every category of employee, from Dean to I.T. Technician, are at least a third below those offered in all neighboring, as well as more distant, law schools.

admissions process generates students who are right for your school; who truly share the mission; whose life experiences indicate that they will benefit, and benefit from, the educational enterprise; who, at least in the case of CUNY, show the desire and capacity to be participating and valued members of a community of justice;<sup>16</sup> and who, upon graduation and thereafter, want to, and most probably will, serve the client base around which the law school is organized.<sup>17</sup> A school like CUNY, with an excellent reputation in the public interest community both locally and nationally, will attract many such students, but creative and often non-traditional recruitment efforts are also critical, especially to ensure a truly diverse student population.<sup>18</sup>

Learning, of which excellent teaching is only one component,<sup>19</sup> must be at the very center of the law school enterprise; it should be student-centered, taking into account the variety of learning styles, prior preparation, and experience students bring to the classroom, the clinics, and the rest of the educational environment. If you are seriously deaning because of, and for the students, this may not be easy. Legal education has always been "pervaded by status and stratification."<sup>20</sup> The ever-increasing emphasis on faculty scholarship by formal and informal rankings of law schools has necessarily resulted in a decreased emphasis on teaching<sup>21</sup> and student learning. Becoming, or serving as, a dean for

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16. I have written more extensively about the CUNY concept of "the community of justice" in my article, *The Law School In and As Community*, 35 U. TOL. L. REV. 63 (2003).

17. See Van Zandt, *supra* note 8, at 174, for a description of a particularly thoughtful approach to admissions, aimed at securing students "who appreciate [the law school's] culture and affirmatively choose to join it." It is also important to note that "students who think they are in the right place get far more out of a particular school than students who don't. Conviction that they have found a good fit also makes students more confident, more open to experience and more attentive to opportunities." Hannah R. Arterian, *Legal Education and the Tyrannical "Paradox of Choice": Why More is Less*, 38 U. TOL. L. REV. 495, 499 n.33 (2007) (quoting BARRY SCHWARTZ, *THE PARADOX OF CHOICE* 89 (2004)).

18. See, e.g., Elizabeth Rindskopf Parker, *A Dean's Dilemma or Lessons in Diversity*, 37 U. TOL. L. REV. 117 (2005) (describing a proactive effort by her law school to increase the "pipeline" of academically qualified minority candidates).

19. Much of what is deemed "excellent teaching" at many institutions is, as one dean wrote, "often a faculty-centered performance in which the faculty member impresses with the depth of his or her knowledge of the subject matter and his or her ability to tease highly nuanced connections from apparently unrelated portions of the subject. Doing so with humor is a big plus." Dennis R. Honabach, *Precision Teaching in Law School: An Essay in Support of Student-Centered Teaching and Assessment*, 34 U. TOL. L. REV. 95, 100 (2002). He observes, however, that "[a]ll of this makes for good theater, but it reveals very little about the *learning* going on in the classroom." *Id.*

20. Jay Conison, *Success, Status and the Goals of a Law School*, 37 U. TOL. L. REV. 23, 35-36 (2005) (noting the differences between success and high status and urging law schools to avoid the potentially injurious consequences of pursuit of the latter by becoming "more thoughtful in clarifying their goals and in developing means for assessment").

21. See, e.g., Honabach, *supra* note 19, at 97 ("In theory, of course, we all have a three-part duty: to teach, to write, and to serve our community. Off the record, however, we all admit that

students and their future clients presents a real challenge to the dominant paradigm of (name the elite school) wannabeism in much of legal education. Training and educating individual students (as opposed to the increased prestige brought by “better students,” defined by entering LSAT scores) takes a distinctly secondary role.

Students are, and should be recognized as, full members of the law school community. They have much to say about the learning environment and other aspects of law school life.<sup>22</sup> They bring talents that may be of enormous benefit to the law school and may, in some instances, even alleviate resource issues.<sup>23</sup> Students are neither a mere “product” who can enhance the law school’s reputation,<sup>24</sup> nor are they a necessary evil for a faculty that would much prefer to be doing high-status, cutting-edge scholarship.<sup>25</sup> There is much to be learned from students: they know things that the faculty and administration may not, and they provide different and valuable perspectives.<sup>26</sup> Students come to law school willing and wanting to do good, to make a difference, and to foster

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tenure, salary, academic rank, and professional mobility all depend much more on scholarship than on effectiveness of teaching.”).

22. “If we knew our students better, if we understood what they bring to the classroom, if we saw them work under pressure together, I am convinced that we would challenge them more effectively.” Gene R. Nichol, Jr., *Ten Small Lessons from the Campaign Trail*, 33 U. TOL. L. REV. 131, 133 (2001).

23. On many occasions when CUNY had needs which the overworked staff was unable to fulfill, students’ skills and talents (from journalists who wrote for our alumni magazine and musicians who played at parties, to yoga teachers who helped maintain our Contemplative Practice initiative when funding temporarily gave out) provided invaluable help, whether paid at work study rates or freely given.

24. As has been endlessly noted, *U.S. News & World Report*’s annual rankings do much to instrumentalize students, who are expected to bring ever-higher LSAT scores to the law school, uniformly pass the bar, and obtain high-paying, prestigious jobs immediately upon graduation. See, e.g., Ronald A. Cass, *So, Why Do You Want to be a Lawyer? What the ABA, the AALS and U.S. News Don’t Know That We Do*, 31 U. TOL. L. REV. 573, 575 (2000) (“[I]n selecting entering students, schools increasingly attend to the qualities *U.S. News* values in its rankings.”).

25. See Arterian, *supra* note 17, at 501 n.41 (“A[s] law faculty members develop scholarship, they continue to be caught up, with the encouragement of law school deans and faculty mentors in the ‘status’ of the placement of their scholarly articles”).

26. *Grutter*-style arguments for the importance of diversity in the classroom apply equally, if not more so, to the entire law school environment. Faculty at most law schools come from relatively privileged backgrounds and most are white. Students have experiences of racism, classism, heterosexism, and all the other bad “isms” that can help other members of the law school community better understand and work to rid themselves of biases, and make the law school a truly welcoming and productive environment for all students.

justice.<sup>27</sup> They should be listened to, they should be respected, and they should truly be *heard*.<sup>28</sup>

From a more selfish perspective, as one colleague suggests, talking to students may be the best thing for a dean's mental health;<sup>29</sup> it is certainly grounding. I would go further, and say that it is, or can be, one's *love* for the students that ultimately makes the job worthwhile.<sup>30</sup>

But students, while an end in themselves, are the *means* to the other reason for deaning: the service they will provide to clients as graduates and practicing lawyers, and the way that they work with and for clients promotes justice. This means that law schools not only owe students the best possible education and preparation for practice, but that they also owe it to, and should take explicit notice of, the client base those students will serve.

One aspect of this emphasis on client base, and thus what students actually do when they leave law school, is that the students should be prepared for at least minimally competent practice.<sup>31</sup> A law school

27. See, e.g., Brand, *supra* note 9, at 17. This is true not only of CUNY students, but of those from Dean Brand's Jesuit law school as well. When I have spoken at conferences or guest taught at other, often elite, law schools, I heard it over and over from students, though so many fear they will have to abandon their dreams because of law school debt, or family or peer pressure.

28. This does not mean students are always right; often their limited perspective renders "solutions" they propose unworkable. But simply because they do not understand (as it may take a dean years to do) the complex budget process of the central university, it is not the case that they cannot participate in conversations about resource allocation—or even in ways to generate additional resources. And, even though it is often more difficult, sometimes painfully so, I believe that including students in important conversations about the law school inevitably makes those conversations richer and provides better outcomes.

29. Peter Keane, *Interloper in the Fields of Academe*, 35 U. Tol. L. Rev. 119, 121 (2003). My experience was similar. I had a custom of having small-group lunches with first-year students, before which I read the personal statements they had written when applying for admission (I never got through this enormously engrossing task without at least a tear—or several—for the extraordinary things these wonderful young, and not so young, people had already accomplished and the obstacles so many of them had overcome.). The conversations that ensued, engaging with the students as active subjects, were valuable not only in drawing on their many talents, but sustained me when they were, *qua* students, being especially difficult. See *supra* note 16 and accompanying text.

30. The dean of a public law school with a strong access mission wrote, I have had no greater satisfaction as a dean than from participating in the admission, education, and graduation of young people from the minority population of our urban areas and from the traditionally underserved population of [Appalachia] . . . If you believe . . . that education is the premier engine of positive social change, then this is a wonderful place to work.

Allan W. Vestal, "Today the Administration Building Burned Down . . ." *Notes From my First Year as Dean*, 33 U. Tol. L. Rev. 251, 252 (2001).

31. The purported purpose of the bar exam is to ensure that new lawyers are "minimally competent to practice law unsupervised." Ann Fisher, *Examining Ourselves: Observations of a Bar Examiner: An Interview with John E. Holt-Harris, Jr.*, 65 B. EXAMINER 4, 4 (1996). But see Kristin Booth Glen, *Thinking Out of the Bar Exam Box: A Proposal to "MacCrate" Entry Into the Profession*, 23 PACE L. REV. 343 (2003) (critiquing the existing bar exam regime and proposing an experientially based alternative to ensure minimally "competent practice.") While many law schools send

committed to serving any particular client base—whether CUNY’s client base of poor and moderate income people, and immigrants lacking access to legal assistance;<sup>32</sup> or the affluent clients of mid-sized firms;<sup>33</sup> or the corporations, wealthy individuals, and multi-national clients of large law firms<sup>34</sup>—must ensure that its curriculum includes not only “thinking like a lawyer,” but the full range of lawyering skills necessary to competently represent them.<sup>35</sup> Such preparation, and a faculty willing and able to provide it,<sup>36</sup> unfortunately runs contrary to the ever-escalating

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some or many of their graduates to large firms where, at least in theory, they are provided practical training, the considerable majority of graduates going into private practice (with many also choosing understaffed government offices or not-for-profits) will have little or no post-graduate training available. Bridge-the-gap programs, while admirably conceived, do not begin to solve the problems of lack of preparation for practice.

32. This is, largely, the client base described by Dean Scarnecchia of New Mexico School of Law. See Scarnecchia, *supra* note 10; see generally James J. Alfini, *Making the Case for Legal Education and the Legal Profession*, 37 U. TOL. L. REV. 1 (2005) (summarizing legal needs studies showing that substantial numbers of low- and middle-income people are not able to access the services of lawyers).

33. See, e.g., Stephen J. Friedman, *Why Can’t Law Students Be More Like Lawyers?*, 37 U. TOL. L. REV. 81, 81 (2005) (noting that “[the] gap between legal education and the needs of both new lawyers and the law firms that employ them seems to be widening,” and focusing, in particular, on the need for more practice-based education “for the 21.5% of graduates going into practice who are employed by medium-sized firms of 25–250 lawyers.”). *Id.* at 87.

34. See, e.g., Alex M. Johnson, Jr., *Think Like a Lawyer, Work Like a Machine: The Dissonance Between Law School and Law Practice*, 64 S. CAL. L. REV. 1231 (1991) (seeing large firms as the “clients” of elite schools, and urging more attention to adequately and realistically preparing students for their practice).

35. These unquestionably include the ten lawyering skills described in the MacCrate Report, American Bar Association Section on Legal Education & Admissions to the Bar, *Legal Education and Professional Development: An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992), but also require law schools to constantly review the needs of their graduates and the graduates’ clients in light of changing circumstances. See, e.g., Gary Munneke, *Legal Skills for a Transforming Profession*, 22 PACE L. REV. 105 (2001) (advocating building on the MacCrate Report: “[g]iven future trends in society and the impact of change on the legal profession, what are the implications for legal education?,” and focusing on new skills including greater attention to dispute resolution, practice organization and management, including financial management and entrepreneurial skills.). A particular client base may also require attention to practice skills less relevant to others. See, e.g., FINAL REPORT: ABA Presidential Commission on Access to Lawyers (July 21, 2003), at <http://www.abanet.org/legalservices/delivery/accesscommn.html#I> (last visited Mar. 16, 2008) (noting that some lawyers feel that law schools “which matriculate a substantial number of students who enter [personal services] practices should offer a course in law firm management. Few law schools . . . are able to claim that they are equipping students, upon graduation, to be able to manage and start a law firm, or to operate a small business.”).

36. See, e.g., Bradley Toben, *What Should our Students Justifiably Expect from Us as Teachers?*, 33 U. TOL. L. REV. 221 (2001) (decrying the “chronic under-emphasis within the legal education community upon [a faculty’s] fundamental obligations as teachers” and noting legal education’s responsibility “not only to our students, but also to their future clients”). *Id.* at 222. Stephen M. Feldman, *The Transformation of an Academic Discipline: Law Professors in the Past and Future (or Toy Story Too)*, 54 J. LEGAL EDUC. 471 (2004) (observing that, increasingly, law professors identify as *university professors* rather than as lawyers).



competition to populate faculties with prestigious scholars and academic superstars.<sup>37</sup> But concern for, and true commitment to, the client base requires a real integration of theory with practice, that practice skills be explicitly taught<sup>38</sup> and consciously valued,<sup>39</sup> and that, far from shunning those with practice experience,<sup>40</sup> faculties should seek out teachers who can facilitate their students' entry into post-graduate client representation.<sup>41</sup>

Primary commitment to the client base means attention to (and on-going support of) a law school's clinical<sup>42</sup> and pro bono programs, and use of the dean's "capital" to promote initiatives that reflect the realities of the client base[s] and provide assistance to meet the needs of these bases. For example, at CUNY, with a large non-citizen immigrant client base, we created "Immigrant Initiatives," designed to explore the many ways in which law schools could provide services to immigrant communities. Understanding the poor and minority populations served by our parent university, we also created an extremely successful program to provide advocacy and representation for CUNY undergraduates (mostly single mothers) receiving public benefits whose ability to

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37. See, e.g., Alex M. Johnson, Jr., *Having a Faculty That Everyone Wants*, 36 U. TOL. L. REV. 95, 100 (2004) (discussing improving a law school's standing by hiring "superstar faculty").

38. While clinics are not the only way to teach students lawyering skills and prepare them for practice, they are the best legal education has come up with to date. See, e.g., Munneke, *supra* note 35.

39. See Friedman, *supra* note 33, at 93 (describing the pejorative use of the term, "trade school," by those who see legal education primarily as a "scholarly pursuit"). This may require a fundamental change in the culture of a law school, precisely the kind of leadership challenge a deanship focused on students and client base will need to address.

40. I believe it is fair to say that, with few exceptions, the more elite (or higher ranked) the law school, the fewer faculty have any practice experience (other than prestigious clerkships) whatsoever. This was true in 1991. See Robert J. Borthwick & Jordan R. Schua, *Gatekeeper of the Profession: An Empirical Profile of the Nation's Law Professors*, 25 U. MICH. J. L. REFORM 191, 219 (1991) (detailing differences between the "top seven" law schools' faculties and the "bottom fifty-four").

41. The long-awaited Carnegie Report on legal education foregrounds the need to better integrate practice and practice skills with existing legal education. See WILLIAM M. SULLIVAN, ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) [hereinafter CARNEGIE REPORT].

42. For an excellent discussion of community-based clinical education, see Antoinette Sedillo Lopez, *Learning Through Service in a Clinical Setting: The Effect of Specialization on Social Justice and Skills Training*, 7 CLINICAL L. REV. 307, 313 n.40 (2001) (noting, *inter alia*, that "[to] prepare students to practice law in New Mexico is a daunting challenge. [Reasons include] proximity to the Mexican border, multi-culturalism, including the presence of significant portions of Indian Country . . . poverty, the presence of federal laboratories, a fragile high desert ecosystem and a scarce water supply," and arguing for clinics that serve whole communities rather than being defined by subject matter).

continue their educations was threatened by a Draconian “workfare” program.<sup>43</sup>

These were choices the Law School community supported, both because we saw immigrants and poor people seeking to better their lives through education as natural client constituencies, and because the initiatives effectively prepared students to serve those communities after graduation. They were also, however, choices that required the dean’s backing, nurturance, and support for their ultimate success.

A final thought on a dean’s obligation to students and those they will serve: the law school’s responsibility to both does not and cannot end at graduation. However excellent the training provided by a law school, graduates cannot expect to be fully competent practitioners for several—or many—years.<sup>44</sup> Optimally they require ongoing support—in skills acquisition and enhancement, in changes or advances in substantive law, in interdisciplinary opportunities,<sup>45</sup> continuing re-examination of vocation,<sup>46</sup> and opportunities for reflection,<sup>47</sup> support which law schools can and should provide.<sup>48</sup>

There are probably as many ways to do this work, for graduates and their clients, as there are law schools and law school deans. I offer one example, called the Community Legal Resource Network (CLRN), developed at CUNY<sup>49</sup> in response to the needs of its many graduates in

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43. For descriptions of this program, see Stephen Loffredo, *Poverty, Law and Community Activism: Notes from a Law School Clinic*, 150 U. PA. L. REV. 173 (2001), and Kristin Booth Glen, *To Carry It On: A Decade of Deaning After Haywood Burns*, 10 N.Y. CITY L. REV. 7, 38–45 (2006).

44. This point was made strongly in the MacCrate Report, *supra* note 35, which specifically describes a “continuum” of legal education extending beyond law school, and in the more recent CARNEGIE REPORT, *supra* note 41.

45. Here I am referring to the opportunity to work with other professionals and service providers to serve clients more holistically, rather than the most recent trend in “hot” scholarship. See, e.g., Feldman, *supra* note 36; J.M. Balkin, *Interdisciplinarity as Colonization*, 53 WASH. & LEE L. REV. 949, 950 (1996) (noting that “[i]nterdisciplinary scholarship is now an expected part of a serious scholar’s work at most of the elite law schools.”).

46. This is critical for the individual lawyer’s personal happiness and fulfillment, as well as for her ability to best serve clients. See Bahl, *supra* note 9.

47. Lawyers, like other professionals, need to take time to ask, “Am I doing this work as well as I can? What might it take to do it differently or better? Is what I do contributing to the pursuit of justice? Am I making a positive change in the world?” Constant time pressures and a general aversion to dealing with the “big” issues militate against such periodic reflection unless encouragement, facilitation, and structure are readily available.

48. While continuing legal education (CLE) and bar associations often provide useful offerings, they are spotty, frequently expensive, and often not targeted to those practitioners who need them most.

49. CLRN was originally created as part of a four-school consortium with Northeastern Law School, St. Mary’s School of Law (San Antonio), and the University of Maryland. Initial funding for the deliberately experimental projects of the four schools came from the Open Society Institute. After a decanal change, St. Mary’s left the project. The Law School Consortium today has 16 law school members with varying models and projects; all, however, are aimed at assisting graduates in

solo and small firm practices providing services to historically underserved communities.<sup>50</sup> Based in the Law School, CLRN networks graduates (now more than 250 of them), creating a “virtual law firm or legal

services office” with the benefits provided by size<sup>51</sup> while ensuring autonomy and the ability to respond to the legal needs of specific client communities.

CLRN has made it possible—and financially, professionally, and spiritually viable—for its members to do the work in their communities for which so many of them came to law school. There is nothing that makes me happier or more proud than the reports I continually receive from and about CLRN members and the desperately needed services they are so skillfully providing to the most vulnerable among us.<sup>52</sup>

I want to conclude with two stories—or perhaps they are the beginning and end of a single, illustrative story.

In the last of my hurried conversations before deciding whether to accept the deanship, after yet another repetition of the innumerable pros and cons, a wise and beloved friend stopped me. “It’s really much simpler than all of that,” she said. “What does your *heart* say?” Then, of course, the answer was simple, as I hope it will be for you when confronted with a similar decision.

A number of years later I was briefly, but gravely ill. When I was restored to health, after a close brush with death, I asked myself the kind

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small and solo practices with client bases that at least include moderate income individuals. For a general discussion, see Deborah Howard, *The Law School Consortium Project: Law Schools Supporting Graduates to Increase Access to Justice for Low and Moderate Income Individuals and Communities*, 29 FORDHAM URB. L. J. 1245 (2002). See also Law School Consortium Project, <http://www.lawschoolconsortium.net>.

50. When I began my deanship, I met with graduates and learned that many were, in fact, working to fulfill CUNY’s mission of providing legal services to previously underserved communities, often communities from which they themselves had come. I also learned that they faced innumerable and daunting obstacles. They were isolated, financially precarious, in constant danger (despite their superb CUNY education!) of malpractice, technologically underserved, lacking opportunities for professional development, and on and on. CLRN was CUNY’s creative, and now notably successful, response to the challenges these graduates and their multi-need clients presented. For a more detailed description of CLRN, see Glen, *supra* note 43, at 16–38.

51. CLRN is able to provide ongoing training in small business management, critical to the financial viability of these storefront and kitchen table practices, technical assistance and expertise, mentoring from other network members and specialists who contribute their services pro bono, discounts on information services, research capabilities and assistance, tailored CLE, opportunity for reflection, and an “incubator” with conference space and other traditional law firm amenities. Perhaps most important, it provides a structure in which the “practice groups” that make up CLRN envision and carry out a variety of facilitated “justice initiatives.” See e.g., Glen, *supra* note 43, at 16–38.

52. For a recent example, see Jonathan D. Glater, *Lawyers Learn to Be Businesslike*, N.Y. TIMES, Jan. 9, 2008, at B6 (describing the inspiring work of CLRN members and the recently opened CLRN incubator).

of ultimate questions such an experience seems to universally evoke. One question was (and probably should be for us all, even in the blush of good health) “Given the precious and precarious nature of my life on this earth, what is it that I most want to be doing?” As at the beginning, my answer was unequivocal—“I want to be the dean of CUNY Law School.”

If you become a dean, I wish the same answer (with the law school, students, and client base they will serve, inserted in lieu of CUNY) for each of you.