

Knowing Which Deanship Is the Right One

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As with many things in life, timing and “fit” are crucial considerations for both law dean candidates and law school dean search committees. In a recent article discussing why one might not want to accept a deanship, I asserted that one should not “become a dean at the wrong place, at the wrong time, or under the wrong circumstances.”¹ In this Article, I elaborate on this subject and suggest ways in which the dean candidate can avoid the poor fit that might lead to a deanship that is unsatisfactory, either for her as dean or for the law school that otherwise might hire her.²

In order to maximize the chance of a good fit between the dean candidate and law school, the candidate should (1) carefully plan her law school dean search; (2) conduct thorough discovery concerning schools of potential interest during the search process; (3) be candid and open during the interview process; and (4) take time to thoughtfully consider any offers received. Each of these steps in the dean search process will now be considered.

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¹ R. Lawrence Dessem, *Maybe Deaning is Not for You*, 39 U. TOL. L. REV. 261, 261–62 (2008).

As argued in my earlier article:

For those with a possible interest in deaning, the question should never be “To Be or Not to Be” a law school dean. Instead, the question that should be asked is whether this is the “right” deanship opportunity for you at this particular time in your career. Timing and “fit” are crucial to many of our successes in life, and the person who may be a superb dean at one school may not be a particularly successful dean at another, apparently similar, law school.

Id. at 261.

² Concerning dean searches more generally, see Robert H. Jerry II, *A Primer for the First-Time Law Dean Candidate*, 49 J. LEGAL. EDUC. 564 (1999) (from the perspective of the dean candidate); see also R. Lawrence Dessem, *Unsolicited Advice to Law School Dean Search Committees*, 34 U. TOL. L. REV. 55 (2002) (from the perspective of the searching law school or university). See generally ASS’N OF AM. LAW SCHS., LAW DEANSHIP MANUAL 3–4 (1993).

I. CAREFULLY PLAN YOUR DEAN SEARCH

The “dean search process” typically refers to the process by which a law school or university committee searches for a dean. These committees consider the qualities and background that they would hope to find in the ideal dean and then search for specific individuals who fit this profile. Simultaneously, however, individuals who may be interested in a deanship should construct their own profile of the law school that they ideally would like to serve and measure possible opportunities against that profile.

Many dean search committees widely solicit individuals to consider the opening at their law schools and universities. As law professors become known within legal education, they are likely to receive such overtures. Rather than simply respond to the solicitations received, the potential dean candidate should determine whether she is actually interested in seriously considering service as a dean and, if so, at what particular type of law school. The potential dean candidate should carefully plan her law school search. A thoughtful self-analysis of the individual’s own strengths and weaknesses and the environment that would be most attractive in a deanship should be undertaken at the beginning of any dean search process. Careful thought at the front end of the search process can help to focus the search and prevent potential mismatches between the candidate and law schools in the dean search process.

In systematically determining which law school is the “right” one, many of the factors that the potential candidate considered in determining her initial position(s) within legal education or elsewhere will be equally relevant. These factors and their relative importance will be different for each of us, but might include the size and complexity of the law school, its geographic location, the school’s mission, the realistic chances that one would be an attractive candidate for a particular school, and whether the school is public or private, has a religious affiliation, or is part of a larger university.³ For some individuals, this analysis will result in a relatively small number of law schools for which the potential candidate believes she would be a good “fit.” While the temptation is to favorably respond to schools well outside this group of “ideal” law schools, a wiser approach is to limit one’s consideration to this core group of schools, even if this means that the candidate may have to wait a few years for appropriate opportunities to arise. As one attempts to determine the specific schools with which

³ Focusing on the particular attributes of individual law schools also assumes that the individual is actually interested in serving as dean. No two deanships are the same, so the ultimate question is not whether an individual wants to serve as dean, but whether she wants to serve as dean of a particular law school at this specific point in time. Individuals should reach this basic conclusion before considering particular deanships. Compare R. Lawrence Dessem, *Top Ten Reasons to Be a Law School Dean*, 33 U. TOL. L. REV. 19 (2001) with Dessem, *supra* note 1.

one would be a good fit, the candidate should carefully consider different constituencies within those law schools. When faculty speak of “fit” with a particular law school, they typically think of fit with that school’s faculty. It is, indeed, crucial for a dean to have a basic fit with the school’s faculty. However, the dean not only leads and interacts with the law school faculty, but also with the law school’s alumni, donors, and students; the university’s president, provost, and other deans and administrators; the community in which the law school is situated; the bench and bar that are particularly significant to the law school; and national legal educational organizations. The potential candidate may be able to gain a basic understanding of some of these significant constituencies before entering a particular dean search, but much of this information may not be obtainable until the dean search process is underway.

II. CONDUCT THOROUGH DISCOVERY DURING THE DEAN SEARCH PROCESS

While a thorough consideration of potential law schools should be conducted before even entering the dean search process, there is information about particular schools that only can be uncovered during the dean search process. The dean candidate therefore should be certain to use this process to consciously uncover information that will enable her to wisely respond to any deanship offers that are made to her.

Potential candidates can learn a great deal about a law school by considering the materials presented by that school or university in searching for a dean. Is the position description a well-considered analysis of the law school’s current needs in a dean or merely a form document hastily thrown together because of the search? Does it appear that the law school or university engaged in a thoughtful process to identify the true needs of the law school in its next dean? Does the dean search committee include not only law school faculty and university administrators, but also students, alumni, and non-alumni members of the bench or bar? How extensive is the material provided by the law school? Are key documents and relevant information provided up front by the law school, or are candidates merely provided with bare-bones information about the law school and university? Not only is more information generally better, but the openness with which information is provided during the search process may be indicative of how inclusive and open the law school and university are in other respects as well. Candidates also should realize that the information they seek and the questions they ask during the dean search process may reveal things about themselves to a dean search committee.

In addition to the information that the law school affirmatively provides in the dean search process, potential candidates should seek

supplemental information on their own. A tremendous amount of information can be gleaned by a review of a law school's web pages and print material. It may be instructive to approach a law school's web pages as would some of the major constituencies of the law school. A prospective law student will view a law school's web pages in a certain manner, and putting oneself in the place of such an individual can reveal the manner in which the law school portrays itself to a crucial law school constituency.

Candidates should realize that all law schools present both opportunities and challenges. The challenges facing any institution usually are not trumpeted in the same fashion as are that institution's successes. While law school web sites and brochures proudly proclaim noted speakers and significant gifts to the law school, rarely does one find web sites or media releases exclaiming, "Bar passage rate drops still lower—our law school now has the lowest bar passage rate in American legal education!"

If not provided voluntarily by the law school, the candidate should ask for documents such as the law school's most recent self-study and strategic plan, as well as the most recent site reports from the American Bar Association (ABA) and Association of American Law Schools (AALS). Materials produced by the law school provide insight into just how the law school faculty and administrators view the law school and assess its current strengths and weaknesses (and, one hopes, contain a plan by which the law school hopes to move forward in the immediate future). The ABA and AALS documents should provide comprehensive reviews of the law school by individuals who are both external to the law school and are quite experienced within legal education. In addition to such reports, at some point in the search process the candidate will want to ask for the most recent action letters from the ABA and AALS. It is better to learn sooner rather than later in the dean search process if a law school's accreditation or AALS membership is in question.

In addition to information about a particular law school, it is helpful to obtain data that can be used to compare a law school that one is considering with other law schools with which the candidate is familiar. While the American Bar Association provides more extensive data on ABA-approved law schools to such law schools, the most convenient source of comparative law school information is the *ABA-LSAC Official Guide to ABA-Approved Law Schools*. The *Guide* contains two pages of statistical data concerning each ABA-approved law school, as well as an additional two pages of narrative provided by the law school. The dean candidate can use the *Guide* to determine the size of a law school's student body, the size and racial and gender composition of its faculty, the employment patterns and bar passage success of its graduates, the tuition that it charges, and the scholarship aid that it provides. This statistical information is presented in a standard

format for all law schools, thus making comparisons among law schools quite easy. In addition to this statistical information, the law school narrative adds significant additional information about a law school and illustrates the manner in which the law school administration views that law school.

It is difficult, though, to assess institutional culture from any written document; culture is something that only can be ascertained through an actual on-site visit to a law school. What do faculty members say about one another and about the current dean and university administration? Are junior and non-tenured and non-tenure track faculty active participants in the interviews of dean candidates? Do alumni and students have a voice in the dean search process? Not only should the candidate make her own assessment of an institution's culture, but she should also seek insights from others who may know both the candidate and the law school that she is considering. While certainly not determinative, the assessment of the probable "fit" between a candidate and a particular law school by someone who knows both well can be quite helpful in the dean search process.⁴

As with discovery in a civil action, the decanal candidate should engage in both formal and informal discovery early and often as the dean search progresses. While much important information will be provided by the law school itself, additional significant information will only be uncovered through the diligent discovery efforts of the candidate during the dean search process.

III. BE CANDID AND OPEN DURING THE DEAN SEARCH PROCESS

In civil litigation, broad discovery is provided to all parties to the civil action. Such discovery is available not only to enhance the quality of the trial by which the dispute ultimately may be resolved, but also to provide all parties with information about the other parties and their dispute so that the dispute can be settled. Similarly, if the candidate provides the law school and university with information about herself and other competing job searches, the law school and candidate should be able to most successfully and efficiently resolve the dean search process.

Law schools and universities do not initially provide dean candidates with negative information about the law school (at least not intentionally). Similarly, the dean candidate should put her best foot forward in the search process. This does not mean, however, that the candidate should not be candid during the search and interview process. For instance, if one of the

⁴To the extent that they can candidly explain why they believe that the candidate would be a good fit for a particular law school, such individuals also may be very effective references for the candidate.

reasons that a candidate would like to serve as dean is to build interdisciplinary bridges throughout a major research university, she should not be afraid to share this with the dean search committee. If those at the law school or university do not share this vision, they may lose interest in the candidate as a result of this candor. However, it is generally better for the candidate and law school to realize early in the search process that they differ on significant issues than to only discover this at the end of the dean search process. An even more problematic result may occur if a dean only discovers that she is out of sync with a university or law school once she has accepted the position of dean of that law school.

The candidate also should realize that it is unrealistic to talk about a “dean’s vision” for a law school. For a vision to provide the basis for moving a law school forward, it must be shared throughout a law school community. Dean search committees typically ask a candidate about her vision for a law school, often after the candidate has visited the school for less than twenty-four hours. While the candidate should share her preliminary thoughts on the law school, this initial analysis should be qualified as the work in progress that it quite realistically is.

Particularly as the dean search process nears its final stages, the candidate should seriously consider sharing with the search committee the status of other dean searches in which she is involved. The very fact that one is a finalist in other dean searches may be seen as a validation that a particular search committee exercised good judgment in including an individual in its search. Knowing that this is not the only search in which the candidate is participating also may cause a search committee to expedite its search process so that it does not lose a good candidate to another law school because of an earlier offer from that school. Ideally, the candidate will want to know about all possible offers before accepting any one of them. By judiciously sharing information with dean search committees about the timing of other searches, the candidate may be able to avoid a situation in which one committee cannot align the timing of its process with the need to respond to deadlines at competing law schools.

Dean candidates should realize that once they enter a dean search, anything that they say or do may become known to the dean search committee. The American legal education community is relatively small and tight-knit, and it is quite possible that any comments made about a law school or about one’s intentions in a dean search may find their way back to that law school. In smaller communities, in particular, comments made in a restaurant, to a real estate agent, or when checking into a local motel may be attributed to the candidate in later discussions of her candidacy. In some communities the candidates for a deanship may be listed in the local paper or otherwise

become known within that community. Just as a law school dean is typically a very public person, so, too, are many dean candidates.

Candidates should not attempt to force the fit with a law school during the dean search process. Instead, the candidate should candidly reveal just what it is that she is looking for in a deanship. If a particular law school does not comport with the essential attributes sought in a deanship, it is better for both the candidate and the law school to recognize this fact sooner rather than later in the dean search process.

IV. TAKE TIME TO THOUGHTFULLY CONSIDER ANY OFFERS RECEIVED

While a candidate may have quite wisely spent several months in planning her dean search strategy, if an offer is extended she may be asked to respond to that offer quickly. However, this is an extremely important decision for both the candidate and the law school, so the candidate should request the time necessary to respond to the offer in as reasoned and informed a manner as possible.

In fairness to the law school with which she is interviewing, the candidate should be prepared to respond relatively expeditiously to an offer of a deanship. To needlessly delay one's response may put the law school in a difficult position, especially if its offer is ultimately declined. The candidate therefore should research the law school as the search progresses and answer any questions in her own mind about a possible offer before it is ever tendered.

There are, though, some questions that only can be asked once an offer is actually tendered. The receipt of an offer also should crystallize the pros and cons of a position in a way that may not be possible when the position is still a mere hypothetical possibility. Most individuals offered a deanship will want to return to the law school to talk further with key individuals and have unstructured time to "just look around" the university, law school, and the community in which they are situated. The candidate's spouse or partner, and perhaps children, usually should accompany the candidate on such a return trip.⁵ The assistance of the law school or university can be enlisted in scheduling visits with not only school and university officials but with individuals such as real estate agents or school officials who can provide information about relocating to the community in question.

A serious talk with the provost or president on such a return trip should provide extremely helpful information as to the likely fit between the

⁵ Not only will such a visit give a partner, spouse, or children a chance to investigate just what this community may provide for them in terms of employment, schooling, or other opportunities, but these individuals should give the candidate another set of ears and eyes with which to consider the law school and the community in which it is situated.

law school and the individual to whom the deanship has been offered. The new dean typically will be reporting to this individual, and an in-person conversation can be quite helpful in ensuring that these individuals share the same hopes and aspirations for the law school. Such a conversation also should give the candidate the opportunity to ask the provost about his or her future plans at the university. If the candidate's respect and admiration for the provost is one of the reasons that she has been attracted to this university, she may want to confirm that the provost intends to remain at the university for the immediate future. This also is a good time to continue a conversation with the current dean or acting dean that hopefully began earlier in the interview process. Prior deans also can be quite helpful in sharing their insights concerning the law school, the university of which it is a part, and the challenges that they both face.

Each dean candidate has different strengths and weaknesses, along with unique goals and vision for the law school that she might lead. So, too, every law school is unique, and law schools and their needs change over time. If the candidate has conducted a careful search, has secured and revealed significant information as the search progresses, and has taken the time to thoughtfully consider any offers received, the chances of a good fit between the candidate and the law school should be maximized. Good matches between deans and law schools are not made in heaven. They may, however, be constructed here on earth when both the candidate and the law school thoughtfully and systematically analyze their needs in a law school and in a new law school dean.