

Matchmaker, Matchmaker, Find Me the Perfect (Decanal) Match

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I. INTRODUCTION

I have been asked to address the question, “How do you know which deanship is the right one?” Since I am the only panel member never to have served as the dean of a law school, this naturally involves some speculation on my part. I have interviewed for some decanal positions, and have even had my name forwarded to university presidents more than once, but I have never found the right fit premised by the panel’s topic. As a result, a little further into this essay, speculation even ventures into fiction or, as law professors like to call it, a hypothetical exercise.

Here is my roadmap. Being unable to speak about the substance of the assigned topic from experience, I have two choices. My first choice, learned from watching generations of students and politicians, is to answer a different question than the one that was asked. My second choice is to employ the academic’s familiar ploy of talking about process rather than substance. I propose to do both in this short essay, and in that order.

II. ANSWERING THE UNASKED QUESTION

While I cannot answer the question, “How do you know which deanship is the right one?,” I can certainly do a great deal to answer its unasked counterpart: “How do you know which deanships are the wrong ones?” I have experience on this issue, both from my own professional life and from observing many successful deanships and many less successful deanships around the country over the last quarter-century.

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As with any important pairing, it starts with the parties themselves. Among the questions you will need to ask yourself are the following:

1. Are your day-to-day interests well matched to the kind of focus you will need to have if you become this law school's dean?
2. Does your mature skill set meet the law school's needs for decanal strengths in the near and middle terms?
3. Can the law school afford to be tolerant and patient of the professional and related personal areas in which you hope or need to grow in the next few years?
4. Is the law school located in a place where you would be happy to live for an indefinite term, perhaps permanently, or are people who have made this community their home going to realize that you are just passing through?
5. Do you have problem areas in your personality or professional profile that are going to be brought to the forefront by circumstances in this new law school or university setting?

Unless you can provide good answers to these questions, you have found the wrong deanship for yourself. Furthermore, if you are always providing the wrong answers to these questions, especially the first three questions, then you may want to reconsider your decanal aspirations altogether.

If you can honestly give the right answers to these questions, does that mean you have found the right decanal position for yourself and the law school can end its search for a leader? No. These answers are necessary conditions for accepting a deanship, but are hardly sufficient. It is a bit like finding out that a potential mate is, by whatever definitions matter to you, smart, reasonably attractive, solvent-to-rich, and acceptably clean. Those are all important characteristics, no doubt, but what about little matters like religion, politics, sex, and how they squeeze the toothpaste? The list goes on and, in all likelihood, there is no perfect match at this level of information. Indeed, what matters most, once a strong basic fit has been found, is probably the good humor, flexibility, and willingness to adjust as circumstances change and one partner morphs.

Good humor, flexibility, and willingness to adjust also appear to be central features of successful decanal candidates. Some deans, possessing fine technical skills with budgets, programs, personnel management, fund-raising, and the like, seem to founder by becoming fixated on pet projects or by squandering their political capital by taking small tensions

too seriously. Such inflexibility is probably more related to an overall temperament for deaning than it is related to deaning at a particular institution.

Finally, there are the technical skills and personal style that each candidate will bring to a potential match. Is fund-raising your strong suit? If so, how do you go about it? How do you handle staff development under tight fiscal conditions? Are you a hands-on manager or someone who delegates? Do you like meeting new people in crowds or one-on-one? There are hundreds of such questions, the answers to which could help place your candidacy in context. Additionally, an institution's answers to a similar set of questions could help you to determine whether you have found the right fit.

III. WHAT PROCESS DO OTHER FIELDS USE TO IDENTIFY PERFECT MATCHES?

To find new deans, law schools typically put out announcements, some times hire search firms, and seek nominations (and "self-nominations"), talk with candidates, hold "airport interviews," call references, weed out the least acceptable candidates (to all major factions), invite a handful of candidates to campus for one-day campaign stops, and have them meet with the president for an hour. The president then chooses from the names the faculty sends up. Negotiations begin.

How successful is this process? Some deanships turn out very well indeed. However, many U.S. law school deanships last no longer than most Hollywood marriages. Like Hollywood, many of the law schools also trade up on their partners every few years.

Legal education is a deeply conservative field in the sense that we tend to stick with familiar ways of doing things (the Socratic method springs to mind), even when new approaches proliferate in other fields. Fortunately, we have other models to choose from, even when it comes to finding new law school deans. For example, medical students find their residencies by entering into a national system that computer-matches them to openings. Although not every resident gets her or his first choice, the system generally produces solid matches for the overwhelming majority of candidates and positions.

Perhaps a closer analogy can be found in the efforts people make to find spouses. One model that commands our attention, both because it has largely replaced the traditional *yenta* and by the sheer dint of its market volume and modernity, is computer matchmaking sites like Chemistry.com, eHarmony.com, Match.com, and PerfectMatch.com. Such

computer matchmaking has a history going back half a century,¹ and now these firms have applied questionnaires and compatibility theories to an industry that nets over half a billion dollars a year.² In the academic world, such a model has even been used to match freshmen roommates.³

Could this be used for answering the question of how to know when you have the perfect fit?

IV. INTRODUCING D'ACCORD.COM,⁴ THE FIRST LAW SCHOOL DEAN MATCHMAKING WEB SITE

Imagine a law school doing a nationwide decanal search and a candidate entering the national dean market. How would they find each other through D'Accord.com ("the Decanal Accord system")?

On first visiting the web site, you would find the following encouraging statement:

D'Accord has identified 23 major dimensions of personal and institutional character that will determine the perfect decanal match. This allows us to associate every decanal candidate with one or more of several major decanal archetypes that law schools usually seek. Based upon these decanal archetypes and answers that law schools and decanal candidates give to hundreds of very specific personality and institutional profile questions, we are able to match law schools and candidates on the 23 specific measures to determine their ideal matches.

Based upon D'Accord's identified matches, many law schools would choose to go directly to contract negotiations, thus avoiding the entire messy interview process. The law schools would find that this process not only saves countless hours that would otherwise be wasted

1. See *Computer Matchmaker* (CBC News broadcast July 27, 1957) available at http://archives.cbc.ca/IDC-1-75-710-4199/science_technology/computers/clip3 (describing Canadian Broadcasting Company reporter Bill McNeil's 1957 "blind date," arranged for him by a woman operating an IBM computer set up for matchmaking purposes).

2. David Leonhardt, *Computer Matchmaking Stages a Comeback*, INTERNATIONAL HERALD TRIBUNE, Mar. 29, 2006, available at <http://www.iht.com/articles/2006/03/29/business/attract.php> (describing how the computer dating industry, including online personal ads, had become a \$500,000,000 annual industry, surpassing even the online pornography industry by early 2006).

3. Tamar Lewin, *First Test for Freshmen: Picking Roommates*, N.Y. TIMES, Aug. 7, 2003, at A1, available at <http://query.nytimes.com/gst/fullpage.html?res=9C05EEDD1731F934A3575BC0A9659C8B63> (describing how the same software used to computer-match singles for dating purposes was used by Emory University in 2003 to match incoming freshman for housing purposes).

4. This is, of course, an imaginary web site and, because apostrophes are forbidden in URL designations, there is no risk that this site will infringe upon an actual registered site. Francophones will, however, understand my choice of the D'Accord site name.

by productive people on dean search committees, but it would also allow successful candidates to get more transition time or to start a semester earlier. In addition, candidates without perfect matches would produce more scholarship in the time they have saved.

What are examples of some of the different types of decanal candidates that law schools may be seeking?

- Some law schools may want an **Insider** as their dean, perhaps because they are comfortable with their own law school's evolution and values.
- If there is internal or external conflict to overcome, the law school may seek a powerful **General** or thoughtful **Judge** as its dean.
- If the law school needs to rebuild its public image and mend its fences with the public or the legislature, it may choose a charismatic **Diplomat** or a well-connected **Politician**.
- A law school that is in a building or rebuilding phase, figuratively or literally, may seek a well-heeled **Financier** or a **Visionary** architect of programs or campuses.

Know which type of candidate you can represent so that you can get a feel for whether any particular law school is a good fit for you. Naturally, D'Accord's questions can help you to figure this out.

In addition to identifying decanal archetypes, D'Accord would ask some basic questions similar to the age, location, and religious preference questions on dating questionnaires, and several more sophisticated, in-depth questions designed to create individual institutional and candidate profiles. Among the more basic questions asked of candidates by D'Accord are questions that seek to learn the candidate's preferences for:

- *Location:* Urban or Rural
- *Size:* Large, Medium, or Small
- *Fund Sourcing:* Public or Private; Well-Endowed or Tuition-Dependent
- *Affiliation:* Independent or University-Connected
- *Programs:* J.D. only, graduate division also, graduate division only⁵
- *Politics:* Conservative, Pluralistic, or Liberal

5. If this latter selection interests you, please keep in mind that the Army Judge Advocate General's School is the only ABA-approved law school in the United States that does not have a J.D. program. See American Bar Association Section of Legal Education & Admissions to the Bar, <http://www.abanet.org/legaled/approvedlawschools/approved.html> (last visited Jan. 12, 2008).

Atmosphere: Deeply Devout, Religious, Secular, or Downright Profane

Your answers to these questions will speak volumes about which law schools would be right and wrong for you, even before considering your precise skill set and what the law schools need and want.

The in-depth individual and institutional questionnaires form the heart of what makes D'Accord's deanship matching process so special. In these questionnaires, D'Accord would ask you about wide-ranging topics, from your strategic vision, your people skills, your management style, your approach to diversity, your reaction to rankings, your ability to manage crises, your reactivity and proactivity, your development of faculty and staff, your promotion of scholarship/teaching/service, your ability to work with university leaders, your connectedness to alumni, and your sense of a dean's roles. We would also ask each law school to fill out a similar questionnaire.

When all the data was in, D'Accord would produce a unique Decanal Personality Profile (DPP) for every candidate and a unique Decanal Search Profile (DSP) for every law school in each year's search pool. Your candidate DPP would allow D'Accord to present you with an evaluation of your skills in various areas. Some of these areas include strategic thinking, budgetary analysis, fund-raising, commitment to diversity, scholarship, management skills, institution-building, and decisiveness. In varying degrees, these are the kind of qualities that law schools seek in deans. On the basis of those DPP and DSP evaluations, D'Accord would be able to provide each candidate and each law school with information about their best matches. Given how many more candidates there are than openings, D'Accord could also tell many candidates that it was not their year for a good match, saving them countless hours in futile interviewing, or worse yet, years in filling unsatisfying deanship positions.

V. CONCLUSION

The key is self-assessment. Anyone seriously entering the deanship market has built experience, expertise, and credentials befitting a decanal candidate. What is more difficult, and what is demanded by the question "how do you know you have the right fit," is to assess your own skills, deficits, and desires in order to judge them against what you learn about a particular decanal opening. As the hypothetical D'Accord process demonstrates, it may be useful for us to compare the decanal hiring process to those offered elsewhere.

The D'Accord.com hypothetical is, of course, just a fantasy. Its purpose, however, is quite real—to get all of us to think about what

qualities, both general to law school administration and specific to particular decanal opportunities, make for good matches between candidates and positions. These considerations range from general to law school administration and from specific to particular decanal opportunities. By taking the match-making issues out of the too-familiar context of decanal interviews and placing those issues in the somewhat familiar, obviously inappropriate, but usefully different context I have chosen, we can look at these issues in a fresh light. To that end and to help you imagine D'Accord's special questionnaire process, I am attaching a sampling of possible D'Accord Candidate questions as an appendix to this essay.

The key to answering the question "How do you know which dean-ship is the right one?" begins with the personal challenge identified by the Greeks millennia ago—to know ourselves. Only then can we begin to know our relationship to others.

SAMPLE QUESTIONS FROM THE D'ACCORD.COM WEBSITE

For each statement below, please indicate your response according to the following scale:

- (A) Agree strongly
- (B) Agree
- (C) Disagree
- (D) Disagree strongly

It is not expected that you will agree with every statement or that all candidates will agree with each other!

Sample Statements on Law School Missions

1. Mission statements are primarily for external consumption.
2. Law school mission statements should focus on the three fundamentals: teaching, scholarship, and service.
3. Mission statements should distinguish individual law schools from competitor institutions.
4. Religiously affiliated law schools serve a vital role in exploring sources of law broadly neglected by secular law schools.
5. A new dean should revise the law school's mission statement to reflect her or his goals.

Sample Statements on Deaning

6. The trend towards taking non-academics as law deans is healthy for legal education.
7. Deans should rotate the associate academic deanship among members of the faculty.
8. Deans should have no more than seven people reporting directly to them.
9. Deans should continue to publish scholarship throughout their deanship years.
10. Deans should teach at least one course a year.
11. Deans should make independent judgments in rejecting candidates for tenure, rather than just accepting tenure committee recommendations.
12. Deans are like fruit—if they hang on too long, they start to rot.

Sample Statements on Faculty

13. Except at the most elite institutions, law schools should avoid hiring alumni as faculty members.
14. Faculty tenure committees should operate free from decanal involvement until they make their final reports.
15. Full-time legal research and writing faculty should be on the tenure track.
16. Full-time clinicians should be on the tenure track.
17. Full-time, dual-degreed law librarians should be on the tenure track.
18. Faculty who have not published or done significant service in many years should be strongly encouraged to retire.
19. There is a strong correlation between doing good scholarship and being a good classroom teacher.
20. Law faculties have a self-reinforcing liberal bias in hiring.
21. Collegiality should be important in determining tenure, even if it is not in the law school's standards.

Sample Statements on Students

22. As nascent professionals, students should be subject to a self-regulatory honor system while in law school.
23. Law schools have an obligation to monitor student speech in campus chat rooms.
24. Incoming students should be warned about placing incriminating information on MySpace, FaceBook, and similar social networking pages.
25. Interstudent social activity off-campus should be regulated by campus disciplinary codes if it affects classroom or program activity.

Sample Statements on Diversity

26. Greater diversity in a law school's student body will lead to better legal representation of the service area's underserved communities.
27. Greater diversity in a law school's student body will lead to better classroom discussions.

28. A public law school's student body should reflect state and regional demographics.
29. Achieving student body diversity is consistent with raising admissions standards.
30. Achieving faculty diversity is harder at lower-tier law schools.
31. Admissions and scholarship programs that consciously consider race and ethnicity are helpful tools in the quest for diversity.

Sample Statements on Fund-raising

32. Fund-raising is about convincing people to give their money to the law school.
33. Fund-raising is about sharing a common vision of the law school.
34. Fundraising is about getting people to describe their dreams for the law school.
35. In fund-raising, it is important to concentrate on the happy alumni because the angry alumni will not give to the law school.
36. The key to fund-raising success for any law school dean is cultivating good relationships with university fund-raising personnel.

Sample Statements on University Relations

37. Because of their pay and expertise, law professors should contribute more to university governance than members of other university faculties.
38. Law faculties are generally seen as "playing well in the university sandbox" with the other faculties.
39. Legal scholarship is as respected as history scholarship, economics scholarship, and medical scholarship among academics.
40. The dean must be prepared to explain to law faculty members why they are supporting the university's sports programs.

Sample Statements on Teaching

41. The Socratic Method is an excellent pedagogical approach to training lawyers in the substance and skills of the law.
42. Faculty members should be free to ban laptops or internet access in their classrooms.

- 43. The Dean should lead the faculty to implement pedagogical changes described in *Best Practices in Legal Education*.
- 44. In order to reach today's law students, good teachers need to incorporate more technology into classroom pedagogy.
- 45. Stress is an important and positive part of the law school classroom environment.
- 46. A single, end-of-semester examination is a highly effective way to test law students' substantive knowledge of course materials.

Sample Statements on Scholarship

- 47. The quality of a law faculty's publications is more important to the law school's reputation than the quality of the faculty's teaching.
- 48. Casebooks are a significant form of legal scholarship.
- 49. Only scholarship in primary journals at top-tier law schools really helps the law school.
- 50. Deans should read and acknowledge all scholarship produced by the faculty each year.
- 51. Blogs are a form of scholarship and need to be recognized and rewarded as such.

Sample Statements on Service

- 52. Law schools should require all students to perform pro bono service as a condition of graduation.
- 53. Publishing papers for judicial training conferences is service, not scholarship.
- 54. Protest marches and petition drives are forms of community service for faculty members.
- 55. Law schools should give students excused absences for *pro bono* activities.
- 56. Every faculty member should be expected to perform some sort of community service or legal *pro bono* service each year.

Sample Statements on Accreditation and Rankings

- 57. The ABA accreditation rules do a good job of ensuring quality legal education.

58. *US News & World Report* is fairly accurate in its rankings of law schools.

59. Bar passage rate is the most important indicator of a law school's success in educating students.

60. It is justified to move weaker incoming students from FT status to PT status if it will improve the Law School's reported ABA statistics or *US News* ranking.

61. Volume count is a strong indicator of law library quality.

62. The ABA should drop its emphasis on having law schools exceed the listed accreditation standards.

63. The ABA should accredit on-line law schools that demonstrate that they provide a good legal education to students.

Sample Statements on Style

64. Leaders need to be friends with those they lead.

65. Leadership is best exercised by example.

66. Leaders need to be in control at all times.

67. Leadership is about managing expectations.

Sample Statements on General Background Matching

68. I have never before served as a law school dean or associate dean.

69. I have run a law school before, as an associate academic dean.

70. I have served as a law school dean once before.

71. I am a decanal recidivist.

Sample Statements on Reasons for Wanting to be a Dean

72. I want to be dean at a law school in trouble, because I am a problem-solver who needs to feel needed.

73. I want to be dean at a law school that has struggled with fundraising, because I have the great people skills to turn such a history around.

74. I want to be dean at a law school that has a large endowment, which we can use to build my visions.

75. I want to be dean at a law school that has recently been through its accreditation process, so that I am not distracted from my goals for the institution.

76. I want to lead the law school into its self-study and accreditation process, so that I can imprint my goals upon the institution.

77. Whatever the size of the endowment and whatever stage of the accreditation process the law school is in, I am eager to listen to people's dreams for the institution and to help them work to achieve those dreams.