COMMENTARY

Session 1: Deciding To Become a Dean

Kevin R. Johnson†

Because I am not a dean or former dean and quite possibly may never be one, I feel somewhat out of place on this panel.

Although I have not been a dean, I have been an associate dean for ten years and have long watched a master dean at work. I also generally know something of the intricacies of the dean selection process, having been through various stages of a number of dean searches as either a participant or an observer. Based on that experience, I want to present you with a handful of questions that may help you decide whether to apply for a law school deanship.

First, why become a dean? This is the million-dollar question. It is a critically important question to ask yourself. To adequately answer that question, you must ask some related ones: What are the rewards and challenges of deaning? When is the right time—professionally and personally—for me to be a dean? These are as much personal as professional queries.

Consider the many duties of the modern law school dean. A law school dean today is a leader (intellectual and otherwise), administrator, fund-raiser, mentor, diplomat, problem-solver, member of the faculty, and much, much more. I think that many faculty members would be shocked at the range of problems that regularly land on the dean’s desk. As an associate dean, I have dealt with an incredibly diverse array of issues, from tenure applications to janitorial trash collection, from teaching course assignments to personality disputes among student editors of the law review. Deans get to deal with an even more diverse and complex set of problems.

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Moreover, as Rennard Strickland1 said, it is critically important that we see greater diversity in the deanships across the country. I am deeply committed to that end. Deans have incredible discretion and can do a large amount of good, but they also can do some bad. Several minority deans have stepped down in recent years and we need good people to fill their shoes. At the same time, the dean selection process is something akin to a scary roller coaster ride, definitely not for the faint of heart.

Dean searches are always long and arduous, especially for the candidates. They are, in many respects, the equivalent of a marathon, a true test of endurance. An awful lot happens very quickly. It is an amazingly intense experience, with many stories to tell after the search is complete. Like a marathon, one should not enter a dean search without an extensive amount of preparation.

First and foremost, the dean selection process is an extremely political process. Interviews are as much like a political campaign as anything else. A dean interview most definitely is not like interviewing for any other kind of academic job or, for that matter, any other job that I have ever had. That perhaps is to be expected. There are a great many more skills required to be a good dean (not the best job in the world) than a good faculty member (the best job in the world).

To complicate the politics of the dean selection process, each constituency in a law school has a different fear about a new dean and thus looks for something different in the dean candidates. Faculty members are worried about issues including salaries, research, course assignments, sabbaticals, and the scholarly direction of the school. Clinical professors tend to be worried about the clinics and are often concerned about their status as clinicians in the law school hierarchy.

In contrast, staff members are worried about losing their jobs (recall that they lack the relative safety and security of tenure) and getting overwhelmed with new work from an ambitious new dean who may not, in their view, know how things work at the institution. Students and

1. Rennard Strickland is a professor at the University of Oregon School of Law and was dean of the law school from 1997–2002. A legal historian of Osage and Cherokee heritage, Professor Strickland is considered a pioneer in introducing Indian law into the university curriculum. He has written and edited more than thirty-five books, and is frequently cited by courts and scholars for his work as Revision Editor in Chief of the Handbook of Federal Indian Law. Professor Strickland has been involved in the resolution of a number of significant Indian cases. He was the founding director of the Center for the Study of American Indian Law and Policy at the University of Oklahoma. He is the first person to have served both as president of the Association of American Law Schools and as chair of the Law School Admissions Council. He is also the only person to have received both the Society of American Law Teachers (SALT) Award and the American Bar Association’s Spirit of Excellence Award. Professor Strickland spoke on a panel before Dean Johnson’s presentation.
alumni have their own sets of interests and concerns, which are incredibly important to them, but considerably less important to the faculty and staff. It is next to impossible for a candidate to adequately calm the fears of all the varied law school constituencies.

Also, keep in mind that minorities and women are likely to come under greater, and qualitatively different, scrutiny than other candidates in the dean selection process. I have a friend who once was a dean of graduate studies at a prominent research university. When interviewing for administrative posts, she often is asked—despite years of high-level university experience—whether she is good with budgets. She feels that this question is posed to her not because of any specific knowledge about her skills, but rather because she is a woman and, as the popular stereotype has it, women are not good with numbers.

As a minority candidate, I regularly am asked about my views on "diversity" among students and faculty and whether I can raise money from "conservative" (i.e., white) alumni. The latter question was raised out of the blue by a university president. My sense from talking to dean candidates is that minority candidates are often asked similar questions.

To prevail in the political campaign that is the dean selection process, you must respond carefully and diplomatically to these sorts of queries as well as all others. Recall also that what you say in one room during the interview process will be repeated again in another room during a different part of the process. One misplaced one-liner will be repeated again and again and can ultimately doom a candidacy. It is always important to tell the truth and the whole truth, but in a diplomatic and non-threatening way.

What do law schools want in a law school dean? One thing that every law school wants (you will never make a mistake if you say this) is a dean who will take the school to the "next level." Every school wants to ascend to the next level. Harvard wants to be a better Harvard. Yale and Stanford are no different. It is hard to convey just how important rankings, with all their flaws, are to many law school constituencies, including campus administrators, faculty, students, and prospective students, alumni, and staff. A dean candidate should emphasize that, if fortunate enough to become dean, he or she will make every effort to take the school to that "next level." Although I say this tongue-in-cheek, there is much more than a grain of truth to this piece of advice.

Law schools look for deans who are all things to all people. Virtually everyone wants a skilled administrator, a great and proven fundraiser, a super-star scholar (the most frequently sacrificed aspiration in a dean), a leader committed to his or her institution, and much more. But
they also want someone who, among other things, is going to make everybody in the building happy while increasing job placement rates; someone who is going to attract a “better” student body (almost inevitably defined as one with a higher median LSAT score than the current class); and someone who is going to increase the school’s ranking in the much-maligned, yet critically important, *U.S. News & World Report.*

In essence, every school basically wants a dean who can walk on water. As far as I know, there are not many people, dean candidates or otherwise, who can pull that trick off. This should give you an idea about how hard it is to please law school faculties. It also should give you confidence that you can be a dean. After all, every one of you can walk on water just as well as anyone else!

Remember that the selection of a law school dean is a political process and you must figure out whether there is something that you can champion in promoting your candidacy. Ask yourself: What can you do for the law school? To answer this question, know what you are getting into ahead of time. Do your homework before you decide to throw your hat in the ring. Before you formally apply for a deanship, figure out whether you see yourself and the law school as a good “fit.”

Before I suggest how you might go about answering the “fit” question, a cautionary note is in order. It is generally sound advice to carefully think over the pros and cons of a particular deanship before applying for a deanship. Keep in mind that if you do not get a deanship and feel that you have been poorly treated, which can happen to the best of dean candidates, it will affect you personally as well as professionally. The dean selection process can be a very public process. Friends and colleagues will ask about “what happened” in a failed dean search. At the same time, there is a certain melancholy that accompanies the disappointment of a dean search that goes awry (even if you ultimately are offered the job).

You should not—I repeat, not—enter the dean selection process unless you are truly prepared to go for the gold ring and are willing to take a lump or two (or twenty). There are many other ways to have a much better time, with a much less intense set of experiences and less wear and tear on the ego. And remember that, as a faculty member, you currently have the best job in the world.

But back to evaluating whether the school is the right fit for you and your skill set. Make sure to take a very hard look at the school and what it has to offer before you get involved in the dean selection process.

Know the school’s finances. Know the budget and where the money comes from. Know the school’s job placement rates. Know the student body. Know the alumni base. Armed with that knowledge, figure out what you can contribute to that school to take it to the “next level.”

Pay attention to the *U.S. News & World Report* rankings. Some faculty members almost undoubtedly will inquire into how you as dean might help move the school up in those rankings. This requires in-depth knowledge of how the school fares in various rankings criteria. For many faculties, the school’s ranking is a major and continuing irritant. Few schools believe that they are ranked too highly and many—perhaps most—schools believe that their contribution to legal education is undervalued. Most law faculties believe that their school belongs higher in the rankings. A candidate must have a plan and a thoughtful response to the inevitable questions about the law school rankings.

You will also want to learn about that law school’s recent dean history. Every dean search is in part a reaction to the last dean. If generals fight the last war, law faculties often fight the last dean. Put more neutrally, law schools respond to the last dean. Consequently, it is critically important to know how the faculty perceived the performance of the last dean. Sometimes, they feel the dean was great and want someone just like him or her. More frequently, the faculty feel that the last dean could have improved on one (or more) of a dean’s critical functions, such as fund-raising, promoting faculty scholarship or collegiality, or something else. The perception of the last dean’s performance is a very important piece of information to have before you interview for the deanship of a law school.

One of the most important issues in the dean search process is fund-raising. Most law school constituencies want the law school dean to bring in money like manna from the heavens. Because the average law dean only lasts three or four years in his or her job, the honeymoon period is extraordinarily brief. You are expected to hit the ground running, to raise a lot of loot fast, and to continue to do so throughout the deanship. Accordingly, give serious thought to your desire to be a fundraiser, with the time commitment that it entails, before you think about deanships. Fund-raising unquestionably is not for everybody, but it is one of the huge time commitments of the modern law school dean. The various candidates’ fund-raising potential is a much-discussed issue in virtually every dean search.

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3. *Id.*
Perhaps not surprisingly, scholarship often is secondary to most everything else in the dean searches of many law schools. I have gone through dean searches in which hardly a question was asked about my scholarship, which I personally found disappointing. That omission reveals volumes about a law school, its priorities, and its aspirations. Some law schools, in fact, want a scholar to lead their school. However, many schools are willing to sacrifice a dean who is a respected scholar for one who has other important qualities, such as fund-raising experience.

The last question I will leave you with is one that is very important in virtually any dean search: What is the University administration like? Or, alternatively, what does the university president and campus leadership want in a law school dean? Finalists in a dean search generally meet with the president of the university (or the equivalent), as well as other campus leaders. University administrations have a range of goals in selecting a law dean. It could be, to offer some examples, to maintain the status quo, turn the law school into a scholarly powerhouse, whip the law school faculty into line, obtain a *U.S. News & World Report* ranking higher than a rival school, or simply not ask for too much from the central campus. It is very important to know if you can (and want to) advance what the administration wants a dean to pursue, because that will give you a better idea of the kind of job you can do in that deanship.

Finally, and related to what the campus administration wants in a dean, a dean candidate must also evaluate the resources that a campus administration is willing to invest in the law school. The available resources will greatly impact what a law dean can hope to accomplish. For example, faculty positions are something that every law faculty wants a new dean to bring to the school. In recent years, some universities made their new deans successful right off the bat by providing them with large numbers of new faculty positions (ten or more in at least two recent dean hires). Such success has set the bar very high for future dean candidates. Therefore, knowing both what the administration wants and what the administration will invest are critical to your evaluation of the position and what kind of success you can expect.

I hope that these questions and bits of advice, assembled from my years as both an applicant and as an associate dean, will be useful to you in deciding whether to pursue a deanship or in preparing for your candidacy.

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4. *Id.*
Commentary

Peter Alexander†

Good morning, everyone. I am Peter Alexander from Southern Illinois, and I realized that I have two things in common with Professor Rennard Strickland, who preceded me today. First, Rennard is one of my predecessor deans at Southern Illinois University. Second, like Rennard, I hated law school. I hated everything about law school; I hated the way we did it, the people who did it, and the people with whom I did it. I just hated everything about it. However, during the last week of my third year, one of my professors, Judy Brown, came to me and said, "I see you doing this someday." I thought she was absolutely crazy. So, if some of you think you will never be a dean, or would hate to be a dean, do not dismiss it, because you never know. There are a lot of people who will give you helpful tips and encouragement. Think about the things that people are saying to you because you are here and you are interested. Your colleagues probably have told you that you should be here and you should be doing this. I want to encourage you to do it because, even if you think you cannot or should not do it, or would hate to do it, there might be a school out there for you. That is really the taking off point for me.

The school I am at happens to be my undergraduate alma mater. I had the most wonderful four years of my life as an undergrad at Southern Illinois University; I loved it so much that I graduated in three years. I ran for student body president as a third-year student, and I won. The interim university president at that time was a man named Hiram Lesar. Hiram was the interim president, but he was best known for being founding dean of the school of law. He was also my mentor.

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1. Professor Rennard Strickland served as a professor and dean of Southern Illinois University School of Law from 1990–1995. Recently, Professor Strickland was named the 2007–2008 Fletcher Jones Distinguished Visiting Professor at Law at the Chapman University School of Law.

2. Professor Hiram H. Lesar served as dean of the Southern Illinois University School of Law from its founding in 1972 until his retirement in 1980.
When the deanship at Southern Illinois became available, many of my colleagues encouraged me to think about doing it. I went through the process, and I think a couple of things helped me. I loved the school; I loved the experience. My mentor was the founding dean of the law school, and it just all fit; I thought I was uniquely situated for the position. Through the process, I kept saying that I am applying for one job, at one school, and it is my school. That was my theme throughout. If you can find a connection with the school you are applying to and stay on message, people will begin to talk to one another about that throughout your interview process. By the time I got to the later groups, they all said that they realized I was coming back home to my alma mater and that it was wonderful. The message precedes the messenger after a while. The provost at the time said he would like the law school to be more integrated into the life of the university. It was perceived as being on the fringe, different and apathetic towards getting involved. There were little things that irked the university; for example, we have a university homecoming and the law school had something called a fall gathering that was always on a non-football weekend. They were just little things and I kept thinking, "Oh, how hard can this be?"

One of the things you usually have to do during the interview process is speak about what your goals are with the school and how you will lead. The school sent me materials stating that they wanted to be regarded as among the best small public law schools in America, and I just thought that I would play off of that. I created my PowerPoint slides in an architectural font and used architectural images, calling it "Building the Best Public Law School in America." I said, "Why settle for being regarded among the best? Why shouldn't we try to be the best?" That was my theme for my campus visit.

During my visit, I noticed that the law school was not a very diverse community. There was only one African American faculty member and only three percent of the student body was of color. This is at a university that is twenty percent diverse and had African Americans in their first class in 1869. The law school was completely different in its kind of ethos. You might know that World Church creator Matt Hale\(^3\) was one of Southern Illinois Law's alums. We were probably better known as being a school that catered to Matt Hale-type students rather than catering to progressive students. The law school had two African

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3. Matt Hale is the leader of a well-known white supremacist group known as the World Church, now referred to as the "Creativity Movement." He was sentenced to a 40-year prison term in 2005 for soliciting an undercover FBI agent to kill a federal judge. Hale graduated from Southern Illinois University School of Law in May 1998.
American women who went to the final round of a national moot court competition; a Chicago newspaper ran a story about their success. I saw the article, and I worked it into my thirty-five minute presentation; I spoke about thirty seconds on diversity and how we have to do better. One thing off the top of my head that I suggested to them was to run a picture of the two women along with the story. The publicity of these African American women might have motivated a whole group of African Americans and women to come to this law school where these women had success. That was the end of it. I went on with the rest of the presentation about building the best public law school.

Later that afternoon, I was doing my interviews (the one-on-two and one-on-three interviews) and I met with a group of three men who brought me into one of their offices, closed the door, and expressed real concerns about my candidacy. Their concern was that I was going to be the “diversity dean.” Because of my thirty-second talk about diversity, they were afraid that I was going to cram it down their throats. This was a wake-up call; I was not Dorothy going back to Oz; rather, I was in a place that had challenges that we needed to think about.

I later learned that we had several faculty members who never visited other law schools and had very little interaction with visitors coming in. Also, many of the senior faculty had been there since Hiram Lesar started the law school. Hiram had been the dean at Washington University in St. Louis and brought all the rules from Washington over to Southern Illinois when the school was started. We had rules on our books that Washington University no longer had on their books about the way in which you operate a law school. However, we had so few people who had different ideas about how to do faculty rules and faculty governance that we were not getting infused with exciting people and exciting visions.

I also found that you have to be conversant in all areas of the law. You do not have to be an associate dean to be a dean, but being an associate dean helps you see how the physical plan operation works. You see student affairs, you see faculty relations, you see development, you interact with the American Bar Association (ABA) and the Association of American Law Schools (AALS); those kinds of things help. Being on an AALS inspection team or an ABA inspection team also gives you that kind of exposure. You need to talk to a lot of different people as you go through the interview process. People will take you in a lot of different directions and they will hope that you will be able to understand what the librarians’ latest concerns are; what the clinicians’ latest concerns are;
and what students of color are concerned about. Those kinds of things are very important.

The other challenge is identifying what you are going to bring to the school. What are your specific distinguishable skills? A friend expressed to me that the faculty knew I was a Saluki who loves the university, but the faculty wanted to know what was special about me. I thought long and hard, and answered that I would help the faculty to transform the school into what they wanted it to be. I did not say that I was going to take them to the next level, and I did not describe myself as the boss.

Instead, I think of myself as the head cheerleader in charge. I said that I would use the relationships that I had with fellow deans, the AALS, the ABA, and the knowledge that I have gained to help get the faculty to where they wanted to be. I could do this because I had owned my own law office and I had hired and fired people, and I am a bankruptcy lawyer by training, so I can read a budget. That is pretty much all I said about my skill set. But to this day, in my fifth year as dean, people remind me that I said that I would help them get where they want to be based on the fact that I could hire and fire people and could read a budget.

Let me tell you about the rewards that I think come from this experience, and then I will end the story as I began talking about my school. My skill set matched the needs of the law school at the right time in its history. Alone, I have done nothing in particular, but, together, we are doing some really good things. One of the things I am most proud of is that my faculty is beginning to realize that we are doing some really good things. We have less wringing of our hands and saying we are not the University of Illinois, we are not St. Louis University or any of our neighboring schools; instead, we say that we are Southern Illinois University and we have a lot to be proud of. I am proud of my colleagues for doing that.

The other thing I have tried to introduce to them is transparency in everything that we do. We are a state school, so being open to the public is very important. For example, we changed the way we do end reviews. I followed a dean who was generally liked; however, some people were frustrated by the way he decided raises. What we have chosen to do is lay out the faculty expectations consistently with ABA standard 404. I told the faculty, you decide what your expectations of one another will be, and I will enforce them. Then I will sit down and review everyone’s

4. Southern Illinois' mascot is named after a breed of dog, the Saluki.
annual achievement report. I sit down in the faculty member’s office, and we go over teaching, service, and scholarship. We discuss whether that person is exceeding our expectations, meeting our expectations, or not meeting our expectations. As difficult as it is, a faculty member deserves to hear from me that they are not meeting our expectations before they read it in the annual review letter; I have had to say that to some people. Then we send the annual review letters out, there is a grievance period, and we set raises. I tell the faculty that the raises are based on these categories and give them the formula, so everyone knows what the raise is before they get the raise. This way, people just feel like they are more a part of the process.

We have also built a community, and it has taken some time. I have had to counsel some people off of the tenure tract, we have had to move some people into retirement against their will, and we have had to ask some people to re-examine their priorities or face moving toward retirement or more drastic measures. I think my colleagues feel that everyone knows what is expected. Most of us are working hard, and the people who are not are now the outliers. As one of my colleagues put it, the folks off the bell curve are not getting a free ride anymore. This is a community that has come together, declared expectations, and obtained somebody who can help them reach those expectations.

I am very proud of what we are doing. We are in our second year of self-study for our ABA inspection, which is next October. Without one bit of rancor or dissent, we have been in study mode where we have examined just about everything. In no conversation that we have had has anyone said this is my personal thing; you are now in my space. So, together, we have come to a good place. Having said that, I am personally very unhappy in my job right now, and I will take you back to the beginning of the story.

I believe that my university is in distress. Our chancellor (who is our campus officer) and our president (who is our system officer) have both been embroiled in plagiarism controversies. We just finished four dean searches, and we have two more to go. I am on my third chancellor in five years, my second provost to my second president. Enrollment has, inexplicably, been on the decline. It is a very distressing time for

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someone who went back to his alma mater to give back. I have been caught up in what is happening to my alma mater, and it is very difficult to be the dean of this relatively young but growing law school at a place that is struggling. So even when you go back for the right reasons, you might find that the challenges are still very great.
Commentary

*Linda Ammons*

This segment is going to focus on four questions. The first question is, “Why become a dean?” I am dean of one law school, which is a law school in two locations, in two different states. The Wilmington, Delaware Campus of Widener has about 1,200 students, including a 200-student legal education institute, which is an undergraduate program in law. On that campus, I have an undergraduate program, a regular J.D. program, postgraduate programs, and a branch of the National Judicial College. Additionally, 100 miles away at the Harrisburg campus, there are another 400 students, primarily in the large J.D. program.

I am now in my fourth career in thirty-five years. It has been an interesting journey for me. I have been mentoring all my life. I have also had the fortune and blessings of being attached to people who have given me great advice, though not necessarily for deanship. I started getting and giving advice very early on with my own family. I am the eldest sister of four boys, and that was great preparation in terms of mentoring. There are also people in this room who have mentored me; that is very important to me.

My first point is to make sure you have a mentor. Do not try to do this on your own. There is someone who I refer to as the dean of deans (minority deans particularly), and that person is LeRoy Pernell.1 LeRoy and Professor David Williams,2 the current vice president at Vanderbilt, taught some of my classes in law school. One day they each called me separately and said, “You know, you ought to think about teaching law.” My reaction was very similar to the reaction you have already heard: “You have got to be out of your mind. If I ever get out of this building, I am not going into another law school building.” Prophecy is a gift I do not have, so you can imagine where I ended up. I think this was largely

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1. Associate Provost, Dean and Professor of Law, Widener University School of Law.
2. Professor of Law, Vanderbilt University Law School; Vice Chancellor of Student Life and University Affairs, General Counsel and Secretary, Vanderbilt University.
because Leroy and David proposed the idea that I become part of the academy very early on, and it stuck with me. I did not do it right away; I did other things. But I will not take time to say how I wound up back in the academy; the main point is that I did end up back here.

I could not be more different from my predecessor as the dean of the Wilmington, Delaware institution. He is a male, and I am a female; he is tall, and I am short. He is somewhat reserved, and I am the definition of an extrovert, what you might call a type-A personality. In short, I am a very different kind of person, and my life experience is very different from my predecessor.

This brings me to the second topic I would like to discuss, which is why I became a dean and why you might also want to become one. I came into academy after doing several other things that tested my leadership skills in very different ways. You may wonder why I decided to become a dean after having built administrative skills in so many other contexts. One reason to become a dean is if you are sick and tired of being sick and tired; if you want to see things done a particular way, then do it. That is one piece of advice that I have. If you have proven leadership skills that you want to stretch, you can apply them as a dean. Even if you have proven leadership skills in other fields, what I have found after having become dean is that those skills can be utilized and varied as a dean. Not everyone brings the same skill set to the table. Some people are just wonders at budgets. I am decent with budgets, but you can hire people to do that. Other people are great communicators—you just have to make sure they know what they are doing.

Law schools today are not the law schools that we attended. They are not even the law schools of five years ago. With all of the external events that deans have to do today, deans are like politicians. I came out of politics before I went into the academy. Being a dean, however, reminds me so much of being back in the governor’s office again. Even when I am at the grocery store, when I am tempted to be a little testy with a checkout clerk, I have to remember that I am the dean and I represent an entire community of people.

If you have aspirations for other positions in higher education, particularly something like provost or president, a deanship can prepare you for those types of roles. In fact, my president asked me when I came in whether I had any aspirations to be president. I do not know whether he was asking about his job or not. At the time I did not, and still do not,

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3. Dean Douglas Ray preceded Dean Ammons at Widener and is now dean of University of Toledo College of Law.
want his job, but you never know what life will bring you. I am not announcing any particular interest in presidencies because it is a much harder job than being dean. Nevertheless, you never know where the path may lead on your journey.

If you are not afraid of risk, and ambiguity does not rattle you, then you can become a dean. Generally, I am not the type of person to get rattled, but there are days where it happens. For example, I walked into the academy in early September at nine o’clock in the morning and people were very upset because, I learned, a beloved faculty member had passed away. At two o’clock that day, campus security called and told me that one of our students had committed suicide. That day rattled me, but I still had to go into crisis mode and do the necessary things. On a very large campus, those necessary things involved thinking about the media and state patrol, amongst other things. That is not how I had planned to start my week the day after Labor Day, but you never know what the day will bring when you walk in the door. You have to be centered in the knowledge that, whatever happens, you have the skill set to handle it. You would not be dean if you did not have those skills.

Additionally, if you have a thirst for institution building, this kind of job may be for you. If you enjoy recruiting and inspiring talented people—including students, alums, and faculty—and turning them lose to see what they can do, then you will enjoy doing this kind of job.

You must also have vision and some sense of what you can do with the institution. You need awareness of why you are there at this particular point in the life of the institution. You also have to answer two questions. First, what do you bring that is going to be different and that will enhance the institution? And second, what are the right reasons to step forward? On my list, one of the right reasons to step forward is if you have sufficient administrative experiences, including committees, associate deanships, boards, and ABA visits (particularly for minority candidates). You do not get any benefit of the doubt, so in many ways you must be overqualified before you are considered qualified.

So if you can, make yourself available for administrative experience. Take a turn in the associate dean’s office, if possible. It is not a prerequisite, but there are certain things that you will only learn as a result of being in the associate deanship’s chair. One of the sad things is that you will learn all sorts of things that you never wanted to know about your colleagues. You will have some days where you will have to say, “That is really too much information.” But you will need to know the information because you will find that the same qualities in people (like temperaments and personality traits) tend to follow you, and will be
qualities you will have to deal with during your deanship. For example, when I see people I say, “Okay, he or she is . . . ,” and I will have to remember what happened in the past when I have dealt with a similar type of person in a similar situation.

You should get some kind of administrative experience before you become dean, either by becoming an associate dean or by being a member on a board such as the ABA\textsuperscript{4} or SALT.\textsuperscript{5} I do not recommend just coming straight out of the faculty into an administrative position as dean. Not these days. You could do that many years ago because back then, primarily you just needed to be a scholar and to lead the faculty. But law schools have changed too much. We are in the midst of a transition; we are trying to figure out what we are going to be when we grow up. Notions of skills training, curriculum, and the way lawyers should be prepared are in flux right now. As a result of this particular age of transition, administrative experience helps greatly.

If you have energy for change, it is the right reason to step forward. If you are tired, do not take this job. You do not know the meaning of tired until you take a dean’s chair. Being dean over two campuses, tired is no longer in my vocabulary. You are not allowed to be tired. You need energy if you want to do this. If you really enjoy serving through leadership, then step forward, because that is what we do. It is heady to be called dean. It is nice to have a seat at the front table, to be recognized by the bench, the bar, and the alumni, but actually, at the end of the day, what we as deans are doing are serving through leadership. You are serving each of these constituencies, and they will remind you of that after they give you the nice seat at the table. So if you do not mind serving, if you have a servant’s heart, it will work.

After this discussion, if you are still considering a deanship, the third topic I would like to discuss are some of the rewards and challenges of a dean’s job. Specifically, what rewards and challenges come with your ability to be both a middle manager and also a CEO? And, how can you be a middle manager and a CEO at the same time? A middle manager is a role that can have a few different meanings. If you are in a university system, you are the dean, but there is usually somebody else above you: either the provost or the president. If you are in an independent school, you have a board, but you are still CEO of your particular unit. So, deans have kind of a schizophrenic role: the faculty think that they hired you, while the president and the provost know that they are

\begin{itemize}
  \item \textsuperscript{4} American Bar Association, http://www.abanet.org/ (last visited Apr. 1, 2008).
  \item \textsuperscript{5} Society of American Law Teachers, http://www.saltlaw.org/ (last visited Apr. 1, 2008).
\end{itemize}
actually the ones who hired you. Accordingly, your role will change depending upon to whom you are talking in any given day.

A reward of being dean is seeing a concept of yours become a reality. It is wonderful to speak of an idea and watch it come into being. Seeing faculty energize and move forward, and recognizing what it took to get there. Sometimes faculty will be so grateful for even the simplest things. For example, I had a meeting with one of my institutes (we have four) the other day where I had the faculty members tell me what it was that they actually do. At the end of that day, one particular senior faculty member came to me and said, “You know, this is the first time in the twenty-six years that I have been here that the dean has called us together and really, really rolled up her sleeves to talk about issues like we are all adults.” For me it was an obvious thing to do, but you will be surprised of the simple things you can do that will get you good points.

There is nothing like seeing rewards, seeing the faculty energize and move forward, and alumni come alive when you reconnect them to an institution. Alumni want to be connected to the institutions and somebody has to reach out to them, particularly when you know you need to ask for their financial support later on. If you like doing that, you will have a great time. Having your voice really count among numerous constituencies—the bench, the bar, the people of minority status, and the greater community—is time intensive and pulls you away. However, as a dean you have to do those things more often because every group wants a piece of your time, and you will have to be on every committee. People expect that of you when you are dean; deans must do it.

These rewards come with the challenges of being a middle manager. If you are impatient like I am, then the bureaucracy of organizations can drive you crazy. On the other hand, a perk of being a dean is that, while you are waiting for something on this end to move, you can be over here doing some other things because things move slowly. However, you must be aware that you cannot do everything at once; I would not recommend it. No matter how many good ideas you have, there are only so many hours in a day. You have limited resources and you cannot have an administration that is structured like an octopus. You cannot have so many hands moving in so many directions that none of them is under control.

Lastly, keeping the faculty and the students focused in any given day is both a reward and a challenge. I know many of you saw that article in the Wall Street Journal about how students should not go to law
school because it is expensive and increasingly difficult to obtain a job.\textsuperscript{6} Just a week ago, I was talking to students about the job market. The statistic I have is that 95% of last year’s graduates are employed. Somebody is working if 95% are employed. This is an example of the difficulty of keeping people focused: the focuses of the students and the faculty change daily, and it can be exhausting because, like the article in the \textit{Wall Street Journal}, you never know what is going to hit you and how it is going to come. What you do know is that everybody wants a piece of you—your knowledge, your direction, and your wisdom. And everybody seeks you out, even when you do not have the slightest clue as to what issues they are talking about.

The final thought I would like to leave you with is this: I am of the belief that there is a time and a season for everything. The deanship that I currently have came as a result of having been in the market twice. The first time I failed, and you know what? Failure is underrated. You can always learn something from failure. You must ask yourself, “What is it that I could have done, should have done, and did not do?” It could be that this is not where you need to be. That was my thought my first time around; for me, that first experience was not the right time. Yet, it was still beneficial to my own personal growth and development because I had another year to wrestle with tough problems and to open up the market in ways it had not been open the year before. So, I am grateful for failure the first time around. I learned from it. Going forward, I recommend that you look for a proper fit. Do not accept a position just to be a dean. Make sure you do your homework. Know who the president and provost are and know their backgrounds. Know why that last dean left to the extent that you can find out. Know when you are ready.

For years, while I was a part of the women’s database at Georgetown, I would get deanship offers that I would always decline. The reason why I said “no” was that, when I first started getting calls, I believed I was still an associate professor of law. I was not ready. I had done other administrative work elsewhere, but not in the law school. I was not sure I was going to do it. I was coaxed into it by one of the former deans and I also had the deans wait. I told them that I was not ready to come down until I became a full professor. As a minority person, I knew that I needed to check experiences off my list. I wanted to be sure that there was absolutely nothing that could be said about my background. I am not saying that everybody must do that, but for me, that is why I waited

even though my name was in the database. So, even though you can put your name in the database, you do not have to accept something right away.

I have just two last things about determining when the time is right. It is time to go get out there and do something else when you have obtained enough experience and have seen enough other perspectives that you feel ready to move on. Additionally, it is the right time when your only agenda is to help the institution grow. What does it mean to have an agenda? You must have a program; if you do not have a program, you are not going to get the job. When the job is not about you, then you can focus on why you are really there, and you will have a lot more fun doing this kind of job. That is when it will be the right time.
Commentary

Session 2: Understanding the Dean’s Job

Barry R. Vickrey†

I am in my fifteenth year as the dean at the University of South Dakota School of Law. Nationally, I am the third-longest-serving dean at one law school. Over that time, I have had a lot of opportunities to talk with women and people of color who are interested in deanships. I have tried to encourage schools to consider women and people of color, and I have tried to put in their names for the dean searches I knew about. I have done that in part because I believe we desperately need more diversity in deanships, particularly in light of developments within the legal system and within our government that have made it more difficult to enhance diversity. However, my primary reason for doing so was because I have met very talented people who might not think they could be deans because of their gender or race or who schools might not consider. Because of these issues, this is a very important conference, and I am really pleased that Seattle University has chosen to sponsor it.

I did want to make one comment related to the last panel about how you get a deanship. I want to share with you the two best lines that I used when I was interviewing. I told the faculty that I thought my primary job was to be sure there was a sufficient quantity of blue books, chalk, and toilet paper. I found that fit the image of the dean for a lot of faculty, and so I think that helped. Also, because I had been in North Dakota for eleven years before interviewing in South Dakota, I told the South Dakotans I was coming there for the weather, and that worked. No one else could really say that.

I have stayed in one place for fifteen years in part because I think dean searches are like the bar exam. If you get lucky once, why try it

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again? But primarily, I have stayed in one place because, at least in the public sector, I do not think you can bring about change very quickly.

I know I have not brought about change very quickly. Despite a lot of effort, I have brought about change very slowly. Now, that may represent my deficiencies as a dean, but I have found it very difficult to effect change in a public institution. Yet, if you stay long enough in one institution, you can actually make some real changes. At the least, you can change your university, and if you are the only law school in the state, you can actually change the legal profession as well as the entire state. In South Dakota, there is a billboard that sits on the interstate, depicting the justices of the South Dakota Supreme Court. It has the tag line, "Unanimous decision," with a red "U," our university's logo. This makes me feel good about the impact that I can have in South Dakota.

I am going to talk today about "The Dean as Pastor." I will talk about some very personal aspects of being a dean, including some experiences that have left some emotional scars and are things that I cannot easily talk about.

As I talk about the dean as pastor, I do not mean the word "pastor" in its religious connotation. I am using the broader definition of "pastor" as "one who is charged with the spiritual care of others." I am also not using the word "pastor" in its original meaning of "shepherd" because most of you are faculty, and I would not want to suggest that a dean can lead faculty around like sheep. If I were going to use a metaphor from the animal kingdom to describe the job of leading faculty, I think the preferred one is "herding cats."

I called Dean Clark earlier this week to tell her I might have to cancel at the last minute because of the imminent death of a very close friend who was formerly my assistant dean. She is still alive, but she will probably only live for a few more days. She is in her 50s and has battled cancer of an undiagnosed origin for about two years. She started out as my administrative assistant, and she was the single most competent person I have ever known. The president, who is a graduate of the Law School, hired her away from me to be his executive assistant. When he went off to run for governor, I hired her back to be my assistant dean. When I took a brief sabbatical, he hired her away again to be the University's registrar. I like to brag about the faculty and staff of the Law School; it is one of the things I enjoy doing a lot. I learned, however, that you should not brag too much about your staff, particularly

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1. Carmen Howard (1955–2007) was the Assistant Dean at the University of South Dakota School of Law and the Registrar at the University of South Dakota.
to the president, because he has ways of inducing people to come to work for him that I do not have.

In dealing with situations of illness and death, the dean has a very important pastoral role. Almost exactly a year ago, the Law School lost a long-time faculty member, who was also in his 50s, to a brain tumor. He had also fought a two-year battle with cancer, teaching until three months before his death. Last year, another faculty member lost his wife to complications from diabetes. In the past two years, other faculty and staff have dealt with a variety of serious maladies affecting them or their family members. My associate dean, for example, had to have triple-bypass surgery after shoveling snow off his roof.

My law school is one of the smallest in the country, with only 225 students. We are located in a very small town with a population of 10,000 and in a very small state with a population of 750,000. At times it seems that everyone knows everyone else, not just in the Law School but in the entire state. The Law School faculty and staff cannot avoid each other, even on those occasions when they would like to do so.

We pride ourselves in developing a sense of community, even family, among the faculty and staff. We try to extend this to students, and I think we succeed in most cases. This is especially true for the students who stay close to us geographically after graduation. Some students are even part of our community before they come to law school. I will have three graduates this year whom I first met when they were in high school: one is the editor in chief of the Law Review, another is a Law Review editor, and the third is the Student Bar Association president.

If you have worked in a law school for any length of time, you know the feeling of losing a colleague or a student to an accident or catastrophic illness. But I want to suggest to you that your role and responsibility in those situations will change fundamentally if you become a dean. If you are in a larger law school or a larger community where there is more opportunity for people to be more impersonal, perhaps you will not have the same experiences I have had. Perhaps you can avoid the emotional burden of the pastoral role. But I hope you will not try to do so, even if you can, because I believe it is one of the most important services a dean can provide.

Some of the pastoral duties of a dean are time-consuming but not particularly difficult. I substituted in a few classes for both the faculty member who was dying and the faculty member whose wife was dying. I suspect every one of you in this room can substitute in a few class ses-

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2. Professor Frank Slagle (1947–2006) was a member of the faculty and a leader in the Law School, the University, and the community from 1984 to 2006.
sions in almost any law school class. You are quick enough to pick up the material at least as fast as the students. If you cannot, you can always just call on the students to answer questions. That is what we do anyway, so I suspect you can do that.

I also took on a first-year Property course in addition to the upper-level course that I regularly teach. I did that because I wanted to minimize the disruption to teaching assignments for other faculty. I wanted to maintain the quality of the students’ education, as immodest as that may sound. And another reason was our inadequate budget; I was not going to find anybody as cheap as me to teach that class. I did not see that as a burden because I love teaching, and, except for grading first-year exams, it really was not much of a burden.

Other pastoral duties are infuriating as well as time-consuming. Foremost in this category for me has been dealing with a central human relations office that is more concerned about how sick-leave forms are completed than about the welfare of the sick faculty member. These tasks require your utmost ingenuity in determining how to comply with the rules, or at least appear to comply, while meeting the real human needs of your ill faculty or staff member. These tasks also involve you with family members and friends who want to be reassured that you can work out bureaucratic issues. Fortunately, as lawyers, we know how to work around rules, we know how to take care of the needs of others, and we know how to provide hope to others—our clients, our faculty, and our staff—that things will work out alright.

Some of the pastoral duties require a measure of wisdom. One of the toughest duties is determining how long your friend and colleague can stay in the classroom or on the job while fighting a debilitating disease. As a dean, you have responsibilities to the students and to the institution to maintain the quality of the education and other services you provide. You also have an awesome responsibility to help this person, whose judgment may not be the best at this particular time, to maintain his or her dignity. When a staff or faculty member is fighting a debilitating disease, you will have to make decisions about whether he or she can stay in the classroom or on the job on a daily basis. I have not found any bright lines in making these decisions. The greatest asset you will have in making these tough decisions is the trust you have developed with that person long before the crisis occurs.

Some of these decisions are more difficult because you realize that other faculty and staff are watching how you handle the crisis in order to gauge how you will respond when they face a crisis. When one member of a community faces mortality, everyone else, or at least all of us of a certain age, naturally thinks about his or her own mortality. At these
times, I have found almost all faculty and staff are looking for reassurance that you as dean will be able to care for them when they face a similar crisis. Your compassion, your courage, and your competence will be noted, as will your lack of any of these characteristics.

In your pastoral role, you will spend a lot of time just listening to faculty and staff who are grieving the loss of a friend and colleague. These times are not all bad. There is laughter as well as tears in these conversations. But in all these conversations over the past few years, I had a sense that I was wearing two hats. To some extent, I was just another colleague who was sharing in the mutual grieving. But in virtually every one of these conversations, I had a sense that I was expected to say or do something more. Sometimes I was supposed to know how a brain tumor progresses. I found myself doing a lot of Google searches to find articles to read about brain tumors because faculty thought that I would know how the brain tumor was going to progress and affect our friend. At other times it seemed that I was just supposed to say something reassuring in a vague sense, and I suspect that is all I did. Perhaps I was just imagining that my role was greater than it was, perhaps I was just flattering myself, but I do not think so.

The toughest tasks are the hospital visits, especially near the end. Even if your faculty or staff member is not suffering when you make the hospital visit, he or she will not be the same person you knew before the illness. It will hurt to see this friend so weak and so vulnerable, and perhaps so frightened. You will have to struggle with your own feelings, but, at the same time, you are expected to provide some measure of reassurance to friends and especially family members, some of whom you may not know very well, some of whom may have come from across the country to be there with this dying friend and family member.

I am not particularly good at the hospital visits; my wife is much better. Perhaps that is because she dealt with a stillbirth herself. Or perhaps it is because she was older and more involved when her mother was dying of cancer, while I was still a young adult when my parents died and was not that involved at the time of their deaths. Even though I am not very good at hospital visits, I am there. I am there as a symbol of the Law School to which this dying person gave so much of his or her life. I am showing the Law School’s appreciation, if nothing else, and friends and family members appreciate that.

The funerals are actually less difficult, at least for me, but they are not easy. As the youngest cousin on both sides of large families, I went to a lot of funerals before I was an adult. I thought I knew the routine, but then I realized that the routine changes if you are the dean. You may be asked to do one of the eulogies or speak on other occasions about the
person who has died. This is an honor and a privilege, but it is not easy. I have had to learn that I cannot control my emotions completely in these situations and that I may not be expected to control my emotions. The faculty member who died of the brain tumor had been very active in the community and in the church. The bishop who spoke in his funeral was in tears. You know if the clergy, who do this all the time, are in tears, it is unlikely you will be able to keep it together. If you include some humor, as much for yourself as for everyone else, that helps you get through it.

As I look around the room, I realize that the program did not say this was a workshop on death and dying. I apologize if this was a downer, but if you become a dean, you will deal with situations similar to the ones I have described. Just look at the age demographics of almost any law school in this country and that will be obvious.

If you are by nature a caring person, I believe you will find that the pastoral duties of a dean are some of the most important and some of the most rewarding. If you are not a caring person, I wonder if you should be a dean at all. The best teacher on our University campus, a criminal justice professor and a graduate of our Law School, is known for saying, “Students don’t care what you know until they know that you care.” You will find that faculty and staff will feel the same way about you as their dean.
Commentary

Session 4: Succeeding in the Candidate Pool

W. H. Knight†

I am honored and delighted to have been asked to speak at this conference, more especially so because I am no longer a sitting dean. It is gratifying to see a number of dear friends and even more inspiring to see the number of you who are interested in pursuing deanships. The task of dean-ing will challenge and reward you like no other position in the academy. Before I begin, let me thank Dean Kellye Testy and the Seattle University School of Law for hosting an event focused on people of color and women, historic minorities in legal education leadership positions.

As a former Dean, I have the luxury of talking a bit more frankly than some of the people you will hear today. You see, every “how-to” session needs an example of what-not-to-do. I am that person—the good, the bad, and the unusual have all been a part of my experience as Dean and will likely be part of anyone who chooses to go down this path. For the next few minutes, I hope to talk about how one might navigate some of these inevitably difficult waters.

Let me begin by noting that, for the most part, the rewards for your labor as Dean come after you step down. Although the average tenure for a law Dean has increased over the past few years, the length of time is still a bit less than five years. In such a short time, a law dean does not remain in office long enough to see her recruited faculty advance through their careers to tenure. Strategic plans frequently take a few years to develop and even more time to bear fruit. Five or six years as Dean simply does not give one enough time to make the impact that most of us dream about when we become candidates for such a post. All of us of course, know the stories of those remarkable women and men who serve with

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distinction for seven, ten, or even fifteen years. By almost every account, those people should be, and are, acclaimed as great successes. They have toiled long enough to see curriculums change; young faculty become recognized experts in their fields; alumni grow to love their alma mater even more than they did as students; and, plans (whether fund-raising, capital construction, or strategic goals) become realities. Indeed, most law schools acknowledged as top-tier institutions have had the experience of a long-sitting dean who has helped their law schools develop and evolve. Unfortunately, most deans do no stay in their positions long enough to experience a cultural change/evolution in their institutions. So, let me begin by asking, why do we have this relatively short revolving door?

A. Mismatched Expectations

The first explanation centers on your reasons for seeking a deanship one of my closest mentors was David Vernon,1 a former law school Dean and AALS President.2 When I was first asked to consider entering a dean search, I went to David to discuss the flattering fact that someone might be interested in my serving as dean. His response caught me a bit by surprise, “why do you want to be a dean?” He offered no encouragement, no congratulations, only a simple-yet-difficult question. I told him that I thought there were things in legal education that I wanted like to see take place and that I thought one would be better situated to achieve those things from the position of dean. He received my answer with a wry smile and said, “That is precisely why you should want to be dean.” There should be no other reason for your seeking a deanship—not status, not pay, and certainly not any sense of entitlement (whether by scholarly achievement or, by the mere passage of time). If you do not have a burning desire to make legal education better, stronger, then you should never seek the job. I have always thought that this was the most important piece of advice that I, or anyone could be given. The job of dean is filled with extraordinary responsibility and few thanks. Think long and think carefully about whether you want to pursue it.

A second and equally important expectation-mismatch is the one that exists between dean candidate and law school. When you choose to become a candidate, do so only after exhaustive research about the institution, its history, culture, and environment. Ask yourself whether you

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1. Professor David Vernon served more than thirty years on the faculty of the University of Iowa Law School; he then served as Associate Dean at the University of Washington School of Law.
2. The Association of American Law Schools (AALS).
would be a good fit at a particular school. Many candidates see law schools as fungibles—blank canvases from which to create a masterpiece. Nothing could be further from the truth. Law schools have different structures, different missions, different personalities, and different personas. While a dean candidate should certainly interview by discussing all of the things she or he would like to see done in a school, the candidate should also spend interview time learning more about the institution’s culture. Can they work with you, and can you work with them? I believe that the failure to become culturally and environmentally knowledgeable is a principal reason we see short-lived deanships.

A third explanation for mismatched expectations is what I call, denial and delusion. Too often, dreams for the school fail to match the realities of the school or those of the new dean. How can an organization become successful when parties are not on the same page? Even worse, how can a school move forward when the people in that school deny their shortcomings? Institutions typically cite goals such strengthening the school’s scholarly profile; improving school rankings and bar passage numbers; raising the profiles of entering law students; or, placing more graduates in prestigious judicial and law firm clerkships, are the goals of nearly every law school. However, those stated goals frequently encounter the realities—insufficient resources to support, sustain, and expand faculty scholarship and research; the difficulties of moving up in law school rankings without those additional resources (or, too few faculty members pursuing innovative teaching and provocative scholarship); faculty resistance to taking on more responsibilities for teaching and research (especially when bar passage results are an issue); fierce competition among schools for the highest profiled students; and, limited placement opportunities for the increasingly large number of law school graduates each year. When the Dean is unable to persuade the Provost that the law school needs more, not fewer dollars, or, when the Dean is not as successful in raising outside gift and grant dollars, many quickly abandon their support for the dean’s new vision. As faculty and staff members, we find explanations for our existing approaches, or reasons for not trying a new initiative.

Some schools simply deny the changed behaviors and hard work needed to achieve their goals. Instead, those schools blame the dean and then seek a new dean. Coming to terms with the cultural makeup of a law school is the central task for a dean. Without that type of realistic assessment of the law school environment, the dean can become discouraged about the speed with which institutional change takes place, and thus affect decanal longevity. As an aside, I believe that law schools are
also far more comfortable with maintaining the status quo than with affecting real change in the ways they operate. Sure, we say we want a new dean to be a change agent for the school; but, when the process of creating a new environment individually and collectively demands that we change our behaviors as a school community, the environment can quickly turn less welcoming. Once again, this type of mismatched expectation discourages longevity.

B. So Many Jobs

Even when a dean succeeds in the above arenas, the dean’s support of particular initiatives can be seen as favoring one or more members of a faculty over others. Whenever that situation develops, unhealthy competition can be fueled by petty jealousies. Thus, as Dean, your job becomes once of counselor and psychologist. How do you help your colleagues to see their contributions as ones to the collective effort? How do you help them to think institutionally rather than personally? This task is one that several candidates do not consider when entering a dean search.

Another under-considered aspect of dean-ing is dealing with external constituencies. When John Sexton, the current president of NYU, served as dean of the law school, he used to give a talk to new law deans informing them that “your job as dean is a job as a myth-builder.” I cannot imagine a better statement to describe the task of dean. You are a myth-builder. Not only do you have to talk about the truth of the school’s current situation, but you must also inspire your colleagues (students, staff, faculty, alumni, university administration, regents, trustees, and members of the bench and bar) that they have a role in promoting the school’s mission of encouraging justice. Perhaps more importantly, the dean must also create the myth that the school is better than what it is already. You are to help build a myth of continued growth and progress and then re-build that myth into a newer, bigger, and even better myth as your school progresses. While I hope that there are more truths than fictions in each myth, the plain fact is that mythic perception is as real a part of your job as dean as balancing your budget.

Another task for the dean is managerial skill. This is a particularly important and challenging job given that your toolkit is minimal at best. Most of us are academics, untrained and ill equipped to manage people and organizations. Moreover, the tenure system in Universities makes

3. The author is referring to John Edward Sexton, who became the president of New York University in 2001.
traditional employer-employee relations, even for non-tenured faculty or staff members difficult to operate, let alone to demand accountability. While deans arguably have the power to hire, restructuring, firing or demanding accountability is a much more difficult thing to achieve. Manager, counselor, psychologist, and marketer, these are just some of the jobs required of you as a dean, which takes me back to David Vernon’s question, “why the heck would you want to be a dean?”

C. Interviewing

Assuming that you have not yet been frightened away by my observations, what do search committees really want in a dean candidate when you get fortunate enough to get to that round of four, six or eight candidates to visit a school? I believe that most committees do not know what they want when they are looking for dean candidate. What most will tell you is, “we really want is someone who walks on water,” the Jim Chen sort of dean.

We have expectations of the dean candidate. Every expectation from every constituent group you meet will be different. For most of us who are faculty members, our first question for any dean candidate is, “Are you a scholar?” The real question is, “Are you smarter than me, because if you are then I might have some issues. You must be smart, so what have you produced?” For students, and even for some faculty, they ask, “Are you a good teacher? Could I see myself in your classroom, and do you inspire or excite me?” For some faculty members, principally those asking the first question, that is also an important question to ask.

For the administration, and some alumni, their questions are, “Are you a visionary? Are you someone I will be willing to go into battle and follow? Are you a leader? Are you someone who has a real idea about what and where we can take this law school?” For so many administrators, the questions are, “Are you a good manager? What do you know about university administration? Can you effectively influence or lead a nest of independent, intellectual butterflies, also known as faculty?”

Other colleagues and constituents are important. Management is critical to those who are not faculty members or students. The staff is so important. You cannot do your job as a dean unless you have a great staff. It does not mean that you have only great faculty staff as vice-team or associate deans. You must have support staff, those administrative staff people. Questions that you should make a point to ask are, “What are some of these staff members’ ideas? What are some of their frustrations? What are some of their difficulties?” How well do you listen? How creative are you in addressing the concerns of others?
As a candidate, you should keep in mind outside members of the search committee. Virtually every search committee has an outside member or set of outside members who are outside the law school. They may include the members of the university, alumni, a member of the bench, or a member of the bar. These people will also ask a couple of questions. They are looking at your “sales persona.” Do you come off like a used-car salesperson or the myth-builder that John Sexton talks about? Are you sincere in your beliefs and earnest in your actions? Is your enthusiasm for addressing the challenges of the school infectious and inspiring? Are you perceived as someone who can convince other people to join in the venture that is building a law school?

The business community will ask a similar but separate set of questions. Sometimes we do not talk about the communities, and we only talk about the bench and the bar. I believe that is a great mistake. You have to talk about the bench, the bar, the business community, and the public interest communities for starters. You will be expected to be able to speak to university events beyond the law school, be they sports or interdisciplinary collaborations. Heaven forbid if you are a person of color or a woman. You have to talk with and about those communities. There are multiple paths you must traverse to become an effective dean. If you are a woman, add every women’s organization to your list. This is true for everyone who seeks the job of dean. It is simply more acute if you are a woman or minority.

You have to ask yourselves some important questions when some of these outside people interview you. For example, take the members of the public interest community. Not only are they looking to see if you are not in the same place as they are, but they will also ask you, “how are you going to deal with a particularly difficult situation? How are you going to appear before the media?” Greg Williams, former dean at the Ohio State University School of Law and currently president of The City University of New York reports that he stands whenever he conducts an interview with the media. He stands up even when speaking on the telephone. He stands because he believes that standing makes him respond more quickly and formally to questions. He believes that he is more careful with what he says and more succinct because he does not want to stand for a long time and talk. In both Greg’s and my experience, the one line you mis-speak while sitting when talking to the media, is likely going to be the line that gets published. Thus, brevity is a policy worth pursuing when dealing with the media.

A related second interviewing tip—remember that more is less. The more you want to impress, the less you have to do. You have to be your-
self when you go to these interviews. You cannot deny who you are as a human being, as a person. You cannot deny your own sense of self, and the search committee needs to understand that. Many of us are engaged in over-preparation when we go into interviews. We want to know the backgrounds and the biographies of everyone who is on the search committee. Why? You are going to be asked questions about your understanding of and vision for the school. You do not need to know the complete biographies of your interview team. Instead, you need to learn as much as you can about the culture and environment of the school.

Your job as candidate is to tell the committee what you think, to tell them what your vision is. Do not think that you are being interviewed. Instead, go into the interview expecting to interview the members of the interview team. If you go into a session expecting to interview the people who are interviewing you, you will ask all the right questions and likely get a better set of answers. Focus on the single most important question: “Is this a group of people with whom I share common points and with whom I might want to work?” If you do not want to work with that group of people, you do not want to take the job as dean, no matter how enticing.

As I said, I am the example of someone who did not ask all the right questions. I am the one who said, “Give me the hardest, most difficult challenge, and that is the one I want because I like climbing tall mountains.” You say your faculty is difficult? Not a problem. You say you have money issues? Not an issue. You say you want to build a new building? Not a question. You say you need to raise money? No problem. Be careful what you say and for what you ask, you just might get your wish. Instead, search for the right fit and be willing to be patient to find that good match. Prepare yourself for that future opportunity by learning more about university management, budgeting, and human relations. Learn about the culture of the institution and candidly answer the question of whether you are a good fit for that school.

My final piece of advice is that you must be honest with yourself. Why do you want to become a dean and what is it you will bring to the post? Do you have the skills necessary to succeed? Do you have the self-knowledge to know when you should say yes and when you should say good-bye? If you can answer those questions comfortably, and, if you think that you are that special superwoman or a superman, go for it. You are not going to do the job forever. Set goals, work to build coalitions to achieve those goals, assess your progress, and know when to say enough is enough. You are going to do this job for a limited period of time. You hope that you can build upon the confidence of your col-
leagues, but I assure you that at some point, your colleagues will say, "we are not certain we want him or her to continue." At some point, maybe even before they conclude that, you are going to say, "I am not sure that I want to continue." It is all right to say, "I have made a contribution and I am ready to step down or too tired to continue."

There is a wonderful life after one serves as dean and I encourage all of you who wish to seek such a post, to keep in mind the timing for your exiting that very same post. Be honest with yourself about the timing and know that there are some good things after your deanship—lower blood pressure, a happier life partner, and, lots more smiles. Be careful in deciding whether to go into the job, expect the unusual and the unexpected while in the job, and, have an honest exit strategy for when it is time to leave the post.

Becoming dean is the most exhilarating job I can think of in a university. It is also the hardest job on campus. I wish every one of you all the best in making the right decisions for you and for the schools you choose to interview.
Commentary

Session 6: Accepting the Job and First Key Steps

Linda Crane†

At John Marshall, we stand alone as the twelfth largest law school in the country.¹ There is a Board of Trustees. However, everything that happens in the school happens out of the Deans’ office. We probably have about 1,600 students, 1,410 of whom are candidates for Juris Doctor degrees.² We have numerous LL.M. degree programs,³ and we even have several non-law masters’ degree programs.⁴ So an awful lot of work needs to be done to run John Marshall Law School, and the dean really has to have a large team of associate deans, assistant deans, and directors to help get all of that work done.

The faculty did a lot of self reflecting around 2002 and 2003, sort of on its own steam, and partly because there had been a movement afoot to have John Marshall merge with the University of Illinois law school in Chicago. We had an extremely high quality of life as faculty at John Marshall. If there were a category in U.S. News and World Report for faculty quality of life, I think we would be in the first tier. Nevertheless, we were willing to give up some of the quality of life in order to become a part of the state university system.

One of the results of our self-reflecting was that the Faculty Affairs Committee investigated the possibility of some sort of post-tenure review

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³ Id.


⁵ M.S. degree programs are offered in the following areas: Employee Benefits Law, Information Technology Law, Intellectual Property Law, and Tax Law.
process. Because we had a very senior faculty, maybe only one, if any, of the faculty was pre-tenure. At that point, we were probably fifty-five strong; now we are about seventy strong with hundreds of adjunct faculty. Based on the survey, we learned that most schools that did post-tenure review did not do it as a peer-review methodology. The faculty recommended that the administration create a new associate dean position titled “Faculty Development” where the peer-review would take place.

Let me say next that I have never conducted a review of the faculty, but that is the history of how the position was created. When the position was created, however, it was the stars aligning to a certain extent. I have been very active nationally doing faculty development work since I first started teaching in 1990. That was when the first People of Color Conference met. We created a movement, and now there are six regional People of Color Conferences encompassing the entire United States. I also ran the Midwestern People of Color Legal Scholarship Conference for about ten to twelve years.

Additionally, one of the conversations that I started about six or seven years ago at that People of Color movement level was about the need to address issues that senior faculty confronted, but that we were not spending time identifying and talking about and solving. As important as I thought (and continue to think) it was to deal with the issues of junior faculty and to help people get hired, promoted, and tenured, I maintained that we actually knew how to do that. I really thought that we needed to focus on the problems that some senior faculty were having, but that nobody was really gathering information on or even discussing.

In my home institution, the issue arose about how to deal with the needs of our senior faculty. At the same time, we hired a black woman dean, whom I told that I would help in any way that I could. There is talking the talk and then there is walking the walk. It came to pass that my home institution grappled with an issue that I have been trying to raise on a national level. Even though I had never aspired to be a dean, I found that I needed to volunteer to do that job for a number of personal as well as professional reasons. That is what I have been doing for the last three and a half years.

Starting out in a role that no one has ever occupied before is something that we have not talked about this weekend. Every school, unless it is a brand new school, has employed a dean at some point. Just about every school has had an Associate Dean for Academic Affairs. But when an institution like John Marshall forms a new organization, it really
has to create something from whole cloth. There was no budget, there was no vision of what it was to look like, and there was certainly no guidance or direction. What did I have to do? I was not really sure what it was going to be like. I spent a lot of time talking to the new dean about what my job duties were going to be. That was key.

Another thing that is important for any associate dean (other than the Associate Dean for Academic Affairs when such a new dean position is created) to know upfront is that everything that you are doing is something that used to be done by the Associate Dean for Academic Affairs. This can create both good and bad feelings. It can create both opportunities and consternation. Bill Mock\(^5\) has been the Associate Dean for Academic Affairs the entire time that I have been the Associate Dean for Faculty Development, and I joke about the fact that people think that we are at each other's throats all the time. We are actually good friends, and we exchange a lot of information as we both try to navigate these waters.

The need to know what your job duties are becomes that much more important when the administration is taking job duties away from someone else. For example, someone who had aspirations to be Associate Dean for Academic Affairs may have been totally wrapped up in the opportunity to do the very tasks that are now going to be transferred to another position. It may have also been the case that the Associate Dean of Academic Affairs did not have the time to do certain tasks, which can now be addressed more completely and directly by someone specifically assigned those tasks. There are only twenty-four hours in a day, and in a school like John Marshall, there is just too much for even the best Associate Dean for Academic Affairs to complete. My job duties were laid out along the lines of providing resources to the faculty to help them do their job. That pretty much is how the Associate Dean for Faculty Development job description was finalized at John Marshall.

Over the last twenty-five years, I have spent as much time in the business world as I have as a lawyer. I have a strong business background; I went to business school and law school at the same time. I presided over major non-profit boards, and I felt pretty confident about my ability to manage a small department inside of the law school. Because all of us in this room have done a lot of stuff nationally in legal academia, you can probably imagine that I was not that daunted about the idea of managing the department. But again, it was hard not knowing what the job description was or what my resources were actually going to be. Once I got the statement that the job description was to provide resources

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to the faculty, I took that literally and said, "Okay, well if my job is to provide resources to the faculty to help them do their job, then I need to locate the resources."

John Marshall is a huge institution with resources. Consequently, I started by harvesting the resources that I concluded were already present for the faculty. We pretty much went from a zero budget to a possible $50,000 budget, to having a budget that was close to $2 million at one point. This figure is in terms of hard dollars that were in the budget for things like faculty travel and research assistants. At one point, we sort of had a ping-pong thing going with summer research grants. I showed a strong interest in improving teaching effectiveness, in part by providing faculty with the tools to help them teach. In addition, it is really important to sit down with staff and actually have a conversation with them about their needs.

For example, media services provides the equipment and access to resources for the conferences and teaching actually used in the classroom, as opposed to the huge computer services department that manages the network, security, and all those kinds of things. One of the staffers in our media services department is the most stoic human being you could ever imagine meeting. She was almost teary when I sat down in a meeting with her, her director, her manager, and her other co-worker to ask them what ideas they had about how to improve technology in the school.

Because I showed that early interest, I ended up being the manager of the media services department. We just completed a three year purchasing program during which we upgraded the number, type, and quality of equipment that is available for classroom teaching. We thought things through with respect to tools for improving teaching effectiveness. For example, we instituted the new Capture technology. As a result, starting on October 1 of this year we will no longer have to roll in a video camera to tape classes. Rather, the class will upload to the Intranet so that students can view the class online when they need or want to view it. We are just trying to provide more and more for improving teaching effectiveness.

I also harvested human resources. I recognized that along with monetary resources, there were also human resources within the school that the faculty had trouble tapping into. I worked very hard to provide bridges between the faculty and the administrative and staff offices that, for some reason in law schools, sometimes function as though they have lives of their own—like their jobs are kind of disembodied from helping students and faculty. I do not really quite get that, and so, I started pro-
viding some bridges between the faculty and those offices that gave the faculty a feeling of being more empowered. One thing I also did early on in the deans’ meetings was to make it clear that I did not want us to snicker every time someone made a reference to the faculty. To a certain extent, I became sort of an ombudsperson for the faculty. As a result, I think the faculty began to feel that they had a friend in the administration, someone who was able to understand their issues, and who believed that it was very important to make sure their issues were incorporated.

Astoundingly, you would think that listening to the voice of the faculty is not something new, but it is. I maintain that you could have a law school without students, but you cannot have a law school without faculty, and yet the faculty does not often have the representation and assistance from an ombudsperson inside of the law school administration. Consequently, we work very hard to provide that ombudsperson presence and functionality. I could design programs, but I know I cannot get faculty to do anything unless they are able to participate in the design. So, I can sit in my office and write a whole list of things that I want to achieve, but that would not be as productive as calling a meeting to ask faculty what they think about technology, teaching effectiveness, scholarship, or service.

I also did a lot of work with our adjunct faculty. As a result, I was able to get twelve adjunct faculty members to attend a lunch meeting after the chairperson of the North Central Administration Team told us at 8:00 a.m. that he would like to meet with some of our adjuncts over lunch that day because he was impressed by the work we had done to work with our adjuncts. At the end of these focus group sessions, which I would hold with self-identifying faculty, the notes I took of what we were going to do as a group often looked exactly like the notes that I had written in my office before we ever invited them to the meeting. Because the faculty participated during the design stage, they were willing to participate in the implementation of the plan. As I tell my faculty, “This is not the office of Linda’s development; this is the office of faculty development.” I invite them to bring ideas for projects and programs that we can work on together, and I get help from them on projects that I want to get done.

I think that it is important at the very beginning to understand your job responsibilities, to identify your resources, and to identify where you will not go, because that can help you with your exit strategy. As transactional lawyers know, one of the things you have to do at the beginning of the deal is to design the end of the deal. You need an exit strategy, and I think I am pretty much ready to pull the trigger on mine. I intend
to resign next week when I get back. I would have done it on Wednesday, except that I figured, why resign from being an Associate Dean for Faculty Development the day before you go to a deans’ workshop in Seattle? So far, no one has talked me out of this since I have been here, so I am going to do it. I have been in a couple of dean searches over the past summer. One of them is what got me involved; it was just an irresistible attraction to apply to a historically African American college, where the challenge to walk the walk was irresistible to me. I am really glad that I did that. I did not get the position, but the person who did was exactly the right person. This caused a lot of new juices to flow because I never had a reason to think about this person as an associate dean. There is a difference between considering being a real dean and doing the job of the associate dean. If you know that you want it, you should get an associate dean title, get money to effectively manage, and, if you can, get it designated as an academic associate dean position.
Commentary

Edward Rubin

First of all, I want to thank Kellye and Seattle University for organizing this event. I think it is a terrific idea because it’s extremely useful to hear about a job before you take it. Since you are all in academia, you obviously know something about this issue, but I still think it’s a very useful idea.

The first thing I did when I was trying to decide whether or not to take the job was to talk to people who have been deans about what their actual experience was like—what it felt like on the ground. I think that’s extremely important.

What I want to talk about in a bit of detail are the first stages of being offered this position, like whether you should negotiate over the title and things like that. Of course, the idea of negotiation suggests a certain level of adversariality, which is a phenomenon we’re all familiar with, but I think that is suboptimal. What’s optimal in terms of your presentation of yourself to the central campus administration with whom you are negotiating is to move out of the context of the zero sum game and into the realm of vision. It is enormously important to have a positive vision of what you want to do as dean of the institution. Your negotiating stance should not simply be a question of”—“Well, I want these resources; what are you willing to give me?”—Rather, it’s a question of what the institution can do for the university—how it can fit in to the larger institution, how it can advance that institution’s programs and how that role will in turn make the law school stronger. When talking about change strategies, you should focus on developing a narrative, a story that you can convincingly tell about what it is that you want to do, where the law school should be headed, and what it should become.

The second question in this topic, which I’ll refer to more briefly, deals with that same issue of vision. When you start the job, that same narrative is the first thing you want to present to the constituencies within the law school, the faculty, the staff, the students, and alumni. I would

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agree very strongly with Dave that your relationship with central campus is crucial to the success of the deanship. Therefore, to establish that relationship on aspirational grounds—on the idea that you can do wonderful things for the university—is very important.

My own story involved changing the curriculum. I’ve done a lot of thinking about C.C. Langdell, who created the curriculum that I was trying to change. He represents the old stuff, but at the same time, I’ve come to be extremely impressed with him as a visionary. What he did was actually rather forward looking; it’s just that he did it 130 years ago, and being au courant in the 1870s isn’t the same thing as being au courant today. But the more I’ve read, the more I realize that Langdell’s relationship to Charles Elliot, who was the president of Harvard, was actually crucial to his success. There are two aspects to this relationship between Langdell and Elliot. The first was that Elliot gave Langdell the resources he needed, and continued to support him through the hard times that inevitably followed. Because Langdell’s program was much more rigorous than its predecessor, the enrollments at Harvard Law School dropped precipitously after his changes were implemented. Think about how the central campus administration would react to you under those circumstances. But, Elliot stuck with Langdell. And he stuck with him for over ten years until the enrollment started to rise again.

It is so easy as a dean to be circumvented and undermined if people on the faculty or staff can go to the administration and that he or she is screwing up. Even the slightest receptivity to that sort of complaint will open the floodgates to it. One of the things about being a dean is that you have a lot of things you need to do, and relatively little hierarchical authority over the faculty, the students, or the alumni. You are not a CEO. You don’t have a lot of power, and so there’s a mood of leadership that you have to establish. That can be easily punctured if people can appeal over your head to central campus, if they get any kind of sympathetic hearing about complaints that you are making too many changes. It’s not that people on the central campus shouldn’t be willing to talk to people on the faculty or the staff, it’s just that when they talk to faculty and staff, they really have to supportive of the things you are trying to do

The other thing is that a good central campus administration will consist of experienced educational managers and educational administrators who can be a lot of help to you. It was Charles Elliot who was the real educator; Langdell had no background in education, legal or otherwise. But Elliot was one of the leading, if not the leading, college and university level educators in the United States at that time. Elliot was
one of the people who started the notion of electives, and he told Landell, “Hey, if you have three years of these mandatory courses, you are going to create a curriculum that’s so rigid you’re not going to be able to manage it.” It was really Elliot who advised Langdell to move to the model that almost everyone follows now because it was so successful, which is a first year of required courses and then two years of electives. So that kind of advice and that kind of suggestion—“I’ve been in this game for ten years let me tell you what you ought to be doing and not doing”—is enormously valuable. Of course, these two ways that central campus can be helpful to a law school dean fit with each other. If you can get advice and be collegial (rather than hierarchical) with the central campus administration, then I think you’re likely to get more support, and if you get support, you will be more inclined to be collegial.

Now, having said this, I’ll concede that there is an inevitable element of adversariality in negotiations with the central campus. Ultimately, even if the pie is growing, it has to be allocated, and that involves negotiation. There is always an element of negotiation in human relations, even with the family members you love. I remember sitting at the ballpark with my daughter, who was seven at that time. I was desperately interested in getting her to be a sports fan since my two older sons were out of the house. After the fourth inning, she turned to me and said, “Dad, I want to leave.” Thinking that I could of course outsmart a seven year old, I said, “Okay, let’s negotiate. I’ll tell you when I want to leave, you tell when you want to leave, and we’ll come to a compromise.” She agreed, so I said, “I want to leave at the end of the ninth inning.” And she replied, “Okay, I wanted to leave at beginning of the first inning.” So we left right then.

It’s obviously important to be an effective negotiator for your school. Part of this is that knowing what the university needs, and knowing how the law school can fit in with the needs of the university. This will obviously make you a better negotiator. The other trick is to know what the law school needs and know what to ask for. There’s kind of a golden moment when you’re being recruited where you have a greater opportunity to ask for things than you ever will again. Knowing what to ask for at this juncture is particularly difficulty if you’re an outside candidate. I think that’s one of the most crucial things to learn during the process of interviewing for the position.

One possible response to the complexities of negotiating with central campus is to make relatively obvious demands. You can always fall back on the golden oldies: “We need more resources, we need more faculty, we need another building, we need new staff, etc.” But if, instead, you can identify what will really make a difference in the institution and
ask the administration for that, then that becomes part of your narrative to your constituencies. The fact that you are able, right at the outset, to attain something that was perceived as a need by the faculty, the students, the staff or the alumni, will get you off on the right footing. And as I said earlier, if you can frame your request as part of a cooperative non-zero sum relationship, you are more likely to get a positive response.

Another thing about being a dean that everybody knows, but that comes as a kind of a visceral shock if you’ve been a faculty member, is that there’s no tenure as dean. I know one candidate who asked for tenure as dean. He was told, “In that case we don’t want you.” I think the administration responded that way because the request revealed a lack of understanding about the position. As a dean, you serve at will, and that means that you have to acclimate yourself to a more hierarchal setting than you’ve been used to as a faculty member. But there’s another aspect to it as well. Because you do have tenure as a faculty member, you’re in a good position to resign if you have to, and that gives you a bargaining position that most organizational managers lack.

My first reaction to the Erwin Chemerinsky thing was to wonder, how could the chancellor of UC Irvine, upon being asked to tell Erwin, “We’re firing you for your politics,” not say, “Well, thanks very much for giving me that assignment. I’m going to go back to my office to draft my resignation letter and it will be on your desk tomorrow morning.” That’s your greatest power as a dean. Because you’re in a hierarchal relationship, it’s very important for you to be willing to say, “This does not correspond to my vision; this is not part of the narrative that I presented to you.” You can tell me to do it, but it’s my choice whether to remain in this position.

That also suggests something about negotiation. Because we all live in a practical world, you’re negotiating on two levels when you’re talking about accepting a deanship. One is, of course, negotiating for the law school, and that’s what I spoke about before. The other is negotiating for yourself. I’m not talking about making sure you have more money than last year, although that’s terrific. Rather, the point is to craft a position where it doesn’t hurt quite as much in practical terms if you have to resign. Your salary should step down gradually, rather than revert immediately to a non-dean level; your position on the faculty should be clear. In addition, you should have a leave transition period because, inevitably, you will get behind in your field when you’re dean. Obviously, you will never forget how to do what you’ve been doing for 10 to 30 years. But I have observed that if someone who has been a dean is going to go back to the faculty and is going to be a scholar again, there is a process of recalibrating or reorienting oneself, of getting back in the
rhythm of being a scholar. Negotiating for those pragmatic things is not just good for yourself; they also equalize you with the administration because they put you in a position where you’re more willing to say, “No, I’m not going to do that; instead I will resign.”

In closing, the first panel talked about how, when you first arrive as a dean, it’s extremely important to understand the culture of the place. What was the former dean’s stance? To what extent was he or she making a lot of decisions? To what extent was the former dean a conciliator, and how did the people in the faculty react to that? That culture is obviously easier to discern if you’re an internal candidate than if, like me, you came from the outside. But in either case, the thing that will help you overcome that culture in the areas you want to change is a narrative, an at sense of having a purpose, of having a vision and being able to convince both the administration and the faculty that it makes sense. In a way, it’s a somewhat similar negotiation, not in terms of resources, but in terms of the working atmosphere you establish in the institution. No matter how many people say, “We need a new spirit here; we need new leadership,” the fact of the matter is that the way that things had been done in the past is what people have become acclimated to. So no matter how anxious they are for change, it’s going to come at some cost to them. But the more they can think of that cost as contributing to forward motion, the more willing they will be to pay to price. Thanks.
Commentary

Aviam Soifer†

There has been talk about "professional deans," and I am worried that someone might think I am one of those. I am very happily in my second deanship, but I hope that one is allowed three strikes before it can be said that he has turned professional.

I want to talk a bit more about a few of the many important things that have already been said, and to stress what Kris said about aspirational capacity. It seems to me that trying to adjust to but also trying to select the place that has aspirational capacity similar to your own aspirations is key. It is critical in those essential early negotiations, and it is crucial in your own initial, significant understandings, too. As Kris also said, it is a question of the ends as well as the means. I am reminded, however, of a wonderful albeit somewhat jaded saying: "If the ends don't justify the means, what good are they?" That, too, is worth thinking about when becoming a law school dean.

I also want to discuss briefly being comfortable within paradox because, in some ways, I think this whole conference is about that capacity. There are a lot of paradoxes in the role change to being dean. For example, a lot of us question authority. That is one of the things faculty members generally should do and delight to do, and maybe law school faculty members do it even more than most professors. Therefore, particularly if you have had considerable experience as a legal academic, all of a sudden you may realize: "Yikes, I am, at least in part, the authority here, so everyone is going to be questioning me, and that is not fair because I'm a good person and they just hired me, and we had a wonderful celebration." You have to be comfortable even when such a realization hits.

You also have to know to whom you ought to listen. I think the point made about the SALT network is very important—you can find out all sorts of things about your new school through that and other networks. But you also have to be very careful to make your own

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judgments, and not too quickly at that. It also should not seem as though you are listening to only some of the people on the faculty.

It actually is quite difficult as an outside dean to know to whom you should really listen and whose advice you should take, and you really do have to listen carefully to everyone. But it is also important that you clearly appear to be listening to everyone. You will find out surprising things. So you have to have your own vision and an end in sight, but you also have to be adaptable and willing and prepared to be surprised. Sometimes, for example, the most irascible person turns out to be a sweetie underneath, and most other people may not know about that, so you have to find it out for yourself. Or another person may be unobtrusively doing yeoman service, and it will take a colleague to fill you in on such a person who makes impressive but unheralded contributions to the good of the community.

The value of transparency is touted so much these days that it has become a cliché. It seems that few people remember when it was quite a put down to say of someone that she or he was “really transparent.” A great deal more transparency in decision-making is often to be desired, of course, but not always. This is so at least much of the time in our carefully controlled courtrooms, featuring rules of evidence and the like, and in our jury and judicial deliberations. It is also the case that an effective dean ought to know that it is not advisable always to be transparent.

A critical response to this point might be that the lack of transparency inevitably allows for manipulation. But it ought to be admitted if we are being candid that manipulation is part of what a good dean must do. One cannot be entirely transparent in all settings or for all people. If you are, you will not successfully do the manipulation that is sometimes necessary. An example familiar to most law faculty members occurs when a faculty member asks the dean a direct, simple question about hiring: “How many slots do we have?” You probably have noticed that the dean never seems to give a straight answer. I remember being among those most frustrated when we were told something like: “Maybe we have one opening, maybe we have one and a half, and there is even a chance that we have more.” Why can’t that dean give a simple, straight forward answer?

I have learned that it may be because the dean does not fully know. There are likely to be a lot of things going on, and several key pieces are almost always up in the air. But partly, of course, there may be constructive manipulation going on as well. A faculty member may be in undisclosed therapy; another should be contemplating retirement but has not yet decided. The dean may be negotiating to gain a half slot in partnership with another department, or s/he may know that a faculty member is
being heavily recruited and may be leaving for another school or asking for a leave to do government service. To be sure, there is always the danger of excessive secrecy and/or paternalism in the absence of transparency. But there may also be complexity or confidentiality that cannot be openly shared, along with manipulative possibilities for good as well as for bad ends or means.

I agree with others that it is important for a dean to be genuinely enthusiastic. Ed put it very well in terms of getting a narrative on the same frame, or in roughly the same tune, as the administration. But I disagree with both David and Ed about the degree of importance of that central constituency. If I heard David right, I do not agree with him that the only constituency that ultimately really matters amounts to those above you in the hierarchy. If and when it comes to a crunch, I believe there are all those within other constituencies who are going to be very important to make it possible, for instance, for you to do something important or to resist doing something against your better judgment.

In addition, that central administration constituency changes all the time these days. To invoke another Eliot, presidents who were like Charles Eliot ended sometimes with a bang and sometimes with a whimper, but we simply no longer have such presidential longevity or dominance. I am in my fifth year and reporting to my third chancellor. These things happen early and often in many universities these days. I really like my current chancellor, and I believe good things are likely to follow her arrival on campus a few months ago. But one must realize that the alumni are very important; the staff can make your life easy or miserable, the students are a crucial constituency; and the faculty is vital to your success.

Further, you are vulnerable in all sorts of ways, but one response as a new outside dean is to be enthusiastic about their law school—which you now should have embraced as your school, without dwelling too much on how things were done at your old place or at other schools. It is not hard to be enthusiastic because you would not have taken the job but for such an aspirational capacity. It is very easy to discern and to say truthfully, “This place is unique.” Every school is unique, of course, but you can pick out some things that make your new school unique and stress those, and that becomes part of your personal analogue to a stump speech. But then you add to this highlight reel; it is certainly not a static message. You learn things, you get stories, and those become part of what you emphasize. So enthusiasm about “We’re in this together” is, I think, in significant ways more enduring and more important than even the role of others who may rank higher than you do.
Finally, I think it important to recognize that everybody wants love. We all need to love and to be loved. And that is not a bad thing. I think as a dean one has to strive to understand the multitude of very different ways in which people want to be loved—or at least highly valued. All sorts of capacities are there to be appreciated in the faculty, students, staff members, alumni, and friends. Figuring out different ways to show respect, affection, and even love is a crucial part of what you have to do at the beginning, in the middle, and throughout your time as dean, probably even more than throughout your past life as teacher, colleague, and friend.

Finally, as Linda said, I think it is quite important to think about possible exit strategies. One part of that is keeping up your marketable skills as much as possible. It is true that they will wither somewhat, but I think that continuing to teach is a very important way to combat that. The students love it; it gives you credibility, you find out if the blackboard is broken or the lights do not quite work, the alumni and friends of the law school are delighted to hear about your students and your teaching-- and teaching is an oasis in which you are doing something you have done and done well before. It is a venue away from the daily RAT-TAT-TAT of having to make decisions, knowing that you do not know enough to make them but still having to decide.

You are instead in that classroom where you are accustomed to the ebb and flow of ideas and emotions. You are probably pretty good at teaching, and teaching is inherently a very rewarding and important thing to do. Far beyond marketable skills, therefore, you get to deal with complexity and to play with paradox as you teach the next generation of seekers after justice. It is not hard to be enthusiastic about the subject at hand. In addition, in a basic way I believe we really do love our students. Otherwise hardly any of us would be in this wonderful whirl of legal academia. It is, after all, a very meaningful and rewarding calling as well a terrific occupation.

Thank you.