

## VALUE-BASED DEANING

*John L. Carroll\**

### I. INTRODUCTION

I am now midway through my eighth year of deaning and I constantly marvel at what a wonderful job we have as deans. We lead our institutions, we associate with students, faculty, and staff who are among the brightest people on the planet, and we have the opportunity to mold future generations of lawyers. Deaning is also a very hard job that requires paying homage to a wide variety of constituents: students, alumni, faculty and staff, and the university administration. It is also a job where, like most, you learn from your mistakes, and throughout our careers we all have made plenty of them.

During the course of my eight years, I have studied successful deans and consistently reflected on my own performance. I have also done a significant amount of reading about what makes a successful dean and leader. After an extensive period of thought, I am convinced that the best approach to deaning is one that finds its roots in business management. The key to success in deaning is to be a value-based dean, a dean whose leadership is dictated not by a particular situation, but whose decision-making is guided by the deepest set of values. Such an approach provides not only personal energy and satisfaction but leads to the formation of a remarkable institution as well.

The mere mention of the word “values” has an adverse effect on some people; throughout history, politicians have done serious damage to the concept of values by politicizing them. None of the political ads touting values, however, describes the process that leads to the adoption of those values. As we all know, the concept of values is simply a tactic that candidates use to divide the electorate. In contrast, the purpose of this article is not to cheapen values but to praise them and to suggest that the identification of core values, followed by the pursuit of them is critical to a successful and satisfying deanship.

In the interest of full disclosure, this concept of value-based deaning is very much a work in progress. I have thought about this concept for many years and this is my first attempt at putting these thoughts on paper. I welcome the opportunity and also comments and suggestions. Further, the suggestions made in this article are not original to me; they arose from studying management publications and observing skilled and successful leaders.

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## II. THE CONCEPT OF VALUE-BASED DEANING

The essence of value-based deaning, as the name implies, is first the identification of a core set of values and then the use of those core values to lead your institution. “Learning to lead is thus not simply a matter of style, of how-to, or following some recipe, or even mastering ‘the vision thing.’ Instead, leadership is about ideas and values.”<sup>1</sup> It is important to define “core values.” One definition describes core values as “[o]perating philosophies or principles that guide an organization’s internal conduct as well as its relationship with the external world. Core values are usually summarized in a mission statement or a statement of core values.”<sup>2</sup>

Another simple definition appears in the iconic book on management *A Business and Its Beliefs*, by Thomas Watson, the former CEO of IBM.<sup>3</sup> Watson simply calls core values “beliefs.”<sup>4</sup> He makes clear that adherence to these core values or “beliefs” is critical to the success of any enterprise, stating:

This, then is my thesis: I firmly believe that any organization, in order to survive and achieve success, must have a sound set of beliefs on which it premises its policies and actions.

Next, I believe that the most important single factor in corporate success is faithful adherence to those beliefs.

And finally, I believe that if an organization is to meet the challenges of a changing world, it must be prepared to change everything except those beliefs as it moves through corporate life.<sup>5</sup>

As a law school dean, there are four different sets of core values to guide your leadership of the law school: the core values of the legal academy, the legal profession, your own institution, and the core values you should personally adopt to become a great leader.

## III. THE CORE VALUES OF THE LEGAL ACADEMY

The first set of values is the core values of legal education. Susan Westberger Prager said it best in the statement she released to the press when she was selected as the director of the Association of American Law Schools (“AALS”) in March 2008. She identified the core values of the legal academy as “[e]ncouraging research and scholarship about law and legal institutions, furthering excellent teaching, striving for a diverse faculty, student body and

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1. JAMES O’TOOLE, *LEADING CHANGE: THE ARGUMENT FOR VALUE BASED LEADERSHIP*, at x (Ballantine Books 1996) (1995).

2. Business Dictionary.com, Core Values, <http://www.businessdictionary.com/definition/core-values.html> (last visited Nov. 18, 2008).

3. *See generally* THOMAS J. WATSON JR., *A BUSINESS AND ITS BELIEFS: THE IDEAS THAT HELPED BUILD IBM* (1963).

4. *Id.* at 5.

5. *Id.*

profession, encouraging public service in the legal profession, and fostering justice.”<sup>6</sup>

As a law school dean, these are broad external values that should inform your decisions. They provide unmistakable guidance to lead our institutions so that they foster both scholarship and teaching, celebrate diversity and public service, and make contributions that improve the cause of justice.

#### IV. THE CORE VALUES OF THE LEGAL PROFESSION

The second set of values to guide your leadership are the core values of the legal profession. Many of the values of the legal profession overlap with the values of the academy. Tommy Wells, the president of the American Bar Association, articulates these core values in speeches he gives throughout this country and the world. According to Wells, the core values of the legal profession are “access to justice, independence of the bar and judiciary, diversity, and the rule of law.”<sup>7</sup>

These values, like the values of the academy, are broad external values that provide guidance to deans as we lead our law schools. The core values helped determine that our students must be taught the importance of universal access to the legal system, whether an individual is wealthy or poor; that lawyers and judges must be free to act independently; that our profession must be diverse; and, above all, that the rule of law must be preserved.

#### V. INSTITUTIONAL CORE VALUES

The values of the academy and the profession are values that provide broad guidance and apply to all law schools. The next two sets of values—institutional values and personal values—are more specific as they are defined by the individuality of our institutions and ourselves.

There is some tension between the notion of individual institutional core values and the brooding omnipresence of our regulatory bodies, the AALS and the American Bar Association. The tension is exacerbated by the *U.S. News & World Report* rankings, which attempt to compel all law schools to adopt the same sets of institutional and personal values.

The existence of regulation and rankings, however, does not mean that all institutions should embrace the same values. In his presidential address before the House of Representatives of the AALS at the 2008 Annual Meeting, John Garvey of Boston College celebrated what he called the “institutional pluralism” of American law schools.<sup>8</sup> Garvey noted that there are religiously affiliated law

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6. Press Release, AALS, Susan Westerberg Prager Named Sixth Executive Director of AALS (Mar. 31, 2008) (on file with the University of Toledo Law Review), available at [http://www.aals.org/about\\_prager.php](http://www.aals.org/about_prager.php).

7. H. Thomas Wells Jr., *Justice to the Core*, A.B.A. J., Sept. 2008, at 9, 9, available at [http://abajournal.com/magazine/justice\\_to\\_the\\_core/](http://abajournal.com/magazine/justice_to_the_core/).

8. *Institutional Pluralism*, JOHN GARVEY, PRESIDENTS’ MESSAGES (AALS, Wash., D.C.), Feb. 2008, [http://aals.org/services\\_newsletter\\_presfeb08.php](http://aals.org/services_newsletter_presfeb08.php).

schools, schools at historically black colleges, schools with a unique point of view, schools with a special subject matter, and state law schools.<sup>9</sup> Garvey stressed that each school should not be afraid to be different. In the closing line of his speech, he noted: "I think it would be a very healthy thing both for our students and the intellectual life if we paid more attention to [institutional pluralism]. Schools don't need to compete on the same track to succeed."<sup>10</sup> Garvey's message should be taken to heart. There is room for a wide variety of core values in our institutions.

Disappointingly, most law schools do not seek to publicly define their core values. As part of the research for this article, I informally surveyed deans and websites to determine whether law schools publicize their core values. I found a plethora of mission and vision statements, but only a few statements of core values. Further, many of the core values statements that were found were lengthy and verbose. Those statements were far from the simple statements of belief found in Watson's book, which listed IBM's core values as respect for the individual, the best service for the customer, and the pursuit of all tasks with the idea that they can be accomplished in a superior fashion.<sup>11</sup> New York Law School's Statement of Core Values was the exception. Its core values are stated in simple concise terms: "Embrace innovation. Foster integrity and professionalism. Advance justice in a diverse society."<sup>12</sup>

There are two significant tasks in deaning based on institutional values. The first task is identifying those core values as simply as possible so that they can form the basis for decision-making. The ideal time to make this identification is in the long-range planning process. During that process, a vision statement and a mission statement are usually developed. The task is simply to take the process one step further and actually articulate the core values as a separate entity, and the simpler the statements, the better. When the institutional values are defined during this time, they are then adopted by the institution and memorialized.

The second task is to actually manage by reference to those core values. Law school deans are consistently pulled in different directions by the various stakeholders and there is a serious temptation to manage by the dictates of the situation rather than by reference to the institutional core values. Resist that temptation. The benefit of having a statement of core values is that those values serve as a benchmark for decision-making. It makes no difference whether the decision involves hiring faculty or creating a student organization. Those core values are of the greatest benefit when managing in a crisis and serve as an indispensable compass when navigating the storms that inevitably buffet a law school.<sup>13</sup>

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9. *Id.*

10. *Id.*

11. WATSON, *supra* note 3, at 13, 29, 34.

12. New York Law School: Core Values, [http://www.nyls.edu/prospective\\_students/about\\_nyls/core\\_values](http://www.nyls.edu/prospective_students/about_nyls/core_values) (last visited Nov. 15, 2008).

13. See JIM LOEHR & TONY SCHWARTZ, THE POWER OF FULL ENGAGEMENT: MANAGING ENERGY, NOT TIME, IS THE KEY TO HIGH PERFORMANCE AND PERSONAL RENEWAL 15-16 (2003).

## VI. THE CORE VALUES OF LEADERSHIP

Obviously, being faithful to the core values of the legal profession, the legal academy, and your own institution is important as you plot your course through the shoals of deaning. That faithfulness, however, does not matter unless the dean has the necessary core values to lead the institution. Core values may vary from institution to institution, but the core values of leadership do not. While they may be articulated in slightly different ways by different experts, there is general agreement that the core values of leadership are integrity, trust, listening, and respect for others.<sup>14</sup> These core values of leadership provide simple but powerful guideposts. They charge a leader to be a person whose character is above reproach and whose actions show that the leader cares deeply about each and every person with whom the leader comes in contact.

One of America's great corporate leaders sums up how leadership by adherence to these core values translates into leading an institution:

"The first responsibility of the leader is to define reality. The last is to say thank you. In between, the leader is a servant.

The signs of leadership are among the followers. Are they reaching their potential? Are they learning? Are they achieving the desired results? Are they serving? Do they manage change gracefully, and do they manage conflict?

Leaders don't inflict pain, they bear it.

Leaders respect people. Leadership is about relationships. Relationships count more than structure.

Good communication means a respect for individuals. Good communication is an ethical question.

The best communication forces you to listen. Information is power but it is pointless if hoarded. Power must be shared for an organization or a relationship to work."<sup>15</sup>

Leading by adherence to these core values creates a management approach that is the polar opposite of the "tough" dean who commands and controls the institution. The "tough" dean is the dominant member of the law school and believes that leadership is the exercise of power. This dean commands respect and loyalty by rewarding the loyal and punishing the disloyal. With the "tough" dean, there is constant reference to the "factions" among the faculty and conversations about the ruthless retaliation an individual will suffer if the dean is crossed.

The value-based dean cares first and foremost about the people who make up the law school. This dean understands that the person who cleans the dean's office is just as important and worthy of respect as the brightest and most productive faculty member. The value-based dean also understands that treating

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14. O'TOOLE, *supra* note 1, at 23-34.

15. *Id.* at 44 (quoting Max DePree, former CEO of Herman Miller Company).

all people with respect is the most important thing to do and that communication is vital and listening to everyone is the key to success. The value-based dean understands that transparency is important and that everyone involved in the school has a right to information.

Can this idea of value-based deaning, of sharing power, open communication and transparency, servant leadership, and respect for everyone, work in a hierarchical institution like a law school, which includes faculty members tempted to think of themselves as independent contractors? Absolutely. In fact, the only way that a law school can truly succeed is if the dean serves the various constituencies of the law school, shares power with them, and works to make everyone live up to their potential.

I had an epiphany a few months ago when I read the definition of “The Best Law School” that was posted on a blog by Bill Henderson, a Professor of Law at Indiana-Bloomington.<sup>16</sup> Someone had finally captured, far better than I could, the vision of a value-based law school. Henderson stated:

[T]he “best” law school is one where the faculty are willing to make inordinate personal sacrifices for the benefit of the collective enterprise—and where aspiring lawyers leave the law school skilled, confident, ethical, and ensconced in a powerful professional network that opens doors and values public service. In turn, alumn[i] are sufficiently grateful for the transformative experience they received that they are willing to underwrite the law school’s mission and subsidize this opportunity for future generations.<sup>17</sup>

This kind of a vision can become a reality only with an approach to deaning that emphasizes core values—service, communication, and respect. A different approach that centralizes power in the dean and divides the community by hierarchy will not work. To become this “best law school” that Bill Henderson talks about, everyone—the faculty, staff and students—must be willing to sacrifice for the greater good. That will only happen if there is a leader committed to values.

## VII. FINAL THOUGHTS

For me, being a truly value-based dean is a distant aspiration. I am a long way from accomplishing that goal. Nonetheless, focusing on values helps me navigate the difficult path of daily deaning. I am absolutely convinced that adhering to a core set of values and then acting on those core values is the right thing for deans to do. As I go about my daily deaning tasks, I constantly refer to a short-form statement I have developed, which I think sums up what value-based deaning is about and provides a benchmark for how I should act and decide—be nice and do the right thing.

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16. Indiana University Bloomington, William Henderson: Faculty Profile, <http://info.law.indiana.edu/sb/page/normal/1415.html> (last visited Nov. 15, 2008).

17. Posting of Bill Henderson to Legal Profession Blog, [http://lawprofessors.typepad.com/legal\\_profession/2008/09/if-yale-is-1-in.html](http://lawprofessors.typepad.com/legal_profession/2008/09/if-yale-is-1-in.html) (Sept. 2, 2008).