

CONFESSIONS OF A LAW DEAN

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IN the summer of 1999, I began my third law school deanship. Obviously, as a recidivist dean, I had not learned the lessons so many in the legal academy think of as the gospel. You are not supposed to enjoy being a dean. In fact, you deserve pity for the burdens you must bear and the sacrifices you must make. All you do is raise money. Finally, when your term is over, as a “fallen dean” you must scurry back to the faculty and attempt to regain legitimacy and sanity as a scholar and teacher.

Not only am I a recidivist, I am also a heretic. I love the job, and I am not ashamed to say it. To mix my metaphors, I enjoy both managing the ball club and leading the parade. I get great pleasure helping to set an institution’s agenda. I find fundraising enjoyable, especially when you can see the impact of your efforts. Although the tribulations faced by a dean are many and complex—my secretary at Nova wanted to post a sign over her desk that read “It’s always something!”—I think it is fun coordinating a team of bright, committed colleagues and inventing solutions to impenetrable problems.

At the same time I have enjoyed the life of a law dean, I have resisted being consumed by its administrative side. I continue to write, teach and arbitrate labor disputes. I published my first two books in the last three years. When I have completed my work as dean, I will embrace rejoining the faculty. I will not see it as redemption, however, but rather as the next phase in my academic career.

Traditionally, when law deans gather together, as we do a number of times each year, there is much gnashing of teeth and sorrowful wailing. Deans tend to feel unappreciated. It can be a lonesome occupation and, at some schools, a downright impossible job. The average tenure of deans (slightly more than three years) is testament to the wear and tear many experience in the role.

What explains this attrition in the ranks? At times, law faculties and university presidents pick the wrong people to serve as deans. Selection processes tend to identify dean candidates with the same credentials (in particular scholarly accomplishment) academics use to select faculty. I can report without hesitation that scholarly abilities have little to do with the administrative jobs of a law school dean. On the other hand, it is critical that a dean understand the academic environment, including the process of scholarly research. On occasion, practicing lawyers or judges successfully jump to the dean’s office, but it is vital, whatever his or her background, that a dean appreciate both the work functions and mindset of legal academics. (There is a story I have been told about a judge who interviewed for a deanship who was aghast to hear that law faculty only taught five or six hours a week. What did they do with the rest of their time?)

There is one favorable trend to report regarding law school deans. It is my impression that more of my decanal colleagues are recidivists. Few will ever approach Tom Read’s DiMaggio-type record of *five* law school deanships (Tulsa,

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Indiana-Indianapolis, Florida, Hastings, and South Texas), but many will serve a second or third deanship.

It has always been my hope that law deaning would become recognized as a distinctive part of the profession. In the same way that judges have different job functions from practitioners, deans have different job functions from faculty. All deal with the law, but in different capacities and with a very different skill base.

Legal academics are trained to criticize decisions, not make them. When you become a dean, you must learn to make decisions. Only a few of those decisions are momentous. Most involve mundane issues, but ultimately someone has to decide: Do we buy one of these or one of those? How should we deal with an employee who cannot seem to make it to work on time? Do we hire a certain person as an adjunct instructor?

Experience is a valuable instructor. I vividly remember my first month as dean at Nova Southeastern University in the summer of 1986. I was greeted by a torrent of minutiae. I quickly learned that I would not be able to survive and function effectively as dean if I tried to micro-manage the enterprise. A key decision I made early on was to delegate the discretion to make decisions to a talented group of administrators. On the most critical issues, my colleagues learned that I needed to be involved from the beginning and ultimately to make the decision with their advice. A second group of cases involved less critical issues in which I needed to be advised after decisions were made. In this way, I would be prepared if there were later repercussions from the decision. A third group of issues involved the day-to-day issues that I did not want to even hear about. When in doubt, I advised my administrative colleagues to err on the side of checking with me.

In addition to bringing sanity to the job, this systematic delegation empowered my administrative colleagues. They became invested in the enterprise. They shared responsibility for the institution. When things went well—thank goodness, they often did—I made sure my administrators received the credit. When things didn't work out—that happened as well—it was my fault.

Other deans have felt it necessary to be involved in everything that goes on within a law school. I have been told of deans who insist on reading every memo or letter before it leaves the institution. No wonder some deans burn out quickly. Teamwork builds morale; micro-managing undermines it.

At Rutgers Law School in Newark, I added a new wrinkle to my administrative strategy. I began to rely on the advice and assistance of a group of senior law school administrators, my "cabinet." We would meet periodically to discuss current issues. More importantly, the members of the cabinet were able to function as a collective force, brainstorming issues and supporting one another. It was a delightful arrangement with a splendid group of men and women.

Now at Northeastern, I have entered a totally new administrative setting. Everything seems to work well within the institution, although like most law schools we could use more resources to achieve our goals. That is my job, as I will explain below. This law school is so different from any other where I have taught or deaned that it has taken some time to absorb the culture. Could you imagine a law school without numeric grades or ranking, but with narrative evaluations of students' performances? There is a genuine non-competitive environment. For example, the moot court teams are selected by lot from those students who successfully complete

a required course in appellate advocacy and brief writing. We have a mandatory internship program. During the second and third years of law school, students spend one-half of their eight quarters working in law firms, corporations, judges' chambers or public interest settings in cities across the country and, in some cases, around the world. My decanal instincts were developed in typically competitive law schools settings, and I have had to recalibrate them to the Northeastern way of doing things.

Even with these differences in the terrain at Northeastern, the challenges of the deanship remain much the same. There are always budget and personnel questions to address, evaluations and projects to complete, and faculty to hire and promote. Student concerns require attention. Old ways of doing things need to be reviewed, and there is a large organization to motivate.

Northeastern University is a century-old urban institution of more than 20,000 students, located in Boston between Symphony Hall and the Museum of Fine Arts. The University administration—President Richard Freeland and Provost David Hall (David was my predecessor as law school dean)—genuinely values the involvement of the seven college deans in matters of university policy. We spend hours in meetings each month discussing matters that, for the most part, do not directly involve the law school. The dean of the law school, however, is an officer of the university. As such, I owe a responsibility to assist in any way I can.

A law school dean serves two “masters”—the university administration and the law school faculty—and there are foreseeable conflicts in sitting in between. If you lose the confidence of either, of course, your work life will be miserable. (And your home life, as well, as my wife of more than thirty years reminds me.) Lose the support of your faculty, and you might as well pack it in. Worse yet, you serve at the pleasure of the president, who might not always appreciate why the law school is different. If and when the chemistry turns bad, there will be an explosion.

How then do you accomplish this high-wire balancing act and enjoy it at the same time? It requires dexterity. Even an experienced acrobat falls on occasion, so never venture forth without a net. I recommend the following:

- Cultivate the friendship of your faculty. This is imperative when you come in as dean from the outside. You need folks you can talk to and trust. Your faculty must trust you, and they can only do that if they know you as a person and not just as a dean.
- Be visible. I like to roam the hallways, visiting faculty, chatting with students. There is plenty of work to keep you busy, but your decanal role requires communal involvement.
- Be politic. I recall a faculty member who demanded a \$40,000 raise because he thought he was a great scholar and then told me I couldn't possibly appreciate that fact because I couldn't understand his important work. I offered to let the faculty as a whole decide whether he should receive the raise. He declined, and I denied his request.
- Be honest. Most faculty will accept your faults as long as you are open and honest with them. If you are not, they won't believe anything you say, nor should they.
- Be enthusiastic. As dean, you assume the role of cheerleader for the institution. For better or worse, most people will learn about the institution

through you. Alumni will be reassured by the confidence you demonstrate. Be realistic, but upbeat.

- Admit your mistakes. There are times when a dean really messes up. Acknowledge when you err. It may startle your faculty at first, but it will enhance your legitimacy for the times you will need it.
- Build a honeymoon. Many people talk about the honeymoon a new dean enjoys. I have always thought that a honeymoon was something you earned by building the confidence of your faculty in your leadership. The honeymoon need not end.

For many people, the hardest part of the dean's job is development. There are graduates and "friends of the institution" to meet and cultivate as potential supporters of the law school. This is hard work. It involves long hours, too many lunches and dinners (skip desserts, or you better buy a new wardrobe annually), and travel. Some development prospects are difficult people. Others are absolutely delightful. Since there is never enough time to see everyone, I try to spend my time with prospects I like.

When the time comes to do a solicitation, as Nike says: "Just do it." You are not asking for money for yourself, but for your institution. You are not asking for charity, but for an "investment." The potential donor has good reason to want to participate. Otherwise, you wouldn't be wasting his or her time or yours.

Over the past fourteen years, I have raised more than \$55 million dollars, not much compared to my decanal colleagues at those twenty-five schools that consider themselves in the top ten, but still a nice chunk of change. I have built two new law school buildings—one at Nova, a second at Rutgers-Newark—and hope to build a third at Northeastern. The fundraising has provided additional resources for student scholarships, faculty development, and the library.

One critical part of a dean's job is knowing when to leave. Everyone runs out of ideas after some period of time. Every institution needs new leadership periodically. You are not the law school, only its dean. Whether five, seven, or ten years is the right term is not as important as knowing that, as dean, you have a job to accomplish, some goals to achieve, and then you move on.

For those who choose to become law school deans, the position can bring great satisfaction. Motivating faculty, staff, and administrators, administering a large organization, representing the law school to a variety of external constituencies, presiding at faculty meetings, orientation, and graduation—the academic year is filled with opportunities for a dean to make a difference. I confess that I enjoy being a dean.