

DEANING TODAY: A WORTHWHILE ENDEAVOR— IF YOU HAVE THE TIME

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PROFESSOR Bill Richman and the editors of the *University of Toledo Law Review* are to be congratulated for the idea of a symposium dedicated to leadership and legal education and to bringing together so many fine law deans to exchange ideas on an issue of extreme importance to every American law school and thus to the profession itself—"What is state of deaning." The perspective is an interesting one because it is from those who are in the position now, from a wide range of law schools, and have been deans for varying lengths of time.

Because of the many, varied demands on the time of a law dean, one has too little time to reflect upon the deeper issues of values, goals (accomplished, failed, or in progress), and leadership. The request to participate in this symposium has provided this author with a chance for contemplation and evaluation about an endeavor in which I have been engaged for the past twelve years.

I have learned so much from my colleagues at the deans' meetings sponsored by the American Bar Association, Section of Legal Education and Admission to the Bar, or the Association of American Law Schools. The collective wisdom of the outstanding deans in this issue will serve as a guide, as solace, and perhaps as a security blanket for deans, both serving and putative. It will also be a reference to faculty, university administrators, and others interested in what a law dean does. This and future symposium issues by and about law deans will be an important resource and body of work for all involved in the process of legal education.

I. DO YOU WANT BE A DEAN FOR LIFE? FOR 10 YEARS? 5 YEARS? HOW ABOUT 3.2 YEARS?

Perhaps no issue causes as much fervent debate in regard to law deans as does the length of deanships. Opinions conflict not only on how long a person *should* serve as dean but also on how long deans have *in fact* served. According to former Dean Wallace Loh, in the 1960s the average decanal tenure was almost 10 years; whereas, in 1996 it was down to 3.2 years.¹ Professors Jeffrey O'Connell and Thomas E. O'Connell² and former Dean Michael Kelly³ put the figure at about four years. The study of Professors Bhandari, Cafardi, and Marlin concluded that the median tenure for law deans was 4.0 years and that the mean was 5.3 years.⁴

Conventional wisdom bemoans the relatively short tenure of law deans not only because of the substantial use of institutional time and resources expended in the

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1. Wallace D. Loh, *The Longevity of Deans: Leadership, Community, and Governance*, AALS NEWSLETTER, Aug. 1996, at 1.

2. Jeffrey O'Connell & Thomas E. O'Connell, *The Five Roles of the Law Dean: Leader, Manager, Energizer, Envoy, Intellectual*, 29 EMORY L.J. 605 (1980).

3. Michael J. Kelly, *Afterword: Why Deans Stay*, 51 MD. L. REV. 483, 494 (1992).

4. Jagdeep S. Bhandari et al., *Who Are These People? An Empirical Profile of the Nation's Law School Deans*, 48 J. LEGAL EDUC. 329, 336 tbl. 1, 345 (1998).

dean-selection process but also because it takes a person almost five years to learn the various roles of the deanship position, to establish relationships with the necessary constituents, and to lead the institution in a positive direction.⁵ Former Dean Paul Carrington opined that to properly perform the job as law dean, “[o]ne ought to be prepared to remain on the job for about a decade”⁶ and that “most deans . . . quit after tenures too brief to be of positive consequence.”⁷

Others have written eloquently about law deans—the O’Connells on the roles of law deans as leader, manager, energizer, envoy, intellectual;⁸ Carrington on the many difficulties associated with the job of a law dean and why deans quit;⁹ Kelly on the more positive aspects of the job as dean and why deans stay in the job.¹⁰ These and other authors have well stated the reasons for concern with turnover that is too high and tenure that is too short in the position of law dean. I doubt whether this author could improve much on these analyses and insights. However, I have a different perspective, or at least experience, than these authors and perhaps most other deans.

II. AN ALMOST QUITTER

In October of 1992, I announced to my faculty and University administration that this fifth year would be my final one as dean. I had been dean longer than the “average” time of conventional wisdom and of the Bahandai study mean, if not their median. The requirements of acting as mid-level manager, energizer, envoy, advocate, ambassador, arbitrator, counselor, diplomat, fund-raiser, intercessor, mediator, planner and representative had taken a toll in terms of enthusiasm, new ideas and effectiveness.

For the first few months after the announcement and as the dean search process was underway, I experienced what I refer to as the “ex-dean thrill.” There was that smile, bounce in the step, and happiness I had seen in former deans which is undoubtedly associated with shedding a number of responsibilities to return to “what we had all come into legal education to do,” i.e., teach and research. However, this feeling began to be tempered as I met with each dean candidate who came on campus to interview for the open position. As I explained the pluses and minuses of the deanship of our law school to these candidates, I came to realize even more what an outstanding group of faculty colleagues I was associated with, the quality of our students, the loyal support of alumni, and the general positive state of relations with our University administration. Likely, this was the “second thought” stage that any person goes through after making a major career-changing decision. However, two other occurrences impacted my resignation thinking. First, I began to see the exciting possibilities that lay ahead for our law school and the opportunity that the new dean would have, in conjunction with the faculty, to shape these new

5. Gerald T. McLaughlin, *The Role of the Law Dean as Institutional Veteran*, 31 U. TOLEDO L. REV. 675 (2000).

6. Paul D. Carrington, *Afterword: Why Deans Quit*, 1987 DUKE L.J. 342, 359.

7. Paul D. Carrington, *Why Deans Stay: A Quitter’s Response*, 51 MD. L. REV. 505 (1992).

8. See O’Connell & O’Connell, *supra* note 2.

9. See Carrington, *Why Deans Quit*, *supra* note 6; Carrington, *Why Deans Stay*, *supra* note 7.

10. See Kelly, *supra* note 3.

initiatives. For our law school, the opportunities at that time were primarily an infusion of resources to enable us to significantly expand the size of our faculty and both to develop new programs and to improve the standing of a number of present programs that were underway.

Secondly, I realized that the dean did not have to "do it all." You did not have to attend every function of the University, other colleges, bar associations, and perhaps even some of those at the law school. It was startling to this type "A" personality to learn that no one was taking role at these events and no one really missed you. With so many demands upon a dean's schedule, selectively choosing important events to attend and discarding others saved a great amount of time for more productive work. It also dawned on me what an extraordinary administrative team I was fortunate to have and this made it unnecessary to write personally every report, study, strategic plan, or mission statement requested by the chancellor, vice-chancellors, provost, vice-provosts, government agencies, American Bar Association, or Association of American Law Schools.¹¹ In other words, learn to delegate that which is delegable. Knowing the latter and being able to actually do the former, and having the administrative support that you can rely on to perform well the delegable duties, is perhaps the most important key to a successful and much happier deanship.

In May of 1993 our Chancellor, who was in his first year, made an offer to the chosen candidate. Everyone thought that the law dean search had concluded, and I was ready to leave for a sabbatical semester. Then, in the first week of June, the Chancellor informed me that the deal had fallen through and asked if I would continue as dean. I realized that I wanted to continue if the faculty and my family agreed, and this generous support was quickly forthcoming. Being a bit more experienced than when I first became dean, I also understood that this was a golden opportunity to "renegotiate" on behalf of the law school and the once outgoing/now again incoming dean.

The decision seems to have been a good one for all involved. Now I better understand and agree with Paul Carrington's conclusion that a dean can accomplish much more in ten years than in five or less if the match is a good one between the dean and the faculty, University administration, and other constituents. One not only comes to know the players, the system, and the roles better, but the mature dean can better prioritize and assist in accomplishing the goals of the law school. For example, almost all agree that the heart of a law school is its faculty. In twelve years we have doubled the size of our faculty from 19 to 38. The faculty we have hired, both as a result of normal attrition and due to additional positions, have brought a wealth of talent, diversity, and dynamic ideas to our law school and university community. Such an influx of accomplished, independent-thinking people brings so many benefits to an institution but also causes its own set of tensions due to the resulting change. Despite this growth and evolution, our faculty has maintained a collegiality and comradery which have been a hallmark of our law school. The dynamic interaction between our older and newer faculty, particularly in the area of increased commitment to scholarship, has been an important area of growth for our

11. Perhaps one of the most significant changes in the past twelve years to this dean has been the seeming exponential increase in administrative reports.

law school. As a "less than five-year dean," I am not sure that I understood the role of the dean in this process of community building. To play a significant role in securing these positions and, with the faculty, filling them has been a most rewarding endeavor. As Wallace Loh noted, "the satisfactions [of a dean] are mainly derivative."¹² A dean benefits the overall institution most by enabling faculty to accomplish the law school's mission of teaching, research and service.

Our law school in the past seven years has also undergone significant programmatic changes. We have added our first master of laws degree, which is in alternative dispute resolution; our Center for the Study of Dispute Resolution, under the leadership of Professor Len Riskin, has become nationally prominent; and we are embarking on interdisciplinary initiatives in electronic commerce, biotechnology, institutional contracting and public policy with the Schools of Business, Journalism, Arts & Science, Agriculture and Medicine on our campus. These are exciting adventures for our faculty and ones on which a dean with credibility in the law school and throughout the campus can have a positive impact. Rising from the middle to the top of a seniority ladder of deans across campus brings a certain stature in and of itself. But even more importantly, knowing how to move such ideas forward, where to garner resources and with whom you need to deal in no small measure comes from experience as much as from insight and ability.

These are just a few examples of why for this author the last seven years of deaning have been more pleasurable and professionally rewarding than the first five. This article is not a brief for the position of "dean for life." Likely, the days of the multi-decade deanship by persons such as Erwin Griswold at Harvard, Page Keeton at Texas, Mason Ladd at Iowa, Christopher Columbus Langdell at Harvard, and Blythe Stason at Michigan have passed. The job of dean today has too many demands and pressures, especially when compared to the situation of most faculty colleagues. Moreover, just as in law practice, business, sports, entertainment and other pursuits, a law dean must know "when to fold 'em." However, to engage in institution building requires commitment and a length of time of continuous leadership. While in a given situation this may be five years, ten years, or something in between or more, it is unlikely that it is 3.2 years. An individual pursuing a deanship should seriously consider not only the nature of the undertaking but also the time necessary to meet the challenges of a particular law school at a particular time.

III. POST SCRIPT—TAKE A BREAK

It is important for a law dean to take a break, a real break. Any position, like law dean, where one is dealing with so many competing constituencies and pressures is a draining experience. Many dean friends say that after three to five years they simply run out of the necessary energy to keep pace with the conflicting demands. That was very much my situation when I thought I had resigned at the end of my fifth year of deaning. A careful reader may have noticed that instead of a sabbatical in June of 1993, I ended up signing on for another term, which at our university is

12. Loh, *supra* note 1, at 5.

five years. However, the energy gauge, while not on empty, was certainly on low at that time, especially with the sabbatical having been forgone. Part of the “re-upping” negotiations included a sabbatical year after having served two additional years as dean and then returning for another two. Not many deans whom I know have taken a sabbatical during a deanship. The University administration, my law faculty colleagues and I all had concerns about a hiatus for a dean because of the position’s nature, which typically involves ongoing projects of strategic planning, capital campaigns, alumni relationships, etc. However, the very same reasons that universities have sabbatical policies for the faculty apply to administrators such as law deans. A person needs time for a sustained period of reflection in order to engage in serious scholarship or develop new areas of teaching and research. The din to step away from is probably even louder and more frenetic for a dean. The likelihood of continuing in an administrative position is greater if such a respite can be secured.

A sabbatical at Cambridge University in 1995 was more important than I had imagined. With a wonderful Associate Dean, Ken Dean, serving as Acting Dean, the law school ran smoothly and continued to flourish. The opportunity for evaluation and professional development proved invaluable. I returned to the job fresh and full of enthusiasm with many ideas for the deanship and the law school. It was like starting the job anew, only with the perspective of seven years of experience. I am convinced that the sabbatical in a large measure enabled me to sail past the decanal decade

Two more of my dean colleagues on our campus subsequently have been allowed sabbatical time off. The University administration has become very supportive of the idea that, rather than interfering with administration, a policy of sabbaticals for deans encourages continuity of leadership in a challenging and important position. Indeed, this coming year the author will embark on a second sabbatical during a law deanship. So much for irreplaceability!