

# ARE STUDENTS A DEAN'S PRIMARY CONSTITUENCY?

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## I. THE MOST VULNERABLE CONSTITUENCY

AS a general proposition, everyone in the law school world understands that deans have multiple constituencies whose interests often coalesce, but sometimes collide. It is not until they interview for a deanship, however, that most faculty members come to realize the full range and intensity of interest of the various constituencies who look to the law dean, not only for leadership, but also as the designated protector or champion of their special domains. This awareness grows as a dean candidate runs the interview gauntlet with one constituency after another—faculty, central administration, big donors and other alumni, leaders of the bench and bar, and other campus deans and department heads—all pressing to gain an advantage on the issues reflecting their special concerns.

A dean candidate will in all likelihood spend the least time with current students, and, while politely listening to their views, will probably pay them the least attention. For a candidate to take the students lightly in the dean selection process makes perfectly good sense. In the eyes of other participants involved in the dean search student involvement is *pro forma*. The students are after all transitory; they are just passing through the school on their way to becoming alumni. Moreover, students routinely underestimate the importance of a law school's reputation for scholarly productivity and they lack a historical perspective on the progress of the school. For these reasons and others, students are thought to lack the maturity of judgment to have their views taken seriously by those making the dean selection decision. Thus, the successful dean candidate takes care to utter the standard clichés about students coming first in the institution's mission, etc., but reserves her/his best efforts to impress and charm the real decision makers.

Given this analysis, one that places students at the lowest rung of the constituent hierarchy during the dean selection process, it is somewhat ironic that, after 25 years of service as a law dean, I now regard law students as the constituency that most requires the dean's careful attention and continuing support. Note that I am not saying that students are the dean's most important constituency, rather that students are the constituency most in need of the dean's assistance to assure that their law school experience is as educationally productive and professionally beneficial as possible.

The reasons for students' dependence on the dean for safeguarding and improving their welfare are as simple as they are obvious. Although a dean must constantly interact with and mediate between all the school's important constituencies, all of these, except the students, are quite capable of looking after and effectively advocating their own special interests. Unlike the other constituencies, students usually are not well situated to protect and advance their shared interests. The members of the other major constituencies all have long-term associations with the

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school and enjoy regular professional interactions with the larger legal community that give their spokespersons standing to be heard. Law students, by contrast, are newcomers to law school politics. They not only lack the necessary background in law, they are not a focused or cohesive group. Students typically are poorly organized and their attempts at self-government are often so feeble that their leaders lack credibility, even on issues that vitally affect student welfare. To be sure, there are often faculty members who care deeply about student matters, but they may lack the capacity to affect changes without the dean's help.

It is often up to the dean to protect student interests in the academic competition for resources and to champion their just causes. In some situations, this may mean reverting to something approximating an enlightened version of the discredited *Parens Patriae* model of administrative oversight.

I realize that it is easy for deans to talk the talk of putting "students first," and that most law schools embrace this philosophy, at least in their recruitment materials. It is much more difficult, however, to implement such an approach in a school's day to day operation. Deans are under considerable pressure from the phalanx of more powerful and demanding constituencies to act on their pressing agendas. Students, on the other hand, are usually too busy meeting their daily obligations and too focused on their post-law school careers to mount sustained pressure for change. Plus, inertia is an attractive and low cost strategy when dealing with student demands. Every experienced academic administrator understands that any group of student activists is transitory and can be waited out, while other constituencies are durable and the continuing relationships with them require constant nurturing. So if one is to walk the walk of a "student first" commitment, the dean must not only chant the mantra, but also be vigilant in thwarting external threats to students' welfare, while looking for opportunities to enhance the quality of their education and professional experiences within the law school.

## II. IOWA ACADEMIC CULTURE

Lest this all sounds a bit Pollyannaish, let me describe some of the initiatives I have taken over the years that I believe have directly benefited Iowa students. First, I must qualify this report by acknowledging that the environment at Iowa has been most favorable for the types of strategies I have pursued. Since the late 1960s, our faculty and the University Administration have agreed that the law school should move steadily toward a more "graduate college" style of legal education, with stronger attention paid to individual students, lower student/faculty ratio, more small-class opportunities for in-depth study and greater professional interaction between student and teacher inside and outside the classroom. Since 1968, we have offered small sections of substantive first-year courses in both semesters. In these small sections students receive additional credit for research and writing exercises that are created and supervised by their full-time teachers. I was one of the advocates of this major reform and have regularly used my influence as dean to preserve and enhance the program in the face of occasional faculty disgruntlement over the significant faculty resources it requires.<sup>1</sup>

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1. Iowa's Small Section Program is described and advocated in an essay I wrote that is

One distinct benefit of Iowa's first-year program is that it creates a culture of close faculty/student professional relationships that carries over to the upper-level curriculum, which also features many small classes and other faculty-supervised research and writing experiences. Our school's curricular emphasis and student-centered ambience have no doubt made it easier for me as dean to champion reforms that reinforce the commitment to students' welfare.

One decision I made immediately on taking office was crucial to establishing credibility with students. Throughout my tenure as dean I have taught a large section of the first-year property course every semester. This has not only put me in daily touch with students, it has communicated the message that the dean takes their education seriously enough to make regular teaching a high priority. Consistent with my longstanding policy as a teacher, my dean's office has always had an "open door" policy toward students.

Another important move I made at the outset of my deanship was to let the Student Bar Executive Council know I was available to attend their weekly meetings. They were flattered to be thought worthy of the dean's time and I have been invited regularly to attend meetings with student leaders ever since. In recent years these formal opportunities to receive student input have been extended to the entire student body through periodic "fireside chats" with the dean.

We like to credit legal education as being an effective training ground for future lawyers, but often search in vain for direct connections between our education programs (what and how we teach) and the leadership success regularly demonstrated by our graduates. One area in which I believe a direct connection exists is in co-curricular programs—programs like law journals, moot court, trial advocacy, client counseling, etc. in which advanced students supervise rising students in the development of important professional skills. If well-organized and rigorous, successful co-curricular programs not only are excellent training grounds for students to develop their leadership skills, they are also a highly tangible way for a school to manifest its seriousness about making students junior partners in their own professional education.

I have always been a firm believer in the educational value of challenging co-curricular programs, so over the years I have encouraged them, committing the necessary financial support for three new student-edited law journals, a much expanded moot court program with more frequent competitions, and ambitious trial advocacy training and client counseling programs and competitions. Besides subsidizing most of the operating costs of these programs, early on I adopted a policy of 50-50 cost sharing for the ticket price of an awards banquet for each group. It is a standing joke within our school that we avoid the dreaded third year malaise by co-opting the entire class as fellow teachers and research assistants. This may be a slight exaggeration (we employ over 100 students as research assistants and nearly 100 as co-curricular program supervisors), but there is a lot to be said for creating a professional environment in which students feel personally invested in producing a successful educational outcome for their classmates and contributing to the school's scholarly reputation.

### III. STUDENT SERVICES

Perhaps the most direct way in which a dean can enhance the quality of a law student's experience is through creating or strengthening the student services the school provides. For example, when I became dean our school employed only one part-time placement person to assist students in their searches for employment. We now have two full-time professionals and two full-time support staffers who provide a full range of in-house career services, including weekly educational sessions on career planning issues and coordinate a student mentoring program in cooperation with the Professionalism Committee of the Iowa Bar. We are currently exploring ways to add a third professional who would work mainly outside the school, traveling to recruit recruiters and spread brand recognition for our "products" from coast to coast. The same story of expansion to meet student needs can be told about support services provided by reference librarians, information technology specialists, audio-visual technicians, and advisory and counseling personnel, including two full-time administrators who coordinate student events and oversee 22 student organizations.

A recent enhancement that bridges the gap between education and service is a week-long orientation program that brings all members of the fall entering class to town a week before regular classes start. In the orientation sessions the new students receive instruction from three of our best teachers on a variety of topics deemed most relevant and helpful to beginning law students. Running parallel to the 14 hours of classroom instruction are comparable sessions acquainting the students with college, University, and community resources and a variety of professionalism topics.

#### *Two Innovative Student Services*

There are two important student services I helped to inaugurate in which I take the greatest pride, our Writing Resource Center and our Academic Achievement Program. Both supplement the college's mainstream legal education, but also directly further our commitment to treat each student as an individual learner.

##### 1. *The Writing Resource Center*

So far as I know, the Writing Resource Center we created in 1989 is still unique among U.S. law schools. A number of schools have contacted me for details about the operation, and a handful have established very modest versions of our Center over the last few years. The basic premise of the Center is that many members of the law school community would avail themselves of the opportunity to receive personal tutoring, constructive feedback and friendly edits of their writing if the assistance was a freely provided service offered on a voluntary basis by a highly regarded professional staff. Over the past eleven years this idea has proved successful beyond my wildest dreams. We now operate a full service Writing Center staffed by two full-time professionals and several part-time tutors, all of whom have strong professional credentials as writing teachers (Ph.D.s and M.F.A.s in English and Creative Writing). The emphasis of the Center is on helping writers

master the essentials of good writing generally, not stylized legal writing, so the Center can help virtually any member of the law school community improve her or his skills in written communication. The Center serves students with a wide range of needs, from the beginning student struggling with the first memorandum assignment, to a second year student attempting to enliven a boring brief, to the law journal editor learning to edit professors' articles. Last year, over 70% of the student body and numerous faculty and staff availed themselves of one or more of the Center's services. I routinely run drafts of my written work by the Center staff for critical review.<sup>2</sup>

## 2. *The Academic Achievement Program*

The final initiative I wish to report is a prime example of a dean's opportunity, in tandem with dedicated faculty, to play a key role in creating a student-friendly enhancement to an academic program. In 1999-2000 after a number of years of faculty discussion and debate, the College inaugurated a new student service, designated the Academic Achievement Program. This non-credit program is not only newer than the Writing Resource Center, it is more controversial. It is designed to help law students become more effective learners in their law studies and more well-rounded lawyers in the long run. It is premised on the belief that all law students, regardless of their potential or proven academic success, can benefit from the creative insights and practical advice of an experienced professional who specializes in learning theory, study techniques and strategies for improving skills for working effectively as team members.

Given the self-evident educational worth and professional relevance of offering such professional assistance to law students, it may be difficult to understand the entrenched faculty resistance to starting up such a program, but it took over three years to win faculty endorsement for it. The description of our new academic achievement program that follows is excerpted from a report I made to the Iowa State Bar Association Board of Governors in June 2000.

The idea of providing extra efforts to help students become more effective learners is not a new one in the law school world. A large number of schools have had some form of academic support program for years, but virtually all of these programs limit access to students already in serious academic trouble or those projected to experience academic difficulty in the near future. Our idea was that by offering students both general instruction and individual learning assistance outside the classroom, regardless of their actual or predicted academic performance, we could attract students who would otherwise shun participation in "remedial" programs because of the stigma traditionally attached to them. Therefore, the Academic Achievement Program offers its full range of services to all interested students, regardless of their current or projected level of academic performance.

The model for the new program was our school's highly successful Writing Resource Center mentioned above, which offers year round writing tutorials and workshops to improve writing skills to all interested students throughout their three

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2. A complete write-up about our Writing Resource Center can be found in the IOWA ADVOC., Spring/Summer 1998, at 6-11.

years of law school. From the outset it was crucial to the success of the Writing Center to make clear that it was not just a remedial enterprise for poor writers. Similarly, the emphasis in the Academic Achievement Program is not just on improving low grades, but on assisting every student to develop skills that will enhance his or her academic success and professional growth. Top students use the Program's resources to strengthen their work habits and people skills, law journal officers and moot court judges get help in performing their editing and supervisory responsibilities, beginning students work on improving their class preparation, and students experiencing or anticipating academic difficulty practice their outlining and exam writing skills.

The college was extremely fortunate to have attracted a nationally recognized leader in the field as the first Director of its Academic Achievement Program. While not law trained (she holds a Ph.D. in Educational Psychology), the new Director's 14-year tenure working with law students' learning skills made her an outstanding choice to help create an innovative program at Iowa.

As it was developed last year in cooperation with supportive faculty members, Iowa's Academic Achievement Program is designed through large class sessions, small group workshops and individual tutorials, to help students in four principal areas:

1. Adapt personal learning styles to the demands of law study;
2. Enhance organizational abilities;
3. Improve time management;
4. Understand personal strengths and weaknesses in performing tasks as a team member.

If the program succeeds in its objectives, it should make Iowa law students more effective learners, inculcate in them strong work habits, and heighten self-awareness about their personal strengths and weaknesses in dealing with others, all of which will serve to make them better lawyers.

For what it is worth, many Iowa bar members who heard this report made a point of praising the initiative as moving in the right direction. They particularly applauded the emphasis on organizational skills, time management and teamwork as qualities they found lacking in recent graduates.

#### IV. SOCIAL-PROFESSIONAL ACTIVITIES

Beyond these co-curricular and service initiatives, I have also made some worthwhile contributions on the law school social/professional front. In my first year as dean I strongly encouraged faculty members to invite groups of students to their homes for informal social gatherings. My continuing offer to reimburse faculty for the cost of entertaining students has created a tradition of faculty hosting such get-togethers for their small classes and seminars. At the same time, I restored to our annual Iowa Supreme Court Day the custom of the justices hearing moot arguments by our best student advocates. I also added to the event informal dinners in faculty homes, bringing together judges, faculty and groups of students. Again, at only modest cost—reimbursing faculty for their entertaining expenses—the dinners with judges in faculty homes have become a highly successful part of Iowa Supreme Court Day and have enhanced our school's oldest tradition.

In the same vein of "community building," early in my deanship I introduced two new student-oriented events and helped reinstitute a third. In 1977 I created a "Parents and Partners Day" to bring the families of the law students to the law school to tour the facility, meet the teachers and generally enjoy a light-hearted introduction to the alien world of law study. This has been a continued success regularly attracting several hundred guests from around the country. Two years later I introduced the annual Law School Musical, which I continue to produce and direct. Under the dean's watchful eye for mean-spiritedness, the musicals cleverly spoof and satirize student life at our school. This production involves a substantial commitment of my time and creative effort, but it is great fun working with the talented students and the occasional faculty who make up the cast each year. The Law School Musical is a much-anticipated event on the fall calendar, and it is now presented in conjunction with Parents and Partners day, assuring us an appreciative audience of the cast's family members, as well as students and faculty. As for the reinstated tradition, early on I helped resurrect the Barrister's Ball, an annual formal dance at which hundreds of students and a few faculty now strut their stuff.

#### CONCLUSION

I have greatly enjoyed and learned much from my long interaction with all of the law school constituencies. I embrace wholeheartedly the conventional wisdom that a dean's most lasting legacy lies in the quality of the faculty recruited and retained at the school. All but twelve of our fifty excellent faculty members have been appointed during my tenure, and I take great pride in the strength and diversity of the current Iowa faculty.

When I retire from the deanship in the next few years, however, I would certainly be pleased if it were determined that my greatest impact as dean was in providing leadership for improving the quality of the law school experience for Iowa students. In my lengthy tenure, I have found that there is a great deal a dean can do, working with like-minded faculty and staff, to assure not only that students at the law school are receiving the best legal education it can provide, but that students' personal experiences within the school are positive in all the ways that produce both enthusiastic students and loyal and supportive alumni.