

# BRIEF REFLECTIONS ON THE ENTERPRISE

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THE question that was most often asked me by friends and family after I became a dean was, "what is it like?" Feeling the need to have some sort of an answer, I have reflected a little on that question. The short response is "it's a bit like being a lawyer with one very demanding client whose values you embrace."

There are several observations embedded within that simple one. First, let me give a little autobiographical background. I became a law professor in 1978. But for much of my academic career, I was simultaneously a lawyer, serving over the years as "of counsel" for three different law firms. The role of an attorney working within a law firm for many different clients on many different matters is one I know well. I came to Arizona State as an outside dean.

The role of dean is, of course, significantly a problem solving one. There are lots of issues, many of which have multiple dimensions. Some problems need immediate attention, others allow for more considered thought. Some problems are anticipated, others arise unexpectedly and, often, inconveniently. The art of juggling, of being able quickly and calmly to turn from one thing to another, is an art not typically developed to a high degree by professors, but it is one which a busy, effective lawyer has every reason to master.

Not surprisingly, the tempo of a dean's life is far more like that of a lawyer than like that of an intellectual. There is little time for contemplative reflection, for painstaking research, or for unscheduled conversation. There is a premium put on efficiency and on the instinct for knowing exactly how many minutes have elapsed (an unnatural ability which becomes highly developed in creatures required to account for their time in small increments). The pace brings with it the loss of the ability to have routines of one's choosing in one's daily life. I sometimes think that this ability, often taken for granted by professors, is what most distinguishes the life of the professor from the lives of other professionals.

One of the most striking differences between functioning as a senior lawyer in a firm and functioning as a tenured professor within a law school is the institutional inducement for learning how to delegate effectively and how to function as the leader of a collaborative team. In the firm context, your own professional success and reputation often depend directly on the work of others. In a matter of complexity, you will constantly collaborate with your colleagues on the case, you will delegate important research and drafting tasks to others, and you will rely on their work in your work. Although, of course, some law professors do collaborative scholarly work or co-teach occasional courses, it is not the norm and indeed substantial pre-tenure collaborative efforts are usually discouraged. A law professor's good academic reputation is seldom the result of skillful delegation and is usually earned after countless hours of solitary work. This may go some way toward explaining why a competitive academic lawyer is more likely than an equally competitive law firm lawyer to minimize his own colleagues' abilities and accomplishments. It also may explain why some people find it difficult to delegate

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effectively when they become dean. As law professors, we have little reason to learn how to choose what jobs and decisions to delegate and when and to whom they are best given. These are hard choices and although nothing fully prepares you for the political dimensions they have in the context of deaning, I am very grateful for the years I had working with and relying on others in my law practice.

These fairly obvious similarities are not, however, what I mostly have in mind when I say that being a dean is rather like being a lawyer. What has seemed to me most useful about my years as a lawyer in preparation for my stint as a dean is the ability it has given me to undertake what I conceive of as a fiduciary and representative role. Years of client representation have made what one might call "zealous detachment" second nature to me. As a client's representative, one speaks for the client, expressing its views as accurately as possible, always seeking to maximize its position to the extent feasible and just. One of the keys to doing this effectively is that the lawyer recognize that she is not the client. This allows her the emotional space needed most effectively to evaluate circumstances and arguments and makes it possible to absorb criticism of the client and still respond in the client's best interest. As law professors, we are all well practiced at reciting the justifications of the representative system we teach. In contrast, it etches itself into the psyche of the practicing lawyer. Somewhat to my surprise, I have found that it is this part of my years as a lawyer that is most helpful in my role as dean.