

EXCEPT FOR THE PROBLEMS, BEING A DEAN IS A VERY GOOD JOB

H. Reese Hansen

IN some ways my deaning experience has been rather unique. First, except for the first year when I was a part-time legal writing tutor, in all of my years in legal education I have never been without a dean title. Next, all of my deaning has been done at one institution—Brigham Young University. Most importantly, I have been an active participant in the full range of the challenges of managing a law school from start-up through substantial maturity.

The law school at Brigham Young University admitted its first class in the fall of 1973 when I became a part-time legal writing tutor. I joined the faculty full-time in June 1974 as an assistant professor and assistant dean. My administrative assignments included admissions, placement, and general administration of the law school, including budget planning and oversight. In 1976 I was given the title of Associate Dean and received additional administrative assignments, including the law library, computer system and alumni organization. In the fifteen years between 1974 and 1989 while I served as assistant and associate dean, I was taught, tutored, and mentored by three great deans: Rex E. Lee, Carl S. Hawkins, and Bruce C. Hafen. In 1989 I became acting dean until my formal appointment as dean in March of 1990.

I have been active in managing parts or all of my law school operation for twenty-seven years, twelve of them as dean. During that time we completed construction of a new building housing our entire operation (1975) and completely remodeled and doubled the size of our law library and added comprehensive technology capability in the facility (1997). In addition, we received provisional and full accreditation from the American Bar Association and became a member of the Association of American Law Schools. We acquired a Coif Chapter. Our technology progressed from Selectric typewriters and ditto machines to the full range of computer systems and cell telephones. Our faculty grew from nine members to its authorized capacity of twenty-nine. Starting with no endowment we raised funds for three fully endowed Chairs and eleven endowed professorships, a large endowed student loan program, scholarships available from endowments, a large library collection endowment, and a substantial operating endowment. We opened two law centers, inaugurated an externship program that provides well over two hundred summer professional legal opportunities for our students each year, and organized a fully functioning alumni association and related professional organization with 5,000 members in 32 locations in the United States and abroad. We have been busy, and it has been an exciting and challenging experience. The vast majority of the time I have thoroughly enjoyed being a part of the law school's administrative team. Although occasionally there have been days or weeks when

* Dean and Professor of Law, Brigham Young University, J. Reuben Clark Law School.

I wondered whether I was really cut out for the work, I think I would not change anything if I had the last twenty seven years to do over again.

Through all of these experiences, there are some things I have learned that may be of interest. I mention here a few of the more significant ones:

1. *The Faculty Is the Most Important Single Component in Building a Successful Law School*

The reputation of a law school depends primarily on the persons who make up the faculty and the quality of the work they do in the classroom, in published scholarship, and in professional and civic service. Other factors, like students, the University, and alumni are also critically important, of course. But no other single thing makes the lasting impact that the faculty does.

Unfortunately, at almost all schools I know of, the faculty is sometimes neglected by the dean. Unlike some others who have commented about the difficulty of dealing with faculty, my experience is that most of the faculty do their work most of the time and do not make unreasonable demands on the dean. The faculty don't tend to seek out the dean unnecessarily. Quite to the contrary, they tend to avoid the dean—leaving it to the dean's initiative to establish and maintain communication. This is probably the way it should be, especially where the faculty is generally well motivated and committed to the institution. But dean avoidance by the faculty means that the dean has to be consciously aware of how much personal interaction he is having with individual faculty members and with the faculty as a whole. For me, at least, the immediate press of other (but usually less important) demands in the office too often take time that should be spent on faculty guidance and encouragement.

And I find faculty interesting and thoughtful people who are wonderful to work with. Although individual faculty members sometimes have different and strongly held views from my own on important matters, they almost always have the institutional good as their primary objective and generally go about their business in a spirit of good will. Furthermore, the collective judgment of the faculty is rarely seriously mistaken—whether on personnel, student, or institutional policy matters.

It is also clear to me that it is worth whatever effort it takes to be sure that faculty hires are good ones. Unlike a student who will only be with you for three years, a faculty member is a permanent part of your life. Making the right faculty appointment is absolutely critical. I don't think anything else a dean does is as important as guiding the process of finding, hiring, and developing new faculty. Throughout my law school's history there has never been a shortage of good people who were interested in joining the faculty. The law school's strategy, wisely I think, has always been that it was worth whatever wait was needed to find just the right faculty hire. It was not until the 1998-1999 academic year (twenty-five years after the law school opened) that we finally filled all of our available faculty slots.

2. *Good Relations with the University Administration Are Critical, but Not Easy*

Of all of the "constituent" groups with whom a law dean must deal, university officers, and university committees under their direction, are the most challenging.

Whether dealing with budget matters, faculty hires, or rank and tenure decisions, the differences between the law school and other departments and colleges in the university are troublesome to university officers. The process of familiarizing university officers with legal education is never-ending and always personally a bit frustrating. Candor and completeness of information are essential. Patience (not one of my natural strengths) is a virtue. I have resigned in writing three times. In my experience, encouraging law faculty to be engaged regularly on university committees and to participate otherwise in university life has been very helpful.

3. *Obtaining Adequate Funding Is the Single Greatest Consumer of the Dean s Time and Effort*

Preparing, presenting, and managing the law school budget takes a great deal of time. In our environment of greater accountability, it is clear that universities are requiring increasingly more data to support budget requests. University costs are increasing faster than general inflation rates and faster than tuition and fee revenues. The result is that budget support from the central university and from tuition revenues represents an ever shrinking fraction of the operating costs of the law school. To close the financial gap and provide a way to improve law school programs, deans are required increasingly to seek private funding sources. I see no way for this trend to be reversed and anticipate a time when fully half of a dean s time will be spent in fundraising. I view this as an unfortunate distraction from the other areas where the dean ought to be providing leadership in the academy

4. *A Strong Administrative Team Is Essential*

As law schools become more complex institutions where greater accountability is being demanded, it is very clear that having the right administrative organization staffed with excellent people is critically important. It is impossible for the dean and/or the faculty to be involved in everything that goes on in the law school. From admissions to placement, from the library to the computer system, and from pre-law recruiting to alumni organizing and fund raising, it is important that expert and dedicated personnel are supporting law school functions. The dean simply must have a team of people who are expert with the various details of law school operation, and they must be worthy of his/her absolute trust.

5. *The Dean Should Be in the Classroom*

For the year that we were occupied in raising money for our library addition, I did not teach. I appreciated the additional flexibility and freedom in my schedule that resulted from not having to meet regular classes. But I also found that I quickly became detached from the heartbeat of the law school. During this time I became known among the students as the Virtual Dean. In addition to missing the personal joy of the classroom and sharing teaching experiences with the faculty, I am convinced that not teaching on a regular basis compromises the dean's leadership position. I believe the dean s credibility with both students and faculty is aided by taking a regular teaching assignment.

6. *It Is Clear to Me That Technology Will Not Save Us, and I Fear it May Kill Us*

There is much to praise about the information technology revolution, and we have moved vigorously at the law school to capitalize on technology's advantages. But there is much to be wary of in the brave new world of technology, including astronomical equipment, software, and network investment and maintenance costs. Designing, loading, and keeping web sites current represent another large and growing expense category. I often doubt that the advantages of instantaneous availability of far greater quantities of information than a person can possibly use (let alone be interested in) is worth the cost of having access to it. Enough said.

7 *More Changes Are Coming to Legal Education*

Changes in the profession over the past twenty-five years have necessitated substantial changes in the way legal education historically has been delivered. Few law firms now offer new law graduates the luxury of extended mentoring by experienced lawyers in the firm, and most have demanded that new hires contribute more quickly to the bottom line. As new lawyer salaries have escalated, especially in recent years, the economic pressure on law firms has unfortunately increased the pace of mentoring withdrawal. Primarily in response to demands from the profession and students, law schools have substantially enlarged externship programs of all types, increased skills training, and modified curriculum to offset the loss of mentoring from the practicing bar. The changing world economy with greater reliance on cross-border business, will inevitably move the profession to multi-jurisdictional and multi-disciplinary practice and spawn new ways of providing legal services. There will almost certainly be an increase in specialization within the profession. Meanwhile, the economic realities of universities and the impact of technologies on the delivery of education will also require law schools to rethink and retool the delivery of legal education.

Being a law school dean is an interesting and complex job. It is also frustrating and tiring. The job provides wonderful opportunities to meet interesting people, grapple with difficult and important problems, and influence the course and direction of the legal profession and legal system. It is, quite frankly, hard to think of a better way to make a living.