

CONFESSIONS OF A RECIDIVIST INTERIM DEAN

James M. Klebba

THE word “recidivist” in the title arose from a regional meeting of law school deans with ABA Consultant, John Seibert, which was held in November, 2000. Several of the deans at the meeting jokingly admitted to being “recidivist deans,” having served two terms as dean at different law schools. One of the deans in attendance, Tom Reed of the South Texas School of Law, even admitted to being a “serial dean,” having served several terms as dean at different law schools. After the introductions around the table were completed, I realized that I was the only person who had served as an interim dean at the same law school on two separate occasions—hence the term “recidivist interim dean!”

My first stint as an interim dean was during the academic year 1989-1990 after having served as Associate Dean of Academic Affairs for six years. After that one-year term, I returned to the full-time faculty until the fall of 1997, when I again became Associate Dean and served for a two-year term. On the Dean’s departure, I again took over as Interim Dean and served for two years in that capacity. After an unsuccessful dean search last year, I was appointed Dean effective August 1, 2001. My appointment as Dean was largely honorific in view of my long-standing service in the law school administration. The dean search is continuing during the current academic year. So, in actuality, if not in name, I am now serving my third consecutive year and fourth year in total as an interim dean. I hope to return to full-time faculty status in the summer of 2002.

My two terms as Interim Dean, separated by ten years, have been very different. Some of the changes are due to differences in the University environment. We have a new President, a new Provost, and all of the Vice-Presidents are different. The University is much more automated and computerized, as one might expect. Long-range strategic planning is now taken much more seriously than in my first term. Other differences are attributable to changes in the law school environment and particularly its relationship to the central administration. In my first term, the University had a traditional centralized budget; the law school’s budget was fixed well before the beginning of the academic year, and the amount of tuition revenue that we generated had no effect in either increasing or decreasing the amount of money we had to spend. Budgets and revenues were divorced, at least in theory, and to a large extent in practice.

By the time of my current term as Interim Dean, the Law School had, thanks to the efforts of the previous Dean—negotiated a limited “tub on its own bottom” arrangement—a Memorandum of Understanding with the University. According to this Memorandum of Understanding, the Law School is to pay its own “direct expenses” out of tuition and fee revenue generated and also pay a fixed dollar amount to the University for overhead or “indirect” charges. Any money generated

* Dean and Victor H. Schiro Distinguished Professor, Loyola University New Orleans School of Law.

over and above this amount is available to the Law School for its own use during the current or future years. Conversely, if the Law School fails to generate enough tuition and fee revenue to pay off its direct expenses plus the guaranteed payment to the University, the Law School is required to cut its budget in order to meet its obligations under the Memorandum. The new arrangement has so far worked to the benefit of the Law School, but obviously presents risks as well as opportunities.

During my first term as Interim Dean, the Law School had to rely completely upon the University Institutional Advancement Office for fundraising and alumni relations support. No one in that office worked exclusively on law school matters. By the time of my second term, there were three people assigned full-time to the law school for development work—a senior development officer for major gifts, an alumni director, and a staff person to support the two of them. Obviously, this is of great benefit for the long-term interest of the Law School. To some extent, this reduced the amount of some routine development/alumni relations functions that had to be assumed by the Dean and law school staff; however, it also increased the expectations of the Dean in these areas by the central university administration, the faculty, and outside constituencies.

Another difference between my two terms had to do with the circumstances under which I became Interim Dean. The first term was a more “normal” transition in that the Dean left the University to pursue a non-academic job after a six-year term. My second time around, the Dean resigned after only three years following a major disagreement with the faculty, which was well-publicized, at least in the New Orleans legal community. The circumstances of the Dean’s departure and the entire law school was subject to scrutiny and discussion among the University Board of Trustees and the School of Law Visiting Committee. The then-Provost, who has subsequently left the University, had been a strong supporter of the Dean and was placed in an adversarial relationship with many of the faculty who had opposed the Dean. I had been Associate Dean and among the minority of our faculty who had supported the Dean in almost all of his agenda, but was nevertheless voted by the faculty as one of two nominees for the Interim Dean position. When the Provost appointed me, he told me that I would most likely serve a two-year term as Interim Dean because he thought that some “issues” involving the law school faculty had to be dealt with before a permanent dean search could be instituted. It was obvious from the outset that my second term as Interim Dean was going to be fraught with more tensions than the first term.

SHOULD YOU ACCEPT AN APPOINTMENT AS INTERIM DEAN?

A faculty member who contemplates accepting an appointment as interim dean should weigh not only the advantages of being dean as opposed to being a faculty member, but also the advantages of being an interim dean as opposed to a permanent dean. One reason a faculty member might accept an appointment as interim dean is in the hope that he or she would be well positioned in the upcoming search for a permanent dean. This is sometimes true, but not always the case. For the most part, my weighing of the advantages and disadvantages are directed toward a faculty member who has no present intention of being a candidate for the permanent

position. Most of the observations that follow are based upon my own experience, as well as from talking to others who have served as interim dean.

A. Disadvantages

The first disadvantage has to do with the name. Business cards and your signature block identify you as “temporary.” This label follows you in all of your endeavors and in dealings with various constituencies in and out of the law school.

1 Planning

The law school’s current strategic plan was adopted in the spring of 1997, during the term of the previous Dean, after several months of meetings of the strategic plan committee and the full faculty. I have felt largely bound by the parameters of the existing plan to the extent that any such plan is “binding.” I did not think that I had the freedom to push for major revisions. I thought that it should be the prerogative of the next permanent dean to do this. Most faculty, even though they might have been dissatisfied with some aspects of the previous plan, agreed. If we did a major overhaul, so the thinking went, it would be a wasted effort since a new dean would probably want to start afresh with the planning process.

A factor that increased my workload and stress load in my latest interim deanship was the fact that the law school’s sabbatical ABA/AALS site visit fell during the second year of my term. The difficulty in doing long-term planning surfaced again during the process of developing our Self-Study in preparation for the site visit. A portion of the Self-Study resembled a strategic plan, and this strategic plan was different in some respects from the strategic plan we had done as part of the overall University process in 1997. In fact, a member of the site visit team noted these differences. While an incoming permanent dean might have tried to resolve these differences, it was easier for me and the Self-Study Committee to put off these difficult decisions when we had a multitude of other issues with which to deal.

2. Budgets

As with overall strategic planning, the problem with handling the law school’s budget is that an interim dean is forced to think short-term. Under the limited “tub on our own bottom” agreement that the law school has with the University, the school generated a considerable surplus during the 2000-2001 academic year because of a higher than projected enrollment. I had pressure from some faculty members and the University’s Division of Business and Finance to come up with a specific plan to spend most of this money on new initiatives or capital projects. I felt that it would be more prudent to carry over a large chunk of this money. I put myself in the position of a new incoming dean who would want to have a substantial “pot” of money available in order to implement his or her vision of what the law school should be doing. Also, counseling my fiscal restraint was the prospect that the ABA or AALS might impose additional financial requirements as part of the ongoing accreditation process.

3 *"The Vision Thing"*

At Loyola we have a tradition of a monthly "Meet the Dean" meeting at which we provide a free lunch to students and have an open forum with the Dean and sometimes other law school administrators. During the first such session of my current interim deanship, one student asked what was my "vision" for the law school. I responded, only half jokingly, that interim deans are not supposed to have visions! I then went on to talk, nevertheless, about some aspirations upon which there was a consensus among the faculty, such as technology in the law school, increased faculty publication, Order of the Coif application, an LL.M. program, and improved bar passage rates. I cannot say, though, that my response was a comprehensive or well-rehearsed vision statement. Undoubtedly, I would have had such a statement had I been permanent Dean because I would have been expected to have done this already as part of my interview process with the search committee, faculty, provost, and president.

4. *Alumni Relations and Fundraising*

On several public occasions last spring, the President of the University complimented me on my fundraising work. He qualified this by saying, "Usually when you have an Interim Dean fundraising comes to a standstill," or words to that effect. I am not sure that the President's words could be validated statistically. Most interim deans are long-time faculty members and thus should be able to draw on considerable alumni support. Nevertheless, the statement probably expresses a widespread assumption about the ability of an interim dean to raise money or otherwise stimulate alumni enthusiasm.

Perhaps, the "interim" prefix to a dean's fundraising letter makes it less compelling. Prospects may be hesitant to commit for a big gift during the tenure of an interim dean because they want some "return" for their gift, perhaps a long-term relationship and access to the dean. Or, reflecting the student's question in the above mentioned "Meet the Dean" meeting, they want to see someone with a long-term vision before they write a check. One of our Visiting Committee members specifically invoked the "vision" word in a discussion about what was needed for him to make a substantial commitment to the law school.

Our Alumni Director plans trips to other cities where Loyola has a significant concentration of alumni. The cast of characters includes the Alumni Director, our Career Services Director, sometimes a recruiter from the Admissions office, and me. At a Bar Association meeting last year, one of our very successful trial lawyer alums said he had received a letter from my alumni director proposing such a visit to his city and he said to me, "Let's plan this after we get a permanent dean." Most of our regional alumni chapters did not place any qualifications in planning for a decanal visit, but the alum's comment does indicate that a visit by an interim dean just is not as exciting as one by a "real dean!" I have, at least, the title of "Dean" now and plan to try a trip to this particular alumni chapter for the coming year.

B. *Advantages of Being an Interim Dean*

1. *Innovation*

As an interim dean, you have one basic advantage in trying to bring about changes: you don't have to hold anything back to preserve your long-term capital because you don't have any to preserve. Like any new dean, you will have a honeymoon with your faculty, but you will not serve long enough for there to be the inevitable downslide that will happen to a permanent dean after a few years. So, if you are willing to take a bit of heat from your colleagues, you can accomplish some things that a permanent dean, particularly from the outside, might be hesitant to do.

For example, for a number of years, there has been an issue at Loyola as to how much in the way of governance and participation rights should be granted to clinical faculty. Clinical faculty have long-term contracts, but according to a procedure that is enshrined in the University *Faculty Handbook*, the ordinary tenured-track faculty are not involved in the appointment of clinical faculty. The selection process goes from the clinical faculty themselves to the Clinic Director to the Dean to the Provost. Because of their exclusion from a role in the selection process, the majority of our ordinary faculty, in the past, have not extended to clinical faculty the right to vote or even attend faculty meetings on a regular basis. Clinical faculty were invited only when issues involving the clinic were being discussed. The previous two permanent deans attempted to get the ordinary faculty to vote to approve having clinical faculty attend meetings, but both deans lost on this issue. This has been a long festering controversy involving the question of whether we were in compliance with ABA Standard 405(c). I thought that clinical faculty should regularly attend meetings, but did not want to be the third dean to bring this matter to an unsuccessful vote. So, prior to the first faculty meeting of the year in August of 1999 I sent out a notice of a meeting indicating that clinical and library faculty would be invited by me as guests to the first faculty meeting and all scheduled faculty meetings, except in a rare case where there was a need for an executive session. I held my breath as I walked into that first faculty meeting wondering whether I would have a full-scale revolt on my hands. As it turned out, no one objected in the meeting to the presence of the new "guests," although there were a couple of faculty members who grumbled to me privately before and after the meeting. A year and a half later, the full faculty voted in favor of a set of bylaws that institutionalize the policy I set, with great trepidation, by "decanal fiat."

With regard to innovation, the same thing is probably true in dealing with the University administration as with your own faculty. You can concentrate on and push one or two important issues and put others on the back burner. The back burner issues can be dealt with by the next permanent dean, who will have his or her own "honeymoon" to deal with issues that have been left alone. If you have been successful in accomplishing your limited goals, which are hopefully considered important and worthy by your successor, you will have reduced the number of issues that the next permanent dean will have to address with the central administration.

2. *Your Faculty Colleagues*

If you have been a long-term faculty member, as is usually the case with interim deans, you can gauge the reaction of your colleagues better than a permanent dean who comes from the outside. You will still get a “honeymoon,” even though they know you well.

What about the fact that you will, sooner rather than later, be back on the full-time faculty? Does this intimidate your carrying out your responsibilities as dean? In my opinion, it should not. I think that the knowledge that you will be back soon as one of “them” can work to your advantage, even if occasionally you have to take measures which are unpopular with one or more faculty members. Will your colleagues decide that they can simply “wait you out” rather than making collective or individual changes? Even though our faculty has a tendency to be long-winded when debating, I don’t think they moved any slower in considering my proposals than they did with similar proposals by any of our permanent deans. Overall, it has been my experience that I have been able to maintain positive personal relations with the faculty despite a number of confrontational and lengthy faculty meetings. Years of collegiality will not be erased easily by a year or two as interim dean when you have to make a few unpopular decisions in order to do a conscientious job.

C. *The Rotation Advantage—Walk a Mile in the Dean’s Shoes*

This is really an advantage to the institution, not necessarily for the person who is interim dean. Between my first and second interim deanship, Loyola has had two permanent deans and one other interim dean. During the interval, when I was back on the full-time faculty, I believe that I was a more effective and more positive participant in committees and faculty governance because of my previous service as Interim Dean and Associate Dean. I understood the problems faced every day in the “front office” and was able to translate these to my colleagues on a peer-to-peer level. A faculty that is well seasoned with former deans and associate deans is probably going to work better together, with less of the “us against them” mentality toward the deans. I have heard of horror stories from a few schools where a former dean (usually one whose term was cut short) became a center of revolt against a current dean. I believe this to be rare and much less likely to happen with an interim dean who had no long-term expectations. In general, your experience as interim dean—after it is over—should be a positive experience for you, your colleagues, and the next dean.

Just as not all faculty have the interest or temperament to be dean, only a few will have the inclination or qualifications for interim dean. I do not recommend it for anyone with a large ego because if you have ego problems, surely the disadvantages will outweigh the advantages—unless you see the interim deanship as a stepping-stone to a deanship. Even so, you should consider whether your ego is compatible with a permanent deanship. But, if you go into an interim deanship with an awareness of the position’s limitations, you can have a satisfying experience, smooth the way for the next permanent dean, leave your law school a better place than you found it, and be a more effective and understanding faculty member when

you return to full-time teaching. Also, when the inevitable stresses of the job start building up, you can always see light at the end of the tunnel!