

# OF CAT-HERDERS, CONDUCTORS, TOUR GUIDES, AND FEARLESS LEADERS\*

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ON Super Bowl Sunday 2000, deans all over the country saw what I consider to be The World's Greatest Commercial: EDS's commercial about herding cats.<sup>1</sup> We've all said (on bad days) that deaning<sup>2</sup> is like herding cats or (on good days) like conducting an orchestra. Other images of deaning include "parade leader,"<sup>3</sup> "first among equals" and, sometimes, simply "them."<sup>4</sup> When deans use these images—and when faculty members use them—the power of the image says something about the dean's perceived role as a leader.<sup>5</sup>

When it comes to deaning, a dean's own image of her role will often set her agenda. If she sees herself as a manager,<sup>6</sup> or as a leader, or as a change agent, she will act accordingly. Not only is the choice of image important to sitting deans, it is also important to dean search committees. Different schools need different types of deans at different times, and all schools are well advised to know what image(s) of deaning will fit their needs. To aid in that process, I will describe some common images of deaning and their uses.

The cat-herding image is easy to explain. Those drawn to the life of a faculty member are extremely analytical and independent people.<sup>7</sup> Those abilities make them suited for a life of inquiry and dissemination of information. Those selfsame abilities also make it difficult for deans to coordinate some school-wide initiatives.<sup>8</sup> Deans *want* independent, assertive, and creative faculty members. At the same time, we know that there's a risk of having a school full of independent contractors, each

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\*\* Dean and Professor of Law, University of Houston Law Center. It goes without saying (or it would, if I weren't saying it) that the views expressed in this essay are mine alone, notwithstanding the helpful comments of Susan Evangelist, Catherine Glaze, Leah Gross, Gary Hartman, Debbie Hirsch, Greg Robertson, Morris & Shirley Rapoport, and Jeff Van Niel. As in the last essay I wrote for this annual symposium, *Going From "Us" To "Them in Sixty Seconds*, 31 U. TOL. L. REV. 703 (2000) [hereinafter *Us/Them*], many of the comments in this essay are based on the experiences of fellow deans as well as my own experiences.

1. See EDS website, available at [http://www.eds.com/advertising/advertising\\_tv\\_catherding.shtml](http://www.eds.com/advertising/advertising_tv_catherding.shtml) (offering downloadable commercial clip).

2. Yes, academia has now created a new verb: "to dean."

3. This image implies that the dean needs to be out in front, but not too much out in front, and the rest of the band needs to be going in the same direction as the dean.

4. See *Us/Them*, *supra* note \*\*

5. See generally ROBERT KEGAN & LISA LASKOW LAHEY, *HOW THE WAY WE TALK CAN CHANGE THE WAY WE WORK: SEVEN LANGUAGES FOR TRANSFORMATION* (2000).

6. Or, more accurately, as a *middle manager*—with the university on one side of her and the law school on the other.

7. Most people will agree that cats are independent creatures. Whether you believe that a cat can be analytical often depends on whether you're an ailurophile or an ailurophobe.

8. I'm grateful to my former Provost, Rick Edwards, for this analysis.

of whom is pursuing his own interests. When the independent contractors are heading out on their own, trying to coordinate them *is* like herding cats.

The dean-as-conductor image is far more pleasing.<sup>9</sup> Conductors are the focal point of an orchestra,<sup>10</sup> and with the conductor's leadership, an orchestra can make beautiful music. The conductor needs the musicians, and vice-versa. Every instrument contributes a different part of the overall melody, just as different faculty members use their different strengths to contribute to the various missions of a school.

I've heard a couple of other metaphors as well. Occasionally, I've heard deans referred to as "fearless leaders."<sup>11</sup> I have mixed feelings about this moniker. On the one hand, I'm old enough to remember Fearless Leader from the *Rocky & Bullwinkle* cartoons,<sup>12</sup> and he wasn't exactly a good guy. On the other hand, we actually do have moments when we have to be fearless *and* we have to lead.

In sharp contrast to the fearless leader is the tour guide image. My dad has told me often<sup>13</sup> that, whatever a dean is, she *isn't* a tour guide. She's not there just to take the faculty where it wants to go. After all, if the faculty is going there anyway, what value does the dean add to the enterprise?

Different deans bring different strengths to the job, and my guess is that each of us warms more to one image than to the others. Some of us enjoy the challenges of herding cats, and others are more comfortable with the "first among equals" image of tour guides. The trick is to fit the image of deaning to its optimal use.

## I. WHEN CAT-HERDING MAKES SENSE

There are a lot of times when the faculty doesn't need to be pushed in a particular direction. No one wants to tell a professor what she should be researching. Much of the fun of being an academic lies in the freedom to pursue one's own research interests. A few schools get known for a particular research bent—for example, the University of Chicago's reputation for a law and economics emphasis—but most schools aren't that thematic in nature.

Even cats probably need to be herded sometimes, though.<sup>14</sup> If a law school wants to increase grant funding, then the dean needs to create a reward structure that encourages grant-getting.<sup>15</sup> If a school wants to encourage a heightened rate of publication, then the dean must come up with a reward system that encourages more

9. Especially for those of us who have no musical talent whatsoever.

10. What leader wouldn't enjoy being referred to as a focal point?

11. I swear that I can actually hear the quotation marks being used around those words as they're being uttered.

12. Virtually everything you'd want to know about this particular Fearless Leader can be found at <http://www.geocities.com/somebullwinkle/char-leader.html>. The most important information is that Paul Frees, who did the voice of Fearless Leader, also did the voice of Boris Badenov.

13. Usually when I'm feeling discouraged.

14. The only example I can come up with is the need for outdoor cats to return home for dinner.

15. With grants, the lead researcher usually prefers an "eat what you kill" approach, while the dean prefers an approach that shares the goodies (indirect costs) of the grant with others. If a grant were a mouse, the lead researcher would want the whole mouse, and the dean would want to take the tail for herself and use the spleen for the remaining cats to share.

publication. In cat-herding, the cat still makes the choice of whether it will consent to be herded; the dean just provides the enticement.

## II. WHEN CONDUCTING MAKES SENSE

If every school ran by cat-herding, there would be no agreed-upon curriculum. Each faculty member would teach what he wanted, when he wanted.<sup>16</sup> The faculty members might enjoy that freedom, but I'll bet that most of them would worry about whether the students were getting a solid education. The problem with cat-herding is that it doesn't force an institution to pursue some common goals. In matters like curriculum, promotion and tenure review, and faculty hiring, the independence of the cat-herding image must give way to a more balanced image that connotes harmony. Conductors achieve harmony, but they do so because they can see the entirety of the orchestra at once.

Roger Nierenberg, a conductor who also works with business leaders to develop their leadership skills, makes an important observation:

A leader defines for the team what kind of moment they're in. Is this a moment of transition? Is this a dangerous moment? Your job as conductor is to get the orchestra to act together—powerfully. So what do you do? You can't be calling out to people, "Act now! Act now!" That creates disorder. Instead, you say, "Here's where we're headed."<sup>17</sup>

The reason that conductors can say "here's where we're headed" (with any sense of confidence) is that they have a different view of the situation from the musicians' view. By standing on a podium, conductors can see all of the action; each musician's view is from her seat in a section of the orchestra.<sup>18</sup> The conductor's score shows what each instrument should be playing, but the musician's score shows only her own melody. Given that difference in perspective, it's easy to see why the conductor and a musician might have different points of view from time to time.

## III. WHEN BEING A FEARLESS LEADER MAKES SENSE

Eschewing the Boris Badenov stigma of the "fearless leader" phrase for the moment, sometimes a dean simply has to make a bold statement that moves the institution forward. Even a happy and comfortable institution can use a gentle shaking up to make sure that it's still on the right track. Rallying the various constituents of the school—the faculty, the staff, the students, the alumni, the legal community, the community at large—requires a shared vision of what the institution is, and what it can be. It's possible that the faculty as a whole could come up with a shared vision on its own, but the day-to-day time constraints that a professor faces

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16. A lot of Associate Deans for Academic Affairs would say that the "what I want, when I want" model isn't so rare.

17. Jill Rosenfeld, *Lead Softly, but Carry a Big Baton*, *FAST COMPANY* 46-48 (July 2001) (quoting Roger Nierenberg).

18. *See id.* at 48.

makes it unlikely. Unless someone (i.e., the dean) starts the dialogue, there is no real reason to spend time articulating a vision.<sup>19</sup>

Especially for a new dean (or a dean new to an institution), the pressure to articulate the rallying cry of the school is intense, but the understanding of the institution's strengths and weaknesses is still undeveloped. The first 60-90 days of a deanship are a whirlwind of meetings, events, and publications, all of which require the dean to have something coherent to say about the direction that the institution is going to take.

When I became dean at the University of Houston Law Center, I knew a fair amount about the component parts of the school. I knew many of the faculty members, and I was familiar with the school's best-known programs. Luckily for me, I was also familiar with the City of Houston and with the State of Texas, having grown up near Houston.<sup>20</sup> I knew the city's strengths, and I knew of the rivalries between Houston and other parts of the state. This familiarity helped me come up with a shorthand vision of the school as the premier public, urban law center in the country. That shorthand appeared in several of our publications. I referred to it in my speeches. It also puzzled the heck out of the faculty, which had no idea what I meant by the shorthand.<sup>21</sup>

In using that shorthand, I meant (and I still mean) that the Law Center should continue to take advantage of Houston's strengths, as it had already done with our Health Law program and its interaction with the Texas Medical Center, but that it should also be conscious of the fact that it is a state-affiliated<sup>22</sup> school, and thus should remember its duty to give back to the multiple communities of the city and the state. I also focused on the "center" part of our name, which to me connoted an emphasis on law reform and related discourse about the purposes and uses of law. It was my job, as "fearless leader," to come up with the shorthand, but it is our collective job as faculty to flesh out that vision.<sup>23</sup>

19. Not to mention the role that the dean plays in refereeing competing visions or in helping to design ways of determining if we're achieving our vision. *How* one develops and articulates a vision is difficult to explain. My guess is that the formation of a vision is different for everyone. For me, the formation of a vision is closely tied to three things: an understanding of the institution's real potential, an understanding of opportunities in the marketplace, and a healthy dose of learning from past experiences. As I talk to various groups about, say, my vision for a twenty-first century curriculum, I couple the Law Center faculty's flexibility, creativity, and excitement about progress with the very real potential for striking a new balance between "theory-predominating" and "skills-predominating" education. Throw in the fact that I believe that legal education truly does need to be re-examined, and there you have it: I can truly *visualize* a curriculum that links what we teach and how we teach it to more articulated objectives for what type of education we want our graduates to have. The fun part, over the next two years, is seeing where my vision and the faculty's vision will overlap.

20. I didn't have this advantage when I was the dean at the University of Nebraska College of Law, and I was very grateful that many of the Nebraskans I met had patience with me as I was learning the culture there.

21. Our alumni seem pretty comfortable with the shorthand, but I'm sure that they're rather curious about the details as well.

22. I don't know of a single public school dean who doesn't know the joke about having been "state-supported," then "state-aided," and then "state-located" as state funding got cut. "State affiliated" works for me.

23. Taking us from shorthand to shared vision requires a joint effort of the faculty and the administration, since we will have to deal with such issues as curriculum and faculty hiring. Shared

## IV WHEN BEING A TOUR GUIDE MAKES SENSE

Although my dad doesn't think that leaders should ever be tour guides, the academic in me wants to come up with a way to use the tour guide image. I think I've come up with one. Sometimes, an institution just needs to take a breather from stress. If it has gone through a particularly grueling or divisive experience, it needs some quiet time to recover. A tour guide can boost the institution's morale by being gentle—not so much *leading* the institution as walking with it.<sup>24</sup> A short dose of touring can be good for an institution, but leaving the institution in “touring mode” for too long makes it stagnant.

## V CRISIS MODE: THE AIRLINE PILOT

I travel on planes all the time. Often, we're delayed on the ground for one reason or another, and the pilot will come on the PA system to give us status reports. One day, as I was hearing update after update, it occurred to me: the best model of leadership during a crisis (even as small a crisis as being late getting off the ground) has *got* to include the constant reassurances that airline pilots provide. The pilot may not be able to control the situation, but he or she can usually calm the passengers down with frequent updates and a sense of humor. The information and the reassurance are both crucial.

I've had a chance to put the airline pilot model to use this summer. As some of you have heard, in June 2001, Tropical Storm Allison attacked Houston with a vengeance. The Law Center had over 12 feet of water in the lower level of the O'Quinn Law Library, and we were without power (and without our buildings) until late August. Other parts of the University of Houston campus were also hit hard. We have been very lucky: the law and business communities (along with South Texas College of Law) pitched in and gave us places to hold our summer school classes<sup>25</sup> along with offices for some of our staff; the University gave us our own project management team to rebuild the Law Center;<sup>26</sup> and our own alumni went all-out to get us everything we needed—from alternative locations (in case we couldn't get back into our buildings by fall) to additional scholarship funds to more perspective on how to deal with the crisis. I will never be able to thank sufficiently all of the people—inside and outside the Law Center—who created the minor miracle of restoring us to full functioning.

During the crisis, our big stroke of luck was that we were able to keep in touch via e-mail communication.<sup>27</sup> Thanks to a suggestion from our administrative team,

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visions and shared governance go hand in hand.

24. Of course, that just proves my dad's point: touring isn't leading.

25. In fact, we only missed two days of summer school classes, thanks to the community and to our own staff, who did all of the heavy lifting in finding places to relocate the classes and calling all of our students registered for summer school.

26. Thanks to their work, the work of our Facilities Committee, and a little pure luck, we started our fall semester *on time*, with students in our classrooms and faculty back in their offices.

27. Thanks to the fast thinking of Joel McCleskey, who moved our servers up to a higher level while he was stranded in the library, and to our University of Houston IT group, who kept our servers

we formed a Recovery Team distribution list, which included administrators, other staff members who were key to working through the crisis, student volunteers, and the Executive Committee of our faculty. Mail flew back and forth all the time, and the Recovery Team vetted proposals and served as communication hubs for other groups. We were all “airline pilots.”

Of course, you can’t just have an airline pilot as a leader. Providing information about a situation is necessary but not sufficient: you also have to *act*, with reasonable alacrity. There was also some serious conducting going on during the post-storm recovery. One of my favorite sayings is that the best training for being a dean is having been a Chapter 11 bankruptcy lawyer: there are a multitude of constituencies, each with legitimate needs, and never enough resources to go around. This analogy is especially apt during a crisis. The careful weighing of all of the possibilities has to give way to a sort of triage, in which every constituency is going to lose some of what it wants. Time will tell whether the triage helped or hurt the Law Center, although I’m inclined (of course) to think that it helped.

Cat-herders, conductors, fearless leaders, and tour guides all have their own ways of looking at issues. Cat-herders aren’t that far removed from the herd itself, so my guess is that their view will be limited to a few specific objectives. Conductors are musicians themselves, but they choose to blend various melodies together, rather than to play a solo; the podium sets them apart, both literally and philosophically. The truly fearless leaders, by definition, won’t take a lot of time to check out the view from anyone else’s perspective. And tour guides only see a view that has been mapped out and is right in front of them. Each of these perspectives can contribute to a dean’s leadership skills at different times, and in different ways. Although I still believe that any law school needs its faculty, staff, and students much more than it will ever need a dean,<sup>28</sup> I’ll take the view from the conductor’s podium any day.

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up and running as a top priority throughout the crisis. Even when many of our staff members were relocated to a basketball arena for the remainder of the summer, the IT group (inside and outside the Law Center) were there to save the day. Did we do the best job possible in communicating? No. Often, we were just too tired to send yet another e-mail after a long day. But we did post updates as frequently as we could under the circumstances. See University of Houston Law Center website at <http://www.law.uh.edu> for a sense of what the updates (and the pictures) were like.

28. Just as a symphony can perform by itself, without a conductor, if the need arises.