

ON DEANING, WRITING, AND ROSES

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LIKE so many other deans, I did not plan to be a dean.¹ Why would any one ask me? Why would I be any good at it? Why would I like it?

The first question has been answered, the second can be answered only by others, and the third question is one that I should be able to answer after two years of deaning.

Rather than answering that question, however, I will discuss one of the main reasons why I had assumed that I would not like deaning; my belief that it would mean the end of my scholarship aspirations. I choose this reason because it is the one that is least personal to me and one that goes through the minds of so many academics who assume that deaning is the exact antithesis of scholarship. These brief comments are written for these colleagues.² They need to know that things are not as bad as they appear from the outside and legal education needs them because it needs leaders who believe in and show by example the importance of scholarship.

Like many of these colleagues, I was too immersed and vested in my scholarship and, needless to say, I thought that what I had to say was *important!* Add to that my immigrant syndrome and the old world mind set of *scripta manent* while humans perish, and you can see why I was convinced that a deanship would be the undesirable but unavoidable end to what really matters in a scholar's world. Of course, I knew of many deans who continued to be extremely productive during their deanships, people like Peter Hay, Herma Hill Kay, and Mary Kay Kane, to mention only those in my own field of conflicts law. I also knew, however, that these are enormously talented, exceptional people, and I could not envision myself in their league.

Two years later, I am even more convinced that I do not belong in that league. Ironically though, this is precisely why I believe that what I have to say can be helpful to others, because the experience of an ordinary guy is more pertinent to others than that of the extraordinary person.

First, let me acknowledge that the tension between deaning and scholarship is more difficult than the tension between deaning and teaching. In my view, teaching must be placed before scholarship in a dean's workweek, or at least the day hours. Indeed, a dean can *and should* continue teaching for both unselfish and selfish

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1. Perhaps it is because I am not a planner by nature. In a recent interview for a local magazine, the interviewer made the following assessment of me: "[T]he theme of his life is that he doesn't plan" 20 WILLAMETTE SCENE, Winter 2001, at 13. Needless to say, this is hardly a compliment for a dean.

2. Otherwise, there are myriad reasons for which a dean ought to be careful about putting things in writing. Indeed the maxim *scripta manent* has quite different consequences in the deaning world than it has in the academic world. To begin with, your academic writings may or may not be read by others; if they are, they are likely to be read in good faith; they will not be scrutinized under the microscope (unless you go through a senate confirmation or testify as an expert witness); and they will not be subpoenaed.

reasons. Among the former reasons are the opportunity and need to get to know your students in a classroom setting (as opposed to a reception setting), to identify with your faculty, especially during grading time, and to protect yourself from the bug of bureaucratization. Among the selfish reasons are the fact that teaching is sheer fun—and if you didn't think so you wouldn't be in legal education in the first place—and that the time you spend in the classroom may well be the best time in an otherwise hectic and frustrating day. Sure teaching makes your schedule doubly difficult and you cannot help but have some second thoughts about it when you find yourself grading papers through New Year's Day. If you thought, though, that this was such a big deal, you wouldn't be in this business.

If teaching, even a little of it, comes before scholarship in a dean's workweek, can a dean do both teaching and scholarship? My experience so far suggests that this is possible even if, like me, you do not put yourself in the extraordinary category. During the two years of my deanship, I have been able to keep the quantity of my publications at a decent level.³ You might say that two years is not a long enough period from which to tell. On the other hand, honeymoons aside, the first years tend to be the most difficult or at least time-demanding (so I hope), plus I had a comparable experience in another school.⁴ Now notice that I said nothing about the quality of my recent publications. Indeed, not only do they tend to have fewer footnotes but, as you can tell from this piece, they are even less coherent than my pre-deanship publications.⁵ Nevertheless, even keeping up with quantity is more than I expected, and I just have to hope that the quality is not embarrassing.

Since I am not in any way exceptional, then you might ask, how do I manage to do this? Well, I could be stealing from my deanship time or from my family time. If it is the former, my faculty and/or my president will let me know soon. If it is the latter, my family would have let me know by now. So what is left? Personal time, that "smell-the-roses" time. In every meeting of new deans I attended, beginning with the "New Deans Boot Camp" in 1999 our elder brothers and sisters told us that we should make sure to "take some time off to smell the roses." Again, my immigrant syndrome prevented me from understanding how important it is to take some time off. Now I know better. So I do take time off, not to smell the roses, but to do my writing. I hope this does not sound masochistic or, worse, self-aggrandizing, but to me this is recreation time. It keeps the brain cells healthy, which for me is more important than keeping the muscles strong.

But what if you like writing but you also like to smell the roses? Is a deanship a good idea for you? The answer is still "yes," but subject to a caveat that may turn it into a "no." If you haven't published enough before becoming a candidate for dean, then your chances of beginning your publishing during your deanship are small and may disappear completely depending on how long the deanship lasts.

3. I will mention one book and only because it is co-authored with two other current deans and one former dean. See generally EUGENE F. SCOLES, PETER HAY, PATRICK J. BORCHERS & SYMEON C. SYMEONIDES, *CONFLICT OF LAWS* (3d ed. 2000).

4. From 1991 to 1997 I served as Vice Chancellor while teaching law at Louisiana State University.

5. Another difference is that, for the first time in the last 25 years, I began using the first person in professional publications. I still don't know if this is because of deanship ego, aging ego, or both.

Assuming again that you are serious about publishing, this alone may be a good reason not to seek a deanship.

On the other hand, if you had acquired the habit of publishing in your pre-dean years, then, like a bicycle, you can easily pick it up again after your deanship is over. Yes, there is life after deaning, perhaps the best of it. If you keep that in mind, if you make sure that there is an exciting project waiting for you after your deanship, then your transition to former dean status will be not only easy but also something to look forward to. In turn, this will prevent you from becoming a captive of the deanship and will make adherence to your principles easier.

This then is my two cents. Deaning and writing are not incompatible. But to do both plus teaching, one may have to forego some of life's other pleasures, such as taking time off to smell the roses. Put another way one may not be able to do deaning, teaching, writing, and smelling the roses, all at the same time. But one can do any three at the same time, and do the fourth one before and after.

I could of course be wrong, as deans occasionally are, in any or all of the above. For example, it is possible that, even one who does not take time off to smell the roses may be unable to do any writing during his or her deanship. If you find yourself in that situation, you can console yourself with this thought—despite their many differences, deaning and publishing are two different types of public service. Deaning serves the public by participating and guiding the process of replenishing the legal profession with new, hopefully better, competent, ethical lawyers. Publishing serves the public by making available to the other members of the profession the fruits of our labor, the great or small, right or wrong, ideas that we academics have the privilege of exploring and articulating because we have the luxury of time that practitioners and judges do not have. Serving through only one rather than both of these public service posts is still nothing to apologize for.