

# TWENTY YEARS LATER

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I have had the fortune of serving as dean of the same law school (University of New Mexico) on two different occasions—approximately twenty years apart. The first was from July 1979 to July 1985, and the second commenced in August 1997 and will end on December 31, 2002. I have been equally fortunate in being on the faculty of UNM for 35 years, my entire law school teaching career. Thus, one would expect that when I returned as dean in 1997, I knew the faculty, was aware of the issues at the law school, and understood the culture of the school. To a great extent that was true, but what I had failed to realize was the extent to which change had occurred, not only at the University of New Mexico but also in legal education generally. In this essay, I wish to reflect upon these changes. Although my perspective must be from my experiences at UNM, my intent is to describe the different issues a law school dean confronts in 2000 in comparison to those faced in 1980.

I have been asked on many occasions to describe how being dean in 2000 differs from 1980. I have just as often answered, emphatically and without hesitation: “Law school is so much more complex today than it was in the eighties.” We all understand that contemporary society is more complex than twenty years ago. As a part of that society, law schools share in that complexity. In the following pages, I would like to discuss briefly my sense of the complexity in legal education from four vantage points: (1) administration, (2) programs, (3) finances, and (4) culture. Although I will focus on each separately, obviously they are interrelated. The development of programs costs more and requires more administrative support. Program growth also affects the law school environment because it tends to cluster faculty, whose scholarly pursuits are similar, into groups, excluding those who do not share those interests.

## *Administrative Complexity*

Probably the greatest growth area in most law schools over the past twenty years involves the administration of the law school. My UNM colleagues continuously question me about this growth in law school administrative staff when faculty support has remained constant. My core answer is that at UNM, as well as many law schools twenty years ago, departments dealing with student services, development, alumni/ae affairs, placement, and technology did not exist. In the eighties, UNM, for example, had one associate dean, who was responsible for all student affairs, including admissions, financial aid and placement. The only professional working with the associate dean was a registrar who oversaw student records, assuring the students satisfied graduation requirements. To the extent that

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development and alumni/ae affairs existed, the dean took charge of those areas. Technology was, at best, in its infancy.

Today, in comparison, to respond to the ever-expanding competition for students, all law schools have established admission offices with professional directors of admissions. The admissions enterprise includes more than just processing applications and deciding who will be admitted. It also encompasses recruitment. No longer do law schools just sit back and rely on the applicants to come to them. Because of the Internet, students are more sophisticated about what schools have to offer them. Law schools, accordingly, must now inform prospective students about the unique qualities of the school to attract students that are interested in those qualities.

Recruitment also involves the attempt to attract minority students in order to produce a diverse student body and maintain the mission of the law school. For instance, at UNM, recruitment of Native American students is essential to our mission of training students who represent the demographics of the state and of teaching and advancing Indian Law. But the competition for Native American students is severe with many schools offering substantial financial packages that we cannot match. The consequence is that our admission officers must be creative, and the dean must find resources to support the admissions process.

Financial aid has been another growth area. Indeed, student financial aid has always been a concern for law schools. But over the last two decades, the amount of aid required by students has increased by staggering amounts. As we all know, career choices are now made on the basis of a graduate's ability to repay loans. These choices—or lack of choice—are having tremendous impact on the delivery of legal services. At law schools, the consequence has been the need for professionals to administer financial aid programs and to counsel students about their present and future financial well-being.

Placement offices did not exist twenty years ago at schools like UNM. Most hiring was local. The larger firms interviewed on campus, but most graduates found their own jobs. Students even took the lead in obtaining judicial clerkships, including federal clerkships.

Whether because the demand for practicing lawyers has changed, or because the amount of debt students are carrying is forcing them to seek the higher paying positions, or because of economic globalization, or because graduates are seeking alternative opportunities, students are rightfully asking for professional advice in both career counseling and employment opportunities. The ABA heard their plea and now requires a placement director as a condition of law school accreditation.

At most public law schools, development is relatively current phenomenon. During the past twenty years, because state support has grown at a rate lower than growth in programs, and at times, lower than actual increases in costs, public law schools have learned that they can no longer survive solely on state funding. We now must seek private gifts and grants. But we were not prepared to raise private funds. I know that I have had to learn the art of fund raising and to appreciate that development is a profession. This has led to the establishment of a Development Office, and its compliment, an Office of Alumni/ae Affairs.

I have saved the best for last—technology. Like the rest of society, technology has brought major changes to legal education, affecting teaching, research and

administration. From the dean's perspective, technology means having a facility that has the infrastructure to support the computer system. This is no small matter, and is very costly, if your facility was constructed thirty years ago. Technology also means acquiring, maintaining and upgrading the hardware, that is, the terminals and servers. An essential component is an obsolescence plan for replacement of hardware. Technology also means selecting, managing and supporting the software that will allow faculty, students and staff to word process, conduct research, perform data assembly and communicate with each other and the outside world. Technology also means the training of users and the constant repair of the equipment. All these functions cannot be performed without a professional staff. At UNM, we have a staff of four, which is barely adequate. When our computer systems fail, even for a short period, we are paralyzed. The screams from the law school community are loud and clear: "Fix it immediately, whatever the cost."

As most deans are aware, finally, the relationship between computer services and the law library is a constant issue. Specifically, does computer services report to the Director of the Library? They both are in the information business. At UNM, because computer services responds to the needs of the entire law school, including administration, we have answered the question in the negative. The Director of Computer Services reports to the dean.

The establishment of admissions, financial aid, placement, development and alumni/ae affairs and technology departments adds up to many additional staff. At UNM, since 1980, approximately a dozen additional professionals and supporting staff have been added to perform these functions. At the same time, faculty support staff has increased by only two.

In an atmosphere of budget constraints, continuous shifting of resources from one program to another is a way of life. More important, the integration of all these parts into a cohesive unit so that they support the mission of the law school and the needs of the faculty, students and staff requires management skills for which few of us have been trained. Accordingly, working with these different administrative branches of the law school has meant less time engaging with faculty and students, and being directly involved with academic programs.

### *Program Complexity*

Although the dean now spends less time with the academic side of the school, academic programs have grown at the same rate as administrative units. Probably the major development in legal education during the last two decades has been the integration of clinical programs and skills training into the curriculum. Today, just about every law school has a clinical program and has expanded its skills courses so that many, if not most, of its students are involved. In fact, clinical legal education has advanced to such a degree that the current movement is to introduce clinical methodology into the curriculum as a whole.

Clinical and skills education have not been the only programmatic growth during the past twenty years. Since 1980, we have witnessed a phenomenal growth in academic and service programs and centers and co-curricular activities. Some of this growth reflects law schools' goals of establishing areas of concentration and centers of excellence. They are "niches" that allow law schools to distinguish

themselves from other schools and accordingly to attract faculty and students interested in those areas.

Law schools are realizing that although they must continue to train students generally to be lawyers, societal issues and trends are demanding professionals with more specialized training. Thus, law schools are also enriching their curriculum through specialized programs. For example, at UNM, we have certificate programs in Indian Law and Natural Resources. Because of our proximity with Mexico, we also put resources into programs and exchanges with several Mexican universities. To advance our education and research in these areas, we have established the following law journals: *Natural Resources Journal*, *Tribal Law Journal*, and the *U.S.-Mexico Law Journal*. This is in addition to the more standard *New Mexico Law Review*. Moreover, we now support at least eight national moot teams, some of which touch on these areas and two mock trial teams, which relate to our clinical and skills programs.

The purpose of this litany is not (merely) to market UNM, but to indicate the growth and breadth of the undertakings that law schools now include within their academic programs. For schools the size of UNM, most of these programs did not exist twenty years ago. They necessarily require additional faculty and student involvement, staff support and resources. These additional programs do not support themselves, and state appropriations and tuition fees have not increased at rates adequate to fuel program growth. Besides assuring that these activities are quality programs, and further the law school's mission, the dean must raise the resources essential to make them successful.

### *Financial Complexity*

The growth in administrative and academic programs has necessarily led to substantial increases in operating budgets. Increases in general operating budgets from traditional revenue sources (state and/or university and tuition) has not kept pace with programmatic growth. Deans, therefore, must learn how to gain the most from their budgets, constantly "stealing from Peter to pay Paul." They also have had to rely on outside funding sources. Fund raising is essential. However, for state schools like UNM, we are just learning what many private schools have known for years; fund raising is an art that is very time consuming.

I admit that when I became dean in 1997, I understood that fund raising was to be a major part of the job. I also accepted that I had to learn a great deal about it. What I didn't realize, however, was how steep the learning curve was and how short the time period. Thus I also had to learn frustration, disappointment and humility.

To begin, I quickly had to comprehend the difference between a capital campaign and an annual campaign. (Immediately after becoming dean in 1997, I was immersed in expanding and refurbishing our facility. For the first time in the history of our university, a substantial amount of the money for the building project had to be raised from private sources.) While this seems simple enough, I initially did not appreciate that donors had to be cultivated based on whether they would give to a capital campaign or an annual campaign or both. This led to learning about a giving plan, requiring that each potential donor be classified with a target amount that he or she would be asked to give. As you might gather, this activity

takes substantial time, and it does not account for the lunches, breakfasts, dinners and other meetings with donors. The development activity also required that I learn to work with a development director and to let him use his professional skills without my interference. I also had to refine my ideas so that the development director could understand clearly the goals and objectives of our different campaigns. As a result, at least a third of my time is spent in development. This is probably true for most law deans.

### *Cultural Complexity*

By cultural complexity, I mean the human dynamic resulting from the increase of personnel as well as the attitudinal change in individuals. The latter has been most difficult to manage.

Many life-affecting events have occurred in all of society since 1980. This is not the place to recount them. But those events have had a dramatic effect on the psyche of most communities, including law schools. People are more security conscious, both with respect to personal safety and finances. They are less trusting. For me, the decrease of trust among faculty students and staff has been the predominant change in human relationships since my first term as dean. The sense that “we are all in this together” is no longer as strong as it once was. The tendency to compare the benefits received by one person or group to those due another person or group is more pervasive than ever. It makes maintaining the sense of community the hardest aspect of the law dean’s daily life. How do we orchestrate the talents of extraordinary people so that each can develop to his or her potential and abilities, while, at the same time, each is subordinated to the common goals of the community?

As I leave the deanship I have mixed feelings. With all its complexity, I will miss the people and challenges. At the same time, I will be relieved of the overbearing bureaucracy that the last twenty years has brought with all its growth. The regulatory structures to monitor many of the changes have been, to say the least, numbing. It threatens to turn us into functionaries instead of innovative leaders.