

## BEACH TALK

Thomas C. Galligan, Jr

“I think this one may be the best conference I attend,” Tony said as he kicked at the sand in front of him.

“I never came to it before I became a dean,” Amanda answered, “but I think you’re right. It’s fantastic.”

“You know I think it was pretty well attended for years and then died down and now it’s back.”

“I do recall that when I first started teaching you and Bill and a few other folks left town for the meeting. I didn’t know what SEALS was and thought maybe you were all going off to look at ocean creatures.” Amanda brushed her hair out of her face; the wind blew it right back.

“Very funny—Southeast Association of American Law Schools,” said Tony with authority

“I realize that now,” Amanda responded. “Although I hear the name might change soon.”

“So be it. But whatever it’s called, it’s a great meeting; you get to go to the beach and see old friends; what more could you ask for?”

“I think the young scholars panels are fabulous. They may be the real reason for the comeback.” Amanda veered off to the water and got her feet wet.

“Good opportunity for junior faculty to get something ready to present and get to know one another.” Tony showed no sign of going in the water.

“The water’s nice,” Amanda said, noticing Tony’s reticence to follow her.

“The water may be nice but if I get wet then I’ll just get more sand on me because it will stick to me more and then it will be even harder to get the sand off. I imagine being a dean is a little bit like that.”

“Come again,” said Amanda, still knowing from her years as one of Tony’s colleagues when not to bite.

“I mean once you become a dean and get used to all the stuff that comes with it, it’s harder to conceive of yourself as not being a dean. I may be wrong but that’s what I’ve noticed in the deans I’ve worked with. Like the water and the sand; once you get wet you get more sand stuck to you and it’s harder to get it off. Once you’re a dean, it’s harder to get rid of that dean feeling.”

“You know these little conversations are getting a little like *My Dinner with Andre*,” Amanda said.

“The movie?” Tony asked.

“Yes. The Louis Malle film with Wallace Shawn and Andre Gregory. And, yes, the actor’s name really was Andre. But these talks are like the movie because the conversations get weirder as they go on and I’m not sure there’s any meaning at all.” Amanda smiled, walking in the ocean again.

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"Who needs meaning? It's good conversation. But I think I'm right about the dean thing. You just went in the water again. You like it; you like the way the water feels; you get in the water and a little sand comes off but by getting wetter the sand will stick even more later." Tony shrugged his shoulders, as if he had proven his point. "How do you think of yourself now?"

"I think of myself as being on the beach."

"You mean on this beach, not *On the Beach*, as in Ava Gardner and Gregory Peck?" Tony asked. "I thought I would make a movie reference too."

"Good for you. They made a remake you know?" Amanda was now walking in the water.

"I didn't know that: I usually don't like remakes. But look Amanda. Now you are actually walking in the water. How do you think of yourself? As a dean?"

"Yes, I guess I do." Amanda answered honestly.

"Last year we talked about scholarship and faculty relations and the year before that we talked about how important teaching was to you as a dean but this year you admit you think of yourself as a dean."

"I didn't say that I didn't think of myself as a dean last year or the year before. I did. But, yes, this year I do think of myself as a dean." Amanda said.

"Whatever that means," said Tony, trying to put an exclamation mark on the remark. "And, would it be hard for you not to be a dean?" asked Tony looking down at Amanda's feet in the water.

"I don't know." Amanda said.

"That's an honest answer."

"It is," Amanda said. "I really enjoy the job. There are times when I wish I could devote a lot more time to my scholarship. There are times I just don't feel I am as current as I want to be in my subjects. But other than that I get to teach, which I still love, and I very much enjoy representing the institution."

"So, do you want to do it for the rest of your career?" Tony asked.

"I don't think that's a question I can answer. You know how I am Tony. I do something. I try to do it the best I can, and after a certain point I sort of need to reinvent myself. I'm extremely happy now, but who knows what I might want to do in five years?"

"No moss grows on a rolling stone?" Tony asked.

"I didn't say that or mean it. I just want to keep learning things and having new challenges."

"So what did you learn this year?" Tony asked.

"As a dean; as a person; how?" Amanda was now sloshing along in the water up to her knees.

"I'm not going to come in and rescue you if you get in too deep." Tony said.

"I can swim. Thanks." Amanda smiled.

"But watch out for sharks!" Tony yelled. "What did you learn?"

"Well I took a leadership course," said Amanda. "Sort of a community leadership institute that lasted all year."

"Did you learn how to lead?" Tony asked.

"I'm not sure I could tell you what that means," said Amanda. "It was a great experience but I wonder sometimes what leadership really is. When I was a kid I thought of leaders as people like Martin Luther King, Jr., Eleanor Roosevelt, and

John F Kennedy Later, I added Mother Teresa and Howard Baker, but all the people on my list were big time people.”

“Lofty list,” Tony said.

“That’s my point. Those were the people I thought of as leaders, not people like me. I guess in retrospect the principal of my high school was a leader. Having to deal with all those revolutionary kids in the late 60s and early 70s. Trying to teach us and keep our respect without letting us take over the place. But nowadays the way the phrase is used, I wonder if everyone isn’t a leader.” Amanda was having to pick her feet up in the water to move forward.

“Seems to me that may be a perversion of the term, leader,” said Tony. “At least it seems a little broad.”

“I suppose so,” Amanda said, huffing and puffing a little as she moved through the water. “Jamie definitely thinks of the principal of the school he went to as a leader.”

“Jamie went to a private school right?” Tony asked.

“We both did,” said Amanda. “He went to an all male school in our town and I went to a women’s school. That’s how we met—at a dance. Anyway, they called their principal a headmaster. Jamie started at his school in seventh grade in 1967 and he graduated in 1973, so he was there in some pretty wild times. Lots of rebellion and change and drugs. You remember?”

“I was actually practicing law at the time so I don’t remember it quite as fondly as you do.” Tony said.

“Very funny. Anyway, every morning at Jamie’s school the entire student body would get together for a morning meeting. There would be a reading and announcements and sometimes a program. When Jamie first started he says that the reading would sometimes be sort of religious but as the years went by the readings all became more secular. Filled with meaning, but not religious.” Amanda smiled and wiped her hair back again.

“New age before its time?” Tony smiled.

“Maybe not but you get the picture. All these boys would meet in the auditorium and everyone had an assigned seat. The seniors sat in the front in alphabetical order and then the seventh graders sat behind them in alphabetical order and so on, back to the eleventh grade.”

“Who gave the readings?” Tony asked.

“At the start of the year teachers were in charge. Then in the mid to late fall seniors started being interspersed among the readers. The problem was—and this is what the story is about—sometimes the assignment would get screwed up or the speaker would be sick. And no one at school would know about the problem until the meeting or right before it when the speaker didn’t show up.”

“Then what would they do, skip the reading?” Tony was curious.

“No, then the headmaster would have to step up and give a little talk.” Amanda answered.

“Now I see the relevance of this conversation to being a dean. The headmaster would have to get up in front of this auditorium full of kids and give a meaningful talk with little or no notice. How many times as dean have you had to get up in front of a bunch of people and say something that you weren’t prepared for?” Tony nodded as he asked the question.

"Yes. That is some of the relevance of the story. And the answer to your question about how many times does a dean have to give off the cuff remarks is very often. The worst may be when you walk into a law firm to meet with a single alum and he or she says 'Dean, we'll be going to the large conference room now for your remarks.'" Amanda smiled as she thought back upon the first time she had entered a conference room under such circumstances.

"So, you always have to be prepared." Tony said.

"You do."

"And I'll bet that the point of the story is that the headmaster was prepared and always gave a good talk." Tony said, anticipating the story.

"Well, yes and no," said Amanda. "The headmaster was always prepared and always gave a talk. He had been an NCAA mile champion before World War II and a marine during the war so he had many experiences, many very male experiences, which allowed him to talk about reaching down for more, whatever it was: heroism, loyalty, and team work. And he had talked about many of those things, many times over the years. So while the talks were usually good the students, by the time they were seniors, had heard many of them. And Mick Jagger, Janis Joplin, and The Allman Brothers usually were a lot more meaningful to them than any story from an authority figure. That's just the way it was."

"But does the story have a happy ending about leaders being prepared?" Tony swatted at a fly.

"Yes and no. The story has another character."

"The plot thickens." Tony said.

"Yes, it does," said Amanda. "Have you ever met our friend, Marty Blake?"

"I don't think so," said Tony.

"Well he was in our wedding. Jamie has known Blake since they were fourteen. They went to college together. Now, Blake practices law in D.C. In any event, Blake is one of the best lawyers I know. He is smart, sharp, quick, and hard working. And he is as quick with his tongue as anyone I have ever seen or heard. When Blake and Jamie were in ninth grade, they had an English teacher named Loomis. Blake once raised his hand and asked if Loomis wanted the students' summer addresses. When Loomis asked why, Blake responded, 'So you can mail us those papers we turned in last month after you finally grade them.' Another time, Blake asked Loomis if he was going to turn their papers back before they were all yellow around the edges. The class loved it but the teacher was furious."

"So this guy Blake could push. I wish I had more like him in class." Tony said.

"Another time, when they were seniors, they had Loomis for English again and they were reading *Hamlet*. At some point, in reference to a question, Loomis told the class that in Hamlet's day, since Hamlet was a prince, he had the right to fire his tutor, Polonius. In response to that statement, Blake spoke out from the back of the room and said, 'In that case, Loomis, you would have been out on your butt a long time ago.'"

"Your friend could be sharp." Tony said. "I would love to meet him some day."

"In any event, you recall the procedure in the morning meeting?"

"I think so," said Tony.

"The seniors, including Blake, sat in the front of the auditorium in alphabetical order."

“So Blake, whose name starts with B, would be in the front row” Tony was visualizing the scene.

“Exactly,” said Amanda. “And when the scheduled speaker did not show up, it was up to the headmaster to give the talk.”

“And, on the day in question, the scheduled speaker no doubt did not show up.” Tony said.

“That is exactly right. So, Jamie tells me, the headmaster made his way to the podium. The headmaster looked to the wings and seeing no one was there, heaved his shoulders and sighed. The sigh was no doubt, in part, a product of the number of times the headmaster had to send kids home because he thought their hair was too long or they had been caught with marijuana in their locker. And then the headmaster began by saying, ‘When I was in the Pacific in World War II \_\_\_\_’ But before he could get any further he was interrupted.”

“By Blake?” Tony asked.

“By Blake, who said, ‘Oh my God, not again.’ And I think the headmaster just kind of lost it. Jamie says he got red in the face and his hands started to shake and he looked down at Blake with fire in his eyes. But instead of screaming or yelling, the headmaster with his voice shaking, said: ‘You know Mr. Blake—they called each other Mr., very male oriented place—I do the best I can. It is not easy for me to get up here and give a speech out of thin air. If you think you could do a better job, you get up here right now and you do it.’”

“Wow” said Tony

“Wow is right. But not as wow as what happened next.”

“You mean Blake \_\_\_\_\_?”

“Exactly,” said Amanda. “Blake got up from his chair, walked around to the stairs leading up to the stage, walked up on the stage, and gave about a four or five minute speech on Harvey the Rabbit and reality and imagination and sanity and the lack thereof. Blake had a story, a message, and a theme. When he finished, Blake nodded and started walking back to his seat.”

“Whew”

“You can imagine the reaction,” said Amanda.

“Tell me anyway,” said Tony.

“Well at first the room was kind of quiet. I’m not sure who expected what but then, from the back of the room, someone started to clap. And soon the place had basically erupted.”

“In praise of the talk.” Tony assumed.

“In praise of the talk.”

“How does this story deal with leadership at all?” Tony opined. “Seems to me it’s a testament for revolution and anarchy I’m not saying that’s not a type of leadership but \_\_\_\_\_”

“Let me finish,” said Amanda, standing still in water up past her knees. “After about thirty seconds of applause and screaming, Blake reached his seat and sat back down. Then the headmaster returned to the podium. The students all quieted right back down. I suppose they were scared he was going to yell at them.”

“Sort of like the scene when Oliver Twist asks for more.”

“Something like that. Jamie says you could hear a pin drop.” Amanda said.

"Then what did the headmaster do? Did he yell?" Not realizing it, Tony had waded into the water over his ankles.

"No. The headmaster looked at the student body and then he looked down at Blake and shook his head. He smiled and shook his head. And in the calmest voice, the headmaster said, 'Blake I have to hand it to you. That was a great talk and a great message. Well done.'"

"Really?" Tony asked.

"Absolutely and the place went wild again. Only this time, I like to think they went wild not just for Blake's brilliance but for the headmaster too."

"Nice story," said Tony, looking down, realizing he was in the water and backing out quickly "Damn," he said.

"Sand?"

"Yes." He shook his feet, one at a time, as if that would do any good. "But so what? What does the story have to do with being a dean?"

"I think it has some real application. Otherwise I wouldn't have told it. I suppose what I like the best about the story is that the headmaster found himself in a really tough spot, with no speaker. He reacted emotionally with the sigh and the invitation to Blake to put up or shut up. And we've all done something like that at sometime. Then, when Blake lit it up, the headmaster didn't get mad. Instead he acted graciously and gave Blake the credit. The headmaster didn't hold a grudge and indulge the anger he must have felt. He really did act magnanimously I think that's a good lesson in leadership—for a dean or for anyone else. Then, in the end he got some of the credit from a very tough crowd. I think, at least I hope that, a lot of that cheering was for him. And in those days, that student body could be a hostile audience." Amanda folded her arms across her chest, the way Tony often did and she leaned back at the waist, waiting for his response.

"Alright, I can see it," said Tony "Angry, tired person, rises above it, shares credit, gives praise. Shows students how to behave. Acts selfless. Gets credit he was not seeking. Fair to say 'acts selfless' isn't it?"

"Yes, I would agree the headmaster's behavior was selfless," Amanda said with hesitation, not because she did not think that the headmaster's action had been selfless but because she was afraid Tony had some Socratic trap waiting for her. And she was right.

"But certainly, every leader is not so selfless, is he? Or she? That's true however you might define a leader. I've known some deans who weren't selfless; so have you. In fact, I'd venture to say that one of the traits that attracts people to leadership is that people are not selfless; they have egos."

"We all have egos Tony," said Amanda.

"That's what Freud said."

"You certainly have an ego Tony "

"I know I do. And Amanda, even though I love you and it may not show through in these dialogues we write for this symposium, you have an ego too. Don't you?" Tony asked.

"Yes. I admit it; I have an ego. I'm flattered that you have noticed." Amanda swished her right leg in the waves.

"You like it when people praise your teaching. I recall distinctly two years ago when we had our conversation at the AALS recruitment conference that you said teaching was the best thing you had done in your first two years as a dean."<sup>1</sup>

"I did say that."<sup>2</sup>

"And you had all sorts of reasons why that was true and why your teaching as a dean was a good thing for the institution but I quite perceptively pointed out that one of the reasons you had taught and claimed it was so good for all concerned was that you liked to teach." Tony smiled.

"Counselor, you did and I did. And I do. So?" Amanda asked.

"So? You never would have said 'So?' back when you were my protege and I was your mentor. You get more assertive every year."

"I don't deny it! So?" Amanda repeated her "So?"

"So," Tony continued as if he were in charge, "I think one of the reasons you like to teach—and you are good at it—is because of your ego. You get ego satisfaction out of it."

"I'm not so self-deluded I would deny that fact. Some of my love of teaching is definitely performance buzz, or ego satisfaction as you call it." Amanda leaned down and ran her hands through the surf.

"Only natural. And last year, at the AALS annual meeting conversation, you talked about how the faculty was your most important constituency and you really viewed yourself primarily as a faculty member and not primarily as an administrator."<sup>3</sup> Tony scratched his ear in the same way he did when he tried to make a point in class.

"One could interpret that conversation that way I suppose. So?"

"So. That's ego driven in a way isn't it?" Tony asked.

"How so analyst?"

"You don't really want to give up your identity as a faculty member. You want to be a part of the group you came from. And remember, you said your symbol for tenure and a faculty member was Indiana Jones—having the freedom to go out and do great stuff—and you, humble dean, would support him. Don't paint the picture too selflessly Amanda; the artist's hand may show through a little too clearly."

"You mean I'm trying to sound too good for ego satisfaction reasons?" Amanda crossed her arms again.

1. Thomas C. Galligan, Jr., *The View From the Podium*, 31 U. TOL. L. REV. 593, 597 (2000).

"Amanda, what is this?" Tony asked.

"I'm not sure. I think it's a footnote." Amanda said in response.

"Who is this Galligan guy?" Tony asked.

"I have never heard of him, but I don't think we ought to upset him."

"You're too nice Amanda," Tony humphed.

2. *Id.*

3. Thomas C. Galligan, Jr., *So It Goes*, 33 U. TOL. L. REV. 31 (2001).

"There's that guy again," Tony whispered.

"I see," said Amanda. "Shhhh."

"Gotcha," said Tony.

“You said that, not me. But from a self-analytical perspective—maybe so. My point is only that you may have painted that headmaster with too idealistic a brush. Human at the start but super human at the end. I think people are more selfish than that,” Tony said.

“Me included?”

“You included—at least maybe.” Tony said.

Amanda smiled. “I’m hurt.”

“Fine, you’re hurt. I’m sorry then. I just didn’t want you to believe everyone was or should be altruistic.” Tony smiled back.

“I guess I don’t,” said Amanda. “But doesn’t a great leader have to be a little bit altruistic?”

“Maybe but not entirely” Tony responded.

“No one is truly altruistic,” Amanda said. “You know Tony, you are the one always asking me the questions in these conversations. Let me ask you one. Give me an example of a great dean who has a great ego.”

“Amanda, it would be tacky to name names. And I don’t want to defame the dead even if it isn’t actionable. My point is only that you don’t have to be selfless to be a great dean or leader.”

“Example,” Amanda demanded.

“Pete Townshend,” Tony fired back quickly

“The lead guitarist for **The Who**?” Amanda asked.<sup>4</sup>

“Not just lead guitarist but songwriter and sometimes vocalist,” said Tony “I don’t think Pete Townshend is what you would call selfless. I think he has strong ideas about a lot of things and he articulates them. That’s a good thing.”

“Sure it is.”

“If you have ever seen **The Who** in concert, Pete Townshend runs the show. It is very much his band. And it is very much his show. Not only that but many of the songs are extremely introspective. They are about him, I think, and his quest for knowledge about himself. They are great songs but their subject reflects at least some egotism. And I don’t use that word in a negative sense here.” Tony said.

“So?” Amanda asked.

“You have really gotten into that ‘so’ stuff,” Tony said. “So, Pete Townshend probably could have been a pretty good solo act. And when he is not playing with the band, he is a very good performer. Great song writer; great guitarist; good singer. But he’s not thought of that way. He didn’t limit himself to being a solo act. You know what he did; it’s rock history.”

“Remind me” Amanda said.

“He surrounded himself with some of the best talent in the history of rock n’ roll. John Entwistle, who just passed away last June, was a fantastic bass player. The bass lines in those early **Who** songs were way, way, way ahead of their time and more driving and funky than almost anything going on outside The Parliament Funkadelic. Entwistle was absolutely fantastic. And Pete Townshend, as the leader of the pack, let him rip.”

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4. For another law review article (I know it’s hard to call this one an article) with a reference to The Who and the band’s work, see Luke Ellis, *Talking About My Generation: Assumption of Risk and the Rights of Injured Concert Fans in the Twenty-First Century*, 80 TEX. L. REV. 607 (2002).



“So Pete Townshend surrounded himself with good people, even though he may not have been selfless?” Amanda said.

“Yes. In addition to John Entwistle, the late Keith Moon, the original drummer, was amazing. When he wasn’t all whacked out on liquor or something, Keith Moon was so darn fast it was like having two drummers.”

“So,” Amanda continued, “the band was better because the personnel around the resident genius was great? And maybe that’s okay for a law school too?” Amanda asked.

“Even if the dean is not up to Pete Townshend’s genius, yes. And finally, the lead singer, Roger Daltry is one of the strongest, most dynamic, most dramatic, and best-looking singers ever. How hard do you think it was for a young, not so selfless Pete Townshend, putting his band together to let some movie idol guy sing his songs?”

“You mean it was Pete Townshend’s generation, not Roger Daltry’s? And *Tommy* wasn’t all about Roger Daltry?” Amanda asked.

“So you see my point. Pete Townshend is no shrinking violet. But he made the whole operation better by putting great people around him. I have a friend who says **Who** fans have a chip on their shoulder because they are always standing up for their favorite band saying it is underrated and one of the greatest bands ever<sup>5</sup> I think **The Who** is one of the greatest bands ever. And I think that’s so because of strong, not always selfless, leadership. They were greater than they would have been if they had only been Pete Townshend. So, he’s my symbol of great leadership, although I bet I would have liked the headmaster in your story too.”

“But isn’t Pete Townshend anti-leader too? Isn’t he the one who wrote *Won’t Get Fooled Again*?”

“Yes. You’re right. The new boss is the same as the old boss. Maybe it’s not a bad thing for a leader to be suspicious or skeptical of leadership, including his or her own.” Tony proudly crossed his arms.

“Tony, I have just one thing to say,” said Amanda.

“Brilliant?” Tony asked.

“No,” answered Amanda, “you are all wet.” And she began wildly splashing him with water.

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5. See Ben Barton, Associate Professor of Law, University of Tennessee College of Law.

“If we don’t want to see him, could we just call him up?” Tony wondered aloud.

“Or email him,” said Amanda.