A DEAN'S SURVIVAL GUIDE

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IT would be ungracious to begin this contribution to the *University of Toledo Law Review*'s Third Symposium on "Leadership in Legal Education" without congratulating those who conceived these symposia for their wonderful service to legal education. The first and second symposia contained an outstanding collection of essays. These essays provide a comprehensive analysis of the role of law school deans and the many issues they face, as well as discussions of various significant trends in legal education. I now regret that I did not accept the invitation to contribute to the first, or at least the second, symposium. After hearing from so many outstanding leaders of legal education, what more is there for me to say? Fortunately, Teree Foster's article in the first symposium, "Law School Deanship: The Top Ten Reasons and a Tribute to 36 over 10," gave me my inspiration. I am included in Dean Foster's list of 36 individuals who, at the time of her essay, had served as deans for over ten years. In fact, I am beginning my 23rd year as a law school dean—first at the University of Bridgeport (now Quinnipiac Law School) and, since 1986, at Touro Law Center. I probably rank among the top five law school deans in terms of length of tenure. (If only *U.S. News & World Report* considered the length of a dean's tenure in rating a law school!)

I will undertake, as my contribution to this symposium, to ruminate on what has permitted me to serve as a law school dean for so many years. Many of the contributions to the first two symposia, particularly the essay by Dean Tom Read, made clear the challenges and frustrations of being a law school dean. Of course, part of what permits a person to continue in a job are strictly personal factors. I will mention some of these personal factors, but I also will try to generalize a bit.

A. Worthwhile Personal Characteristics

Mayor Fiorello LaGuardia often ended one of his periodic radio addresses with this admonition: "Patience and Fortitude." I believe that serving a long deanship is not possible unless you are an extremely patient man or woman, who does not insist on instantaneous satisfaction, and who understands that it often is necessary to proceed toward a goal by taking very tiny steps. You must have patience in the face of setbacks, foolishness, hostility, and having to forgo some of the things you would like to do personally with your life. I find that patience and fortitude are characteristics that become easier as you grow older. I started serving as a dean when I was 51, and had learned by then the value of patience.

Because of the many constituencies with which a law school dean must deal, it is important to be tolerant. I have met with a potential donor who spent half our luncheon explaining to me the greatness of Richard Nixon and kept asking me if I did not agree. I nodded enigmatically and restrained myself from displaying my

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ACLU membership card. I have spent time listening to students who spouted such nonsense that I had to restrain myself from telling them what fools they were. (Sometimes it is best to talk to students at student functions, where the music is so loud you cannot hear a word they say.) And faculty members come in such a variety of packages that you have to tolerate (and accept) many people who are very different from yourself.

Related to patience and tolerance is an ability to listen. I am sure that every experienced administrator knows that hearing someone out often goes 90% of the way toward solving a problem. Over the years, I think I have solved, or at least alleviated, many problems of students, faculty, alumni, and bar leaders simply by listening intently and offering only the briefest comments.

Individuals seeking a deanship have asked me sometimes what characteristics were important to insuring success. I frequently reply that you need long arms. If you value pats on the back for your accomplishments, you will need to do it yourself, for others are unlikely to. You cannot let your ego get in the way of successfully solving problems or promoting programs. I often sit at faculty meetings and hear praise being lavished on other administrators or faculty members for accomplishments that I know would not have occurred without my involvement and participation. On one occasion, at a faculty meeting, after a successful ABA accreditation visit, plaudits were being handed out to various administrators and faculty members who had a role in the inspection. When we were about to go on to another topic, one young faculty member had the "wisdom" to say: "Wait a minute. You know the Dean had something to do with this as well. Let's all thank him." It will help your survival as a dean if you grow comfortable in looking into the mirror and praising yourself.

One personal factor that has contributed to my survival is that I am unmarried and can claim no "significant other." You cannot imagine the time involved in being a dean until you assume the job. Your schedule is comparable to that of a first year associate at a major law firm. A deanship is the ideal position for a committed workaholic. I know that the pressures of family responsibilities place great strains on a deanship. I find myself feeling guilty about not being able to spend more time with my sisters and their children and grandchildren, and with close friends. I have to make a conscious effort to fit them into my schedule. I can only imagine the stresses on a dean with children to raise. It is not surprising that one dean told me that part of the reason he was stepping down was that it had gotten to the point where his children had to make appointments to see him. If you expect to survive as a dean, you must very carefully think through how you will handle your family responsibilities.

B. Philosophy Toward Administration

As a dean, and in other administrative positions I have held, I have learned that not all decisions are of equal importance. You cannot agonize over every decision you are called upon to make. I would rather make 100 decisions, with 20 of them being questionable, than 20 perfect decisions. Most decisions can be reversed if they are wrong. You just have to admit you made a mistake. The only way for a dean to deal with the myriad matters that cross his or her desk is to decide as

quickly as possible. Of course, the longer you serve as a dean the more confident you are in the correctness of your decisions.

An obvious consideration for anyone contemplating a deanship is to review your attitude toward administration. If you cannot survive without living in a world of ideas, stimulating conversation, and intellectual challenges, a deanship probably is not for you. On the other hand, if you get great satisfaction in seeing the pile in your 'In' box go down and the pile in your 'Out' box go up, you probably have the makings of a good dean.

Your chances of survival as a dean increase if you have extremely competent people working with you, to whom you can delegate with confidence. Over time, your colleagues in the administration should be able to anticipate how you would act in any particular circumstance. When you have colleagues like that, far fewer matters are brought to you on appeal. Either implicitly or explicitly, your colleagues in the administration need to know your guiding principles. Guido Calabrese, when he was Dean of Yale Law School, said his administration's philosophy was that there should be a presumption in favor of accommodating any request made by a student. This is a tall order, but it certainly curbs the impulses of administrators who are most often inclined to say no.

While a useful short-term goal for an administrator is to empty your 'In' box and fill your 'Out' box, it also is important to have some major objectives toward which you can direct your energy. At both Bridgeport and Touro my initial goals were to help the schools achieve full ABA accreditation and, subsequently, membership in the AALS. Both of these goals certainly gave some framework to what I did as an administrator on a day-to-day basis. My most recent goal has been to complete a capital gifts campaign that will permit Touro Law School to move from its present location to a site further east on Long Island, adjacent to the new federal courthouse (the second largest in the United States) and a large state courthouse. While this project has given me some direction, it has taken longer than I anticipated and has required an excessive amount of patience and fortitude. By this time in my life, I had expected I would be spending most of my days lounging on some beach.

C. Relations with Faculty

Many of the contributors to the two previous symposia have discussed the various ways a dean can maintain good relations with his or her faculty. Developing trust is, of course, of utmost importance. I have tried not to be secretive with the faculty I have tried to provide whatever information was requested and keep faculty fully informed of law school problems as well as successes. I have tried to be straightforward and honest and to avoid dissembling in any way

Faculty members, as I have noted, come in many different packages. I try to be sensitive to the needs and objectives of all faculty members and try to work with them to accomplish their goals. As a dean, you hear faculty members criticized by other faculty members, by administrators, and by students. While I have not shut my ears to these criticisms, I always have tried to come to my own judgments. When I do hear criticisms of a faculty member that raise serious concerns, I try to offer the faculty member an opportunity to respond to those criticisms rather than simply filing them away in my memory bank.

Finally, I have tried to attain some degree of objectivity in dealing with faculty members. Whenever possible, I have avoided developing close personal relationships with faculty members. I think such relationships make your job more difficult and raise questions about some of your decisions. I feel more comfortable socializing with my colleagues in the law school administration or with faculty members with whom I have worked on a day-to-day basis when they served as administrators.

One area in which a dean's objectivity is most often challenged is the determination of faculty salary increases. I have developed a system of requiring faculty members to submit annual reports describing their activities in a variety of different areas. I then grade those reports in the same way you would grade an examination. My evaluation of those reports is the principal factor I take into account in deciding on merit salary increases. While I recognize that there is some degree of subjectivity in my evaluation of these reports, at least I have something to show to a faculty member when he or she comes to me and complains about a salary increase.

D. Living With the Central Administration

Just as it is important to build up a sense of trust between the dean and the faculty, it is important to create a similar sense of trust with the central administration. Anyone who has continued in a deanship for any length of time is bound to have established a trusting relationship with the central administration. Trust is built through frequent communication, patiently explaining the needs of and problems facing the law school, being supportive of the central administration when it is called for, and trying to enlist members of the central administration in your vision for the future of the law school. At Touro, I have dealt with the same president, Dr. Bernard Lander, since I assumed my deanship. After he concluded that I knew what I was doing as dean of the law school, he ceded a great deal of autonomy to me. We talk frequently, almost on a daily basis, and I try to keep him fully advised about what is happening at the law school. He is very interested in legal education, and I try to insure that he understands those aspects of legal education that we consider unique.

And it is important to explain to a university president what legal education is all about. When I interviewed for my first deanship, the president of the university told me that he was very concerned about the size of the law school's library budget. He explained that in his field—he was a former English professor—you probably could teach the entire curriculum with 100 books. He asked me whether I thought there would come a time when the law library would have all the books it needed and could reduce its expenditure on new acquisitions drastically I asked him whether he ever had visited the law library, and he said "no." When I assumed the deanship, one of my first acts was to take the president on a tour of the law library and explain to him that there never would come a time when you had all the *U.S. Reports* that you needed. An important part of a dean's role is to communicate with the president, as well as with the faculty, students, and administration.

Many of the contributors to the first two symposia mentioned the camaraderie among law school deans. I think that camaraderie is an important element in

surviving as a dean. Those who serve as deans know the value of interaction with other deans. I can think of no better way to end this essay than to thank and pay tribute to the many wonderful and extraordinary deans I have had the good fortune to work with over the past 22 years.