

# REFLECTIONS OF A LONG-SERVING DEAN

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ON June 30, 2002, I completed fourteen years and six months as dean of the Indiana University School of Law—Indianapolis. When I retired as dean, I determined (with the help of Barry Currier, Deputy Consultant on Legal Education for the ABA) that I probably ranked seventh in the U.S. of the more than 180 deans of accredited law schools in terms of continuous service at the same school. In recent years, as my tenure lengthened, I was often asked why so many deans last in the job only three or four years. The answer is one that I am confident all deans understand well, whether they are long-serving deans or short timers.

The job is an immense amount of work, requiring that the dean successfully serve multiple constituencies—faculty, students, the school’s administrative staff, university officials, alumni, and bar leaders, to mention the obvious groups. While deans normally command a fair measure of respect from these groups, which occasionally serves as an ego boost, this alone is not nearly enough to offset the job’s long hours, frustrations, and inevitable personnel and other conflicts.<sup>1</sup>

Besides the time commitments of the job, there is another more fundamental reason that deans often have short tenures. Most law school deans were once faculty members, who were attracted to academe because they wanted to teach and write or to work in a clinical setting. The job of dean, however, has little to do with what law professors do on a daily basis. While I believe that a successful dean must have once been in the classroom and have published, both for his or her credibility and to understand the needs of the faculty, the day-to-day responsibilities of the job require different skills. Constant meetings, courting of alumni, as well as university and bar activities, deprive a dean of uninterrupted time and the opportunity to engage in the kinds of activities that led most deans to become law professors.

So, why did I become a dean and why did I remain in the job for so many years? The answer is bound up in a conversation that I had more than fifteen years ago with Thomas Ehrlich, former dean of the Stanford Law School and at the time president-designate of Indiana University. Tom suggested that I should undertake the job of dean only if I wanted to be an “architect for change.” I believe his advice was exactly right! Unless you want to improve the law school in significant ways, thereby enhancing the quality of legal education for the school’s students, the job should be left to others. The rewards of the job are minimal unless you can derive satisfaction from advancing the institution while serving as cheerleader for your students and faculty.

Of course, Tom’s answer also bears on the length of time that a dean should serve in the job. Institutions, like law schools, cannot be transformed overnight. While interviewing dean candidates faculty members may say that they want a strong

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1. My former assistant stitched for me a wonderful wall hanging, which was displayed for many years in my dean’s office: “Deans are the fire hydrants in the great dog kennel of life.”

leader, the reality is that most faculties rebel if a dean seeks to change all kinds of things too quickly and in the absence of adequate faculty consultation. Strong personal relationships and trust are vital in order for a dean to make changes, and thus the longer one serves as dean, the greater the likelihood that real institutional changes can be achieved.<sup>2</sup>

But a dean cannot just focus on the law school's big picture. Indeed, one of the most difficult aspects of the job is simultaneously juggling a myriad of immediate but relatively minor issues and problems while devoting sufficient attention to achieving the school's broader goals. The quality of the institution and the education of students depend on the latter. This does not mean that the "minor issues" are unimportant—oftentimes they are critical to the people affected by them—students, faculty, staff and alumni—but usually they are not the issues that have a lasting impact on the school's advancement. Yet, they can take virtually all of a dean's time if permitted to do so and, if not handled appropriately, can create significant administrative headaches.

Accordingly, I believe it is essential that a dean always have a handful of well-defined, major goals on his or her plate, whether determined by faculty consensus, acquiescence or a strategic plan, and that they be constantly and relentlessly pursued. The dean's priority list should not be unduly ambitious, however, lest it be impossible to devote sufficient attention to achieving all of the objectives.

In my own case, I had a number of paramount goals for the school during my years as dean. Some of them were clear to me from the moment I undertook the job, whereas others were formulated over time. Although my list now seems rather long, even to me, it is important to recall that I served as dean for a number of years. Among my most important goals were the following:

- ▶ increased diversity of the student body;
- ▶ enhanced financial support and recognition for faculty scholarship;
- ▶ broader experiential learning opportunities for students;
- ▶ greater emphasis on student pro bono activities;
- ▶ additional international and other special programs;
- ▶ extending the availability of technology for faculty and students;
- ▶ private fund raising for student scholarships, professorships, as well as discretionary purposes;
- ▶ establishing the school's first LL.M. program;
- ▶ bonding authority from the state's legislature for a new building; and
- ▶ a special capital campaign to augment state funding and enable the construction of the school's new building to proceed.

While the foregoing goals were substantially reached—and in the case of our new building—fully achieved,<sup>3</sup> I am certain that much of the school's progress

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2. One former dean has written about the "institutional harms caused by short-term deanships." See Gerald T. McLaughlin, *The Role of the Law School Dean as Institutional Veteran*, 31 U. TOLEDO L. REV. 675, 675-77 (2000).

3. In 2001, the Indiana University School of Law—Indianapolis moved to a brand new facility, known as Lawrence W. Inlow Hall.

would have been far more difficult, if not impossible, had I served a shorter tenure. For example, much of the school's capital campaign success was undoubtedly attributable to my longevity as dean. Over the years I had gotten to know many of the school's wealthiest alumni and friends, and my relationships with these persons were vital in enabling the school to meet its capital campaign goal.

In addition to urging that deans have a clear set of priorities during their tenure, I have come to some other conclusions about law school administration and the future of legal education.

The first is that most law schools today, if they are of any size at all, have come to resemble small colleges or universities.<sup>4</sup> Besides students and faculty members, there is typically a reasonably large administrative staff and an external constituency often consisting of thousands of alumni and friends. As the school's chief executive, the dean is expected not only to be involved in the internal operation of the school, but also to be extensively engaged outside the school, visiting with alumni, attending various professional events, and so forth. As a result, from an administrative standpoint, for many law schools it makes sense to have someone who functions like a university provost, who has the title of "vice dean" or "principal associate dean" and focuses primarily on internal law school matters. While the dean must still be in charge, such a position will help to assure that there are not an excessive number of persons who report directly to the dean and that the dean has sufficient time to devote to external matters. A number of law schools have established this sort of administrative structure and have found that it works well.

My second observation relates to the competitiveness among law schools for the enrollment of students. There is no shortage of law schools in this country, and we are all in competition to enroll the best and brightest students, as well as maintain significant student diversity. To achieve this goal, law schools spend thousands of dollars on brochures, videos, recruitment travel, and a host of other items in order to enroll each new class. Over the years I have become convinced that in order to enhance recruitment efforts it is important that a law school have certain programs and specialties for which it is well known. Perhaps as in all marketing, the challenge is to make your product stand out from the crowd. No law school wants to be known as just a "good generic law school."

In the case of IU—Indianapolis, we have made a concerted effort to develop our strengths and to market them aggressively. Because we are in Indiana's state capital, just minutes from the state's capitol building, state government agencies, and state and federal courts, we have developed programs to complement our location. These include a Program on Law and State Government and numerous internships with state and federal courts, as well as clinical programs. Appropriately I think, our logo is "Indiana's Capital Law School." In addition, we have a nationally recognized Center for Law and Health and one of the few international human rights law programs in the Midwest. These areas of emphasis

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4. Others have made the same point. "The job of most law deans is much more akin to that of presidents of small colleges than to the deans of other disciplines." Frank T. Read, *The Unique Role of the American Law School Dean: Academic Leader or Embattled Juggler* 31 U. TOL. L. REV. 715, 721 (2000).

appeal to many prospective law students and help to foster a distinct identity for the school.

A third observation relates to the fundraising potential of law schools. As all good fundraisers know, few major gifts occur without effective cultivation of prospective donors, and almost none are received unless major donors are solicited in one-on-one, face-to-face meetings. As a practical matter, this means that most law schools, including my own, do not have a large enough staff for development. For example, IU—Indianapolis now has about 8,000 alumni, and there is simply no way that we can maintain effective relationships with more than a handful of this number with a development staff of a few professionals. Most law schools, I believe, can be considerably more effective at raising private funds if they have additional talented professional staff, preferably lawyers, working on their behalf. And, if it is not feasible to hire full-time personnel by reason of space, budget, or other factors, consideration should be given to hiring fundraising staff on a contractual or consulting basis and covering salary expenses out of private funds that are raised.

A fourth and final observation is closely related, in that the greatest need of law schools today (like the rest of higher education) is to develop additional streams of revenue. During my years as dean, no part of my job was less appealing to me than the constant need to recommend to my university's central administration that higher tuition be charged next year's students. In both private and public law schools, tuition and fee charges go up virtually every year, the debt burden of law graduates increases, and new lawyers feel under enormous financial pressure to accept the best paying jobs, often forsaking public interest positions and government employment. In my own law school—and I am sure this is not uncommon—the percentage of the school's operating costs covered by the state keeps declining and the percentage covered by student tuition continues to increase. Probably like many other public law schools, my school had fewer net dollars for its operations in 2001-2002 than it had a decade earlier.

In the foreseeable future, the only alternative to continued significant tuition hikes at private and public law schools will be for deans to discover ways of developing alternative revenue sources. Consequently, every dean must be an entrepreneur, who gives concerted thought to the challenge of raising additional funds through new activities, such as continuing education, graduate law programs, paralegal training, etc. Of course, it is imperative that such programs complement the educational mission of the school while being highly cost effective. Obviously, private fundraising can help, but it is critical that law schools do more than rely on alumni and friends, especially since many private contributions are earmarked for specific purposes.

I was privileged to serve as dean of the same law school for nearly fifteen years. Since leaving the position several weeks ago, my faculty colleagues who have never known me in any other capacity except as their dean, have asked me how I was adjusting. My answer is that I am doing just fine. After all, being a professor is still the *best* job in any law school.