

ADVICE FROM THE NEW DEANS BOOT CAMP

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MORE than a decade ago, I was sitting in the offices of James P. White, the then Consultant of the Section on Legal Education and Admissions to the Bar of the American Bar Association in Indianapolis, Indiana. With me were Jim White, Tom Read, America's "serial dean," currently at the South Texas College of Law, and Peter Winograd, longtime Associate Dean at the University of New Mexico School of Law. The four of us were discussing the rapid turnover of deanships of the 1980s and early 1990s. The average deanship was between three and four years and there were far too many deanships of two years or under. We all agreed that the rapid turnover of deans was not good for American legal education. While there was a one-day new deans program at the ABA midwinter meeting in February each year, the four founders of the New Deans Seminar agreed that this meeting, while useful, offered too little, too late.¹

We had heard about a school for new college presidents at the Harvard Business School. We obtained the syllabus for this presidents' school, and the four of us sat down and sketched out what became the ABA Seminar for New Law Deans. The first seminar occurred at the Graylyn International Conference Center of Wake Forest University in June of 1993. The New Deans Seminar has been held there each June now for ten years.

The New Deans Seminar usually begins on a Wednesday evening and lasts through Sunday morning. Wednesday evening is an orientation. The new deans are given their notebooks of materials and assignments for the next three very full days. Meetings thereafter take place from morning through dinner. Because it is intensive throughout each of these days, the program has been dubbed "The New Deans Boot Camp." Because it takes place at Graylyn Conference Center, which is a very plush executive conference center formed from a mansion and grounds with outlying buildings given to Wake Forest University some years ago, it has also been called "The Velvet Boot Camp."

The faculty-student ratio for the New Deans Seminar is the only program in American legal education that approximates the one-to-one student-faculty ratio of America's medical schools. Subjects covered include priority setting, relations with faculty, working with senior staff, long range planning, development and alumni relations, relations with central administration, student services, dealing with the budget, managing technology, the personal side of the deanship, and relations with the bar, the legislature, and governing boards.

The theory of the program is that if the new deans discuss these issues with senior deans before taking office, it will help avoid some potential mistakes in the early months of a deanship. Also, the New Deans Seminar establishes an early deans support network. The intensive nature of the New Deans Seminar quickly

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1. The New Deans Seminar is both considerably longer and eight months earlier than the new deans program at the ABA midwinter meeting.

creates bonding that provides a network of support and advice whenever a new problem arises, with a response being a quick phone call or e-mail away. It also creates great camaraderie and a sense of community in the class of new deans. There have been new deans class reunions at ABA meetings, both formal and informal.

The record of the New Deans Seminar is good. The average tenure of law deans is up. The number of extremely short deanships is down. I would estimate that three-quarters of the articles written in the first two issues of the *University of Toledo Law Review* devoted to leadership in legal education were written by authors who have been either faculty or students at the New Deans Seminar. Many of the thoughts contained in those two issues had their genesis in discussions at the seminar. At the June 2002 New Deans Seminar, we began the practice of giving out these past symposium issues of the *University of Toledo Law Review* to the new deans. These articles will contribute greatly to the education of future law deans.

Indeed, these law review issues can perform an important educational function leading to better and happier future deans in a way that the New Deans Seminar cannot. The students at the New Deans Seminar have already accepted deanships. The rubicon is crossed. Every now and then, a new student dean at the seminar will jokingly comment that if the new dean had realized the daily regimen of a law dean, he or she might not have pursued the job so ardently.

A number of years ago, I was at a conference with a dean who told me that he was resigning at the end of his second year, because he really disliked the job. He was a wonderful human being and a first-rate academic. He had accepted the dean's position thinking it was "the dean of the faculty" position that it might have been in earlier times when the prime job was to give internal academic leadership to the faculty, like the provost of a university. He indicated that he left practice because he did not like it and that his daily life as a dean was closer to practice than to his life as a teacher-scholar on the faculty. In the end, after it was too late, he finally did arrive at a more realistic view of the duties of a modern law dean.

One great potential use of these law review symposium issues would be to send them to dean search committees first to review and then to pass on to every finalist in their dean search, so that when the new dean arrives at the ABA New Deans Seminar, he or she already has a good view of what the job is and is not.

With that background, here is some fairly basic advice that has come out of past New Deans Seminars.

1 *Setting Priorities and Managing the Inbox*

For ten years, the first program of the New Deans Seminar has been an inbox exercise in which the new deans are asked to set priorities and manage a day's inbox consisting of a great number of memoranda, telephone messages, and other communications, setting forth a dizzying array of problems. The new deans are asked to discuss and categorize these problems in two ways: one, by "urgency" as to whether or not some action needs to be taken by the dean that very day and then by "importance" to the long run success of the deanship. While we counsel the new deans that these problems are not usually going to arise on the same day, we have found that when we meet graduates of the seminar a year later, they all attest that

similar problems have arisen at various points in their first year as dean. They also frequently give us some new problems for the exercise that we had not thought about before.

A number of years ago I was having dinner with two deans, one of whom had been the academic associate dean under the other's leadership. The associate dean who had become dean commented that even though he had been an academic associate dean for five years, he had never realized the volume of paper, e-mails, telephone calls and the concomitant number of people problems and deluge of decisions that had to be made by the dean until he was actually in that office. I am a list maker. Each evening as I leave the office, I prepare a list of about ten things to do the following day. I inevitably accomplish more than ten tasks the next day, but I am fortunate if half of them were on the original list when I came in to the office that morning.

One great piece of advice that I received from a senior dean at the midwinter deans meeting early in my first deanship was that as to 90 percent of the great volume of decisions that pass over the dean's desk each day, it is more important that you make a decision than that you make the "right" decision. Hamlet would be a perfectly terrible dean. If you agonize over each and every decision at length, you are doomed. The art of being a successful dean is to recognize the 10 percent of decisions that you need to get right.

How do you recognize those truly important decisions? First of all, you have to reflect on the core mission of your law school. Then, you would do well to follow the advice of Vanderbilt's outstanding dean, Kent Syverud.

Effective deans devote most of their effort to the very few major things that make a school get better. At most law schools at the beginning of this century, that means hiring extraordinary faculty and administrators, obtaining major gifts, securing a budget that assures institutional health, and creating an environment in which students and faculty can thrive better than at competing schools. If one looks to any law school over the past fifty years, and honestly appraises what has made it thrive or drift, most of the success or failure of the school will result from success or failure on these four things. Test this against your institutional memory of your own school: Odds are great that the key steps were a handful of faculty or administrators who came or left, major gifts or budgeting support that enabled progress or programs, and development of an institutional strategy superior to those of competitors. These are the priorities on which deans should spend their time.²

If you look at everything that crosses your desk and evaluate it in light of the strategic mission of your school and Kent's four priorities for a dean's time, you will be well on your way to identifying the 10 percent of decisions which are really important matters. The rest you should decide or delegate fairly quickly.

Deans have different methods for handling the flow of the inbox. I use stickum notes attached to letters and written material and e-mails or voice mails to key colleagues to delegate matters. I also have a senior administrators meeting once a week and have a file for that meeting in which I place material I want to discuss at

2. Kent Syverud, *Three Principles of Effective Deanship*, 31 U. TOL. L. REV. 751, 753 (2000).

greater length. I go through my inbox each day in this way and keep a very small percentage of the material. Most I never see again.

One other strong admonition is to make certain as early in your deanship as you can that the dean's administrative assistant and associate deans or other senior administrators that work directly with you are a good fit with your priorities and are performing their function well as part of the administrative team. If you keep a poor performing key aide too long, both the school and you will suffer. It is personally unpleasant to tell coworkers that they are not performing their job well enough for you to keep them in it, but sometimes it is your duty to do just that.³

2. *The Dean as an Evangelist*

For many constituencies, certainly the alumni, central administration, bar leaders, and most students, the dean speaks for the law school. Even for the most independent minded faculty, what the dean says is important. With that in mind, you need to be careful about what you say and how you say it.

First of all, you need to stay on message with great constancy, relating your message as much as possible to the strategic mission of the law school. You also should err on the side of optimism. The glass is always half full. Some humor and cheerleading is great. If the dean is down about the law school, it is as bad as Alan Greenspan saying something is wrong with the economy or the stock market. It can become a self-fulfilling prophecy.

A little religious fervor never hurts. All of us who have been deans over the last decade consider John Sexton, former longtime dean and now president of New York University as dean of deans, *capo di tutti capi*?⁴ John was such a success as dean because he always kept his eye on the strategic mission and was the master mythmaker of NYU. You understand a lot about John's approach if you realize that he has a Ph.D. in religion and has a background partially formed at religious schools. If you have heard John talk, you recognize the religious fervor he has for NYU's mission. And he conveyed it with evangelical force. Moreover, in fundraising, John was not above using a little guilt in his preaching to donors that it was the license NYU provided that led to their financial good fortune.

Especially internally, people do hang on the dean's words. At the New Deans Seminar, I talk about what I call the "Henry II Syndrome." Henry II was an English king who said to his henchmen "Will no one rid me of this turbulent⁵ priest?"

3. I have a great group that I work with daily at Wake Forest. They are the reasons that I will be entering my 14th year at Wake Forest and that the nurse who took my blood pressure at my last physical said that I still had the blood pressure of a teenager.

4. John Sexton is dean of deans not just because of his great success at NYU, but because he has given back to the other deans in the country time and again by his consistent participation as a leader of our meetings. John Sexton has been a faculty member at every one of the ten New Deans Seminars, even in years where he had to make exhausting travel arrangements to fulfill his commitment to be at Wake Forest for his assigned part of the program and then go quickly back to New York to see his beloved New York Knicks in the NBA playoffs. We only hope that now that NYU has had the great judgment to make John president of the university, he will still come back to be a member of our panel on relations with central administration.

5. "Turbulent" is the word attributed to Henry II in THE COLUMBIA WORLD OF QUOTATIONS

Whereupon, the henchmen killed Thomas a Becket, and Henry claimed that the murderers had misunderstood his wishes. He later said that he did not intend to have Becket killed.

Related to the problem of ambiguity of language is the phenomenon that I remember from college parties where one person would whisper a short message in the next person's ear and then it would be relayed many times until it got back to its origin, almost unrecognizable. A number of times over the many years that I have been dean, I have said something that has come back to me as a completely different message by the end of the day. You need to be careful about what you say. You also need to have avenues of communication that will permit you to learn of and correct the misconstruction. The worst thing is for a misconstrued comment to be out there, its author unaware and thus unable to set the record straight.

3. *Your Constituencies and Relationships*

At base, all the varied decisions of a dean are about people and relationships. About a decade ago, a popular bestseller was entitled *All I Really Need To Know I Learned In Kindergarten*.⁶ At the seminar, I tell the new deans that if I wrote a book it would be entitled *All I Needed to Know, I Learned from my mother*. My mother is 90 years old and as smart as any person I have ever known. She is intuitive in her judgments in dealing with people. As part of our early education, Mom would repeat familiar folk sayings, which I have dubbed "Mom's Maxims." I recommend the following three to the new deans in dealing with personal relationships, whether they be with central administration, faculty, students, alumni, staff, or other people in the community.

(1) An ounce of prevention is worth a pound of cure. (2) You catch more flies with honey than with vinegar. (3) If you can't say something nice, don't say anything at all.

Mom repeated her maxims to me over and over. Maxim three was her absolute favorite. Often, even today, I hear her saying it in my mind. I cannot say that I have never violated this maxim. I have. I can say that when I have, I have usually regretted it. If you think that you have to violate this maxim to be true to principle, I would suggest that you violate it in private with the person affected and not in public.

Pat Borchers, Dean at Creighton University School of Law, summarized Mom's Maxims in his first principle of deaning: "Be Nice."

(1996). In talking to the new deans, I had always used the words "troublesome" or "meddlesome," which made more sense to me. Miles Foy, Wake Forest's great academic associate dean, who has a masters in History and a love of things English, pointed out my error. He did, however, add that if Henry II said anything like this, it was in 1170 out of earshot of anyone likely to be a faithful reporter and that he probably spoke most often in French.

6. ROBERT FULGHUM, *ALL I REALLY NEED TO KNOW I LEARNED IN KINDERGARTEN: UNCOMMON THOUGHTS ON COMMON THINGS* (Ballantine Publishing Group, 1993).

As a dean, you get plenty of chances to be unnice. And sometimes you have to be unnice. But that shouldn't be your default approach.⁷

In talking to people, sit behind the big dean's desk as little as possible. If you are meeting in your office, sit out in front of your desk with your guest. Preferably, go to the other person's office to talk or arrange informal lunches. Finally, always give other people credit they are due, if not more.

At the New Deans Seminar, we always have had a panel on relations with central administration. Most of the discussion focuses on relationships with presidents, provosts, and financial vice presidents. I urge the deans not to forget personnel in other departments of the university that affect the life of the law school: the controller's office, physical plant, human resources, security, and the like. I have been the dean of two law schools. At each when I came from the outside, the law school community had been at war with at least one or more of these support departments for years. Relationships were bad. Service was bad. I made it a priority to meet the heads of these departments early and establish a personal relationship.

One device I have used is to put on a series of lunches for law school personnel and the personnel from other departments that deal with the law school. These lunches are to thank them for what they do for the law school and to get to know them better. The investment has been bread cast upon the water that has come back manyfold. I recommend that you consider something similar. A number of graduates and faculty of the New Deans Seminar have told me that they have had similar lunches at their schools with wonderful effects.

4. *Conclusion: Be Yourself and Enjoy*

Of course, every law school deanship is different. The focus can be different at the same school at different times. Moreover, you are who you are and should remain so. You must always be true to yourself. I have cited John Sexton as the dean of deans. Nevertheless, while I think that you can learn much from John, you cannot emulate him entirely. John, like all of us, is a product of his background and the deaning context at NYU during his tenure.

While I was dean at the University of Arkansas at Little Rock School of Law, we held a trial advocacy CLE course featuring a model closing argument by two great trial lawyers, one for the plaintiff and one for the defense. The plaintiff's lawyer, Bill Wilson, now a federal judge, was very down-home and country. When asked by one of the students how he adopted this style, Bill replied "that's just me. I was born and raised in Waldron, Arkansas, and I am down-home and country as a person." The defense lawyer, who had a wonderful deep voice somewhat like James Earl Jones with a Southern accent, retorted: "That's right. You must always be yourself. I could not be like Mr. Wilson, down-home and country. And he could not be like me, logical and reasonable."

⁷ Patrick J. Borchers, *Ten Things They Don't Teach You at Dean School*, 31 U. Tol. L. Rev. 567, 567 (2000).

Certainly, there are bad days to be the dean. Dealing with plumbing and parking is not very interesting. There are stressful times. The dean's job has been described as herding cats.⁸ However, if you read most of the articles by deans in the first two symposium issues of this law review, you will come away with the strong impression that, while they find it stressful, the authors enjoy the job and find it very worthwhile. Before my first deanship, I was a tenured faculty member at a wonderful place, Villanova University School of Law. Then, I shared the belief of many faculty that I would never want to leave my position as a full-time faculty member to be a dean. As Chair of the Faculty Appointments Committee, however, I went to Columbia University School of Law to interview LL.M. students and had lunch with several Columbia faculty, one of which had just received a deanship offer and was turning it down. The other, more senior faculty member who later became a dean, said: "If you care about legal education, you should consider being a dean some time in your career. The dean can affect the progress of a law school more than anyone else." Or as stated in the introduction to this symposium issue:

Realistically, however, leadership is primarily the province of the dean, and this is so for many reasons. Individual faculty members rarely have the ear of university administrators or major donors, and often they are necessary for meaningful change. Similarly individual faculty members or even groups can seldom manage to produce complete consensus on an issue, and what might have been an initiative can become simply a faction fight. Further, the devil is in the details, and execution of any serious project nearly always involves administrative details beyond the resources and patience of individual faculty or even groups.⁹

John Feerick, who has just completed 20 years of deaning at Fordham University School of Law, sums it up well.

As you see, a deanship at a United States law school is a unique experience. It is not a place for someone looking to relax or paddle in calm waters. It is demanding beyond belief but the rewards are many, making it an interesting, challenging and even exciting way to live part of your life as a lawyer¹⁰

8. See Nancy B. Rapoport, *Of Cat-Herders, Conductors, Tour Guides, And Fearless Leaders*, 33 U. TOL. L. REV. 161, 161 (2001). Nancy Rapoport is the current dean of the University of Houston, having been dean at the University of Nebraska prior to that. She has been both a student and a faculty member at the New Deans Seminar. While drawing the cat herding analogy, Nancy concludes that "I'll take the view from the conductor's podium any day." *Id.* at 166.

9. William M. Richman & Terri Winegarden, *Introduction to the Symposium, Leadership in Legal Education*, 33 U. TOL. L. REV. 1X (2000).

10. John D. Feerick, *A Few Reflections on a Long Deanship*, 33 U. TOL. L. REV. 25, 29 (2001).