

RESIGNING AS DEAN STEPPING DOWN OR STEPPING UP?

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A tenured law professor has the best job in higher education. I know because I used to hold one of those exalted and privileged positions. I was a regular tenure-track and then tenured law professor for 13 years.¹ As I recall, the pay was good relative to other faculty on campus; exceptions, of course, being professors in the business school's finance department and the doctors teaching at the medical school. My students were bright and eager and most of them came to class fairly well prepared. I liked my package of courses and could not complain about my working hours.² I always looked forward to coffee in the faculty lounge with my colleagues, and having discussions and arguments about law politics, sports and other topics. Those discussions often continued during lunch at one of the many restaurants and sandwich shops within walking distance of the school. The university's physical education complex was close, so I managed to stay in pretty good shape well into my 30s.

I met my bride-to-be in my second year on the faculty. She was working in the business school and we were married a year later. Our house was just over two miles from the law school so it was never difficult for me to get away from the office to walk home with my daughter from elementary school, attend her ballet recitals, and go to her birthday parties. I was on a regular nine month appointment so we always enjoyed a long vacation in the summer even when I taught a summer school course. As my late father often said, "No one would cry over the Dave Shipley story."

The good life! Why did I give it up to become a Dean? Part of the reason must have been genetic because my father was a department head for 20 of his 40 years of teaching at the University of Illinois and always seemed to enjoy what he was doing.³ I also was one of those professors who did not mind committee work, and who wanted to understand how the school operated. In addition, I thought I could

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1. I was a Visiting Assistant Professor at the University of South Carolina School of Law in the 1977-78 academic year and became a regular, tenure track Assistant Professor in the fall of 1978. Promotion to Associate Professor and tenure followed in 1981, and my promotion to Professor was in 1985. I left South Carolina in 1990. During my time at the first or real U.S.C. (not to be confused with the U.S.C. in Los Angeles) I visited at William & Mary in 1983-84 and at Ohio State in 1986-87.

2. I always had a section of Civil Procedure for the entire year along with Copyright or the Intellectual Property survey course. The other course in the package was usually Administrative Law, but I also taught Remedies and Domestic Relations several times.

3. He went to the U. of I. in 1939 to start the industrial design program within the Art Department. He became head of the Department of Art & Design in 1956 and held that position until 1976. He retired in 1979 and spent one year as a Visiting Department Chair at Penn State. He often told me that he felt a college or university professor enjoyed all of the pleasures of the life of a wealthy person without the headaches that go along with being wealthy.

do the job. My first taste of deaning was in 1989-90 when I became South Carolina's Associate Dean for Administrative Affairs.⁴ By taking this job of being a mouse in training to be a rat, I violated one of my father's hard and fast rules about being a professor; never give up that 9 month appointment for a 12 month appointment. Even though the students referred to me as the "Dean of Chairs," I liked the job and before long I threw my hat into the ring for a couple of Dean searches. Ole Miss made us an offer we could not refuse, so in the summer of 1990 we moved to that great little college town of Oxford, Mississippi and on July 1, 1990, at the ripe old age of 39 I was the Dean.

Flash forward thirteen years and two more deanships at public law schools in the venerable SEC (Southeastern Conference—not Securities Exchange Commission).⁵ In the spring of 2003, after weathering a couple of disputes that were more contentious than normal, I realized that I had spent half of my career in legal education as Dean. For a variety of reasons I thought it was time do something else, and on June 2, 2003 I announced my resignation. This change in my career was effective on July 1, 2003. I gave the Interim Dean⁶ my reserved parking place, moved to a smaller office, and am teaching Remedies for the first time since the mid-1980s along with Copyright.

Is there life after Deaning? Can a former Dean be born again as a productive law professor? The answer is yes. This is another one of those things I know from experience because of my work with Guff Abbott and Larry Bush at Ole Miss; Tom Lewis, Bob Lawson and Biff Campbell at Kentucky and Ralph Beard, Ron Ellington and Ned Spurgeon at Georgia. All are former Deans, and all are helpful and productive colleagues who enjoyed being back in the classroom and writing once again. I also asked Don Gifford, who served as Dean at West Virginia and Maryland, how he was enjoying his post-deanship career. He responded with an enthusiastic, "It is great."⁷

I am sure that I will enjoy being a regular law professor again, but there are some aspects of being Dean that I will miss. There also are some parts of the job I am happy to leave to my successor. Let me start with the things I am happy are no longer my responsibility

4. My sincere thanks to my good friend, colleague and mentor, John Montgomery, for appointing me as one his two Associate Deans in the summer of 1989. John became South Carolina's Dean in 1987 and led the school for 16 years before returning to the faculty on July 1, 2003, the same date I once again became a regular law professor.

5. I left South Carolina shortly before the university was invited, along with Arkansas, to join the SEC. I was Dean at Ole Miss from 1990 until 1993 when we moved north to Lexington, Kentucky, and I became Dean at the University of Kentucky College of Law. My tenure at UK ended in 1998 when we moved to Athens, Georgia and I became Dean of the University of Georgia School of Law. Others in our esteemed profession have held more deanships, but I might be the only person to have held three in the same football conference. How is that for a record?

6. Rebecca Hanner White, J. Alton Hosch Professor of Law, is Georgia's Interim Dean. She has received the law school's outstanding teacher award 6 times during her 13-year tenure on the faculty as well as the University of Georgia's top award for teaching, the Meigs Prize. In addition, she is a highly regarded labor and employment law scholar.

7. Discussion with Professor Gifford while conducting an ABA site inspection of the University of Maryland School of Law in March, 2003.

I will not miss budget cuts. Given the weak economy and slumping tax revenues in most states I expect that Georgia's new Dean as well as many other deans around the nation will be facing another round of hefty reductions. I hope she gets the news early in the fiscal year instead of half way through or even later. A 3% cut in August will feel like a 6% amputation if it comes in January. I will not miss doing annual evaluations of faculty. Like the children of Lake Woebegon, law professors believe that they are above average, and there are always some who let you and everyone else know that they are way above average. They do not enjoy being told that their teaching evaluations are poor, and that writing a short article every five years or so does not make them productive scholars. I will not miss setting salaries for the faculty, especially at state law schools where everyone's salary is a matter of public record. Those faculty with the weak teaching evaluations who are not publishing always seem to complain the most about their below-average pay raises.

I will not miss trying to mediate disputes between colleagues. I will not miss having to deal with admissions issues involving sons and daughters of well-connected or wealthy or politically powerful families when those applicants have mediocre credentials. I will not miss having to discipline or fire a staff member. I will not miss having to write lengthy reports for submission across campus because those reports are rarely, if ever, read. I will not miss having to explain why we should not make a big deal out of the school's climb up in the *U.S. News & World Report* rankings, or that we should not get too bent out of shape over our drop in the rankings. I will not miss having little control of my time, and I will not miss waking up at 3:00 in the morning more than a little anxious about having too many things on my plate or trying to figure out how to deal with a delicate personnel matter.

I think most Deans would come up with a similar list when asked to describe the most difficult and unappealing parts of their jobs. Fortunately, the list of good things about a Dean's job is much longer. There are plenty of rewards to make up for the headaches and sleepless nights. Here are some my favorite things.

I will miss having the Dean's role in hiring faculty- recruiting them to the school and the university, selling the town as a great place to live, talking about his or her teaching package, learning about the candidate's scholarly interests, and closing the deal.

I will miss the Dean's role in helping faculty advance through the ranks which includes advising them about the tenure and promotion process, encouraging or prodding or congratulating them on their scholarship, talking with them about their teaching, and finding additional resources to help them with their research or to enable them to attend an important conference.

I will miss the role the Dean plays in supporting and rewarding productive faculty. Some of this is financial, like giving a person an above-average raise or providing extra resources for research and travel. Naming a colleague to an endowed chair or professorship is very gratifying. Faculty also appreciate knowing that a former student asked about him or her, or that several alumni were raving about the professor's outstanding teaching.

Most Deans are not able to teach as often as regular faculty. In addition, we spend lots of time away from the school. As a result, we are at a disadvantage in getting to know our students. Nevertheless, there still are lots of ways for Deans to

be seen and heard as well as to be accessible to students. Working with students is one of the best parts of a Dean's job. They are our most important constituency. I have rarely missed a law journal, moot court, mock trial or BLSA banquet in the last 13 years. I am tired of the chicken that is always on the menu, but those banquets have been enjoyable and sometimes inspirational. I usually kept my office door open, and I am glad that some Student Bar Association (SBA) Presidents felt like they could walk in without knocking. It is fun to be the school's spokesperson and cheerleader at an open house for admitted students. Student organizations always appreciate a little extra financial help for things like the Barristers Ball or the SBA Talent Show. The students were especially pleased when my wife and I came to the big dance (and danced!), or sat in the front row at talent night and at the Equal Justice Foundation Auction. I just wish these student events finished before my bedtime.

I will miss doing friend-raising and fund-raising. Like most law school Deans, I accepted the position not knowing if I would enjoy alumni relations and development work, let alone be successful at it. As it turned out, these duties have been very enjoyable at all three institutions where I have served. I put lots of miles on my cars, learned my way around each state,⁸ visited with alumni at their offices and their homes, spoke to many alumni groups, made lots of friends, and raised some money at the same time.

In alumni and development work law school deans often have the opportunity to participate in memorable events. For instance, my wife and I attended the christening and later commissioning of the U.S. Navy's Aegis class destroyer "Barry" at the Ingles Shipyard in Pascagoula, Mississippi. I was once the featured speaker at the 4th of July Celebration on the square in Oxford, Mississippi. Naturalization ceremonies for new citizens of the United States are always quite moving and I have had the opportunity to attend and speak at several. Watching horse races in the fall at Lexington's Keeneland Track from a large box built for the Queen of England was fun even though I did not win any money on the ponies.

Traveling is a big part of the job. Of course, many motel rooms look the same whether you are in London, Kentucky or Dublin, Georgia or Biloxi, Mississippi; the coffee you can brew in the room is not from Starbucks; I do not sleep well away from home; and driving the 70 miles from Atlanta's Hartsfield Airport to Athens late at night in sleet or rain is wearing. On the other hand, state bar associations and other lawyer and judicial groups often hold their annual meetings at lovely places like resorts on Kiawah Island and Hilton Head in South Carolina or Amelia Island and San Destin in Florida. A mountain resort like Asheville's Grove Park Inn is beautiful too. My wife and I have lost many golf balls at such places while combining the business of deaning with a little pleasure.

Receptions and dinners come with the territory. I am one of those people who rarely eat the heavy hors d'oeuvres at a reception because I spend all of my time

8. Oxford, Mississippi is in the northern part of a long state north to south; Lexington, Kentucky is in the eastern half of a state that is long east to west; and, Georgia is the largest state east of the Mississippi. I was not aware of that fact until I moved to Athens and started driving to places like Augusta, Columbus, Macon, Savannah, Valdosta, Albany, Dalton, and Gainesville as well as making many trips to Atlanta.

talking and listening. On the other hand, I have been well fed as a Dean and I can attest to the excellence of fried catfish throughout Mississippi as well as the wonderfully delicious varieties of barbeque in the southeast from dry ribs in Memphis, to pulled pork with a mustard sauce in South Carolina, to mutton barbeque in Owensboro, Kentucky.⁹ Throw in an Elvis impersonator who dances with your wife, and you have quite an evening. It is not as if I will be unable to enjoy this good eating as a regular law professor, but being Dean seems to provide more opportunities for these culinary experiences.

Another one of the job's great benefits is associating with, getting to know, and becoming friends with many of the deans at the nation's 180+ ABA accredited law schools. Public institution or private, small school or large, national alumni base or local, highly ranked or not, we Deans have similar duties, challenges and headaches. I admire the men and women who lead all of those law schools, and when you are the Dean for 13 years, you develop some very close friendships. Law school Deans always seem to respond to another Dean's call for advice or guidance or feedback. True friendships do not end just because of a change of jobs, but I will miss meeting with fellow Deans every January or February at the ABA's annual workshop. My first one was in Seattle in 1991 and my last was back in Seattle in 2003. I missed the 1998 gathering in Nashville due to a skiing accident but otherwise I attended all of them and served on more than several panels. I also had the pleasure of chairing the summer orientation for new Deans at Wake Forest's Graylyn Conference Center in 2000 and 2001. Those velvet boot camps were great experiences for me, and I hope the graduates of my classes enjoyed them too. The graduation dinners hosted by Wake Forest's Bob Walsh and his wife at their lovely home were delightful and memorable. I am glad that no one fell into their pool on my watch.

Oh yes, there are some perks that go with job. I already miss the Dean's reserved parking place a short walk from the school.¹⁰ At Georgia I had low number license plate—the number 10 accompanied by the school's bulldog logo. I am afraid "Dawg 10" goes with the office, so no more vanity plate for me. Also, I will miss sitting in an enclosed sky suite at home football games when it is raining or too hot or too cold.¹¹ On the other hand, it will be nice to watch the games without having to be on my best behavior.

Do the positive things about being a law school Dean outweigh the trials, tribulations and headaches? In my opinion, the answer is a resounding "yes." A law school Dean is responsible to many constituencies: students; faculty; staff;

9. I have had lunch at some interesting places too including a Chinese/Country Cooking buffet in Paintsville, Kentucky with eggs rolls, fried wonton, dumplings, collard greens, country ham, banana pudding, and other delicacies, and a family style restaurant near Hattiesburg, Mississippi with a large round table that rotated slowly like a huge lazy susan while you reached for the servings as they turned in front of you.

10. This is a benefit I enjoyed at Georgia but I did not have reserved parking at Ole Miss or Kentucky. In fact, my car was towed one afternoon at UK when I parked next to the law school's dumpster. I had to pay a hefty fine as well as a charge for the towing.

11. The UGA School of Law has shared a sky suite with the School of Forestry and the University's Department of External Affairs for the last three seasons. This has been a good investment for the school.

other schools and departments on campus; university administration; the ABA and the AALS, alumni; the Bar; the judiciary; trustees; and the legislature to name a few but all of them and their often conflicting demands always make the job challenging, frequently rewarding, often satisfying and never dull! I have lost sleep, made mistakes, disappointed people, messed up on several personnel decisions, and have been sued, but all of that goes with leadership. Dr. Gerald Turner, who was Chancellor (President) of Ole Miss when I was hired in 1990 to be Dean and Director of the Law Center,¹² said that, "you [President, Chancellor or Dean] are doing well if 75% of your constituents are behind you." He is correct. I am eager to be a full-time law professor once again and to see if I have something worthwhile to say about some important legal issues, but in a modified version of the words of that internationally famous legal scholar, the newly-elected Governor of California, Arnold "the Terminator" Schwarzenegger, "I THINK I'LL BE BACK!"

12. Dr. Gerald Turner is now President of Southern Methodist University, which has an outstanding law school, and Sam Davis is now Dean of the Ole Miss School of Law. Sam, born and raised in Mississippi and a graduate of the Ole Miss School of Law, served on the faculty of the University of Georgia School of Law for many years. Although we were not colleagues at Georgia, it feels like we were since we had the same administrative assistant. In the words of the late Walt Disney or one of his employees, "it is a small world, after all."