

# CONFESSIONS OF A HYBRID DEAN: DEAN AS SUSTAINER

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## I. INTRODUCTION

IN the fall of 2000, John Miller, then-Dean of the University of Idaho, wrote a thought-provoking essay in which he discussed the “rise of the rainmaker law dean.”<sup>1</sup> In the article, Dean Miller noted that the increasing financial pressure on law schools was the driving force behind the shift from “inside dean” to road warrior.<sup>2</sup> Indeed, Dean Miller suggested that the shift to “rainmaker dean” was inevitable because a dean is in the best position to communicate with external audiences and to affect external perceptions of the school.<sup>3</sup>

I read Dean Miller’s essay with great interest, not because I had a burning desire to become a dean, but because, as my dean at that time and several of my colleagues knew, I hoped one day to return to my undergraduate *alma mater* and serve as dean of its law school in an attempt to give something back to the institution. Dean Miller’s essay wasn’t exactly news to me; my dean and many friends of mine who were deans at that time had shared the same belief that deans of the future were destined (or doomed) to a life on the road, raising money and interacting with external constituencies far more often than being present inside the law school.

Dean Miller noted, however, that not every dean had made the shift to rainmaker. He wrote:

I do not believe that many law schools have fully shifted to the rainmaker model yet. Instead most deans are caught between models. These hybrid deans often lack the staff to delegate as heavily as a rainmaker must. Yet, like the rainmaker, they must attend to the external audiences who demand an increasing portion of their time. The hybrid dean lives in an ambiguous world of exorbitant expectations.<sup>4</sup>

The words surprised me. One of the things I enjoyed most about being an academic was the ability to engage students and to interact with colleagues. I could not imagine spending most of my professional time outside of the building and foregoing the parts of the job that were most rewarding, but the description of deans who straddle the internal/external fence seemed to me to be an overwhelming task.

Less than two years after reading Dean Miller’s article, I found myself in the pool of applicants for the deanship at my *alma mater*, Southern Illinois University (“SIU”). As if Hollywood wrote the script, by December of 2002, I received word

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1. John A. Miller, *The Modern Law Dean*, 50 J. LEGAL EDUC. 398, 398 (2000).

2. *Id.* at 399.

3. *Id.* at 399-400.

4. *Id.* at 403.

that I was going to become the sixth dean of the SIU School of Law. I began my official duties on June 1, 2003; but between December of 2002 and my start date, I spent considerable time trying to determine just what kind of a dean I wanted to be. To that end, I re-read Dean Miller's article at least a dozen times.

Sometime during the spring semester of 2003, I made the conscious decision that I was going to be a hybrid dean. I did not choose to become a hybrid dean because the staff at my new law school was somehow inadequate; on the contrary, I found that the law school was managed by a very talented and energetic group of people. I made the decision because I believed that an external focus would leave me unfulfilled. I believed strongly that I could be an effective advocate for the law school to the outside world but that it was also important to remain a fully-franchised member of my new faculty and, hopefully, lead my new colleagues by example. If John Miller's rainmaker dean was the "modern" dean, I was prepared to become the "postmodern" dean.

## II. REFLECTIONS ON MY FIRST YEAR

"Postmodern" is not meant to suggest that I have little or no regard for convention or that my preparation for deaning was hopelessly mired in contradictions or paradoxes;<sup>5</sup> in fact, quite the opposite is true. In preparing to be a dean, I spent a great deal of time thinking about what a dean does ... administrator, cheerleader, marketer, teacher, preacher, mediator, and listener. I continued to write the job description in my head and, at one point, I stumbled upon the right word, *sustainer*. It seemed to be the perfect word, and I ran to my dictionary to confirm that I wanted to be a sustainer. The dictionary listed several definitions for "sustain," and those alternate meanings helped me to envision how I would approach my new job. As I look back on my first year as a dean, I think that envisioning the dean as a sustainer was a good strategy.

*"To keep in existence; keep up; maintain or prolong"*<sup>6</sup>

The first definition was a reminder that I was taking over responsibility for an academic unit of a Carnegie II doctoral/research-extensive university. The SIU School of Law is a relatively small campus unit, but we operate an annual budget of more than \$8,000,000. At first, I feared that I might run the operation into the ground; however, the likelihood of bankrupting the law school is very small. Thankfully, I have very sharp staff members who pay very close attention to the budget and overall financial health of the school. In the short time that I have been the dean, I have come to realize that I don't have to manage the budget by myself; I just need to understand what is happening with our money and to be prepared to make short-term and long-term financial decisions affecting the institution. As the dean of a public law school, my staff and I are also cognizant of state laws as well

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5. See Richard H. Fallon, Jr., *Marbury and the Constitutional Mind: A Bicentennial Essay on the Wages of Doctrinal Tension*, 91 CAL. L. REV. 1, 51 (2003) (attempting to define postmodernism but acknowledging that the task is a difficult one).

6. WEBSTER'S NEW WORLD COLLEGE DICTIONARY 1443 (4th ed. 2000).

as university policies that often dictate how monies may be used. Even though I have considerable help, I still begin each day by reminding myself to “do no harm.”

*“To provide for the support of”*

Providing for the support of the law school accounts for the bulk of my day-to-day activities. To my surprise, I quickly settled into the “paper-pushing” aspect of the job, signing more forms than I ever thought could exist. I sign forms to make sure retirements are processed and new faculty and staff lines are approved, to permit the members of my staff to use sick leave and vacation time, and to permit the serving of alcoholic beverages at law school events. I sign forms to use university vehicles, to be reimbursed for university-related travel, and to contract with our physical plant staff to renovate law school spaces. But as many forms as I sign, the members of my senior staff sign dozens more on my behalf; the paper will someday kill all of us, as well as the trees.

In addition to providing administrative support for the institution, I try to support the enterprise by engaging in my fair share of faculty responsibilities. In my first year, I regularly met with various law school standing and *ad hoc* committees, as an *ex officio* member, to improve our academic program and to address special needs. In addition, I served as a full voting member of the Admissions Committee and as chair of our Diversity Task Force. I taught a required course in the spring semester, served as faculty advisor to the Student Bar Association and the Black Law Students Association, and I published two essay-length articles.<sup>8</sup> Outside of the law school, I was active in the Association of American Law Schools Section on Creditors’ and Debtors’ Rights, serving as Section Chair, and in the Illinois State Bar Association, serving as a member of the Committee on the Delivery of Legal Services.

Like any good dean, I also engaged in alumni and development activities. Fundraising is a challenge for all deans, but it is especially challenging when your law school is small and young.<sup>9</sup> The SIU School of Law celebrated its thirtieth anniversary during my first year as dean and that event gave us many opportunities to meet alumni and friends of the school, and to continue the many strong relationships that my predecessors had formed. We have had great success in fundraising but, more importantly, we have strengthened our ties with our alumni, an intrepid group who live, work and contribute to communities in all fifty states.

*“To support from or as from below; carry the weight or burden of”<sup>10</sup>*

When I began my deanship, the State of Illinois was in the midst of a major financial crisis. Like most states, the Land of Lincoln was trying to fight its way out of recession and higher education was being asked to bear its share of budget

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7. *Id.*

8. See Peter C. Alexander, *Identity Theft and Bankruptcy Expungement*, 77 AM. BANKR. L.J. 409 (2004); Peter C. Alexander, *From Topeka to Brown to the Future*, 96 LAW LIBR. J. 219 (2004).

9. We typically graduate only 100 students. The Class of 2004 had just 89 students.

10. WEBSTER’S NEW WORLD COLLEGE DICTIONARY, *supra* note 6.

cuts. We are beginning to see signs of recovery, but the first few months on the job told me that life as a dean was going to be a greater challenge than I had ever imagined.

Budget cuts on our campus meant staff lay-offs for certain departments. The law school was spared initially, but I soon learned that the lay-offs across campus would likely cause three members of our support staff to be reassigned elsewhere on campus. In my first month on the job, I had to deliver “bump” notices. Pursuant to the Illinois civil service laws, if a civil service employee with seniority has his or her position eliminated, they have the right to bump an employee with less seniority in the same job classification and take the less-senior person’s position. Seniority is determined, not by how many years one has at the university, but by how many years one has in his or her job classification. Unfortunately for us, two of our key people had recent position upgrades, which made them among the least senior people in their job classifications, and our third employee was brand-new to the university. It was a tense few weeks while we awaited word on the fate of our three valued support staff members. In the end, only one person was reassigned, but it was extremely difficult to tell these dedicated people, who hardly knew me, that their many years of good service to the law school was about to be rewarded by a reassignment elsewhere on campus.

After the bumping ended, I wanted to make sure that I did all that I could to make sure my civil service colleagues felt valued and respected. I wanted them to know that I viewed the law school as a community, a family, within the larger university community. To that end, I invited the entire civil service staff to my home for a “thank-you” dinner. It was a great social time for them and for me, and I have repeated the event several times. I will continue to host them three times a year as a way to show my appreciation for all that they do.

It is equally important for me to build the same family atmosphere with my administrative staff and with the faculty. I have hosted the administrators in my home on several occasions and, in small groups, I have also hosted faculty members. I expect that process to continue as long as I am the dean. At a public law school, it is often hard to appropriately compensate hardworking, dedicated individuals; funds are scarce and the desire to keep tuition affordable means that recognition of good work must be by means other than money.

*“To strengthen the spirits, ... encourage”<sup>11</sup>*

Before becoming a dean, I knew that a dean is cheerleader, faculty mentor, and counselor, so I was fairly well prepared for that part of the job. At my prior school, I served as Associate Dean for Research and Faculty Development and had the opportunity to see my colleagues sometimes at their best and sometimes at their worst. I knew that it was important to be supportive of interests and ideas of the many interesting people who make up our faculty. As a way to connect at my new school, I have tried to walk the halls regularly and visit colleagues in their offices. Often we chat about law school issues, but sometimes we just chat about life. Beneath the professorial splendor often lurks a shy and reserved person, who is just

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11. WEBSTER’S NEW WORLD COLLEGE DICTIONARY, *supra* note 6.

trying to make his or her way through life. Breaking down barriers and forging professional friendships are very important, particularly in those times when the law school has to confront difficult issues. Building trust with one's new colleagues is probably the most important task a dean faces.

However, there is some irony in calling myself a "sustainer dean" because I have not yet felt sustained by my new colleagues. I understand that it is difficult for a faculty member and a new dean to come together and build a relationship because, on some levels, we are not equal partners. The dean sets salaries, disciplines, and has considerable influence with faculty, staff, students, and external constituencies. Even though I don't feel like I have changed, I recognize that I am nonetheless different from everyone else on my faculty just by virtue of the fact that I have a new title.<sup>12</sup> This remains a frustration for me and often makes the job a lonely one.

*"To bear up against; endure; withstand"*<sup>13</sup>

Rarely, but on occasion, a dean is called upon to respond to criticism and complaints. It is not the most exciting part of the job and it is certainly not a part of the job that I enjoy. However, I have found that responding to criticism and complaints gives me an opportunity to educate people about our program, our people, and all of the things that are positive about the law school. Resolving problems, such as denying admission to a relative of an influential person, are always teaching moments. I use those opportunities to remind complainants that society expects that we matriculate only those students whom we believe can complete three years of intensive study and who will be able to provide the very best representation to their clients. When I hear complaints about a colleague who accepted the *pro bono* representation of an unpopular individual in our community, I discuss society's need for lawyers to uphold the Rule of Law and point out that, sometimes, an attorney must represent unpopular causes or unpopular clients. It is not enjoyable to field complaints, but it can be very rewarding.

*"To uphold the validity or justice of"*<sup>14</sup>

As any university dean knows, there are always meetings to attend and other university departments with which we are expected to work to ensure that the overall mission of the university is carried out. There is often a tension between law faculty, who seem to prefer independence from university rules, and the campus officers, who are very concerned that all campus units work together and follow all university policies and practices. Often I find myself advocating for the "unique culture and history of the law school and the Legal Academy" to the Provost while

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12. See David E. Shipley, *The Personal Side of a Deanship*, 31 U. TOL. L. REV. 739, 742 (2000) (discussing the realization that his name was now "Dean," no matter the setting, and that he could never be just a regular person).

13. WEBSTER'S NEW WORLD COLLEGE DICTIONARY, *supra* note 6.

14. *Id.*

encouraging my law school colleagues to recognize that we are a part of a university with a long, distinguished record. It has become a very interesting balancing act.

*"To confirm; corroborate"*<sup>15</sup>

At the end of my first year as dean, I presided over our commencement exercises. It was an extraordinary day, with the Illinois Attorney General delivering an outstanding commencement address. The day was a validation of the hard work of everyone in our community, students, faculty and staff. I was proud of each and every one of our honorees, and I was privileged to share the day with their loved ones. Commencement, along with a number of other ceremonies we hold each year, reminds us of the importance of the work that we do in preparing men and women for the practice of law. A lot of energy goes into the planning and execution of each of our events, but I continue to enjoy working with our staff to celebrate milestones and important dates in the life of our school.

### III. CONCLUSION

I am honored to serve Southern Illinois University as the sixth dean of its law school, and I am grateful for the opportunity to lead a dedicated and talented group of faculty, staff, and students as we carry out the day-to-day activities of our institution. I am energized by the people with whom I work, humbled by the generosity of our alumni and friends, and amazed at the limitless potential of my new workplace. I am also tired, overwhelmed and a little lonely ... but I wouldn't change a thing!

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15. *Id.*