

UNTITLED AND COERCED¹

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IN preparation for this essay, I read most of the prior contributions to the symposium issues and immediately called Bill Richman to inform him I had nothing of interest to add to the literature. Though I did not follow his logic, I was clever enough to discern in his response an unyielding persistence. So, here goes. But please know, dear reader, that continuing further will violate your recent resolution to manage time more efficiently.

I am now a little more than twenty-one months into my new job. All in all, it's been a very good ride. There have been no fist fights in faculty meetings to date. Alumni still return my calls, though they know the odds are high that I am seeking their money or their time, or both. Bread (pizza, mostly) and circuses and an open door policy have combined to keep student unrest at bay. Further, because of my own poor time allocation skills (are you still reading?), my partner Mike Hollomon and I are no longer able to have people over to our home for dinner, thus the house doesn't have to be cleaned nor the garden weeded nearly so regularly. Also in that time period, the law school has conceived, designed and substantially funded a 50,000 square foot addition, which should transform both the appearance and functioning of the physical plant. Construction is scheduled to begin in early 2005.

Much of this success is attributable to timing. I caught a good wave. There are, I think, simply "sweet spots" in the life of an institution that are not readily associated with any discernable set of variables and that can leave as unpredictably as they arrive. Happily, we are experiencing one of them here at the moment. This is not replicable and thus of little interest to you. Perhaps, though, those interested in the deaning process might derive some utility from four decisions and two observations that might have modestly contributed to this good fortune.

DECISION I: TEACHING

Against the advice of many, I have chosen to continue to teach Property I in the Fall and Property II in the Spring. It is a good thing to have in a week at least three hours in which I pretty much know what I am doing. Nor is it a bad thing to be regularly reminded that students are not a tangential aspect of the education industry. Further, just as physical exercise can be a net time provider (the added energy more than compensates for the jogging minutes), so teaching with its heightened connection to students and awareness of the lounge Zeitgeist has, I believe, enabled us to head off or, at least, more easily resolve student problems, thus freeing time that otherwise would have been captured.

1. "Coerced?" We don't do that here. "Cajoled," maybe. [Ed.]
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DECISION II: ASSOCIATE DEAN FOR ACADEMIC AFFAIRS

The decision that has best served the law school was the selection of the Associate Dean for Academic Affairs, combined with an ongoing effort to raise the status and profile of that office, so that we are coming as close as is feasible to a co-deanship. When I served as Interim Dean in 1992, I neither had an Associate Dean for Academic Affairs, nor was I insightful enough to feel the need for one. Since that time either the complexity of law school administration has grown exponentially or what I should have seen then is at last apparent to me. In either event, I now grasp how crucial that role is and was not prepared to accept the deanship until I knew that the person I sought to fill it (Carol Goforth) was willing to serve. I needed someone who is complementary (strong in areas where I am deficient), who is highly respected by her colleagues, who would candidly and forcefully share with me her opinions, who is passionate about the institution, and who is excellent company as we needed to be able to laugh regularly. Burdened with an unimpressive record of scholarship, I needed a teammate strong in that area, perceived by her colleagues as greatly valuing scholarship. I am not efficient, loathe reports, and regularly procrastinate (just ask Bill Richman). I sought and found my opposite (not that she loves reports, but at least they do not paralyze her).

Our offices are separated only by a conference room. Though cognizant of the symbolism of having her office on a faculty floor, we needed the proximity, and to compensate she and I regularly walk the faculty halls. We do not have a regularly scheduled meeting time but visit frequently each day.

I am consistently on the outlook for opportunities to express to all constituencies the importance of the position and the quality of her performance. My intent is not merely to nurture (though I think deans have that obligation). More significantly, an increased public awareness of the significance of the position in turn allows the occupant to be more effective and to expand into areas historically regarded as the province of the dean.

DECISION III: WORKING WITH A COMPETITOR

There are two law schools in the state, each a part of the state university system. We compete for students, resources, and attention. Perhaps a few of you are in analogous situations. Early on my counterpart, Chuck Goldner, and I concluded that with respect to legislative support we would, if we went our separate ways, surely meet each other at the gallows. By working together, there was hope of avoiding the scaffold entirely. We stay in close contact and actively seek joint efforts and are attempting to increase interaction between the two faculties. With respect to student recruitment, we are working to create a culture where it is appropriate for each school to promote its own strengths, but where negative campaigning is verboten. Incidentally, new deans should seek a "pick up the phone and ask" relationship with our more experienced colleagues. Chuck has been immensely helpful to me.

DECISION IV: PRIORITIZING

Hopefully all of you are way ahead of me on this one. It took a year for Carol and me to realize we did not have to pursue every good idea that came our way. We are now very consciously focused on the relatively few things with potential to make a major difference. We are asking if there is something in our experience, personality, or title that causes one or the other of us to be uniquely suited for a task. If the answer is no, we are getting much better at delegating or delaying where appropriate.

OBSERVATION I: RESPECT THE PSYCHOLOGICAL LANDSCAPE

My sense is that one of the most serious mistakes a dean can make is to ignore or fail to discern the psychological landscape of his or her individual faculty colleagues or of the group as a whole. This lapse is often coupled with the naive notion that good ideas are inherently self-actualizing, thus rendering compromise unnecessary.

Ideally, the dean knows what history still rankles and takes action to soothe or at least takes care not to aggravate. Many healing or motivating gestures are costless or nearly so, yet often go unmade. If you are feeling appreciative, say so. If strengths are not readily apparent, look closer. They are probably there. Become an intensely conscious observer and an equally ardent listener. If there is an institutional success, give credit to others; as to failures, make them your own. Pass on every compliment you hear. Sorry for the preaching (it's that damn divinity school degree in my background), and, to boot, it's all so unprofound. But I remain astonished at how regularly opportunities for expressing warmth or interest or praise are ignored. And, if you think it does not matter because you are dealing with a group of tough, seasoned professionals, you are deceived.

OBSERVATION II: LONGEVITY HAS ITS VIRTUES

I celebrate the power of new blood. I have chaired thirteen appointment committees and two dean searches—endeavors which all brought in people new to the law school. But there are times when it's likely that an institution will be best served by an insider dean. I think this can be particularly true when a major capital campaign is envisioned. A lawyer friend of mine in his late seventies is contemplating adopting this advertising slogan: "The Irwin Law Firm—Better than Most, and I Probably Knew Your Granddaddy." Because we have a short time frame to raise what for us is an immense sum, it has been a huge advantage that I have taught here for twenty-nine years. With many of the alumni, I have "watched enough mornings, cried enough evenings, had enough birthdays"³ to remind them of their connection to the school. As difficult as I know fund-raising to be even with such ties, I simply cannot imagine the enormity of the task without them.

3. In need of a footnote, I have borrowed (perhaps, you say, predictably) from the lyrics of *Fifty Percent*, in the Broadway musical, *BALLROOM* (music by Billy Goldenberg, lyrics by Alan and Marilyn Bergman (1978)).

I apologize if this sounds self-serving, but I did not want to suppress this view from the trenches. I want you to know, however, that, while honored to serve, I did not seek the job nor do I aspire to hold it long. My candidate of choice was a colleague with exactly the same number of years of service at the law school, in large part precisely because of such connectedness. That's all, folks.