

THE BALANCING ACT: LEADERSHIP IN STRATEGIC PLANNING

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MANY business leaders say that “strategic planning” is passé. Businesses have come to recognize that they act in a hyper competitive world of rapid change, increased information, and more interconnected, global markets. Thus, the day of a few top executives determining a company’s strategic plan for the next ten years has passed. Nevertheless, current business conditions render “strategic thinking” more important than ever. Today, strategic planning is most effective if it sets the stage for a continued analytical process through which key constituents examine “who we are” as an institution (especially in light of who our competitors are), “where we are going,” and “what we need to do” to get there. One of the greatest challenges we face as law school deans is balancing broad input with targeted progress as we create an environment that fosters strategic thinking.

For law schools, strategic planning can be a useful tool to stay well informed about the marketplace for legal education, to examine our own school critically, to rally our constituencies and to focus communal energy on a set of priorities. At its best, strategic planning can strengthen a sense of shared challenges, calling our colleagues to collaborative enterprise despite the highly individualized incentives within academic institutions. As deans, we must both lead and manage well to help our colleagues think strategically and to make their investment of time and energy in strategic planning pay off. It is a process whereby a dean can help create or renew a vision for an institution. The dean can lead by fostering alignment, support, and excitement for that vision during and after the crafting of a strategic plan. On the other hand, shepherding the strategic planning process and implementing a plan also require strong management skills and constant vigilance. The dean must make staffing assignments on the action steps; find and direct resources to support the plan; problem solve as resistance or new challenges emerge; measure progress; and report progress regularly to key constituencies.

Whether or not you are excited about honing your leadership and management skills through the complex and creative task of strategic planning, it is becoming imperative for law deans to invest significant time and thought in planning. The ABA is increasingly focused on the strategic planning function of the self-study during the inspection process. Site team members are directed to pay careful attention to the plan as well as the planning process, assessing whether the process significantly involved faculty and whether the resulting plan is realistic. Strengths and weaknesses of the school must be examined in a candid and rigorous manner.

* Dean and Professor of Law, University of Dayton School of Law. I dedicate this essay to Brother Raymond L. Fitz, S.M., Ph.D., former President of the University of Dayton and current Ferree Professor of Social Justice, who exhibits a passion for planning that has inspired much of my thinking on the topic. I owe thanks to all those in the UDSL family who worked so hard on our strategic planning venture, and to Fred P. Pestello, Ph.D., Provost and Senior Vice President for Educational Affairs, and Deborah Bickford, Ph.D., Associate Provost, for their advice and support.

The self-study must identify means and resources to accomplish unrealized goals. A solid strategic planning process can help prepare schools to produce satisfactory self-studies.

While I am not an expert on strategic planning, I hope my perspective as a relatively new dean, leading strategic planning for the first time, is valuable for some as they reflect on improving strategic thinking at their institutions. The primary insights I have garnered through my mistakes and successes with strategic planning follow:

Both content and process are important. No strategic planning process is perfect. Be patient while being persistent. Unfortunately, strategic planning never ends. Fortunately, excellent support is available for law schools as they engage in strategic planning.

1. *Both Content and Process Are Important*

Obviously, the content of a law school's strategic plan is important. The plan reflects hard choices made and a list of priorities or directions planned for a school. A dean wants something he or she can champion with enthusiasm when telling the story of the school and motivating people to support the plan through gifts of time, talent, and treasure. The dean will become the cheerleader for the plan, talking about its theme or major goals over and over again. Additionally, the resulting plan must be one to which the faculty and other important constituents are deeply committed because it resonates with their history and strengths, addresses the most important current threats facing the institution, and inspires them.

But it is not just the content that is important. Often, it is even more critical that the process fosters an ongoing atmosphere where people can be creative, advance constructive criticism, and continually seek improvement for the school. The content of a strategic plan will change over time, but the practice of viewing our institution as outsiders do and carefully considering information on the legal education market allows our faculty and staff members to engage in critical inquiry, suspend judgment and hold ideas more loosely, and foster creative "brainstorming." If these behaviors become habits, the institution can experiment with ideas in an innovative way, responding better and more quickly to our market. As we engage in strategic thinking at the University of Dayton School of Law, some of the most exciting developments are the new proposals on which several key administrators have worked with the faculty over the past year. These proposals were built upon the information and goals developed in the planning process, but extended the possibilities further than envisioned during the eighteen months that we produced the strategic plan for 2003-08.

At Dayton, we started with the goal of writing a ten-year strategic plan, but it soon became clear from reading the literature and talking with other academic leaders that a five-year plan was much more realistic. Like many businesses, we face a very competitive market, undergoing rapid change. Our time was best spent in thinking, rather than word-smithing. Our goal was not to produce a beautiful, neat document that sat on the dean's shelf. Instead, we sought a vibrant, living document that would require updating and adjustment during the five-year period

as goals were met and conditions changed. The five-year time frame, however, at least would let me identify some high priority goals and concentrate the school's resources in those areas. In other words, I would have an agenda I could run with, while realizing that we would have to refine specific tactics through a continued planning process. I expected that the school's values and vision would be enduring, but that even major goals might change within a five- to ten-year period.

After starting at Dayton as an outside dean, I waited nine months before holding serious planning sessions. In those months, I listened closely and reviewed information on the school's history and current situation. We proceeded with critical pending business (for example, hiring two new professors for our flagship Program in Law & Technology). I waited until spring of my first year to present the faculty and senior administrators with an initial assessment of the strengths, weaknesses, opportunities, and threats facing us—a SWOT analysis. I offered some of the most useful faculty readings I had found on trends in legal education generally. We spent several faculty meetings sharing and discussing information on how the school fared in admissions and in other areas in comparison with our primary competitors.

At a law school, strategic thinking cannot be confined to administrators. The faculty's thoughts and commitment to any plan are essential for the plan's soundness and implementation. On the other hand, the faculty's desires often cannot be immediately implemented without relying on senior administrators who run admissions, placement, technology, etc. Thus, senior staff were involved in many strategic planning discussions. For external support, deans also need to listen to and learn from students, alumni, employers, friends of the school, and certain university officers. One successful technique involved gatherings with alumni leaders and important friends of the school in about six cities. These "Discussions with the Dean" focused on the SWOT analysis of the school and allowed an open interchange of ideas in smaller groups of important supporters. Nevertheless, it was challenging to build an inclusive process where people from multiple constituencies could speak honestly while striving to keep the process focused and moving ahead toward action, to balance consensus building and action.

2. *No Strategic Planning Process Is Perfect*

I am a process person. I am a mediator and an arbitrator who teaches procedural courses and writes about ADR and court processes for handling controversial constitutional issues. Process and power issues are intertwined. I thus envisioned a strategic planning process that helped key constituents feel involved and valued. Despite this affinity for process, strategic planning can be frustrating, and there is no perfect process for getting the job done. We must struggle with threatening topics and make hard choices in defining priorities. We need to revise timetables and shelve certain issues to move ahead on others. Moreover, skepticism about the value of planning is abundant. Who hasn't experienced a long meeting where serious discussion ensued, but no action followed? Finally, it is natural for faculty to prefer writing or teaching to planning the school's future, given the heavy demands on them as well as their expertise. Most law faculty members want

structure and focus as the information multiplies, and broad-ranging discussions ensue in the strategic planning process.

After the spring discussions, I appointed a strategic planning task force, which met frequently during my second year as dean (2002-03). I chaired the group, and it included the Associate Dean for Academic Affairs Kelvin Dickinson; four long-time faculty members (Professors Maria Crist, Cooley Howarth, Rick Perna, and Vernellia Randall); Assistant Dean for External Relations Tim Stonecash; several students; and several alumni, including the chair of the school's advisory council and a recent graduate who had significant planning experience from thirty years in business. Our initial goal was to shepherd the process of developing a strategic plan—to be the process experts instead of the substance experts. Several other alumni with expertise in strategic planning for corporations assisted the task force during the process. The four faculty members brought credibility with other faculty members, diversity of opinions on key topics, openness to thinking creatively, and skill in organization of the process. When student and alumni attendance trailed off as our bi-monthly two-hour meetings changed to weekly two-hour meetings in preparation for a spring 2003 retreat, the faculty members emerged as true leaders, engaged in the process, hard working, and creative. As interchange continued between task force members and faculty and senior administrators, the task force became more responsible for providing the substantive focus in subsequent discussions.

The task force chose, based upon faculty advice, not to begin with the school's mission statement. While this is contrary to the strategic planning literature, it made sense at Dayton. We had a history of long, somewhat tedious discussions surrounding the mission statement. Moreover, the statement still resonated with many faculty and was at such a general level that it contained nothing objectionable. Instead, we sought to be more specific and tactical, with a focus on prospective students and employers. What distinctive product can we offer? What is our market niche? We examined data. We invited our administrators in charge of admissions, placement, and external relations to talk with us about selected issues. We reviewed some strategic plans and process documents shared by other law deans. While this approach was effective for most of our faculty and senior staff, a few faculty members criticized the strategic principles proposed as the agenda for the retreat as not addressing sufficiently the underlying mission or value choices. This approach allowed us to cohere around some priorities and make rapid progress on some pressing issues. Nevertheless, we find ourselves returning to mission issues as we continue to implement the plan (that is, as we progress on general curricular reform and identify more clearly how the Catholic and Marianist nature of the university informs the legal education we provide). Thus, tackling particular issues is often a matter of timing and sequencing.

During faculty/senior staff discussions and the retreat itself, the task force found ways to advance the process. For example, the vice-chair of the task force found a film on creativity that we used at the start of the retreat. It helped inspire participants to think about old issues in new ways and find other perspectives. Task force members acted from a true sense of inquiry and not solely from advocacy of their individual passions and ideas. Although it is tempting for law professors to "think like lawyers," strategic thinking is enhanced when people can balance

inquiry and advocacy. Rather than just rehearse familiar refrains from faculty meetings, the task force gathered budgetary and market data and investigated the strategies of other schools on the web. Vice-chair Crist was particularly resourceful in researching ways to advance the larger group's strategic thinking. Professor Randall helped the task force design a web-based survey instrument allowing faculty and senior staff to assess the task force's preliminary SWOT analysis, to which all but one person surveyed responded. The data, shared with all respondents, reflected a great amount of consensus on certain points, in contrast to what many might have suspected by listening only to those who spoke at meetings. This technique allowed us to move forward with more certainty and speed in some areas.

We found it hard to sustain momentum, even when the task force met for several hours weekly. We studied broad, complex, and important topics. We were all busy with scholarship, classes, administration of the school, and other pressing commitments. We were constantly struggling with the appropriate balance: when to gather information, when to bring information to a broader group, and when to hone plans as a smaller, more efficient and effective subset of the large group. We used a variety of tools to gather input and feedback from various constituencies as the work of the task force progressed, including those listed below:

- ◆ Introductory meetings with a focus on building common ground in spring 2002
- ◆ Bi-monthly and then weekly meetings of a task force (2002-03)
- ◆ Survey of students, alumni, faculty, and staff on the SWOT analysis
- ◆ Multiple meetings of faculty and senior staff in preparation for retreat (2002-03)
- ◆ Advisory council feedback sessions (2002-03)
- ◆ Strategic planning material available on a secure website, including archives of past planning efforts
- ◆ Electronic polling on preliminary work of the task force
- ◆ Hosted "Discussions with the Dean"—alumni and friend gatherings in key cities
- ◆ Retreat with facilitators (April 2003); faculty/senior staff provided binder with key planning information
- ◆ Subsequent drafting work and refinement of tactics with key constituents (summer 2003)

Our strategic planning process was improved significantly by the dedication and expertise of the two facilitators loaned us by the American Association of Law Schools ("AALS"). The facilitators are a trained group of law faculty members and a pair will serve a law school at no cost other than travel expenses. In addition to committing a good part of a weekend to us for a retreat in spring 2003, the facilitators helped us plan a relatively realistic agenda for the retreat during several conference calls. They also offered their services to the task force and faculty members in advance of the retreat.

3. *Be Patient While Being Persistent*

Deans often want to move fast and implement change quickly. One of the biggest challenges about strategic planning was striking the right balance between patience and progress. We could not wait for everyone, but we needed to slow down at times to build common ground by sharing information and allowing for dialogue. Task force members needed to understand obstacles perceived by the faculty as the strategic principles emerged. The role of faculty is vital in implementing any law school's strategic plan. While the dean controls some things, an energized and enthusiastic faculty must carry out many aspects of our operations (for example, teaching, recruiting and retaining students, building a positive reputation for school through scholarship and presentations, speaking positively to alumni about the school, etc.) Thus, despite my interest in keeping the process moving, the ebb and flow of the process required patience.

Another technique is to move ahead where there is consensus. If you wait too long for outliers, you may lose the interest or support of the majority of the group. The school may be ready to move on certain steps while continuing to explore other issues. For example, a separate task force had made a series of recommendations in spring 2002 to address bar passage concerns. It was clear that broad support and significant energy existed to support those recommendations, so we moved to implement quickly those that did not involve curricular reform and incorporated the ideas into our strategic plan produced in 2003. Additionally, we have been able to move ahead more speedily in strengthening our Program in Law & Technology through a series of tactics in the past two years. In contrast, we have proceeded more slowly on general curricular reform. Now, a year after finalizing the strategic plan for 2003-08, we have achieved substantial progress on some items while we are still working hard to determine specific tactics on other major goals. It has not always been smooth sailing, but our successes keep us from getting discouraged as we continue to move forward.

4. *Unfortunately, Strategic Planning Never Ends*

I know that it is not what any of us wants to hear, but strategic thinking must be a continuing process. Deans must help keep the conversation and creativity flowing even as we use current strategic plans to generate financial support and make budgetary choices. Our planning process has inspired faculty members and administrators to remain engaged with critical issues over the past year and develop new ideas to implement the plan.

None of us seeks a strategic plan that will sit on a shelf. That just wastes the participants' valuable time. The dean must keep the plan alive by referring to it often, recalling its principles and priorities for various constituencies, directing funding to support those goals, measuring and reporting back on implementation steps. As noted earlier, revisions and refinement will be required as circumstances change and new information is available. I report regularly to the provost on certain measures and will prepare an annual progress report for key constituents. The dean must reward and praise people for achieving goals—helping the community as well as the individual celebrate successes. The dean must vigilantly keep people aligned

with the plan and motivated through praise, performance evaluations, workload or salary adjustments, and any other creative, legal methods we can devise.

5. *Fortunately, Excellent Support Is Available for New Deans Who Engage in Strategic Planning*

I gained significant support from other deans as I led strategic planning for the first time. The topic was covered in the ABA's camp for new deans and at a recent mid-year deans' meeting. I spoke with several deans after those presentations, and they willingly shared aspects of their planning process, plans, or advice. I had fruitful discussions with new deans and with senior deans as we compared processes and outcomes. I also found support in the ABA's Office of the Consultant on Legal Education. Members of his staff and site evaluators who have reviewed numerous self-studies can be rich resources.

As noted earlier, I found the AALS Resource Corps very useful, although there are mixed views on the use of these facilitators. Like all of the suggestions above, their usefulness will depend on your institution's history, experiences with retreats and facilitators, personnel, as well as the individual characteristics of the facilitators. Pat Chew (Pittsburgh) and Hal Abramson (Touro) demonstrated excellent facilitative skills at our retreat and supported us by offering some good ideas about process before the retreat. Frankly, I initially questioned their efficiency and effectiveness when they began the retreat by going around the room and asking all participants what they most desired from the retreat and what they most feared would happen. Nearly everyone spoke of the desire to make choices and move ahead rather than talk further. After the retreat, that shared sentiment worked to my advantage, supporting moves in several areas where we had sufficient agreement, while I acknowledged that further details and processes were still required in other areas.

When I think of producing the next ABA self-study or writing the strategic plan for the University of Dayton School of Law for 2008-12, the strategic planning method described by one of our graduates appears increasingly attractive. In charge of planning for his important unit within a large corporation, he annually gathers a handful of his top administrators at a hotel for a few days, and they hammer out the next strategic plan. The idea of writing the next plan quickly with a small group of folks sounds so much easier. Yet the real challenge is always to strike the proper balance between small group work and large group decision-making, between detailed planning and brainstorming on the one hand, and a full range of opinions and multiple-constituent buy-in on the other hand.

I have learned that strategic planning, at least for a law school, is really a mind set of continuous strategic thinking. We need to play with some ideas and see where they take us. It is helpful if a small committee or a few key people investigate particular market changes, new information, and new regulations, developing proposals to push strategic thinking by the larger group. A small group of creative, dedicated people can gather data, debate an issue, and present a thorough proposal, allowing the larger group to respond to something focused and concrete once a groundwork of common information and priorities exists. Although strategic thinking is time consuming given everything else on our plates, deans must

foster an open and thoughtful mind set, enabling people to work together to deal with threats quickly, choose new opportunities wisely, and be effective innovators in legal education.