

## SHOULD YOU ACCEPT THE POSITION OF INTERIM DEAN? SOME OBSERVATIONS FROM SOMEONE WHO DID

*Michael D. Sabbath\**

**Y**OUR dean has just announced that he or she will be stepping down as dean of your law school to return to your law faculty or possibly to accept a deanship at another law school. Your university and law school are gearing up for yet another dean search, and everyone on your law faculty is already speculating about who should serve as the interim dean. Rumors abound, and your name seems to be coming up often. You're not really sure how you feel about the whole thing and don't know how you should respond if the president of the university should happen to call offering you that position.

I know the feeling, as I just stepped down as interim dean several weeks ago to return to my law faculty. I was a somewhat reluctant interim dean, concerned that my personality made me a bit unsuited for the job. I have never thought of myself as the "leader" type and never have enjoyed having authority over other individuals. I also have always been one who is overly concerned about how others feel about me—I need to be loved. Having served on a law faculty for over twenty-five years, I recognize that most law faculty have warmer feelings towards their dean than they do towards their dean.

I ended up accepting the president's offer of the interim dean's position, and as it turned out, my two years as interim dean was a mixed bag. My law school made significant progress in some areas, but in others I feel that I failed to achieve all that I had hoped. There were aspects of the job that were very enjoyable and rewarding, and others that I found tedious and frustrating. I recognize that the experience of serving as the interim dean will vary depending upon the school, and it is hard to generalize about the type of individual who is best suited for an interim dean position. But in this brief essay, I am going to share my views on this experience.

### 1. *How About that Extra Money?*

I must admit that I got into law school administration for some of the wrong reasons. I was very happy serving on the law faculty, as I love teaching, writing, and making occasional presentations around the country. As a national lecturer for BarBri, I do more than enough traveling during the summer to satisfy any wanderlust. When our dean at the time, Larry Dessem (he is now serving as the law school dean at the University of Missouri-Columbia), asked me to serve as his associate dean, I at first turned him down. I recognized that, somehow, class schedules are made, budgets are prepared, building renovations are planned and completed, staff positions are filled, and the business of running a law school goes on. As a faculty member for many years, and having served on and chaired

---

\* Walter Homer Drake Professor of Law, Mercer University School of Law.

numerous faculty committees, I had been involved in various aspects of law school operations. But I always was content in letting others run the day-to-day operations of the school. When Larry asked a second time, however, I accepted the position. I took the job for a number of reasons. I liked Larry and thought that I would enjoy working for him. As corny as it sounds, I really do love my law school, and I saw this as a chance to serve my school while, at the same time, finally seeing how all of the pieces fit together in running it. I thought that the associate dean's position would be interesting (and it generally was). But I am ashamed to admit that a major inducement in accepting the position was financial, as I had a son already attending an expensive private college and a daughter soon to begin attending one. The extra money that I would be receiving as associate dean seemed very attractive at the time.

Of course, I soon learned that an associate dean clearly deserves what little extra money he or she receives, with the long hours and frequent aggravation that must be endured. One should never, ever enter law school administration for the money—it simply isn't worth it. When I became the interim dean, I received another salary raise, and the extra money was nice. But the long hours, the many days spent on the road, the frequent (and often long, boring, and tedious) meetings, and the stress in running a multi-million dollar business make any financial benefits appear pretty meager. I found that serving as interim dean of my law school was similar to working at that large Atlanta law firm when I first got out of law school—to do the job right, I had to commit a huge portion of my life to it. If you don't enjoy the work, you are going to have a miserable time regardless of your salary.

## *2. It Helps if the Relevant Constituencies Support You*

In some ways, I was the obvious choice at my law school to serve as the interim dean. Except for a semester visit at Emory University School of Law, and a year of graduate law study at Columbia University School of Law, I had been at my law school for twenty-five years. I really do “know the place.” I had served as associate dean for five years, so I had at least some administrative experience (though little experience with the budget and in dealing with the main campus, both important aspects of the dean's job). I am reasonably well liked by most of the faculty (though I think that some are still upset with me over scheduling decisions made while I was associate dean) and am “popular” with our students. Having been at Mercer's law school for so long, I have taught a majority of our living alumni, and enjoy a good relationship with them. The president of the university knows me, as does his provost and numerous other senior officials on the main campus, and things had always been cordial between us (though not so cordial by the time my interim deanship ended). While I doubt that many view me as a strong and visionary leader, I think that I am viewed as a decent, likable, hardworking person. The relevant constituencies were supportive of my serving as interim dean and that was very helpful. It's a tough job and, while it is nice to be the university president's choice as interim dean, I would be reluctant to accept the position without knowing that I generally had the support of the law school and university communities. Even a small group of faculty members who are very unhappy with your selection as

interim dean can make your life miserable. Before accepting the position, I would talk to faculty members individually (and the senior staff) to get a sense of the support that you could expect. If you sense that substantial support is lacking, and certainly if there is significant opposition, I would be reluctant to accept the interim dean appointment.

### 3. *Can I Serve as Interim Dean and Still Be a Candidate for the Permanent Position?*

From the start, I made it clear to our president and all others that I had absolutely no interest in being a candidate for the permanent dean position. I recognize that some faculty members do not see any problem with someone accepting the interim dean position even though he or she is interested in the permanent position; some even believe that it better positions that individual as a candidate for the permanent position. I believe that it is very difficult to do a proper job as interim dean while being a candidate for the permanent position.

Having been at my law school for such a long time, I have been through a number of dean searches. In several of these, we have had internal candidates for the position. Apart from the hard feelings that can result when the internal candidate is not offered the deanship, I have always found it a bit awkward bringing in and assessing candidates who are competing for the position with one of our faculty colleagues.

I think it is particularly difficult for an interim dean to do a proper job if he or she is a candidate for the permanent position. Any dean, including an interim dean, must sometimes make decisions that do not sit well with some members of the faculty. Making those decisions knowing that those same faculty members will soon be sitting down to discuss and vote on your candidacy can be a real problem. Even if an interim dean is able to ignore these concerns when making his or her decisions, the faculty often will perceive these decisions as "politically motivated" even if they are not. Once the interim dean is seen as someone who is playing politics, it makes the job much more difficult.

An even more serious problem arises in the interim dean's dealings with the main campus. As an advocate for the law school, the dean (including an interim dean) must be able to deal with the university administration in an open, honest, and forthright manner. Some "butting of heads" is inevitable. As any interim dean is well aware, the university president ultimately decides upon who will serve as the permanent dean of the law school. This poses some obvious problems for an interim dean who also is a candidate for the permanent position. Can an interim dean have the kind of frank discussions with the university administration that are needed when that interim dean also is a candidate for the permanent position? I have my doubts.

As an interim dean who made it very clear from the start that I had no interest in the permanent position, I largely was able to remove politics from the operation of the dean's office. While the faculty might disagree with some of my decisions (and some certainly did), they knew that I was trying to do what, in my judgment, was in the best interest of the law school. I also was able to deal with our university president and his administration in a candid and straightforward manner. While I

believe that I made serious efforts at having a good, long-term working relationship with the university administration, I did not need to be concerned that some short-term disagreement over an issue would cause the president to reject me as a candidate. This was often a real plus in my negotiations with the university administration.

#### 4. *Is an Interim Dean a Mere Caretaker?*

When I accepted the position of interim dean, I mistakenly assumed that I would primarily be a caretaker until a “real dean” was selected for the position. Our previous dean had accomplished much during his seven years in office, and I did not want to do anything to undo all the good that he had done. I figured that I would just “stay the course” for a year and that the new dean would pick up where our previous dean left off. I wanted to hold the faculty together during the dean search and to do all that I could to facilitate the dean search process.

First, I was wrong to assume that I would be serving as interim dean for only one year. While the dean search process can sometimes be wrapped up in a year, nowadays it is not uncommon for the search to last two or even three or four years (ours lasted two years). When a dean search fails one year and must be continued for whatever reason, faculty morale tends to take a dive. It is the interim dean’s job to hold things together and to keep the faculty focused on the search; stepping down as interim dean during the dean search process can be quite disruptive. Anyone accepting the interim dean position should be prepared to serve until the process has been completed.

Also, it is wrong to assume that an interim dean is a mere caretaker. Issues will inevitably arise involving the budget, staffing, enrollment, and the like that will have a long-term effect on the law school and that simply cannot be put off until the new dean arrives. Like it or not, an interim dean is going to be forced to make some important decisions. In addition, I soon realized that it is important to morale for the faculty, and the entire law school community, to feel that the law school is not simply standing still, but that it is still moving forward during the interim deanship. While the dean search will necessarily consume much of the law school community’s time and energy, it is wrong to let it become that community’s entire focus. While an interim dean may only be in that position for a short time, and it is unreasonable to expect extraordinary achievements, an interim dean certainly can leave the law school a better place than it was when he or she stepped into the position.

For example, our previous dean had made substantial renovations to the law school building during his seven years here, and I was determined to complete the work that he had started. During my two years as interim dean, we finished the replacement of our roof (which our previous dean had negotiated), renovated our third floor (adding three new classrooms, faculty offices, an IT suite, and numerous study rooms and offices for student organizations), and replaced our outdated HVAC system. During those same years, we reduced the size of our entering class, and the increased selectivity in our admissions process resulted in a significant improvement in both the median LSAT and GPA of our entering class (which helped to improve our *U.S. News & World Report* rankings). We instituted a new

laptop program that will begin this fall. Over the last two years, alumni giving has continued to improve, and we have raised over \$600,000 for a public interest fund, which will enable us to provide additional internships for our students and, hopefully, begin some type of loan repayment program for those choosing careers in public interest. While I cannot claim to have made any remarkable single accomplishment during my two years as interim dean, collectively, these small accomplishments made it clear to all members of the law school community, including our alumni, that the progress that had been started by our previous dean was continuing. Importantly, these achievements also helped to keep up faculty morale even though our dean search failed during its first year.

On the other hand, an interim dean, just like a permanent dean, does not get everything he or she wants. I failed in my efforts to add several staff positions at the law school that I believe are badly needed. On numerous budgetary issues, my arguments with administrators on the main campus seemed to fall on deaf ears. I sometimes wondered if I had lost some of those persuasive powers that I seemed to have as a practicing attorney or if those on the main campus simply did not like me. Over time, though, I realized that some disappointment goes along with the dean's job, and I learned to deal with it (without ever accepting it). No dean, including an interim dean, is going to be able to accomplish all that he or she sets out to do. If you are accustomed always to having things your way, and if you believe that all decisions should be made on a rational basis (based upon your view of the universe), the job can be very, very frustrating.

5. *Will You Miss the "Control" and "Power" You Have as a Faculty Member?*

A faculty member has an enormous amount of control over his or her classes, scholarship, service, and life in general. The faculty member prepares a syllabus deciding what topics to cover in the course and at what pace, selects a casebook and other materials for the course, and as the teacher guides the students through the course material in a manner that he or she feels is appropriate. As far as students are concerned, the faculty member is the "master and commander" of the course. In addition, faculty members generally write in those areas and on those topics that interest them, and decide how they wish to serve the law school, the university, and the community in general. While I believe that most faculty members work long hours, except for those times when their classes are scheduled to meet, the faculty members decide which hours of the day they are going to work and where they can most productively get that work done. If you are not willing to give up this control and power, I don't believe that you will be very happy in the interim dean's job (or as the permanent dean).

For me, at least, I found that as interim dean I needed to spend many more hours at the law school than I had as a faculty member. While I was able to get some work done at home in the evenings and on weekends, I found that much of the job simply had to be performed at the office. Of course, a dean also spends quite a bit of time on the road attending various meetings and alumni events. During certain months, particularly in the spring, I spent more evenings on the road than I did at home. I loved much of my work as interim dean and truly enjoyed my work with faculty, students, and alumni. I also enjoyed the travel and was fortunate in having

a wife who was able to accompany me sometimes. But I dreaded some of the long, boring, and, in my opinion, often unproductive meetings on the main campus, and the steady stream of reports that the law school dean needs to produce for numerous individuals in the university administration. I know that some people are really into meetings and reports, but I am not one of those people. Nevertheless, as interim dean these responsibilities cannot be avoided (though I did delegate whenever possible).

I also soon learned that, at least at my law school, the dean's power comes mainly through the power of persuasion. I could not sign a contract or write a check, and whenever I wanted to do anything that cost any significant amount of money (and most things do), I had to persuade someone on the main campus to give his or her approval. Generally, students will do whatever they are instructed to do by their faculty, motivated by their desire for good grades if nothing else. As we all know, a dean cannot "instruct" the faculty to do anything. While my faculty was extraordinarily supportive of me during my interim deanship, that support only went so far. Unlike students, who generally are docile and compliant, my faculty members had no problem letting me know when they disagreed with my assessment of a situation. I was able to achieve things during my interim deanship only when I was able to rally substantial support from the faculty. I think that it is very difficult for a dean, and particularly an interim dean, to accomplish very much on his or her own. I sometimes hear about a law school dean who "took up the reins" of a law school and led it onto bigger and better things. A dean certainly does need to provide leadership and direction, and a dean's outstanding reputation can enhance the reputation of his or her law school. But it is very difficult for a dean to lead any faculty in a direction that it does not wish to take. I think that any dean, especially an interim dean, will accomplish much more through reason and persuasion than through force and intimidation. Anyone who accepts the interim dean's position in order finally to have the power to "fix" all those things at the law school that are "broken" will be surprised and disappointed at how little power the interim dean really has. If you really enjoy being "the boss" who is in control of every situation, and if you enjoy telling others what they need to do, you might want to stay on the full-time teaching faculty where you can run your classes and boss around your students (or you might consider buying a dog, but not a terrier).

#### 6. *You Are a "Servant" as Well as a "Leader"*

If you are going to have a good experience as an interim dean (or as permanent dean), I believe that you must recognize that a good dean is not only a leader but also a servant. It is the dean's job to make sure that the physical plant, faculty, staff, and other resources are available for the law school to fulfill its mission. Instead of the faculty and staff viewing me as their boss, I wanted all of them to feel that I was working for them, doing all that I could to facilitate their fulfilling their responsibilities. I do not think that our university president had any trouble understanding that I worked for him (in fact, I was given subtle reminders of this on more than one occasion), but I think that, too often, the faculty and staff view the dean as "the boss" who works in that suite on the other floor. You need to make it clear to your faculty and staff, through both words and actions, that you do not view

your role simply as supervisor and evaluator, but also as someone who understands the role that they play in the operation of the law school and that you are willing to work for them to provide all the necessary support.

7. *You Will Learn a Lot Serving as Interim Dean*

I know that during the remainder of my career in legal education (hopefully, about fifteen years), my experience as both an associate dean and interim dean will help me to contribute better to my law school. I now better understand the problems faced by those working in the law school's administration and can factor them in when assessing various issues that come before the faculty. While I certainly do not intend to be one of those ex-deans who constantly talks about "the days when I was the dean," I do hope that I can in some ways help my faculty colleagues to better understand likely administrative concerns when issues come up.

By the way, I just spent almost three hours in my faculty office working on this paper. It is late July with no classes meeting and few students around, so it is unusually quiet around here. No one has knocked on my door, I have received only three emails (two of which promise to improve my sex life dramatically), and only one phone call (from my lovely wife). This is not anything like the hustle and bustle down in the dean's office, and it will take some getting used to. But I don't think that it will be too difficult.