

DIAMONDS AND DEEP BREATHING

*Matthew Spitzer**

STOP! Don't say it; don't even hint at it. You may think it, if you like, but do not ever, ever say it. Instead, breathe deeply, practice patience, and formulate strategies.

What am I talking about? What is "it"? "It" is the things you want to say whenever your (completely reasonable) reaction is to harshly upbraid someone, possibly by raising your voice to him or her. Here are three examples of what you should not say and what you might do instead.

1. *The Reunion*

You go to a reunion of the class of 19XX, and you sit down next to Ms. Tight. You know, from pre-reunion research, that Ms. Tight has given no donations to the law school. You look at her and notice that she is wearing a string of diamonds around her neck that is big enough to be a boat anchor. The value of that necklace is enough to fund several full-tuition scholarships for needy students.¹ She proceeds to regale you with tales of her professional and financial successes in practice. After about five minutes of this, you want to scream, "You ungrateful, selfish excuse for a human being! Your successes came from the education you received at the law school, a law school that was built by the hard work and charitable contributions of those who came before you. You owe a moral duty to give back, and you are failing miserably."

Stop! Don't say it. You will offend and anger her, and you will not bring her around to start contributing to the school. And if others hear about your rant, you will appear mean spirited and out of control. Instead, breathe deeply and formulate a strategy. I suggest something like the following. Gently steer the conversation around to discussing another graduate of the law school who has given faithfully to support the school. Explain how grateful you are for her support. Report that when you asked her why she gives that she reported [insert your best pitch at this point]. Then shut up and see what happens. Most of the time nothing will happen, at least immediately. If you have a confederate in the class of 19XX, persuade that confederate to ask Ms. Tight for a contribution to the class fund. You can also follow up, if you like, and pitch to Ms. Tight. All of these are positive steps that have some chance of success, and none of them will damage your reputation.

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1. Feel free to insert a variant involving a man and a Rolls Royce, or a woman and a Rolls Royce, or even a man and some diamonds.

2. *The Faculty Meeting*

You go to a faculty meeting to discuss appointing a candidate who is doing very good work and whose politics are clear, either liberal or conservative. A faculty member, Professor DiSembel, whose politics are opposite of the candidate, speaks forcefully in opposition to the candidate, presenting an “analysis” of the candidate’s work that both misrepresents it and also proffers some really boneheaded critiques. You know, with certainty, that Professor DiSembel is much smarter than the analysis would suggest. There are only two possibilities: Professor DiSembel has recently sustained a head injury, or Professor DiSembel is lying for political reasons. Seeing no bandages on Professor DiSembel’s head, you want to scream, “You lying SOB! You are subverting the climate of genuine, honest intellectual endeavor that we have been working so hard to create and nurture here at the law school. You are doing this for selfish, political reasons.”

Stop! Don’t say it. All you will do is factionalize your faculty. Those who are politically aligned with Professor DiSembel may feel compelled to come to his defense, despite agreeing with you on the merits. This closing of ranks will anger the rest of the faculty, who may well close ranks themselves. The faculty is now split on purely political lines, and the quality of the candidate’s work becomes irrelevant. This is awful. Instead, practice deep breathing and formulate a strategy. I suggest that, instead, you respond as follows. First, stay silent and see if someone else will respond to Professor DiSembel on the merits and without political rancor. If so, allow the discussion to proceed and, at an appropriate time, indicate that you agree with Professor DiSembel’s critic. If no one steps forward, you should enter the discussion and point out your disagreements with Professor DiSembel on the merits, without accusing him of political motivations. Indicate where he has misconstrued the candidate’s work, and explain why the attacks on it fail to carry much weight. Everyone in the room will see what is going on. If Professor DiSembel’s political allies rush to his defense, you have a much bigger problem than just Professor DiSembel. You need a new, bigger plan than the one from which we have been working. You may need to speak with your provost, assuming that he or she is an ally. If the other faculty members do not rush to Professor DiSembel’s defense, you have “solved” the problem, at least for the moment.

3. *A Simple Request From Students*

A delegation of first-year students, Students Urging Relief from Fridays (“SURF”), comes to your office and makes a simple request: no Friday classes. This will be good for students, SURF explains, because this way the class schedule will let them get an early start on the weekend. You can feel your adrenaline flowing. You think about how hard you worked—six and seven days per week—when you were in law school and when you were in practice. You want to scream at SURF, “You lazy little wimps! Law is a profession that requires a lot of hard work, and the time to start is now. Maybe you can cut back to a four-day workweek in about forty years. Until then, get to work!”

Stop! Don’t say it. You will just antagonize the students. They will get the lesson soon enough. For now, I suggest (you guessed it) deep breathing. Instead

of yelling at the students, talk to them in soothing tones, and let them know you feel their pain. “Of course it would be nicer to have classes on four days. Unfortunately, the law school does not have enough classrooms or professors to cover all of your classes in four days. I would love to have the resources to go to a four-day week. When you have graduated, I will expect each of you to contribute faithfully so that we can improve our resource base. But, until then, we are forced to hold classes on five days per week. Be sure to stop by to see me at any time.” You have let them know how much you care about them and turned the meeting into an early pitch for funds. You might even have sown the seeds for future fundraising.

By this point I am sure you have the pattern. When you feel the urge to yell, fight the urge. Instead, try to formulate an effective strategic plan. Often other, more experienced deans can help with the brainstorming and also counsel you on the wisdom of deep breathing.