

MAYBE DEANING IS NOT FOR YOU

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INTRODUCTION

SEVERAL years ago, I wrote an article for the second of these Leadership in Legal Education Symposia entitled, “Top Ten Reasons to Be a Law School Dean.”¹ In that article, I offered ten very good reasons why someone might consider becoming a law school dean. I still believe that these ten reasons, and more, should cause faculty and others to consider service as dean. I continue to find my own service as dean rewarding, challenging, and (most days!) fun. However, having been asked to talk recently about why one might not want to consider deaning has led me to write this essay. My hope is that, when read in conjunction with “Top Ten Reasons to Be a Law School Dean,” the ten points in this essay will provide a fuller picture of law school deaning in the twenty-first century.

1. DO NOT BECOME A DEAN AT THE WRONG PLACE, AT THE WRONG TIME, OR UNDER THE WRONG CIRCUMSTANCES

For those with a possible interest in deaning, the question should never be “To Be or Not to Be” a law school dean. Instead, the question that should be asked is whether this is the “right” deanship opportunity for you at this particular time in your career. Timing and “fit” are crucial to many of our successes in life, and the person who may be a superb dean at one school may not be a particularly successful dean at another, apparently similar, law school.

Every law school has multiple constituencies,² and the dean must work effectively with each of these groups and individuals. However, there are times within a law school’s history when these constituencies present unique problems or require particular attention.³ If, for instance, the major issues for a law school

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1. R. Lawrence Dessem, *Top Ten Reasons to Be a Law School Dean*, 33 U. TOL. L. REV. 19 (2001).

2. See ASS’N OF AM. LAW SCHS., LAW DEANSHIP MANUAL 3-4 (1993).

3. Dean search committees sometimes determine that the law school really needs a dean who will focus on external (or internal) matters. However, there are multiple individuals and groups within the broad categories of external and internal constituencies. If the ideal dean is someone

relate to the involvement of alumni with the school, the fact that a potential dean would work extremely well with the faculty may not be a great benefit to that law school. If relations between the law school and the university of which it is a part have been particularly rocky, the “best” potential dean for that school may be someone who is particularly sensitive to law school-university relations.

The needs of law schools change over time, and the very fact that the last several deans have been focused on internal constituencies may mean that the next dean’s focus should be significantly more external. The “perfect dean” at one time in a law school’s history may not be a good fit for that school at another period of time.

The circumstances surrounding a dean search also should be considered by potential candidates before expressing interest in a particular deanship. Significant numbers of dean searches do not result in the appointment of a new dean within the initial search period. Potential dean candidates should attempt to understand just why the initial search failed before agreeing to be considered as a candidate in an extended search. Some universities have recognized that it may be best to appoint an interim dean for a few years rather than plunge ahead with the search after an initial failure to secure a new dean. Whether or not the school makes this decision, potential candidates should consider whether the circumstances of the dean search are likely to enhance, or restrict, the chances for a successful deanship.

If the law school and university have done a good job during the dean search process in defining the most important qualities that they need in their new dean, it is likely that “poor fits” will be screened out in the dean search process.⁴ However, a dean search is not a rational process, and the fact that a law school or university has offered someone a deanship does not constitute a guarantee that there will be a good fit between the new dean and the law school and its university.

2. DO NOT BECOME A DEAN IF YOU CANNOT PUT ASIDE YOUR PERSONAL AGENDA

Effective decanal leadership involves building consensus and moving the law school forward as a community. While the dean is *primus inter pares* in advancing the law school, law school programs and endeavors will not be effective or lasting if they reflect only the hopes and plans of the dean. This does not mean that the dean should put aside her personal experiences and ideas (that is, after all, why she was hired as dean). However, just as there must be a “fit” between the dean and the law school’s constituencies, there also should be a rough correlation between the agendas of the dean and of the law school that she serves.

who will focus on external matters, is the perceived need for a dean who will devote significant amounts of time to fundraising, or someone who will be active within the state bar, within national legal education organizations, or with the state legislature or other funding bodies?

4. See R. Lawrence Dessem, *Unsolicited Advice to Law School Dean Search Committees*, 34 U. TOL. L. REV. 55 (2002) (discussing steps to take in dean selection).

Dean search committees and law school faculties will frequently ask dean candidates to “tell us your vision for our law school”—often after the dean candidate has spent only a few days on a campus visit. Perceptive individuals will have thoughts about a school based upon such minimal interactions, but to jump too quickly to conclusions about what a law school “needs” can cause future difficulties. Shared goals and trust are built over time, and successful deans are those who can see beyond their own immediate preferences and predilections and address the reality of the law schools that they serve.

Once again, this is a question of fit between the institution and the individual dean candidate. If an individual’s major career goal is to enhance the scholarly productivity of a law school faculty, that person should be careful about accepting a deanship at an institution whose greatest needs are quite different.

At the end of the day, it is not about the dean, but about the law school that she leads.

3. DO NOT BECOME A DEAN IF YOU CANNOT BE A TEAM PLAYER

Every dean is ultimately responsible for the advancement of her law school. However, in order to do this, the dean typically has to work with others outside the law school. If the dean serves a law school that is part of a university, this will mean working with that university’s provost, president, and others in an effort to move the entire university forward.

Especially in an era where interdisciplinary work is increasingly valued, cross-college collaboration is both essential and prized by central university administrators. There is a tendency for law schools deans (including this one) to want to be “let alone” and to not be bothered by university administrators, regulations, or obligations. The law school-specific demands of deaning can seem overwhelming—not to mention calls for service on university committees, information requests from university administrators, and a myriad of other duties that take the law school dean away from the direct leadership of her law school.

However, university presidents and provosts look to the university’s deans for leadership outside their particular schools and colleges. Just as deans appreciate faculty members who are team players and who gladly accept administrative duties for the good of the law school, presidents and provosts appreciate deans who define their duties as extending beyond their immediate school or college. Law school deans, in particular, are looked to for campus leadership—especially because so many issues facing higher education have a significant legal component. Whether the dean is asked to lead a campus committee on affirmative action, copyright policies, or academic freedom; to chair the dean search for another college of the university; or to involve law school faculty in campus governance, the law school dean should see this as an important part of her job and be inclined to say “yes” to such request.⁵ Not only

5. Law school deans, however, may occasionally need to remind other university officials that there is a general counsel whose duty it is to provide legal advice and counsel for the university. Every law school dean is at some point asked by the provost and other deans to address legal issues. While the culture of different universities varies, in many cases the safest course for the

is help in such situations remembered favorably by the provost, but work with other units on campus can stimulate good ideas for the law school and, in many cases, provide a pleasant break from the issues of the moment at the law school.

4. DO NOT BECOME A DEAN IF YOU CANNOT GIVE THE DEANSHIP YOUR UNDIVIDED ATTENTION

Law school deaning in the twenty-first century is a full time job.⁶ At a law school deans' workshop several years ago the speaker asked for a show of hands as to how many hours per week the deans in the audience worked. It was not until the speaker offered the choice of "60 or more hours per week" that the majority of hands in the audience were raised.

This does not mean that these hours are spent in boring or unsatisfying work. What this does mean, though, is that anyone considering a deanship should not delude herself into believing that she can juggle a deanship alongside several other major commitments.

Despite the demands—in time and attention—of a deanship, deans can, and do, preserve private lives and time for family and loved ones. Some deans include their family members and significant others in law school social events, and some of the resulting personal relationships can be quite satisfying for everyone involved.

However, it is unrealistic for a dean to presume that she can serve as dean, preserve time for herself and her family, and still carry on anything approaching a full-blown research agenda. This is, indeed, why some deanships are unsuccessful or quite short. Some of the very achievements that may bring an individual to the attention of a dean search committee—such as extensive legal scholarship or innovative teaching—may involve activities that this individual will not have the time to pursue as dean. If the dean cannot accept the fact that her deanship may require her to put aside some of the work that she has found to be most satisfying up to this point in her career, there may be future disappointment and frustration for both that dean and her law school.

Many deans, in fact, continue to be actively engaged in legal research and teaching.⁷ It is healthy for the dean to model the teaching and scholarly behavior that we expect of all law school faculty. However, the dean's main job is to lead her institution so that others can excel in their teaching, scholarship, and service.

dean, and the university, is to separate the role of the dean as academic leader from the role of the general counsel as the university's formal legal advisor.

6. American Bar Association, Section of Legal Education and Admissions to the Bar, *Standards for Approval of Law Schools*, Standard 206(a) (2007) ("A law school shall have a full-time dean").

7. See Jeffrey A. Brauch, *Why I Must Teach*, 34 U. TOL. L. REV. 23, 23 (2002). *But see* R. Lawrence Dessem, *Ten Things Deans Can Do with Students*, 35 U. TOL. L. REV. 45, 46 (2003) (noting that many deans are unable to teach due to other responsibilities).

5. DO NOT BECOME A DEAN IF YOU THINK YOU CAN DO IT ALL

Deaning is a full-time job and then some. If a dean holds herself responsible for “doing it all,” the chance of disappointment, frustration, and burn out increase exponentially. Tom Read, who has served as law school dean at Tulsa, Indiana-Indianapolis, Florida, Hastings, and the South Texas College of Law, has spoken at ABA conferences about the dean as one of the most valuable assets of any law school. The question he has posed to his fellow deans is whether they would abuse and overuse any other law school asset in the way that too many deans do when they drive themselves to the point of exhaustion and burn out.

The dean must set priorities, focus on those tasks that are the most important, and accept the fact that there always will be items on one’s “to do” list that will not be fully addressed or accomplished. Most deans have “Type A” personalities, and they have been chosen as deans because they typically have been able to “do it all.”

To succeed as a dean, however, an individual must accept the fact that there are some matters that she will not be able to resolve or control as the dean of her law school.

6. DO NOT BECOME A DEAN IF YOU ARE OVERLY IMPATIENT

Deans must embrace change and be willing to build the coalitions that can make change possible. However, constructive changes to the status quo take time, especially if the law school community is to buy into the change. Those who believe that, as dean, they can simply wave a magic wand to create instant change will be sadly disappointed.

Because of the need for coalition building and the nature of faculty governance, deans must sometimes accept “half a loaf” rather than more radical changes that may seem warranted. However, incremental movement may constitute significant improvement, and deans should be careful not to let “the perfect be the enemy of the good.” Progress does not always move in a straight line, and deans always should take the long-term view and focus on the decisions that will be most important ten, twenty, or more years in the future.

Nor will there be a “perfect solution” to many of the tough problems facing modern law schools. Instead, the dean’s job frequently is, in the words of Reinhold Niebuhr, to develop “proximate solutions to insoluble problems.”⁸ The toughest problems facing our law schools cannot be solved, once and for all, by any quick fix. Deans must come to terms with the fact that future deans will grapple with many of the same problems and not be too impatient to solve all of the law school’s problems in a single academic year.

8. Dessem, *supra* note 1, at 20.

7. DO NOT BECOME A DEAN IF YOU FIND COMMUNICATION
AN UNNECESSARY BORE

One of the main jobs of any dean is serving as a communicator. Communication with important law school constituencies—faculty, staff, students, alumni, other university administrators, the legal profession, and leaders within legal education—is essential. “Overcommunication” is not a realistic possibility in most situations,⁹ and new deans are sometimes amazed at how many times the same basic message must be delivered for it to be received and accepted by the constituency in question.

If you grow impatient with individuals and groups who need to be informed multiple times of the same basic message, deaning may not be for you. On the other hand, those who find it an interesting challenge to try to deliver the same basic news in a variety of ways probably will enjoy the communication issues presented to the law school dean.

The law school dean not only communicates with various law school constituencies, but is the individual who facilitates communication among these constituencies. In this role, the dean translates the dreams and desires of particular constituencies for others. For instance, the dean is the person who translates the realities of modern legal education for the school’s alumni and, correspondingly, explains the challenges and needs of the legal profession to the faculty. The dean works in both these worlds, and she must respect, and be able to defend and critique, both the legal profession and legal education.

Communication is an ongoing responsibility for the dean, and those who understand and appreciate the necessity of such communication will be much better suited to service as a law school dean.

8. DO NOT BECOME A DEAN IF YOU HAVE A GREAT NEED TO BE LIKED
OR TAKE CRITICISM PERSONALLY

Most of us have a quite human need to be liked. However, if you cannot function without continual praise or stroking, you probably should be thinking about ways in which to serve your law school other than as dean.

A law school dean may make 100 decisions in a week, and at least some of those decisions will displease individuals or particular law school constituencies.¹⁰ From time to time, these individuals and constituencies may even express their displeasure. Deans need to listen carefully to such criticism

9. The exception that proves the rule that one can never “overcommunicate” is the deluge of material that is directed to law schools each fall before the ballots for the *U.S. News and World Report* reputational surveys are cast.

10. The skillful dean will be able to develop “win win” solutions to many tough decisions facing her. However, one of the essential jobs of any dean is resource allocation, and there are some decisions in which there inevitably will be perceived winners and losers. While deans rarely hear from the perceived winners in such situations (who often believe that they have been successful because of the overwhelming merit of their position), those who have not received what they perceive to be their due typically will be quite ready to share their disappointment with the dean.

and learn from it. However, they also need to move forward, because there will be another 100 decisions facing them the next week.

At a deans' workshop several years ago, Howard Glickstein, who served as dean at Touro Law School for many years, remarked that to be a dean, one must have a very long arm. He went on to explain that people typically do not go out of their way to praise the dean and, if she is addicted to pats on the back, she will have to use her own hands to provide that reassurance.

This reality is hard for many new deans to accept. This can be particularly difficult for those who come to the deanship from the full-time faculty. Students, alumni, and others are free with their praise for faculty, and for very good reason. Moving from a faculty position, in which professors literally change lives, to an administrative position, in which the outcomes of good work are not so visible and immediate, can be a difficult transition.

Many deans are better able to accept criticism (both deserved and otherwise) by the realization that at least some of this criticism should not be taken personally. To the extent that the dean takes all criticism personally, her enjoyment in her job will be significantly lessened. Those who succeed as deans over time typically have the ability to find satisfaction in the law school's longer-term accomplishments and look beyond the criticisms of the moment.

9. DO NOT BECOME A DEAN OUT OF A MISPLACED DESIRE FOR POWER

Being a dean can be great fun, and it is rewarding to serve your law school in this capacity. However, the powers of a modern law school dean are rather limited, and the longest-serving and most successful deans are those who learn to work within the limitations of their position to move their law schools forward.

In their law schools, deans lead within the framework of faculty governance. Under such shared governance, the dean must build coalitions and persuade others of her vision and goals for the law school. This often slows change, but it also generally means that the law school community has bought into change and it should be longer lasting.

For many significant changes, constituencies outside the law school also must be brought on board. Particularly when change will require financial resources, the dean may have to convince donors or university officials that the necessary funds will be wisely invested.

Most individuals come into deanships with ideas for changing the law school. The need to convince others of the soundness of these ideas, as well as the measured pace of change, can be frustrating to those who believe that change is essential. If you might be seriously frustrated by these realities, deaning might not be for you.

10. DO NOT BECOME A DEAN IF YOU CANNOT BE READY TO WALK AWAY FROM THE DEANSHIP

Before one accepts a deanship, it is best to consider the circumstances under which one would feel compelled to step down as dean. The dean is in a fiduciary relationship with her law school, and there may be circumstances under which a

dean may feel that she cannot fulfill her obligations to her school. In that situation, the dean's duty to her law school will require her to resign.

Deans also need to remember the reasons that they wanted to serve as dean in the first instance. To the extent that the dean had clear goals upon accepting a deanship, she will be better able to assess when those goals have been accomplished. At that point it might make sense to move on to a new set of goals, either in another position or in a "second term" as dean with her current law school.

Deans should never want a deanship so badly that they let their position define them as a person. At the end of the day, it's not about the dean but about the dean's law school. If you do not believe that you will be able to gracefully step aside from a deanship, you should consider whether this is the right position for you to accept in the first instance.

CONCLUSION

Deaning gives one a rare opportunity to serve, and to make a difference. This is an exciting time to serve as a law school dean, as legal education is being challenged, and is changing, in many ways. There are fewer than 200 accredited law schools in the nation, and my prior article on deaning listed ten very good reasons to consider service as dean of one of those law schools.¹¹

However, before seriously considering a deanship, one should heed the advice of the ancient Greeks to "know thyself." Consider whether your interests, temperament, and personal goals would be well suited by service as dean. Just as importantly, consider your alternatives to deaning. For many, the alternative to service as dean is service as a law school faculty member. This is, indeed, one of the truly wonderful jobs that our society bestows upon a favored few. Having the opportunity to serve as a full-time faculty member is a very good reason why more individuals do not apply for, or accept, law school deanships. This is also a reason why at least some law school deans may not serve as long as they otherwise might.

Maybe law school deaning is not for you—but then again, perhaps it is.

11. Dessem, *supra* note 1.