

JUST WHAT DOES A DEAN DO? THE COLLECTIVE WISDOM OF MANY LAW DEANS

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I. INTRODUCTION

SINCE 2000, *The University of Toledo Law Review* has published nearly 200 articles and essays in its annual Deans' Leadership in Legal Education Series. These articles "are written by the Deans of various law schools and address topics that are pertinent to legal education."¹ Some of the substantive topics covered in this series have included the future of legal education,² ethics,³ clinical legal education,⁴ the Socratic Method,⁵ academic freedom,⁶ and part-time legal education.⁷ Some of the articles even highlight processes and successes used by deans at their own institutions.⁸

Over seventy percent of the articles published in this series, however, have been about deaning itself: what it means to be a dean; the roles and responsibilities of a dean; the joys and pleasures,⁹ as well as the perils and

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1. This is the purpose of the Deans' Series as quoted on the University of Toledo Law Review website, <http://law.utoledo.edu/students/lawreview/deansseries.htm>.

2. See, e.g., Jeffrey E. Lewis, "Advanced" Legal Education in the Twenty-First Century: A Prediction of Change, 31 U. TOL. L. REV. 655, 655 (2000); Joan Mahoney, *The Future of Legal Education*, 33 U. TOL. L. REV. 113, 114 (2001).

3. E.g., Lee E. Teitlebaum, *Ethics in the Law School Community*, 31 U. TOL. L. REV. 757, 757 (2000).

4. E.g., David J. Herring, *Clinical Legal Education: Energy and Transformation*, 31 U. TOL. L. REV. 621, 621 (2000).

5. E.g., Anthony Kronman, *The Socratic Method and the Development of the Moral Imagination*, 31 U. TOL. L. REV. 647, 647 (2000).

6. E.g., Donald J. Weidner, *Thoughts on Academic Freedom: Urofsky and Beyond*, 33 U. TOL. L. REV. 257, 257 (2001).

7. E.g., Edwin J. Butterfoss, *Part-Time Legal Education: It's Not Your Parents' Old Oldsmobile*, 35 U. TOL. L. REV. 25, 25 (2003).

8. See, e.g., David E. Van Zandt, *The Northwestern Law Approach to Strategic Planning*, 31 U. TOL. L. REV. 761, 761 (2000); Richard J. Morgan, *The Establishment of the William S. Boyd School of Law*, 36 U. TOL. L. REV. 133, 133 (2004).

9. See, e.g., R. Lawrence Dessem, *Top Ten Reasons to Be a Law School Dean*, 33 U. TOL. L. REV. 19, 19 (2001); Terece E. Foster, *Law School Deanship: The Top Ten Reasons and a Tribute to 36 over 10*, 31 U. TOL. L. REV. 587, 587 (2000).

pitfalls,¹⁰ of being a dean; and reflections and lessons learned from having been a dean.¹¹ In these articles, the job of being a dean has been compared to that of a hockey goalie,¹² a cat herder,¹³ and even insulin producing cells within the pancreas!¹⁴ Most of these have been written to pass on knowledge gained by the authors to current or future deans. Some have been irreverent and filled with humorous anecdotes.¹⁵ Some have even been written as interactive dialogues¹⁶ or poems.¹⁷ All have been insightful.

This article will seek to summarize the collective wisdom presented by all of the deans who have contributed to this Deans' Series. In doing so, it will examine the salient points for each of the major constituencies a dean serves by highlighting and quoting from many of the articles published in this series. Because there has been such a wealth of information presented over the last seven years, I apologize up front for any oversights and omissions in my summary. They are in no way intended as a slight to any of the outstanding lessons provided throughout the history of the Deans' Series.

II. FACULTY

While some deans come from "non-traditional" backgrounds such as private practice,¹⁸ judgeships,¹⁹ or even the military,²⁰ most deans ascend to their deanships after having served for a period of time as a faculty member. As a result, the constituency most deans are most familiar with is the faculty. It would come as no surprise then that many deans view the faculty as the dean's *most* important constituency. In his 2001 essay for this publication, Reese Hansen even stated, "[t]he faculty is the most important single component in building a successful law school. The reputation of a law school depends primarily on the

10. See, e.g., Nancy B. Rapoport, *Going from "Us" to "Them" in Sixty Seconds*, 31 U. TOL. L. REV. 703, 704 (2000); Steven R. Smith, *Deaning's Seven Deadly Sins and Seven Deany Virtues*, 36 U. TOL. L. REV. 173, 173 (2004).

11. See, e.g., H. Reese Hansen, *Some Thoughts on Stepping Down after a Long Term of Deaning*, 36 U. TOL. L. REV. 69, 70 (2004); Norman Lefstein, *Reflections of a Long-Serving Dean*, 34 U. TOL. L. REV. 109, 109 (2002).

12. E.g., I. Richard Gershon, *Field of Deans*, 33 U. TOL. L. REV. 49, 49 (2001).

13. E.g., Nancy B. Rapoport, *Of Cat-Herders, Conductors, Tour Guides, and Fearless Leaders*, 33 U. TOL. L. REV. 161, 161-63 (2001).

14. E.g., Donald G. Gifford, *How Does the Dean Resemble the Islets of Langerhans?*, 31 U. TOL. L. REV. 599, 599 (2000).

15. See, e.g., Rapoport, *supra* note 13, at 161; Douglas E. Ray, *Minnesotan: A Language for Constructive Communication between Faculty and Dean*, 34 U. TOL. L. REV. 159, 159 (2002).

16. See, e.g., Thomas C. Galligan, Jr., *So It Goes*, 33 U. TOL. L. REV. 31, 31 (2001); Thomas C. Galligan, Jr., *A Running Conversation*, 36 U. TOL. L. REV. 65, 65 (2004).

17. E.g., Nancy B. Rapoport, *Decanal Haiku*, 37 U. TOL. L. REV. 131, 131 (2005).

18. E.g., W. Taylor Reveley, III, *Cultural Musings of a Non-Traditional Dean*, 31 U. TOL. L. REV. 725, 725 (2000).

19. E.g., Willis P. Whichard, *From a Warm Bench to a Hot Seat: The Transition from Judging to Deaning*, 36 U. TOL. L. REV. 221, 221 (2004).

20. E.g., Jim Rosenblatt, *Lessons Learned by a New Dean*, 36 U. TOL. L. REV. 151, 151 (2004).

persons who make up the faculty and the quality of the work they do in the classroom, in published scholarship, and in professional and civic service.”²¹

So, what are a dean’s responsibilities to the faculty? Hansen asserts the most important thing a dean does is to guide “the process of finding, hiring, and developing new faculty.”²² This is not an easy task however. There are many factors to be considered. It might be argued that diversity is perhaps the single most important factor to consider when hiring new faculty. Another important hiring factor is balance. Richard Gershon wrote that you cannot have a faculty full of only great scholars, nor one composed of nothing but great teachers.²³ Instead, he suggests in order to be successful you need a nice blend of skills just as you would to have a successful a baseball team.²⁴ The need to hire new faculty is not always driven by growth or retirements, but rather sometimes by losing a talented faculty member to another institution. Alex Johnson aptly points out that this is not always a bad thing in that it is far better to have a colleague that everyone wants rather than one which no one wants.²⁵

Regardless, the dean must assemble a faculty that will allow the law school to “maintain and enhance the law school as a place of creativity and learning”²⁶ while providing “an environment that encourages teaching and scholarship.”²⁷ How does a dean do that? Many have written about being visible, being honest, being enthusiastic, and readily admitting their own mistakes.²⁸ Others have highlighted the need to develop a trust with the faculty,²⁹ the need to make time to visit with faculty members,³⁰ and the need to develop a few faculty confidantes who can serve as critics and “reality checks.”³¹

While most deans have been law professors, the job of dean has little to do with what law professors do on a daily basis.³² The administrative, fundraising, and ceremonial responsibilities alone consume a significant portion of the dean’s time, thereby separating (hopefully not isolating) them from their faculty colleagues. In the end, as Richard Matasar so eloquently wrote, “[W]ell-managed law schools must find a point of equilibrium at which the dean is empowered to administer the school, make independent decisions, and bind the faculty, while having no discretion to override some decisions in which faculty governance is final and irrevocable ... it is only through shared governance that

21. H. Reese Hansen, *Except for the Problems, Being a Dean Is a Very Good Job*, 33 U. TOL. L. REV. 77, 78 (2001).

22. *Id.* at 78.

23. Gershon, *supra* note 12, at 51.

24. *Id.*

25. Alex M. Johnson, Jr., *Having a Faculty That Everyone Wants....*, 36 U. TOL. L. REV. 95, 102 (2004).

26. Alfred C. Aman, Jr., *Protecting a Space for Creativity: The Role of a Law School Dean in a Research University*, 31 U. TOL. L. REV. 557, 563 (2000).

27. Brian Bromberger, *On Being an Old Rookie*, 36 U. TOL. L. REV. 15, 15 (2004).

28. *E.g.*, Roger I. Abrams, *Confessions of a Law Dean*, 31 U. TOL. L. REV. 553, 555-56 (2000).

29. *E.g.*, Howard A. Glickstein, *A Dean’s Survival Guide*, 34 U. TOL. L. REV. 75, 77 (2002).

30. *E.g.*, Matthew L. Spitzer, *Taking Over*, 33 U. TOL. L. REV. 213, 213 (2001).

31. Foster, *supra* note 9, at 589.

32. Lefstein, *supra* note 11, at 109.

sufficient trust can be established to free the faculty to do what it does best—teach and write—and permit the dean to do what she or he does best—administer.”³³

III. STUDENTS

Some might argue that students are the most important constituency a dean serves. After all, don't law schools exist to provide educational opportunities for students interested in entering the legal profession? Barry Vickrey even goes so far as to refer to deans as the “gatekeepers of the legal profession”³⁴ while Teree Foster suggests that deans must develop programs that are of “inestimable benefit to students.”³⁵ William Hines also supports this theory by indicating students require careful attention and continuous support to assure their law school experience is as educationally productive and professionally beneficial as possible.³⁶ He goes on to point out that students, unlike other constituencies, are not in a position to protect their own interests.³⁷

So how does a dean stay tuned in to the students? Many indicate one critical step is for the dean to teach at least one semester per year in order to be viewed as approachable by the students and not just as a ceremonial figurehead.³⁸ Richard Atkinson writes that this teaching helps reinforce that “students are not a tangential aspect of the education industry.”³⁹ Others suggest participating in various student activities⁴⁰ and scheduling regular meetings with student leaders and student groups to let them know you are interested in what they have to say.⁴¹

Today's students come from a world of instant gratification. In law school, they expect no less from their dean. As a result, it is important for a dean to “build a student culture that is attractive to prospective students and valued by current students, the faculty members who teach them, and the employers who hire them.”⁴² In doing so, a dean will likely be successful in meeting the needs of their students, which should go a long way toward building a successful law school.

33. Richard A. Matasar, *The Ten Commandments of Faculty Development*, 31 U. TOL. L. REV. 665, 673 (2000).

34. See Barry R. Vickrey, *Are We Gatekeepers?*, 34 U. TOL. L. REV. 179, 179 (2002).

35. Foster, *supra* note 9, at 587.

36. N. William Hines, *Are Students a Dean's Primary Constituency?*, 31 U. TOL. L. REV. 629, 629 (2000).

37. *Id.* at 629.

38. E.g., Jeffrey A. Brauch, *Why I Must Teach*, 34 U. TOL. L. REV. 23, 23 (2002); Symeon C. Symeonides, *On Deaning, Writing, and Roses*, 33 U. TOL. L. REV. 217, 217-18 (2001).

39. Richard B. Atkinson, *Untitled and Coerced*, 36 U. TOL. L. REV. 7, 7 (2004).

40. E.g., Laura Rothstein, *Ed Sullivan and I Love Lucy: Images of Deaning—Students as a Key Internal Constituency*, 33 U. TOL. L. REV. 167, 169 (2001).

41. E.g., Rothstein, *supra* note 40, at 169; Spitzer, *supra* note 30, at 214-15.

42. David E. Van Zandt, *Building the Student Culture*, 37 U. TOL. L. REV. 171, 172 (2005).

IV. ALUMNI & FRIENDS

Lawrence Ponoroff suggests that alumni relations is the one area where deans have abundant opportunities to make a difference in their own institution, and thus on each of their other constituencies.⁴³ He goes on to state, “[M]ore so than any other constituency, I am convinced that enthusiasm and support from alumni can be the lynchpin that makes the difference between a school elevating its prominence and reputation or sinking into a hopeless miasma of mediocrity.”⁴⁴ If that is the case, maybe alumni are the most important constituency a dean must serve.

Most deans would agree that fundraising is a key component of their job description.⁴⁵ Unlike their counterparts in engineering, business, or the sciences, law schools generally do not attract a significant amount of sponsored funding. The lack of sponsored funding, dwindling public support (for public institutions), and rising operating costs together make raising external funds from alumni and friends imperative for a law school to grow. At the end of the day, every dean must provide adequate financial resources for their law school to succeed, and fundraising from friends and alumni is a critical component in their law school’s growth, both physically and programmatically.

Fundraising forces a dean to become external. To be effective, the dean must get away from the day-to-day operations of the law school and visit current and prospective donors. Cultivating and stewarding donors is all about relationships. One rule of thumb is to track the top 50-100 most important donors and to contact or visit them on a regular basis.⁴⁶ In addition, fully recognizing that the more alumni are involved at every level, the more likely they are to give of their money as well as their time.⁴⁷ Effectively cultivating and nurturing alumni and friends of the law school is a critical aspect of a law school dean’s job. Of course, as James Rosenblatt so aptly put it, “every good alumni program begins by treating the law student right during the three years of attendance and then building on that base.”⁴⁸

V. UNIVERSITY ADMINISTRATION

Since most law schools are part of a larger university, establishing and maintaining good relations with the central university administration is critical to the success of the law school. Engaging in frequent communication with the university administration and enlisting them in your vision for the future of the law school is one way to build these relationships and to establish strong bonds.⁴⁹

43. Lawrence Ponoroff, *From Water Closets to Alumni Relations: A Few Reflections on Where the Dean’s Time Is Most Productively Deployed*, 36 U. TOL. L. REV. 137, 138 (2004).

44. *Id.* at 139.

45. *E.g.*, Kenneth C. Randall, *The Dean as Fundraiser*, 33 U. TOL. L. REV. 149, 149 (2001).

46. Spitzer, *supra* note 30, at 214.

47. Ponoroff, *supra* note 43, at 137.

48. Rosenblatt, *supra* note 20, at 156.

49. Glickstein, *supra* note 29, at 78.

Another way to bridge the chasm between the law school and central university relations is to get law school faculty and administrators plugged into various university committees.⁵⁰

But, law schools are different from other units on campus. They generally have their own dedicated facilities which include significant (both in terms of size and funding) law libraries. They are usually the only unit on campus (or one of the few) with no undergraduate population. In addition, law school faculty salaries are generally higher than their counterparts in history or education. Just as “no man is an island, entire of itself,”⁵¹ neither are most law schools islands unto themselves. As a result, it is imperative for law school deans to actively reach out to their colleagues across the university to cultivate interdisciplinary opportunities for their faculty and students.⁵² Thus, maintaining good relations with the university’s central administration and with other university colleagues is critical to a law school’s, and a law school dean’s, success.

VI. STAFF

One constituency of deans that receives less emphasis in the articles of this series, and dare I say in reality, is the law school staff. After presenting the information above, it would be hard to argue that there are constituencies any more important than faculty, students, and alumni. By all rights, when prospective students or ranking organizations evaluate a law school, they tend to look at things such as the quality of the faculty, the quality of the students, the quality of the facilities, and the financial solvency of the institution.

Granted, these are all *very* important indicators of what makes a law school great; however, a dean must have a good staff to make sure that the overall law school enterprise runs smoothly.⁵³ Having technology work in all the classrooms and having events go off without a hitch doesn’t just happen. Having the right administrative organization staffed with excellent people is critically important to a dean’s, and as a result, a law school’s success.⁵⁴

So what is a dean to do? Deans should surround themselves with competent people to whom they can delegate with confidence⁵⁵ and learn to function as the leader of a collaborative team.⁵⁶ Deans should take great measures to insure that they don’t take the staff for granted.⁵⁷ Morale is generally a big issue among

50. *E.g.*, Paul R. Verkuil, *Hitting for the Academic Cycle*, 33 U. TOL. L. REV. 245, 248-49 (2001).

51. JOHN DONNE, *DEVOTIONS UPON EMERGENT OCCASIONS* 87 (Anthony Raspa ed., 1975).

52. *See, e.g.*, Hansen, *supra* note 21, at 79; Allan W. Vestal, “*Today the Administration Building Burned Down...*” *Notes from My First Year As Dean*, 33 U. TOL. L. REV. 251, 253-54 (2001).

53. *E.g.*, Howard O. Hunter, *Thoughts on Being a Dean*, 31 U. TOL. L. REV. 641, 641 (2000).

54. Hansen, *supra* note 21, at 79.

55. Glickstein, *supra* note 29, at 77.

56. *E.g.*, Patricia D. White, *Brief Reflections on the Enterprise*, 31 U. TOL. L. REV. 773, 773-74 (2000).

57. *E.g.*, Daan Braveman, *Staff Development*, 34 U. TOL. L. REV. 27, 27 (2002).

staff⁵⁸ and many will often feel underappreciated.⁵⁹ As a result, deans should seek ways to recognize and develop their staff members.⁶⁰ In the end, having an engaged and productive staff will help the dean be successful in all other areas.

VII. SUMMARY

Going through approximately 200 essays in *The University of Toledo Law Review's* annual Deans' Leadership in Legal Education Series has been quite an enjoyable experience for me. Frankly, I believe it should be required reading for all law school deans, faculty, and staff. There are so many nuggets of wisdom that are applicable to everyone involved in running a law school.

Many deans have highlighted the fact that being a dean is not easy.⁶¹ There are so many constituencies (as highlighted above) to please and never enough hours in the day to do everything required. One common refrain was that deans need to learn to "just say no."⁶² Others have extolled the pleasures of being dean and the joy that comes from watching their law school and its students grow and achieve great things.⁶³ As Richard Gershon effectively summarized, "deans are subject to boos and cheers, neither of which should be taken to heart."⁶⁴ So what does it all mean?

A law school dean sees the institution from a unique perspective—they are the only person in the entire law school who sees the institution as a whole.⁶⁵ As a result, all of the constituencies highlighted above are important to the dean. With that said, the dean does not have to be an expert in every area.⁶⁶ They should recognize that most of the progress of the school will come from a very small number of key steps rather than hundreds of less important matters that will require their attention.⁶⁷

Every law school dean, whether they are brand new to deaning or have held their position for twenty years, should cultivate relationships with other deans.⁶⁸ Not only is there a wealth of knowledge out there, a fraction of which has been captured in this *Deans Series*, but as James Rosenblatt wrote, "The collegial bond

58. E.g., Kenneth C. Randall, *Staff Matters*, 34 U. TOL. L. REV. 153, 157 (2002).

59. E.g., Kent Syverud, *Three Principles of Effective Deaning*, 31 U. TOL. L. REV. 751, 752 (2000).

60. Braveman, *supra* note 57, at 27.

61. E.g., John L. Carroll, *Words of Wisdom for Deans from Mick Jagger and Others*, 36 U. TOL. L. REV. 29, 30 (2004); Lefstein, *supra* note 11, at 109.

62. E.g., Jeffrey A. Brauch, *The Dean and Family Life*, U. TOL. L. REV. 36 11, 11-12 (2004); David E. Shipley, *The Personal Side of a Deanship*, 31 U. TOL. L. REV. 739, 739 (2000).

63. E.g., Abrams, *supra* note 28, at 553; Hansen, *supra* note 21, at 77-78.

64. Gershon, *supra* note 12, at 50.

65. Colleen A. Khoury, *Ruminations on a Deanship*, 34 U. TOL. L. REV. 105, 107 (2002).

66. E.g., Patrick J. Borchers, *Ten Things They Don't Teach You at Dean School*, 31 U. TOL. L. REV. 567, 569-70 (2000).

67. Syverud, *supra* note 59, at 751.

68. Foster, *supra* note 9, at 587.

that binds together the community of law school deans is one of the great delights of the position.”⁶⁹

So what does a dean do? I don’t see how anyone could say it any better than Kent Syverud, who wrote, “Most effective deans are first and foremost effective managers of intelligent and talented people....”⁷⁰

Effective deans devote most of their effort to the very few major things that make a school get better ... that means hiring extraordinary faculty and administrators, obtaining major gifts, securing a budget that assures institutional health, and creating an environment in which students and faculty can thrive better than at competing schools.⁷¹

Amen.

69. Rosenblatt, *supra* note 20, at 153.

70. Syverud, *supra* note 59, at 751.

71. *Id.* at 753.