THE JUDICIAL DEAN

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IN these turbulent times, there has been a noticeable uptick in the number of judges becoming law school deans. Deanell Tacha retired from the Eighth Circuit to become the dean at Pepperdine University. David Levi and Royal Furgeson left federal district court judgeships to take the helm at Duke University and the University of North Texas at Dallas, respectively. Gary Wade at Lincoln Memorial University was formerly the Chief Justice of the Tennessee Supreme Court, and Al Gonzalez at Belmont was a former Texas Supreme Court Justice. Penny Willrich was an Arizona trial court judge prior to becoming dean at Arizona Summit Law School, and Gail Prudenti was the Chief Administrative Judge for New York before she took the reins at Hofstra University. Madeline Landrieu left the Louisiana appellate courts to become the dean at Loyola University New Orleans, and Maureen Lally-Green did the same in Pennsylvania to take the helm at Duquesne University. And there may be others that I have missed as well.

I joined this illustrious group five and a half years ago. After holding my last hearing as a judge of the U.S. Bankruptcy Court for the Eastern District of North Carolina at 4:00 p.m. on Friday, July 12, 2013, I became the fifth dean of Campbell Law School the following Monday morning. I was not a complete stranger to academia, and I suspect that my judicial colleagues were not either. I had previously been an adjunct professor at three local law schools and on the Board of Visitors at Campbell. Still, I was totally grounded in another system. Believing that I had the ability to take on a dean's position was less hubris and more woeful ignorance of the magnitude of what I did not know. Still, reflecting back on the past five years, there are strengths that I derived from my judicial experience. There were also startling shortcomings, as my faculty will attest. This is my whimsical attempt to catalogue both.

Judges who become deans arrive with the mindset that all information is being provided to us so that we can make an informed and correct decision. We are comfortable doing so, and with promptness. I judged for 22 years under a rule that required me to report to the circuit executive any matter under advisement for more than 60 days, no matter its complexity. I never filed a single report, although my clerks and I frequently spent long days and nights together around day 58.

On the other hand, law school governance proceeds more leisurely. In my early days when I was accused of rushing into a decision, my response was invariably, "What do I need to know that I do not know?" Unless there was an answer, it was time to move forward. As recently as this year, when we were talking about restructuring a major program and a number of my faculty wanted to

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postpone the decision until next year, I demurred. "I have read the literature and there are four models. We are smart lawyers and we can pick one." And we did.

Judges are used to making hard decisions on the available record, often in substantive areas where we have little personal knowledge. I have presided over commercial, real estate, corporate, and fraud cases of bewildering complexity, confident that the process would provide me sufficient information to reach a fair result. When I arrived at the law school in 2013 and found that the incoming class of 150—which I had been told confidently to expect—melted to a mere 120, I figured out pretty quickly we were in trouble. We had to immediately examine and revise our admissions and scholarship policies from top to bottom, and old shibboleths had to go. I knew very little about these issues, but nonetheless was confident in driving the decisional process. We basically got it right, as evidenced by the 87 new students who joined us last fall.

"Facts are stubborn things," John Adams once said. As every judge knows, we have all been surprised when the persuasive evidence in a case confounded our initial expectations. Cynically put, many senior faculty do not like their well-honed beliefs about legal education, developed over several years, to be challenged. I have gone from frustration to bemusement at some of the conversations about core issues that we repeat each year—*stare decisis* apparently does not apply to faculty discussions. Nonetheless, we have gotten more adept at making decisions that are based on indisputable data.

Judicial deans, particularly those who presided over courts in the jurisdiction where their law school is located, are grounded in the legal and civic community in helpful ways. For instance, at Campbell, we have raised considerable money for clinics, our advocacy program, courtroom upgrades, and a fellows program. For each of those projects the donor list started with lawyers that I worked with for decades. Judges are used to being front and center (most of us are extroverts), so we have little trouble with the ceaseless demands of being the public face of the law school.

Judges also like rules and procedural regularity in governance. My first faculty meeting lasted 17 minutes because I ran it like an uncontested motion docket. Half of the faculty high-fived me, and the other half remained at the table, stunned. I realized early on that we were most at risk of going off the rails when we took up an issue cold in a plenary faculty meeting. Now, I insist that nothing goes on the agenda that has not first been vetted by the appropriate faculty committee and comes forward with a recommendation. In the rare event of an emergency requiring collective action, background documents framing the issue must still be distributed beforehand.

In a recent confidential meeting of law school deans, we were asked how many are now facing actual litigation or the threat of litigation. Virtually every hand went up. It is predictable that in a law school environment, any perceived injustice may be viewed as having an actionable remedy. In troubled times of cutbacks, layoffs, and reassignments, tensions are only exacerbated. A judicial background can help a law school dean keep these terribly distracting conflicts in check. Litigation does not frighten former judges, and we are able to make hard-nosed and realistic assessments about when to settle and when to fight. My

approach is to handle these personally with outside counsel, while keeping the faculty and staff focused on their core responsibilities.

The disadvantages of my background have also been manifest. As a judge, I was advised for security reasons to have no social media presence whatsoever. I became a believer when a death threat was deemed credible by the U.S. Marshals Service, and the Marshals locked down my entire family during my last year as a judge. However, I quickly came to realize that a dean who is not personally adept at social media severely limits their influence. I was coaxed onto Twitter (follow me at @CampbellLawDean), Instagram, and Facebook, and now I tweet, post, and comment regularly (although I do have a backup stealth tweeter when I forget). Beyond my feeble efforts, it took me a while to grasp and then shape the social media presence of the entire school.

Perhaps the most surprising part of the job has been the extent to which I do not have ultimate decisional authority, but am simply a cog in a vast university bureaucracy. The "So Ordered" phrase that made my life as a judge so effective has disappeared. Instead, I spend enormous amounts of time communicating with university officials. Our law school is geographically remote from the university's main campus and as an outsider, it always seemed that my predecessor, the brilliant Melissa Essary, largely functioned autonomously. In reality, not so. Our accounting, IT, and human resources personnel are all under university oversight. Each spring brings days of budget meetings as I attempt to convince the Provost and Vice-President for Business that more funds are needed to meet our goals. Additionally, there are some potential donors that I cannot approach because they have been allocated to other schools. Further, any matter remotely raising a Title IX issue goes to the main campus, and I am recused from involvement. Regular meetings of the Dean's Council, President's Cabinet, Board of Trustees, Strategic Planning, and Convocations all require my presence. I have come to accept the complexity of the organization in which I work. In my early days, my judicial background as the ultimate arbiter led me to make some serious mistakes by assuming that I had more authority as a law school dean than I actually did.

The fallacious assumption that I brought to the position that caused me the most difficulty was that being a law school faculty member was just not that difficult a job. This was shortsighted, as I know many say the same thing about judges and in my experience, it was not true. But before my deanship, I carried an enormous caseload and still taught one class per semester. How much harder could teaching a bit more be? Candidly, my belief was initially reinforced by walking the relatively empty faculty hallway late in the afternoon, contrasted with a busy courthouse where judges and staff worked long hours often late into the evening.

My faculty will be glad to hear that I have come around. You can find folks who manage to slough off their responsibilities in any organization, but they are few among my colleagues here. We are a teaching school and carry workloads far above average. Our open-door policy means that we have dozens of interactions with students daily. All of my colleagues constantly examine, evaluate, and implement new teaching strategies to get better. All are serious scholars, and struggle to find time to research and write. All spend countless hours in tedious committee assignments, hashing out admissions strategies, curricular innovations, and hiring priorities. In this technologically wired world, we are all constantly at

work. We all crawl across the finish line at graduation exhausted. Our initial wariness of each other has given way on my part to unbounded affection and admiration.

Finally, my judicial background has influenced my approach as a dean in a way that has been nearly fatal. I was a conscientious and sometimes "workaholic" judge, but I always knew where I stood. I knew what was on my upcoming calendars requiring preparation, how many matters I had under advisement, and how many opinions I had to write. With an occasional push, I actually went to the lake for the day or two because I was caught up.

There is no "caught up" in this position as dean. There is always another donor to pursue, another faculty member to recruit, another student to persuade to join us. On a recent night, my assistant told me that I had seven events to attend that evening alone. With a driver and a map, I made them all. There is a reason that the median term of a law dean is now 3.39 years.[1] These jobs are rewarding and fulfilling, but most of all, they are relentless. I should know. At the risk of being overly personal (and although, health permitting, I am at the YMCA before six every morning), I have been hospitalized three times this past year. One was for a mysterious virus that almost did me in, the second for a heart irregularity that required a pacemaker, and the third for a second reconstructive foot surgery that failed the first time because I could not stay off my feet. Stress and exhaustion played a role in all three trips to the hospital. I have had to replace the myth of "caught up" with "the best I can reasonably do."

That said, I have signed on to keep going. For a kid from a rural North Carolina family where no one had ever attempted college, my law degree has enabled me to have a professional life rich beyond imagination. In a school that still sees a large number of similarly-situated students, the reward for me is to shape and pass on that same opportunity.

1. *Average/Median Length of Service—Current Deans*, ROSENBLATT'S DEAN'S DATABASE, http://www.law.mc.edu/deans/stats.php (last visited Dec. 20, 2018).