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## Unsolicited Advice to Law School Dean Search Committees

R. Lawrence Dessem

*University of Missouri School of Law, DessemRL@missouri.edu*

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# UNSOLICITED ADVICE TO LAW SCHOOL DEAN SEARCH COMMITTEES

*R. Lawrence Dessem*

A true bounty of opinion, anecdotes, and advice has been offered by many outstanding deans in these symposia in recent years. By and large, these deans have focused on the art of deaning, which is to be expected. But in addition to their experiences and observations concerning deaning, law school deans are also uniquely situated to provide insights concerning a related topic: the dean search process. This I take as the subject of the current article.

As these symposia contemplate, the present article is informal in tone and is based upon my own experiences both as a law school dean candidate and as a member of two dean search committees (for both a law school deanship and for the deanship of a university college of liberal arts). The article is not intended to be a comprehensive step-by-critique of every aspect of the dean search process. Instead, I paint with broad strokes, suggesting some major areas to which dean search committees might be attentive.<sup>1</sup>

Here, then, are my suggestions for dean search committees as they consider the task before them.

## 1 *Selection, Selection, Selection*

One of the most significant determinates of a successful dean search is the selection of the members of the dean search committee.<sup>2</sup> The members of the committee not only are charged with recommending outstanding candidates to the president or chancellor, but they also represent the law school to the dean candidates. Law schools and universities therefore should see the dean search process as a wonderful opportunity to impress and inform dean candidates about the

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\* Dean and Professor of Law, University of Missouri-Columbia.

1. A detailed description of one (successful) dean search is set forth in Herbert I. Lazerow & John M. Winters, *In Quest of a Dean*, 26 J. LEGAL EDUC. 59 (1973).

Dean search committees also should consult the *AALS Law Deanship Manual* (1993), which is a comprehensive treatment of the modern law school deanship. The last chapter of this manual focuses upon the dean search process. See generally THEODORE J. MARCHESE, *THE SEARCH COMMITTEE HANDBOOK: A GUIDE TO RECRUITING ADMINISTRATORS* (1987).

Law school dean candidates themselves will find the advice and information contained in the *AALS Law Deanship Manual* quite helpful and also should consult Professor Robert Jerry's excellent and comprehensive article, *A Primer for the First-Time Law Dean Candidate*, 49 J. LEGAL EDUC. 564 (1999).

2. By "successful" I mean not just a search that culminates in the selection and appointment of a dean. Instead, truly successful dean searches bring together law school constituencies (including faculty, staff, students, alumni, and friends and supporters of the law school in the bench and bar and beyond). All too often, the selection process creates bad feelings, and the appointment of a new dean becomes a point of contention within the law school rather than a matter of pride and celebration. Dean search committees therefore need to focus not only on who is selected as the law school's next dean, but on how that process operates and is perceived to operate.

law school. Virtually all finalists for law school deanships are, or soon will become, leaders within legal education, and the dean search process can be a wonderful opportunity to inform, propagandize, and proselytize these individuals about one's law school.

The committee chair will be particularly important in moving the dean search committee forward in the identification of several final candidates who will enjoy broad support within the committee and the law school. Many of the most attractive candidates will be in more than one dean search, so it is crucial that the committee process moves forward with all deliberate speed. The committee chair also may be viewed by candidates as the spokesperson for the law school and university concerning the dean search, and the chair should be prepared to respond to candidate questions on administrative, procedural, and substantive matters. If the committee chair is someone outside the university, it may make sense to establish a secretariat within the law school or university to deal with the paperwork and other administrative matters that a dean search entails.

Not only should the individual members of dean search committees be articulate and impressive in their own right, but the composition of the committee is quite suggestive about those things that the university (or at least the university official who appointed the committee) most values. Virtually all law schools pride themselves on being student-centered, but does the dean search committee contain a student member? Diversity also is celebrated by most law schools and universities, but is the dean search committee itself diverse in its composition? The new dean undoubtedly will spend a significant amount of time with alumni (fund raising and otherwise), but her job will be more difficult if alumni believe that their voice has not been fully and fairly represented within the dean search process.

Dean candidates may incorrectly read things into the composition of dean search committees. Is the absence of a clinical or skills professor on the committee a reflection of the extent to which such programs are (or are not) valued within the law school and university? Are there other reasons why particular individuals have not been selected for the committee or have preferred not to serve? If the latter is the case, the search committee should ensure that there are opportunities during the on-campus interviews for the candidates to meet with individuals not chosen for the committee.

The president, provost, or other university official selecting the dean search committee will want to be particularly certain that law school faculty are appropriately represented on the committee. At some law schools, the faculty will vote for dean search committee members, while at other schools the provost or president will herself name the committee faculty members. In the latter case, the president or provost can create a wonderful reservoir of good will by spending time with law school faculty soliciting their suggestions for committee members. While these conversations can be extremely time consuming, this time commitment makes the law school faculty even more appreciative of such efforts. A dean search is not only a time for the law school to reinvent itself, but an opportunity to reassess the relationship between the law school and university. Astute provosts and presidents understand this, and they will see the time spent in soliciting faculty sentiment concerning dean search committee members as time well spent.

The person appointing the committee also should consider naming an experienced dean from another school or college within the university to the law school dean search committee. Deans are uniquely qualified to address the question that should be on the minds of all candidates: Is this a good university in which to be a dean? Particularly in the final stages of the dean search, a dean may be quite persuasive in helping to "sell" the ultimate selectee on your university.

This suggests a broadly representative dean search committee. While larger committees make tasks such as scheduling meetings difficult, the benefits from giving candidates exposure to a broad cross section of the law school and its various constituencies outweigh these practical difficulties.

## 2. *Let's Get Organized*

Once the committee has been selected, it will need to get organized. One of the first decisions that the committee, or the university's president or provost, will make is whether to engage a search consultant to work with the committee. Such consultants are being used increasingly within higher education, and some law schools have employed consultants in recent years. In determining whether to engage a consultant, the university should consider thoughtfully just what a consultant could bring to the dean search that could not be provided by the dean search committee itself. Because consultants typically are not engaged for law school dean searches, few search firms have experience with legal education.

On the other hand, consultants may do a good job of systematically building the candidate pool. The creation of a significant pool of qualified and interested candidates requires many phone calls and much hard work. Members of the dean search committee and of the law school faculty typically have extensive contacts within legal education. To the extent that these individuals take the time to contact and cultivate promising candidates, there should be little need for an external consultant. However, committees that do not believe that they have the time, contacts, or skills to optimally build the candidate pool may wish to consider employing a consultant for at least some of the tasks associated with a comprehensive dean search.

## 3. *Just Whom Are We Looking for Here?*

Whether or not a consultant is employed, the search committee must determine just what type of dean they are seeking. In order to make this determination, the committee might profitably spend some time educating itself about modern legal education and law school deanships. One of the audiences of the *AALS Law Deanship Manual* is law school dean search committees. The *Manual* comprehensively considers the nature of the modern law deanship and the numerous constituencies with whom a law school dean must deal. While the *Manual* may be particularly valuable in educating search committee members who do not have regular first-hand contact with law school deans (such as alumni and university administrators), it also may provide insights to committee members who believe that they are well-versed in the duties and responsibilities of law school deans.

After such general background reading, search committees are better equipped to talk about just what type of dean they are seeking for the law school. This is a very good conversation to hold at the onset of any search, because it is important that committee members have as much of a consensus as possible concerning "ideal candidates" before the committee commences its selection duties.

During or as a result of such a conversation, the committee typically will discuss and approve an advertisement announcing the deanship opening. Such an ad usually describes the position requirements, sets forth the attributes and experience of the ideal candidate, and describes the law school and university of which the law school is a part. In developing such an ad, it may be helpful to review several recent ads announcing law school deanships at other schools.<sup>3</sup> While a great amount of time can be, and frequently is, spent in negotiating the finer points of these ads, it's often the case that the ad is never again considered within the law school and university. Instead, search committee members, university officials, and law school faculty ultimately may decide that, like Justice Stewart and pornography, they "know [the dean they want] when [they] see it."<sup>4</sup>

#### 4. *Whom Did You Consider?*

The search committee should consider not only the ads used by other law schools, but also the candidate pools they have considered. Many outstanding candidates are not ultimately selected for a particular deanship, and these finalists often may be strong candidates at other law schools. Attractive candidates also sometimes withdraw from dean searches because of the timing of the search or questions about the candidate's suitability for a particular school. The candidate who did not pursue a deanship because of family reasons (such as, for instance, a child in her senior year of high school) may be ready to be considered for a deanship a year or two later. A candidate who did not feel that she was a good fit for one school may be an ideal candidate for a school in another part of the country, with a different mission, or with another set of challenges and opportunities.

The outgoing dean can be quite helpful to the dean search committee. Such deans often will send an email to the law school deans' listserv or write a letter to other deans informing them of the pending opening. Many candidates ask the prior dean about the deanship and the law school, and the outgoing dean therefore can be very important in helping to "sell" the law school to the candidates who may succeed her.

The law faculty also should be a rich source of potential dean candidates. Through their own involvement within legal education and with the bench and bar, faculty members may know or know of many strong candidates. In addition, faculty at other law schools who are themselves not interested in the deanship may know

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3. However, "[t]he temptation to hastily copy some other school's job description with an eye toward developing a real agenda as the process continues should be avoided." AALS LAW DEANSHIP MANUAL 78 (1993). As noted in the *AALS Deanship Manual*, "In some instances, the composition of the position description can provide a statement of mission or vision, but drafting of this statement usually involves only members of the search committee and not the wider constituencies that ought to be represented." *Id.*

4. *Jacobellis v. Ohio*, 378 U.S. 184, 197 (1964) (Stewart, J., concurring).

of others who may be. The committee's goal should be to move beyond the "usual suspects" who will put themselves forward in a dean search and interest those who otherwise might not have considered the deanship opportunity

## 5 *Can We Talk?*

One area in which some search committees falter is in communicating with actual and potential dean candidates. To build a sizeable pool of serious and attractive dean candidates, the committee needs to communicate well and often with such candidates. Many times the most attractive candidates are the most reluctant to enter a dean search. This may be particularly true with respect to sitting deans, who may not wish to be seen as hunting for another deanship. Thus a series of calls, often by different search committee members or others associated with the law school, may be necessary to convince a potential candidate to submit his or her name for committee consideration.

Presuming that the committee has successfully convinced a good number of individuals to submit their names for consideration, it is very important that the candidates understand the steps in the committee process and the anticipated timing of those steps. Many search committees interview ten or so candidates at an airport hotel or at the annual meeting of the Association of American Law Schools (where law school faculty and deans typically congregate). Whatever the "next step" in the process, it is important that candidates are kept informed of the committee's schedule and any changes in that schedule as the search process goes forward.

After the committee has narrowed the pool of candidates to those who will receive a screening interview, a committee member typically contacts those individuals to schedule that interview. These scheduling telephone calls should not be perfunctory, but instead should be treated as a significant opportunity to communicate with the leading candidates. At every stage of the search process, candidates should be asked whether they have any questions or if there is particular information concerning the law school, university, or community that they lack. First impressions can be lasting, and particularly attractive candidates often have multiple suitors. Thus any way in which relationships can be built between the candidates and your law school may pay real dividends in the final stages of the search.

Candidates should not be "left hanging" during any stage of the search process, but should receive regular communications from the committee. If there will be delays in making committee decisions, scheduling interviews, or otherwise moving to the next steps in the selection process, candidates should be informed about the delays and the reason for them. In the absence of such communication, candidates may believe that the committee has lost interest or is pursuing another candidate.

Search committees should make every effort to express ongoing interest in all leading candidates. If the committee pursues a single candidate or two and neglects others, it may find itself with no strong candidates at the time of the ultimate dean selection. Before any candidates have been interviewed, by the committee or by the law school faculty, it is premature to focus exclusively on one or two candidates. Other strong candidates may lose interest because they believe the search committee is not interested in them. In addition, the committee's views concerning the

“strongest” candidate may change after the interview process, or the law faculty may have very different views about the candidates after they have had a chance to talk to the finalists.

## 6. *Can You Keep a Secret?*

At least in the early stages of dean searches, candidates typically are assured that their applications and interest will be kept confidential within the dean search committee. Whatever confidentiality rules the committee applies, it is important that the candidates understand them. Dean search committees usually assure candidates that they can express an interest and be considered at least preliminarily by the committee without having their candidacies revealed outside the committee. This, in fact, is a standard way in which hesitant candidates are convinced to allow their names to be considered for a deanship. Having made such assurances, however, the committee and all its members must be certain to honor such pledges of confidentiality.

The committee generally will check references after an initial screening of all interested candidates. It is good practice for the committee to confirm explicitly with the candidate that the references listed by the candidate will be contacted. Presumably the candidates have talked with such individuals before listing them as references, so there should be no difficulty with these initial reference checks. At some later point in the process, the committee (and, presumably, the law faculty) will check references more generally, focusing upon individuals who have not been listed by the candidates. This generally is at a stage when candidates are being considered seriously, but it is crucial that the candidates are told that such reference checks are about to be made.

The search committee should ensure that confidentiality rules are followed in all communications with the candidates. Many candidates will be curious about other leading candidates for the deanship (particularly internal candidates), but the same confidentiality rules should be followed in communications with candidates concerning the candidacies of other individuals. If nothing else, a candidate will wonder whether her own confidentiality is being protected if a committee member tells her the names of other leading candidates.

This is not to say that candidates will not themselves learn about the interest of others in the deanship. Particularly with respect to sitting law school deans, candidates often know each other and learn about candidates from sources other than the dean search committee. During one dean search interview at an airport hotel, I encountered two other law school deans who, it readily became apparent, were both there for the same reason that I was. We joked and talked about the interviews and law school deaning in the hotel lobby. Dean search committees should attempt to minimize the chances that candidates will see each other in this fashion, but realize that such encounters are almost inevitable. However, everything that the committee can do to protect the confidentiality and privacy of all candidates will be much appreciated by them and lead to a smoother dean search process.

## 7 *Guess Who's Coming to Dinner!*

After the screening of semifinalists, a group of final candidates are invited to visit the law school campus. These two- to three-day visits are very intense for candidates and search committees alike. In a two-day visit, the candidate typically will spend one day at the law school talking in small groups with faculty, senior administrators, students and staff, and a second day talking with the provost, senior university officials, and the president or chancellor. Committees often also provide the finalists with tours of the university and the community in which the law school and university are located. These visits become marathons of sorts for dean candidates, but, then again, those who cannot survive such a visit are likely to have difficulties with the day-to-day demands of a modern law school deanship.

A standard feature of such campus visits is a presentation by the candidate concerning her views on legal education and her vision for the law school. Law school dean search committees and faculties should realize that it may be difficult for candidates to develop fully formed visions for a law school in a single visit. In such presentations, however, the candidates should display a reasonable familiarity with the strengths and weaknesses of the law school based upon their conversations with committee members and others and their study of documents supplied by the law school. Schools should not expect detailed analyses of the law school's situation unless the candidates have been supplied with the specific documents upon which such analyses can be based (such as self studies, strategic plans, and ABA accreditation and AALS membership review documents). Whatever the ground rules for presentations, all candidates should know them so that they will be on an equal footing as they plan for their campus visits.

Both dean search committees and candidates should realize that impressions will be formed during the campus visit based upon formal and informal campus interactions. Staff members and students sometimes will be asked to transport candidates during their campus visits, and it is important for these people to understand that they, too, are projecting an image of the law school to the candidates. Candidates may lose interest in the law school due to staff member or student comments about the city in which the law school is located, the local weather, or other matters not directly pertaining to the law school. While the dean search committee and those whom the candidates will meet during their visits should be honest in responding to all candidate questions, it's also important that a positive image be portrayed by everyone during these visits.

Because the agenda for campus visits usually are quite full, dean search committees should be certain to allow a little "down time" for all campus visitors. Having a room where candidates can relax on occasion and scheduling short breaks for candidates to collect their thoughts or take a walk will be much appreciated by the candidates. I was once asked during an end-of-visit presentation to the law school whether there was any question that I had not been asked during my visit that I had hoped I would be asked. My response: "Would you like a break?"

### 8. *Let's Dig a Little Deeper*

Either before or after the campus visits, the dean search committee, and, perhaps, the law school faculty will check additional references and attempt to learn more about the final candidates. When making these calls, references not only should be asked their own opinions concerning the candidate in question, but also about the names of others who have worked with or otherwise know the candidate and can therefore offer helpful insights. It is important that those doing the reference checking not permit their own feelings concerning the candidates to enter into the assessment of particular candidates. It also makes sense to speak with approximately the same number of references for each of the finalists, rather than proceeding intensively with respect to some candidates and in a perfunctory manner with others.

At some point the law school faculty generally is invited to speak with friends and acquaintances at other schools who may have helpful information about the final candidates. These contacts can be extremely helpful, although law schools should avoid a situation in which the committee and/or law school faculty are swayed significantly by a single reference. Like all of us, dean candidates will have strong supporters and detractors, and the role of the dean search committee should be to present a balanced picture of each candidate.

After the campus visits, the dean search committee also will need to obtain the sentiment of the faculty and other constituencies concerning each finalist. This may involve, for instance, an actual faculty vote on the acceptability of each candidate. Whether or not a secret ballot vote is conducted, it is crucial that the faculty sentiments either are directly presented to the provost or president or, as is more commonly the case, the sentiments are presented to the dean search committee for it to ultimately relay to the provost or president.<sup>5</sup>

### 9 *Spouses Are People Too*

In their focus on the ideal dean, search committees often neglect a group that can be quite important in the candidate's decision to actually accept an offer of the deanship: the dean's family. Spouses and partners can be extremely influential concerning the acceptance of any appointment offer, and dean search committees need to keep this in mind as they schedule campus visits and provide information to their most attractive candidates.

Dean search committees typically have a packet of information that they send to all candidates, and these packets should include information concerning the

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5. Standard 205(d) of the American Bar Association's Standards for Approval of Law Schools provides: "The faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean." Interpretation 205-1 of this standard is more specific on this point: "The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty."

community outside the law school.<sup>6</sup> If a candidate's spouse or partner has specific employment or other interests and needs, it is helpful to learn this as soon as possible so that these individuals can be put in touch with potential employers and others within the community who can help them.

Some law schools do not invite a spouse to campus until after the actual offer has been made, but that may not be the best strategy. Since the committee should be selling the law school not only to the candidate but also to her spouse or partner, it generally makes sense to include these individuals in final interview visits so that they too, can get a sense of the law school, the university, and the community in which the law school is located.

Presuming that family members are invited to campus, the dean search committee should be sure to develop schedules responsive to those individuals' specific interests. The committee should see these visits as a way to inform family members about the law school, university, and community and to respond to specific interests and concerns that the dean candidate and her family may have. The candidate's interest in the law school may mean little if she and her family have serious reservations about the community, its schools, or job prospects for all family members.

This is an area in which the committee should be quite proactive. Having been offered the deanship at a particular university, my wife and I were invited to return to campus for conversations with law school and university officials. Unfortunately, my wife was not included in a dinner that had been scheduled with the university president and other university officials. A committee member, realizing this oversight, called my wife and put together a dinner for her with law school faculty members and spouses, which very nicely turned a potential negative into a very positive statement about the law school's interest in our entire family. At another law school, a faculty member on the search committee called my wife to ask about her interests during an upcoming campus visit. As a result, her trip itinerary included not only conversations with many law school and university faculty and administrators, but also community visits responsive to my wife's personal and professional interests. This particular campus visit also included a lunch with the wives of some deans at other university schools and colleges, which was very much appreciated and gave my wife a sense of the expectations for both deans and their families within the university.

Providing the families of dean finalists with community information also can be extremely helpful in easing the transition of the dean and her family to a new locale. Because of employment, school, and other reasons, some deans have assumed deanships before their family members can relocate. To the extent that the law school or university can help facilitate the transition of the entire family to your community, the stresses upon your new dean will be greatly lessened.

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6. In addition to assembling a packet of materials to be sent to candidates, law schools should examine their websites before launching a dean search. Websites often are a candidate's first contact with a law school, and the impressions created by a website can be both lasting and quite significant.

### 10. *Sealing the Deal*

Typically the dean search committee will relay to the provost, president, or chancellor several names for appointment as dean. The appointing official usually will have interviewed the finalists during their visits to campus, but sometimes will want to talk again with the leading two or three candidates. This is a time when, once again, communication is paramount. Not only should the appointing official work extremely diligently to stay in contact with the final candidates, but the dean search committee and law school faculty should be reasonably informed as to the status of final interviews and/or negotiations with the leading candidate(s).

Unfortunately, provosts, presidents, and chancellors are very busy people, as are most dean candidates, and it therefore may be difficult to proceed as expeditiously through the final series of interviews, visits, and negotiations as everyone would like. A provost may be in the process of appointing several deans throughout the university, as well as dealing with many other matters. If at all possible, the provost or other appointing official and the dean selectee should talk in person about the terms of the university's offer (both for the dean herself and for the law school). In reality however, it may be necessary to communicate by telephone because of the busy schedules of both the dean selectee and the appointing official.

If they can be arranged, unhurried conversations can help not only in the final negotiations, but they can begin to establish a good working relationship between the selectee and the provost or other appointing official. The time spent in these conversations can build bonds that will prove extremely useful in the years to come for both the provost and the new dean. Face-to-face meetings also may help to convince the dean-selectee that this is an offer that she should accept. Some of the better dean candidates will be pursued by several law schools, and university officials should not overlook any opportunity to recruit the most outstanding candidate to the university.

In the final analysis, there is no one "best" dean for all law schools. Instead, the most successful deans are individuals who are a good "fit" with the culture and mission of a particular law school and university. One of the important ways in which dean candidates will ascertain the culture and mission of a law school and university is through the dean search process. To the extent that the committee can remember and act upon this fact, the success of the search will be ensured.