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A Primer for the First-Time Law Dean Candidate

Robert H. Jerry, II

You have just opened a letter from the chair of another law school's dean search committee informing you that you have been nominated for the position and asking you to become a candidate.¹ The possibility of being a dean one day has intrigued you, and the invitation is tempting. You have carefully observed the successes and stumbles of your own dean, and, even as you concede your own imperfections, you are inclined to think that you have some—even considerable—aptitude for the job. So you are about to become a candidate for a deanship. This being new territory for you, you wonder how to prepare for the competition to come.

Each dean search, of course, has its own unique attributes, and no universal formula charts the path for the first-time candidate. One's performance as dean is in no small measure a product of instinct and judgment, and the same is true for the dean candidate. Also, like a dean, the dean candidate will

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1. This is not the only way the dance might begin. Search committees are more common, but the contact may come from a search firm. Perhaps you have received no contact; instead, you have noticed an advertisement in the *Chronicle of Higher Education* or in the AALS Placement Bulletin. Because it is customary for dean search committees to send an advertisement to the dean of every U.S. law school, you may have seen a notice on a bulletin board in your faculty lounge. Your inclination may be to begin your candidacy by sending a résumé with supporting materials to the committee directly. There is no loss or cost in doing so (if confidentiality with your current colleagues is not a concern, or if you know that the search committee will maintain confidentiality at this early stage). But there is a line of thinking that committees will contact you if they are interested in you, and the absence of such a contact is one strike against you. This is because committees typically scour the landscape for suggestions about possible candidates and then contact them directly. These people are the early frontrunners in the competition. In fact, among this group, there may be some who are personally called and asked to be a candidate; this signals the committee's serious interest. All of this suggests that one way to start the dance is to ask some of your colleagues, either at your own institution or at other schools, to mention your name when they are asked by search committees about possible candidates. All else being equal, being recommended for the position is a good thing; if you are interested in being a dean, let your network of friends around the country know of your interest and encourage them to mention your name when asked to identify potential candidates.

encounter the unexpected and be evaluated on her handling of the unforeseen question or circumstance. Nevertheless, some things that happen in dean searches can be anticipated, and the candidate can take steps to prepare for the foreseeable ways in which she will be evaluated.²

In the ensuing pages, I identify fourteen principles of which the first-time dean candidate should be mindful. The prescriptions embedded in the principles are aspirational; because no mortal can fulfill all of them, you should engage in some form of introspection about which items you believe deserve a higher priority on your personal agenda. With some of the principles, I offer my personal opinions on the proper role of the law school dean. I do so without being certain that I have the right answers (although I am prepared to defend my opinions in more detailed discussions should that ever be necessary). The first-time dean candidate needs to begin to think about these issues, and I offer my personal views as a sounding board against which you can begin to articulate your own opinions, if you have not done so already. The principles are not in any particular order of importance, except that I begin with the one I believe to be the most important, and I return to it in my concluding comments.

1. *Know—and be able to explain—why you want to be the dean.* Because you are contemplating how best to project yourself as a candidate, you have presumably already decided that you *want* to be the dean. It is worth reflecting on your reasons because one of the first questions put to every candidate is “Why do you want to be dean?”³ Not having a good answer to this question—worse yet, appearing not to have thought much about it—is one of the quickest ways to bring a candidacy to an end.

Ultimately the reasons for seeking a deanship are personal, and many good ones are possible. Knowing which reasons apply to you requires knowing some things about yourself—your values, your personal aspirations, and the things that motivate you. Presumably you get special pleasure from being engaged in the third part of the teaching-research-service trilogy. You enjoy the process of institution building, you welcome the challenge of trying to bring out the best in people and the communities to which they belong, and you like to make things better. You enjoy problem-solving, and you get satisfaction from shouldering others’ burdens so that they can excel in the law school’s primary missions, namely teaching and research. You presumably enjoy interacting with people. Although you have prospered in the relatively sheltered life of the scholar (if that is your past experience), you would admit that your professional life is not completely fulfilled without the energy that comes from collaborating with others for the shared purpose of helping an institution

2. Throughout, I use feminine pronouns for the dean candidate and masculine for other actors in the dean search process.
3. As Tim Heinsz observes, sometimes the question will be phrased, “Why do you want to be the dean *at this law school?*” Being able to answer this more specific question requires some knowledge about the law school; how one acquires such knowledge is something that I discuss later.

become better. Perhaps you have already served as an associate or assistant dean; having had experience as part of an administrative team, you are confident that this next step is one you would like to take.⁴

It is not inappropriate to convey the impression, even if you do not admit it explicitly, that you enjoy being in charge of things. You will keep to yourself that you usually feel you can run institutions better than the general run of people now doing so, lest your arrogance become a negative factor in your candidacy. But you do want to convey that you enjoy running the show and believe—indeed, know—that you can do it well; this is because you are confident about your administrative skills. There is a difference between wanting to be in charge of things and wanting to be a celebrity, and it is important that you not be perceived as desiring only the latter. A dean will often be at the center of the stage, and there will be trappings of this status—the larger salary, the parking place (sometimes), the invitations to special events, and all of the new friends you never realized you had. Because you are the dean, many people will want to know you, and still more will want to meet you. But desiring the spotlight is different from wanting to be the leader. Celebrities need not deal with the gritty daily routine of handling difficult problems; the leader and the administrative team will be continuously engaged in such matters. Feeding one's celebrity complex is not a good enough reason to want to be dean.⁵

Finally, you understand the costs of the position in terms of the substantial diminution and probable sacrifice of your own research and scholarship, the infringement on personal time (including that of whoever occupies a special place in your life—spouse or partner, family, friends), and the stress that comes with the problems you will face. Of course, the magnitude of these costs depends on how important research, family, and friends are to you, and on

4. An increasing proportion of dean candidates have had some type of prior administrative experience, usually as an associate or assistant dean. According to a recent study, 21 percent of incumbent deans in 1986–87 had been deans at other law schools before their current appointment, and this percentage rose to 27.6 percent a decade later. Even more (44.9%) of all incumbent deans in 1986–87 had had prior experience in academic administration in general, and ten years later the figure was 57.1 percent. Jagdeep S. Bhandari et al., *Who Are These People? An Empirical Profile of the Nation's Law School Deans*, 48 *J. Legal Educ.* 329, 343 (1998). Those data confirm what many have thought was occurring in recent years: search committees are putting an increasing premium on prior administrative service. Prior service can be helpful from the candidate's perspective as well: a term as an associate or assistant dean is a worthwhile experiment for someone contemplating a career in academic administration. It can tell you whether you find administrative work pleasurable, and the experience can only enhance your future effectiveness as a dean. I agree with Don Weidner that some people are able to serve effectively as a law school dean without any prior administrative experience. I also agree with him that if someone has been in law teaching for 15 years or more and is in the dean job market without ever having served as an associate dean, that person should ask one of two questions: If I have never been asked to be an associate dean, why not? Or, if I have been asked to be an associate dean but have always declined, why have I been unwilling to engage myself in a kind of service that prepares me for a job very different from the one I now have?
5. In fact, I agree with Nancy Rapoport that being a dean requires a willingness to give *others* the celebrity spotlight for the good news and to take the spotlight oneself for the tough issues. If you lack an altruistic streak, you might think harder about whether you are well suited for a dean's position.

how you respond to stressful situations. Regardless, you understand that few deans are successful if they do not work harder than every other member of the faculty, and you know that you have the fortitude and capacity to make this kind of commitment. Presumably, you have decided that the benefits outweigh the costs, and you are prepared to explain your understanding of this calculus to the search committee.⁶ In articulating that the joys of service inspire you more than the inevitable costs that come with the position, you demonstrate that you know yourself and your values well.

Dean search committees have different agendas for different schools, but chances are that your candidacy will be neither made nor broken by the reasons you give for wanting to be the dean (assuming, of course, that the ones you give come from somewhere in the universe of plausibly reasonable and sincerely felt answers). But an inability to demonstrate that you have carefully considered the question will break your candidacy. Even with the great diversity of agendas of dean search committees, without exception these committees are looking for leaders. The committee will seek to acquire an understanding of whether you are comfortable with yourself and have a good sense of where you are going. This means you must know why you want to be the dean.

2. *Become familiar with the literature on law school deaning.* Deans (and some who are not and have never been deans) have written much about the role of the law school dean and of the joys, frustrations, and perils that a dean is likely to encounter. There are many fine works in this genre, and you would be wise to consult as many of them as possible.⁷

I suggest three works as particularly good places to start. It is difficult to improve upon the discussion offered by Jeffrey O'Connell and Thomas E. O'Connell in their 1980 article, "The Five Roles of the Law School Dean:

6. The emphasis throughout this commentary is on your interaction with the search committee and the law faculty, although you will interact with other constituencies if you advance to later rounds. The search committee will have a few or several law faculty on it, but faculty may not be a majority; the committee may also include students, nonacademic staff, faculty from other academic units, a dean from another academic unit, alumni, law library staff, and academic staff from the university's academic affairs office.
7. I mention three in the next paragraph. See also Paul D. Carrington, Symposium: Legal Education in an Era of Change: Afterword: Why Deans Quit, 1987 Duke L.J. 342 (1987); Michael J. Kelly, Afterword: Why Deans Stay, 51 Md. L. Rev. 483 (1992); Paul D. Carrington, Why Deans Stay: A Quitter's Response, 51 Md. L. Rev. 505 (1992); James Douglas, The Distinction Between Lawyers as Advocates and as Activists; and the Role of the Law School Dean in Facilitating the Justice Mission, 40 Clev. St. L. Rev. 405 (1992); Victor L. Streib, Law Deanships: Must They Be Nasty, Brutish, and Short? 44 J. Legal Educ. 116 (1994); Bill L. Williamson, The "Art" of Deaning, 36 J. Legal Educ. 227 (1986). The December 1998 issue of *Syllabus* contains several short essays by deans, faculty, and the ABA's consultant on legal education on the perils and joys of deaning, the reasons deans quit, evaluation of decanal performance, and other issues, as well as some interviews with sitting deans. For a bibliography, see David Batista, On Deans and Deaning: A Selective and Annotated Bibliography, 15 Legal Reference Servs. Q. 71 (1995). Two professors who served on a dean search committee at San Diego more than 25 years ago summarized their impressions in the form of advice for future search committees. Although showing some signs of age, their article still has relevance. See Herbert I. Lazerow & John M. Winters, In Quest of a Dean, 26 J. Legal Educ. 59 (1973). For a detailed empirical study of law deans, see Bhandari et al., *supra* note 4.

Leader, Manager, Energizer, Envoy, Intellectual.”⁸ Although neither served as a dean himself, their descriptions of the tasks and challenges facing—and their ensuing advice to—deans (and dean search committees) have endured the test of time, even with the manifestly different forces affecting higher education nearly two decades after the O’Connells reduced their thoughts about decanal administration to writing. The second is an insightful essay by Wallace D. Loh, “The Longevity of Deans: Leadership, Community, and Governance.”⁹ Loh explains the “shared enterprise” vision of academic governance, argues that responsibility for the fate of deans rests with both the dean and the faculty, discusses the importance of nurturing “community” in the academic unit, elaborates upon the dean’s role as a leader in an academic democracy, and considers the elements of effective academic leadership. Finally, the Law Deanship Manual published by the Association of American Law Schools in 1993 is an important addition to the literature on law school deaning.¹⁰ Much of it is devoted to a basic explanation of day-to-day tasks, but it contains a great deal of wisdom about the varied roles of the law school dean.

You need both to understand what is contained in these works and to be able to explain what you would do as dean to fulfill the expectations and tasks identified in them. In essence, these works explain that a dean’s roles are both varied and complex. The dean must be many things (e.g., leader, administrator, manager, planner, energizer, advocate, mediator, intermediary, counselor, ambassador, representative, fundraiser, public official, and public servant) in his relations with diverse, sometimes competing constituencies (principally faculty, students, professional staff, the greater university and its administration, alumni and other friends or supporters, donors, the legislature, the regents or trustees, the judiciary, bar associations (national, state, and local), the practicing bar, employers of graduates, the ABA Section of Legal Education, the AALS, and the general public).¹¹ One must concede the difficulties of the position, but at the same time explain that these difficulties present exciting challenges, opportunities, and rewards. For example, you might be prepared to explain the satisfaction to be gained from applying your leadership and management talents to make the best use of a law school’s human and capital resources. Similarly, you might explain the sense of fulfillment to be gained from helping students receive the support and assistance

8. 29 Emory L.J. 605 (1980).

9. This appears in the August 1996 issue of the AALS Newsletter at 1–5.

10. The manual is actually the report of the AALS Special Committee on the State of the Law School Deanship, which was approved by the AALS Executive Committee in November 1993.

11. The priority a dean will give to some of the listed roles and constituencies will vary depending on whether the law school is a public or private institution. As an obvious example, the dean of a private institution can very nearly ignore the legislature. Although the extent to which deans at public institutions have “official” interactions with the legislature varies across universities, the dean candidate at the public institution must, at a minimum, appreciate how the legislature—and to some extent the governor—affect the well-being of educational institutions. You may be asked how you would relate to legislators, and interviewers will strive to get a sense of how well you would fare in these relationships.

they need to realize the full benefit of their temporal and financial investment in their education.

Just as these works explain the role of the dean, they also address the role of the faculty, a subject that the dean candidate must be ready to discuss. The dean is on the point with respect to the above-mentioned roles and responsibilities, but the faculty—the heart of any law school—also owes derivations of the same responsibilities to the same constituencies. You need to be ready to explain your vision of how the dean and faculty should interact to serve these constituencies. Obviously, efficiency requires that some responsibilities (fundraising is perhaps the best example) be placed almost solely within the province of the dean. Equally obvious is the fact that whether a law school achieves excellence in teaching and research will be determined primarily by the faculty, even though the dean can lead the way by helping create conditions that make teaching and research productive, effective, and enjoyable.

In essence, you should use the ideas articulated in these works and your own instincts to articulate a philosophy of law school governance. If the philosophy is to have any substance, it must take a position—one that can be both defended and advocated. For example, I would stake out the following ground.

Law school governance involves shared responsibility and shared vision. The success and progress of any institution of higher education is not, in the final analysis, a function of the academic chief's effectiveness. Obviously, an ineffective dean can retard progress and cause damage. But an effective dean cannot, by himself, deliver progress without the faculty's commitment to shared goals. The dean can exercise leadership to articulate a vision and promote it; or the dean can exercise leadership to implement a vision that the faculty has articulated as a consensus set of values (which the dean presumably shares). In either case, the institution prospers only if the dean and the faculty work together toward common aims. This model presupposes a collegial atmosphere, where each faculty member contributes in accordance with his best talents to the collective.¹² In short, institutions prosper most when the faculty and the dean work together to achieve shared goals under a shared plan.

A candidate who stakes out the foregoing territory must then be ready to address the followup queries. For example, how does she expect to contribute to the shared goals? If the institution has neither shared goals nor shared plans, what would she do to help the faculty articulate such goals and plans? I am comfortable with the foregoing governance philosophy, but it may not be a good fit for you. As long as you can articulate your own philosophy and

12. John Sexton, dean of the NYU School of Law, has discussed how an association of institutions might combine the independent contractor and common enterprise models. *The Academic Calling: From Independent Contractor to Common Enterprise*, AALS Newsletter, Feb. 1997, at 1–5. Similarly a law school might choose to be either a loose association of independent contractors or a community of scholars with shared commitments. Each model has its own merits, but I believe that no modern educational institution can sustain long-run prosperity if it neglects the importance of collective commitments to shared values.

explain why it is superior to mine, your candidacy will be on solid ground—assuming your position is one that appeals to the institution's faculty and its central administration.

3. *Be familiar—to the extent possible—with the literature about legal education specifically and higher education generally.* Because the literature is voluminous, this suggestion can only be aspirational. But from the time you decide to become a dean candidate, you would be wise to regularly invest time in reading what others are saying about legal education and higher education. If, for example, you do not read the *Journal of Legal Education* regularly, you should start doing so. And you might invest a few hours in perusing past volumes of the *Journal* and reading discussions on subjects that are unfamiliar to you.

You should strive to remain abreast of recent developments in legal education and the legal profession. For example, if you are asked to comment on the implications for the law school of a nearby public university's acquisition of a competing private law school and you know nothing about the situation, the value of your stock will quickly tumble. A useful website for a wide variety of legal information, including collections of news stories about law schools and legal education, is Jurist: The Law Professors' Network.¹³ People have their own personal favorites among journals and newspapers, but for staying abreast of developments in the legal profession, the *ABA Journal*, the *National Law Journal*, and the *American Lawyer* should anchor the reading list.

If you are not already familiar with the ABA Standards for Approval of Law Schools and Interpretations, you should locate the latest version and, at a minimum, get a sense of what sorts of things are included in the accreditation standards. This will reduce the chance that you will confront a question about law school management that is completely foreign to you. Similarly, if you are not already familiar with the annual AALS Handbook, you should find the most recent edition and peruse its contents. The Handbook's "Statement of Good Practices by Law Professors in the Discharge of Their Ethical and Professional Responsibilities" and its "Statement on Diversity, Equal Opportunity and Affirmative Action" are two items you should read in their entirety. The intensity of the discussion over the MacCrate Report has ebbed since the rousing debate that accompanied its publication in 1992, but some familiarity with the issues it discusses is important.¹⁴ If time allows, you might explore some of the commentaries on the report—many of which were written by law deans.¹⁵

13. The address is <www.jurist.law.pitt.edu>.

14. Section of Legal Education and Admissions to the Bar, American Bar Association, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, Legal Education and Professional Development—An Educational Continuum (Chicago, 1992).

15. See, e.g., John J. Costonis, The MacCrate Report: Of Loaves, Fishes, and the Future of American Legal Education, 43 *J. Legal Educ.* 157 (1993); Jack Stark, Dean Costonis on the MacCrate Report, 44 *J. Legal Educ.* 126 (1994); Michael Norwood, Scenes from the Continuum: Sustaining the MacCrate Report's Vision of Law School Education into the Twenty-first Century, 30 *Wake Forest L. Rev.* 293 (1995); Arturo Lopez Torres, MacCrate Goes to Law School: An Annotated Bibliography of Methods for Teaching Lawyering Skills in the Class-

The more you are familiar with commentaries on various aspects of legal education, the better. Your own views on a variety of issues—such as race, gender, and other diversity issues in legal education,¹⁶ academic support programs,¹⁷ clinical programs,¹⁸ externship programs,¹⁹ the role of scholarship,²⁰ professionalism,²¹ and information technology,²² to name a few—will inevitably be sharper if you have reflected on the ideas of others.

- room, 77 Neb. L. Rev. 132 (1998); see also Symposium on the MacCrate Report: Papers from the Midwest Clinical Teachers Conference, 1 Clinical L. Rev. 349-504 (1994); Symposium on the 21st Century Lawyer: Is There a Gap to be Narrowed? 69 Wash. L. Rev. 505-868 (1994).
16. See, e.g., Janice L. Austin et al., Results from a Survey: Gay, Lesbian, and Bisexual Students' Attitudes About Law School, 48 J. Legal Educ. 157 (1998); Lorraine K. Bannai & Marie Eaton, Essay, Fostering Diversity in the Legal Profession: A Model for Preparing Minority and Other Non-Traditional Students for Law School, 31 U.S.F. L. Rev. 821 (1997); Roscoe C. Howard, Jr., Getting It Wrong: *Hopwood v. Texas* and Its Implications for Racial Diversity in Legal Education and Practice, 31 New Eng. L. Rev. 831 (1997); Lewis A. Kornhauser & Richard L. Revesz, Legal Education and Entry in the Legal Profession: The Role of Race, Gender, and Educational Debt, 70 N.Y.U. L. Rev. 829 (1995); Joan M. Krauskopf, Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools, 44 J. Legal Educ. 311 (1994); Deborah J. Merritt et al., Family, Place, and Career: The Gender Paradox in Law School Hiring, 1993 Wis. L. Rev. 395; Lee E. Teitelbaum et al., Gender, Legal Education, and Legal Careers, 41 J. Legal Educ. 443 (1991); Linda F. Wightman, The Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences of Abandoning Race as a Factor in Law School Admission Decisions, 72 N.Y.U. L. Rev. 1 (1997); Stephan Thernstrom, Diversity and Meritocracy in Legal Education: A Critical Evaluation of Linda F. Wightman's "The Threat to Diversity in Legal Education," 15 Const. Commentary 11 (1998); Linda F. Wightman, Through a Different Lens: A Reply to Stephan Thernstrom, 15 Const. Commentary 45 (1998); see also Symposium, The Voices of Women, 77 Iowa L. Rev. 5-177 (1991); Recruiting and Retaining Minority Faculty: The Dean's Perspective, 10 St. Louis U. Pub. L. Rev. 347-88 (1991) (four different essays, based on papers presented at the 1990 Minority Law Teachers' Conference).
 17. See, e.g., Kristine S. Knaplund & Richard H. Sander, The Art and Science of Academic Support, 45 J. Legal Educ. 157 (1995); Paul T. Wangerin, Law School Academic Support Programs, 40 Hastings L.J. 771 (1989).
 18. See, e.g., Linda F. Smith, The Judicial Clinic: Theory and Method in a Life Laboratory of Law, 1993 Utah L. Rev. 429; see also Symposium, Fifty Years of Clinical Legal Education, 64 Tenn. L. Rev. 939-1009 (1997); Symposium, Clinical Education, 34 UCLA L. Rev. 577-952 (1987). The *Clinical Law Review*, first published in 1994, is also a rich resource for information on clinical legal programs.
 19. See, e.g., Lisa G. Lerman, Professional and Ethical Issues in Legal Externships: Fostering Commitment to Public Service, 67 Fordham L. Rev. 2295 (1999); see also Symposium, Developments in Legal Externship Pedagogy, 5 Clinical L. Rev. 337-556 (1999).
 20. See, e.g., Geoffrey R. Stone, Controversial Scholarship and Faculty Appointments: A Dean's View, 77 Iowa L. Rev. 73 (1991); Donald J. Weidner, A Dean's Letter to New Law Faculty About Scholarship, 44 J. Legal Educ. 440 (1994); see also Symposium on the Relation Between Scholarship and Teaching, 73 Chi.-Kent L. Rev. 749-864 (1998). For a bibliography on legal scholarship, see Mary Beth Beazley & Linda H. Edwards, The Process and the Product: A Bibliography of Scholarship About Legal Scholarship, 49 Mercer L. Rev. 741 (1998).
 21. See, e.g., Ronald L. Carlson, Competency and Professionalism in Modern Litigation: The Role of the Law Schools, 23 Ga. L. Rev. 689 (1989); Harry T. Edwards, The Growing Disjunction Between Legal Education and the Legal Profession, 91 Mich. L. Rev. 34 (1992); Philip C. Kissam, The Decline of Law School Professionalism, 134 U. Pa. L. Rev. 251 (1986); Donald J. Weidner, Law School Engagement in Professionalism and Improved Bar Relations, 72 Fla. B.J. 40 (1998). See also Symposium, The Justice Mission of American Law Schools, 40 Clev. St. L. Rev. 277-531 (1992).
 22. See, e.g., Gail M. Daly, Law Library Evaluation Standards: How Will We Evaluate the Virtual Library? 45 J. Legal Educ. 61 (1995); Richard A. Danner, Facing the Millennium: Law Schools, Law Librarians, and Information Technology, 46 J. Legal Educ. 43 (1996); Richard

Most law schools are parts of larger universities, and you should have some understanding of the larger community in which law schools operate. The weekly *Chronicle of Higher Education* is an excellent compendium of news stories, issues analysis, and commentary on higher education. Once you decide to seek a deanship, the *Chronicle* should be on your weekly reading list.

4. *Learn as much as you can, early on, about the process and about what lies ahead.* Even though the ingredients of dean searches vary from school to school, there are many common characteristics. Most searches begin in the fall.²³ From September through December the search committee (or search firm²⁴) develops a pool and does its initial screening of candidates. Sometimes the screening is based on the candidates' résumés and information generally known to the committee; sometimes candidates are asked to submit additional materials. It is common for committees to do first interviews with a large number of candidates at the January AALS meeting.²⁵ When such interviews cannot be arranged, telephone interviews sometimes occur, and occasionally arrangements are made to bring the candidate to the campus (or to a nearby location, such as an airport) to interview only with the committee. After these initial interviews, it is typical for a search committee to winnow the list to five or six—or sometimes more—candidates who are invited to campus for a more extensive interview. This visit, which typically lasts at least a day and a portion of another (but which can last for two to three days), normally requires the candidate to meet with the law school's various constituencies and key persons in the central administration. These meetings will occur in a variety of settings, all designed to give the evaluators a chance to observe the candidate's behavior in different environments.²⁶ A presentation to faculty, staff, and

A. Matasar & Rosemary Shiels, *Electronic Law Students: Repercussions on Legal Education*, 29 Val. U. L. Rev. 909 (1995); William R. Slomanson, *Electronic Lawyering and the Academy*, 48 J. Legal Educ. 216 (1998).

23. Some searches begin in the spring—which can make sense if the resigning dean's announcement comes late in the year or the school has an interim dean in place. This can result in interviews in the fall, and the possibility of an appointment beginning January 1 (although the school should assume that the appointment might have to wait until the completion of a dean-designate's nine-month commitment to another institution). One advantage to the school that uses the spring-start schedule is the reduced likelihood—simply because fewer schools operate on this schedule—that it will find itself competing with other law schools for dean candidates, or perhaps competing with a school that has also made an offer to the preferred candidate.
24. Some law schools or universities retain search firms to conduct some significant part of the recruitment process. The reasons for proceeding in this manner vary, but a common one is the desire to enhance the confidentiality of the process and thereby, perhaps, attract a stronger pool. If a university has a large number of dean searches occurring at the same time, it might seek to alleviate the burden by using a search firm for one or more of them. Also, it is more likely that a search firm will be retained if the law school's last effort to find a new dean failed.
25. It is worth noting that many committees prepare standardized questions that are posed to every candidate, so that each candidate's answers will directly compete with those given by others.
26. For the candidate, meal time is simply another interview slot. Some interviewing will occur in small groups, and one or more presentations, with questions and answers, are likely to be before larger audiences. A reception might be scheduled with alumni, so that the search committee and others can watch the candidate operate in this environment.

perhaps students will probably be part of the schedule. The designated topic for this presentation is ordinarily the role of the law school dean.²⁷

Early in the process (usually at the time the candidate submits a résumé), the committee will ask for a list of references. Obviously the reference-checking process is much more extensive for the finalists than for those interviewed in the earlier rounds, and the references for candidates who are not highly rated will not be contacted at all. You should give some care to the selection of references and to their distribution across various constituencies; the essential aim is to have references who are in a position to comment on how well you would relate to different constituencies and how well you would perform the diverse roles of the dean. It is impossible to cover all bases, particularly if the number of references you are allowed to designate is limited, so you must make some choices. The usual understanding is that checks with nondesignated references (i.e., “cold calls” or “nondirected reference checking”) do not occur until and unless you are a finalist, but if confidentiality is important to you, it is prudent to visit with the search committee chair about this procedure early on. Committees vary in how the reference checking occurs; some committees assign a separate person for each candidate, while others have the committee chair make all contacts with the references for all candidates invited for campus visits.

Before a campus visit occurs, you should understand who will select the new dean (typically, either the provost or the president) and what role the search committee will have in this process; usually the committee is advisory to the provost or president. This information may not affect how you project yourself as a candidate, but knowing how the pieces of the process fit together provides insight into the culture of the institution. If the committee’s contact person for your campus visit does not tell you in advance of the visit whom you will be interviewing (who in the central administration, which alumni, and so on), you should ask for this information and then try to learn more about the people you will be meeting. For example, knowing the provost’s academic background—and learning from press reports what issues he has confronted recently—can be helpful before the interview.

It can be helpful to know, if the information is even available, the identities of other candidates who have survived the committee’s screening. This can provide insight into the kinds of skills and credentials the committee deems important. In many searches, this information will not be available until the final list is created, and sometimes the identity of each finalist is released only as each makes her campus visit. Also, it can be useful to know whether there are internal candidates. The dynamic of a search where there are inside candidates will differ from a search without any. Most inside candidates will already have the support of at least a few colleagues, and those faculty who have already cast their lot with a candidate will not be favorably disposed to

27. These are often called “job talks”—a phrase also used to describe the traditional scholarly presentation that faculty candidates are typically required to make during an on-campus interview. More recently, some law schools are requiring dean candidates to make two job talks—one on decanal matters and the other a traditional scholarly presentation.

outside competitors. Likewise, if the inside candidate is viable, she may already have one or more supporters on the search committee; that such predispositions can affect the dynamic of the committee's work needs little elaboration. None of this may be manifested in any particular way, but at a minimum you will not get the helpful or supportive question from anyone whose allegiance already lies elsewhere. If insiders are in the pool, some faculty, even those predisposed to support an outside candidate, are likely to adopt a more cautious attitude about the search in general as long as there is a measurable possibility that one of their colleagues might be the next dean. In contrast, where there are no inside candidates and no personal stakes in particular people, the faculty mood generally tends to be less circumspect.

If you learn that there is a strong internal candidate and that the institution has usually offered its deanship to an insider, you will want to evaluate whether the possibility of your success is so low as to call into question your investment of time and energy.²⁸ Often if there is a strong inside candidate who is the presumptive frontrunner, the search committee will strive mightily to create a strong pool of outside candidates—not so much because the committee expects an outsider to overcome the frontrunner, but because the eventual choice of the insider will be more credible if she is perceived as having overcome the competition of a strong field. So you should be wary of reading too much into a committee's expressions of enthusiasm for your candidacy when you know there is a strong inside candidate.

After the interviews are completed, the common pattern has the search committee making recommendations to the provost or president. The procedure varies from school to school. The recommendations may be ranked or unranked, "acceptable" or "not acceptable." They may be accompanied by an extensive written report or by little supplementary information. They may be transmitted by the committee chair, purporting to speak for the committee; or committee members may visit individually with the provost or president. If you are selected as the leading candidate and you are an outsider, the chances

28. Whether inside or outside candidates have the advantage in a dean search depends more than anything else on what the law school's constituencies—including the provost or president—think the law school needs at the particular time. I agree with Joe Tomain that inside or outside status is not inherently decisive. A strong candidate whose record and personal presence distinguish her from the field can overcome the presumptive advantages that attach to status as an insider or outsider.

Inside candidates are advantaged in the sense that they understand the institution to some degree and know their colleagues. Yet being an insider does not guarantee that the candidate has a good sense of the law school's administration, the relation between the law school and the central administration, or the law school's external relations. The insider is to some extent disadvantaged because she is a known quantity; some faculty will desire an outside dean to give everyone a fresh start and to prevent faculty who are close to the insider from obtaining special privileges and benefits. If the institution highly values maintaining its present course, an inside candidate with knowledge of the law school and university and otherwise solid credentials is presumptively advantaged; if the institution highly values change and new ideas and is willing to assume the risks associated with an outsider, the presumptive advantage belongs to the outside candidate. To the extent faculties, provosts, and presidents are risk averse, an inside candidate is advantaged by being the known quantity. For data on the mix of internal/external appointments, see Bhandari et al., *supra* note 4, at 361.

are high that you will be invited to the campus for one more visit. This may be the school's last assessment of you before finally deciding to extend an offer, or the visit may emphasize the school's recruitment of you after extending you an offer. This visit is where your negotiations with the provost or president may occur—or simply begin. On the occasion of such visits, some candidates request more time to discuss the future of the school with the faculty, presumably going into greater detail than was possible earlier about the faculty's needs, its plans for the future, and the candidate's thinking about the future.²⁹ Indeed, it is not uncommon for the candidate to request one more visit after the offer and before the acceptance for the reasons mentioned above; also, this is the time that the candidate has the most leverage in negotiating a startup package for the institution.

The principal reason for you to invest time in learning more about the process is that you need to project not only why you are, in the abstract, a good dean candidate but also why you are a good candidate *for that particular law school*. Ideally, you should be prepared to talk fairly concretely about the directions in which you would seek to lead the school. Naturally, the external candidate must not tread farther than available information permits; but the more you can learn and say about specific issues, the better. In fact, if you demonstrate early on that you both understand the law school fairly well (while conceding you need to learn more) and have made the effort to learn as much as you can about it, the chances are good that you will distinguish yourself from many of the other external candidates for the position.

5. *Acquire an understanding of and show respect for the culture of the institution whose deanship you seek.* Each institution has its own ways of conducting its business. Over time institutions develop norms that provide the context for decision-making and define the range of legitimate options from a set of all possible choices or directions. Having made decisions in the past about what is important and valuable, the community will probably make future choices that build on the past logically and incrementally. This momentum does not prevent an institution from changing its direction, but change is likely to be accompanied by stress and some degree of dissonance because some members of the community will be vested in the outcomes of past choices. Even in circumstances where a clear majority of the community profess eagerness for "new ideas," new initiatives are unlikely to succeed unless implemented with sensitivity to the institution's culture.³⁰

29. If the desires of a spouse or partner figure significantly into a candidate's evaluation of an offer, this is probably the time when the spouse or partner will be asked to accompany the candidate on a campus visit.

30. The meaning of the term "culture" in this context may not be obvious. Clifford Geertz claims that "culture is not a power, something to which social events, behaviors, institutions, or processes can be causally attributed; it is a context, something within which they can be intelligibly—that is, thickly—described." *The Interpretation of Cultures* 14 (New York, 1973). Sylvia R. Lazos Vargas has summarized the definition offered by five sociologists as follows: "The cultural tradition of a people—its symbols, ideals, and ways of feeling—is always an argument about the meaning of the destiny that its members share. Cultures are dramatic conversations about things that matter to their participants . . ." *Deconstructing*

Acquiring familiarity with an institution's culture is something that usually occurs during the first year or so of a deanship, rather than during the few days or hours of a candidate's interview. Indeed, it may not be easy, even after a year or more, to define an academic community's culture. Some faculties have a tradition of competing factions; the culture is one of debate about, rather than consensus on, the elements of the culture. Some faculties have what might be described as parallel cultures—for example, one culture of senior faculty, and one of junior faculty.³¹ A faculty in transition may not have an easily described culture. The task for the dean candidate is not so much to demonstrate that she has a complete understanding of the culture (although the more she understands, the better) as it is to demonstrate sensitivity to the need to become familiar with it. For example, you should convey an appreciation of the fact that while one can acquire good ideas from the experiences of other institutions, it does not follow that a particular success elsewhere is necessarily good for the institution that you are seeking to lead. Rather, the question is whether a new idea or a proposed change of course is a logical fit with or extension from the institution's established norms.

It is difficult to make the case that you are sensitive to cultural differences among faculties unless you make a considerable effort to become acquainted with the institution whose deanship you seek. The candidate who before conversing with search committee members acquires, through her own research, information about the aspirations of the school and the problems it currently faces will fare, all else being equal, better than candidates who do not make this effort. How do you acquire this information? At the outset, you express eagerness to receive any and all written information generated by the school, and, having received all of that, you express interest in the opportunity to consume even more. It is appropriate to request specific information if it is not provided to you at the outset—such as catalogs, official publications, summaries of scholarship published in the last few years, self-study documents, admissions and placement data, ABA and AALS accreditation results, budget information, fundraising results, and alumni publications.³² Because what is released to one candidate should be provided to all, you might find it appropriate to express sensitivity to the burdens the request might place on the search committee, along with your understanding that the committee may prefer to provide more detailed information only to candidates who advance to the later rounds. Regardless, showing your interest at the early stages in learning as much as you can about the law school sends a good signal.

Homo[geneous] Americanus: The White Ethnic Immigrant Narrative and Its Exclusionary Effect, 72 *Tul. L. Rev.* 1493, 1511 n.64 (1998). William A. Haviland defines culture as “[a] set of rules or standards shared by members of a society, which when acted upon by the members [of the society] produce behavior that falls within a range of variation the members consider proper and acceptable.” *Cultural Anthropology*, 8th ed., 32 (Fort Worth, 1996).

31. I thank Jim Westbrook for this insight, which helps explain the differentiated personalities of faculties.
32. Reviewing all of this takes considerable time. And unless you have some prior experience working with such information, some of it can be difficult to understand. It would be wise to consult, without disclosing confidential information, with administrators at your own school (if this is possible) about the meaning of the information provided you.

Whatever the committee provides you, you can do some things on your own to gather information. Of course, you should thoroughly canvass the law school's website. You should search newspapers to determine what, if anything, the media have published recently about the school. This will show what the law school has deemed important enough to publicize to external constituencies; it will also reveal any problems the school has had that are serious enough to attract the media's interest. You should quickly scan the last several volumes of the school's law review to determine whether past or present faculty have written essays, dedications, or memorials that comment on the history of the school or contributions of past faculty or deans.³³ If you have friends who are familiar with the school or who know (or can identify) former members of the faculty (particularly those who have moved to other law schools), you should talk to them. This is likely to reveal a wealth of information, including problems not in the public domain. It is also important to inquire about what happened to the last dean.³⁴ Indeed, the potential usefulness of this information is extraordinary; it can speak volumes about the state of the law school and can tell you what the faculty and central administration might be looking for in a new dean (sometimes expressed in terms of what talents the prior dean was perceived to lack). In some situations, it may be appropriate and extremely helpful to talk to the prior dean to learn more about the institution.³⁵ The ABA takeoffs—if one has access to them—also contain a great deal of data.³⁶ This information, depending on your familiarity with its format and your skill in interpreting it, can be helpful in spotting possible issues at the law school, the school's strengths and weaknesses, and how the school compares to its peer institutions in various categories. If some constituencies at the school are concerned about the institution's status relative to peers, the information in the takeoffs can give you the background you need to address the issue thoughtfully. The ABA takeoffs no longer contain salary information, but the Society of American Law Teachers publishes some comparative salary data.³⁷ Also, some institutions that are members of the Association of American Universities share financial data, includ-

33. I thank David Partlett for this suggestion.

34. I thank Tim Heinsz for this insight.

35. If the prior dean is a supporter of another candidate in the field, this conversation is likely to be useless. Also, a dean who continues to serve as the search for a successor unfolds will be reluctant to do anything that might seem to assist one particular candidate or to interfere in the search committee's process.

36. The "takeoffs" are compendia of statistical data, identified by law school, collected by the Office of the Consultant to the American Bar Association for Legal Education on characteristics of ABA-accredited law schools, including such diverse matters (among many others) as student body profiles, expenditures (but not detailed salary information), library resources, fundraising, square footage of the facility, and staffing. The information in the takeoffs is designated as "confidential." If you wish to examine the information, and if your access has not previously been authorized, you should inquire with your own law school dean whether you might see the data.

37. These are published annually in *The SALT Equalizer*. See, e.g., Howard Glickstein, 1997–99 SALT Salary Survey, *The SALT Equalizer*, Mar. 1999, at 1–7.

ing law school salary information.³⁸ If you are seeking the deanship at a school affiliated with an AAU institution, you might ask your own university's information office (if it, too, is an AAU institution) whether you may have access to this information.

It may be that you will learn things about the law school's culture that are at odds with your own personal values. At this juncture, some candidates become chameleons, asserting whatever they believe their audience wants to hear. Although poll-driven, unprincipled leaders do sometimes succeed, a candidate whose own values are mainly inconsistent with an institution's articulated values should seriously consider whether that deanship is worth seeking at all. This is not to say that there must be a perfect match between the dean's and the institution's values; this is unlikely ever to happen, and it is appropriate for a dean to aspire to engineering some shifts in an institution's direction. The question for the candidate (and for the dean search committee) is whether there is sufficient common ground between candidate and law school to say that there is likely to be a shared vision of the future.

6. Be ready to explain your views on the importance of teaching relative to other law school missions, and be prepared to explain how the dean can promote good teaching. If you have been a member of the academy for several years, this is familiar terrain. Presumably you have opinions about the relative importance of teaching, and you should have little difficulty articulating your ideas in the context of what is appropriate for this particular law school.

My instincts are to stake out the following ground as a default position, realizing that the message must be appropriately nuanced to fit the missions of a particular law school.

Teaching is the most important of all the missions of a law school, and it is here where a faculty's collective priority should lie. As Kent D. Syverud has written, "The startling truth is that, with the exception of a few dozen law professors, our ideas will improve the world more through our students than through our writing."³⁹ Indeed, the principal (but not necessarily exclusive) focus of legal education should be on preparing students for careers as practicing lawyers.⁴⁰ This means providing students with a doctrinal foundation in substantive legal principles, instruction in both basic skills (problem-solving, legal analysis and reasoning, and legal research) and practice skills (fact investigation, communication, counseling, negotiation, litigation and

38. The AAU is an association of 62 major research universities. Most of them have law schools; 60 are U.S. institutions and 2 are Canadian; about half are public and half private. For more information about the AAU, see <www.tulane.edu/~aaau>. It is my understanding that about half of the private AAU institutions and virtually all of the public AAU institutions share various kinds of financial data.

39. *Taking Students Seriously: A Guide for New Law Teachers*, 43 *J. Legal Educ.* 247, 259 (1993).

40. See, e.g., Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 *Yale L.J.* 1113, 1129-30 (1981); Anthony T. Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession* 266 (Cambridge, Mass., 1993).

ADR, organization and management of legal work, recognition and resolution of ethical dilemmas),⁴¹ and “communication to prospective lawyers of the values and methods of the legal profession and the justice system,”⁴² such as the importance of competency and comprehension of the law’s social and moral context.⁴³ Law schools cannot in three years develop the complete lawyer, and this means that graduating students should not be expected to be thoroughly trained in each skill or value mentioned above. It is realistic, however, to expect law schools to inculcate in their students a rich appreciation of how theory, doctrine, and applied skills interact. This foundation best prepares students for the lifelong process of education that follows law school.

My default position recognizes that teaching goes well beyond what occurs in a classroom, clinic, or externship. Teaching occurs in faculty offices, in after-class discussions, and in informal conversations about career opportunities and the legal profession. Teaching occurs when law review advisers give counsel and when moot court coaches work with their teams. Teaching occurs at guest lectures and during visits of dignitaries to the school. Teaching occurs in the orientation program for first-year students; these first days present one of the best opportunities for faculty to educate students about the values of the legal profession and how their law school studies will connect to their careers. Indeed, in the opening session of orientation it should be stressed that this is the first day of each student’s career in law and that the ethical responsibilities of the profession are applicable to law students as well as to lawyers.⁴⁴ Teaching also occurs in other school-sponsored extracurricular activities.

Explaining why teaching is important is not particularly difficult. The harder task is to identify precisely what the dean can do to encourage good teaching, and you should think this through with some care. My starting place for an analysis of the decanal role in promoting good teaching is as follows.

To encourage excellent teaching, the dean must lead by example; he should teach at least one course per year (in an area he knows well so that preparation time is minimal). If the faculty is not too large, the dean should personally review the quantitative summaries and any narrative contained in student evaluations of all teachers in all courses; if the faculty is large, he will need assistance from an associate dean. Student evaluations are important, but they also have inherent limitations as assessment tools; the dean should find the time to learn more about what each teacher does in the classroom. The dean should be

41. These are the ten fundamental lawyering skills identified in the MacCrate Report. The “basic skills” versus “practice skills” distinction was articulated by Wallace Loh. See Introduction: The MacCrate Report—Heuristic or Prescriptive? 69 Wash. L. Rev. 505, 508 (1994).
42. Council of the American Bar Association Section of Legal Education and Admissions to the Bar, Long-Range Planning for Legal Education in the United States 24 (1987).
43. The MacCrate Report identifies four “fundamental values of the profession”—the two listed, plus improving the profession and professional self-development. Arguably there are others.
44. For a more detailed discussion of law school orientation messages, see Peter K. Rofes, *The Responsible Law School*, 74 Marq. L. Rev. 119, 133–37 (1991).

alert to whether recently appointed faculty need special guidance or support. He should encourage teaching innovation; faculty should feel at liberty to experiment with new techniques, without concern for adverse consequences should reasonable experiments fail. Technology is changing the way law is studied and taught; the dean should work with the faculty to plan effective use of ever-changing instruction-supporting technologies. Excellent teaching presupposes a curriculum that prepares students for the present and future practice of law; sometimes the dean needs to initiate the process that results in faculty-approved curricular change. When any member of the faculty becomes unable consistently to deliver competent instruction, the dean's responsibility is to intervene and work with that person on an appropriate plan of remediation.

Certainly more than this can be said, different points might be emphasized, and some of it might be said better if said differently. But at some point in the process, your views on teaching and what role you should play in promoting it will be sought. The foregoing statements provide one set of guideposts against which you can measure your own positions, which you need to be ready to articulate, explain, and defend.

7. *Be ready to explain your views on the importance of research relative to other law school missions, and be prepared to explain how the dean can promote it.* Like teaching, the area of research and scholarship is something with which you are familiar. This part of the trilogy receives varying degrees of emphasis at different schools, and scholarship itself is defined differently by different faculties. During the search process you and the search committee will spend considerable time exploring whether both parties have a shared vision of the nature, role, and importance of scholarship.

My baseline, which again I offer as a set of values against which you can measure your own position, is as follows.

Scholars must not only transmit knowledge; they must also *discover* it. Legal academics disagree mightily about what this latter responsibility entails.⁴⁵ However one articulates the scholarship obligation, effective teaching is unlikely to occur if the instructor lacks an active research program, one that keeps him on the cutting edge of his field. Teaching and scholarship are connected activities. Not all research will have classroom application; much does not. But virtually all research adds perspective to even the most basic ideas discussed in

45. I agree with Chris Guthrie that "discovery" in legal scholarship needs to be understood in a broader sense than its meaning in the context of, for example, the physical or social sciences. Some discovery in legal research involves advancing the understanding of a known—i.e., already "discovered"—legal doctrine and its implications. Some legal scholarship involves the reconceptualization of a problem and working backwards through primary and secondary legal sources to justify a conclusion. As I've said elsewhere, "Legal rules, somewhat like the laws of science, await discovery by explorers whose prescience enables them to understand something others observed but could not comprehend." See *Insurance, Contract, and the Doctrine of Reasonable Expectations*, 5 Conn. Ins. L.J. 21, 22 (1998).

the classroom; enhancements to perspectives make the delivery of the basics more effective.

In recent years, legal scholarship has become a target for those who express concern about a growing chasm between the academy and the profession. Clearly, some of legal education's constituencies believe that a disjunction between the academy and the profession has grown.⁴⁶ But there are many reasons to think that the concern is overstated. Serious and successful efforts by many law schools to expand skills training, to involve adjuncts in teaching more practice-preparation courses, and to increase externship opportunities belie the critique. Doctrinal scholarship—defined as scholarship which involves sophisticated integration of theory with doctrine and which provides direct benefits to practitioners, judges, and government officials in explaining what the law is and ought to be—is important and should be promoted. But that is not all the academy should do. Indeed, both the academy and the profession are enriched by a diversity of approaches to legal analysis; such perspectives as law and economics, CLS, feminist theory, historiographical inquiry, and narrative all have something important to say to the legal profession, academics, and society in general.⁴⁷ Most schools err if any one of these approaches comes either to dominate what the collective faculty teaches to its students or to exclude the opportunity to explore what can be learned from other perspectives.⁴⁸ By the same token, it does not follow that law and economics scholarship or teaching informed by such scholarship is necessarily inconsistent with imparting to students “practical wisdom” and preparing them for the role of “lawyer-statesman.”⁴⁹

Robert E. Keeton champions the phrase “law in action,” and he urges that law schools should teach it and that faculty should research and write about it.⁵⁰ Interpreted broadly, the phrase “law in action” is

46. See generally Edwards, *supra* note 21.

47. I agree with Richard A. Posner: “We should consider whether legal scholarship would be enriched or impoverished . . . if such scholars as [approximately 35 names listed] and others almost too numerous to mention had either been deflected to other fields altogether or been apprenticed to [the famed treatise writers]. With many of these people I have sharp disagreements. But I do not believe that the legal profession would be better without them, or that they could be made to plow the narrow groove prescribed for legal scholars by Judge Edwards . . .” *Overcoming Law* 98–99 (Cambridge, Mass., 1995).

48. This is a complex point on which generalization is difficult. The notion of a “niche” law school is perfectly appropriate in many situations, but it is less appropriate for a state’s sole public law school to embark on a narrowly articulated mission.

49. See Kronman, *supra* note 40, at 11–14 (defining “lawyer-statesmen”), 225–40 (criticizing law and economics). Kronman does not disagree that normative economics and the prudentialism of the common law tradition can coexist. See *id.* at 238–39. He objects to, and expresses concern for, the tendency of law and economics to contract the zone in which “practical wisdom” is valued. See *id.* at 240.

50. He has said, for example: “My plea is for a climate within the academy that encourages scholarship and teaching about law in action . . . Professionals (both lawyers and judges) who work in the front line of law in action need that deeper understanding of law that comes only with understanding theory, understanding law in action, and understanding the com-

a mandate that challenges us to understand law instrumentally, as the path through which we, as lawyers and academics, can improve our society, both locally and globally. Doctrinal scholarship (as defined above) clearly fits within the ambit of "law in action" and plays an important role in accentuating the connections between legal research and ideas that provide benefits to practitioners, judges, and government officials. But other methods of inquiry also inform us about how law functions and "acts," and these methods have an important place in the academy. Interdisciplinary studies in particular provide important insights into the function of law.

As with teaching, the more difficult task is to explain how the dean's role connects to the law school's research mission. I take the following positions as a baseline.

Law schools need to do a better job of articulating to outside constituencies the relevance and importance of our scholarly mission and achievements. Published research that encourages law reform, fairer systems of dispute resolution, and the improvement of society's well-being gives the public a tangible return on its investment in the institution.⁵¹ The scholarship of academic lawyers can help direct the inevitable changes in our legal system toward the public's benefit, rather than toward the aims of narrow interests. When the dean publicizes the scholarship of his faculty, he causes the faculty's research programs to connect to the public service imperative embedded in the third portion of the traditional trilogy.

Internally, the dean can do much to foster a culture in which research is appreciated—by reading as much of it as he can, by announcing publications to the faculty (and the central administration), by encouraging faculty exchange of drafts and discussion of works in progress as well as works in contemplation, and by maintaining, as much as possible, his own research program. As with teaching, the dean must make special efforts to facilitate the research of untenured faculty. He must find effective ways to recognize and reward excellent scholarship. Last but certainly not least, he must work to expand the resources that support faculty research.

Again, more can be said and different points can be emphasized. For example, James Lindgren's recent article in this journal discusses at least fifty ideas for promoting faculty scholarship.⁵² Reflecting on the pros and cons of the Lindgren list is a very good way for you to sharpen your thinking about scholarship and the dean's role in promoting it. In an era when many schools

plex of relationships between the two." Manuscript for Remarks, Teaching Insurance Law Backstage, AALS Insurance Law Section Annual Meeting, Jan. 7, 1995, at 1, 8 (on file with author).

51. See Robert B. McKay, *The Road Not Traveled: Charting the Future for Law, Law Schools and Lawyers*, A.B.A. J., Nov. 1990, at 76; Robert H. Jerry, II, *The Legal Profession, Legal Education, and Change*, 41 Kan. L. Rev. 1, 5-9 (1992).
52. *Fifty Ways to Promote Scholarship*, 49 J. Legal Educ. 126 (1999).

are placing an increased emphasis on interdisciplinary and sponsored research, you should be prepared to answer questions about both. Some law faculty might have a deep interest in such matters, and certainly university administrators can be expected to have a very keen interest in what you think about the law school's prospects in the realms of interdisciplinary and externally funded research.

8. *Be ready to explain your views on the importance of service relative to other law school missions, and be prepared to explain how the dean can promote it.* This part of the trilogy is in some respects the most challenging of the three for the dean candidate. Part of service is the run-of-the-mill committee work in which all faculty must share, and you should have some sense of how these obligations will be fulfilled. But the modern law school is encouraged to define service more broadly. Exactly what this means for any particular school will vary widely, and certainly private and public law schools will envision "public service" differently.⁵³

With respect to a public law school, for example, I start my own thinking with the following propositions.

Academics who are now about halfway through their professional careers have witnessed dramatic changes in the environment for higher education in general and legal education in particular. The extraordinary investments in higher education from the 1950s through the 1970s produced the finest higher education system in the world. Law schools, bolstered by the rising incomes of lawyers and the attractiveness of the profession throughout this period, shared in this growth. Not only is this golden age of investment now over, but it is highly unlikely to reappear during the career of anyone now in the academy. For the foreseeable future, public funding for higher education either will be stagnant or will have slight incremental increases.⁵⁴ In addition to changes in public financial support, how higher education is managed has changed dramatically in recent

53. Private law schools, for example, will feel no need to "serve the taxpaying public" and may, therefore, tend to focus on the values of serving the legal profession and broadly defined social interests.

54. External constituencies have different expectations about the use of existing appropriations. The rhetoric of accountability, assessment, and program duplication is common, and proposals to alter traditional tenure rules are no longer uncommon, as recently became apparent in Minnesota. See Fred L. Morrison, *Tenure Wars: An Account of the Controversy at Minnesota*, 47 J. Legal Educ. 369 (1997). These considerations are relevant to all of higher education, but graduate professional programs tend to come under rigorous scrutiny earlier rather than later.

It is, of course, highly appropriate to advocate increased public funding. In most situations, the quid pro quo for increases will usually be the academy's commitment to increase efficiencies, eliminate some programs, and establish clear priorities. See Mark G. Yudof, *The Burgeoning Privatization of State Universities*, Chron. Higher Educ., May 13, 1992, at A48. For the argument that law schools should pursue some entrepreneurial activities, see Richard A. Matasar, *A Commercialist Manifesto: Entrepreneurs, Academics, and Purity of the Heart and Soul*, 48 Fla. L. Rev. 781 (1996).

years.⁵⁵ When stagnant public funding is combined with the all-too-familiar bashing of lawyers and the legal profession, it cannot be assumed that law schools will receive simply for the asking the funds needed to maintain—let alone increase—the quality of their programs. In the competition for resources, grades K–12, undergraduate education, health care, welfare, prisons, and highways will continue for the foreseeable future to present formidable demands on the public fisc.

Public service is a traditional part of the trilogy of professorial obligations, but it has had less stature in most accountings. In this changed environment, higher education—including legal education—needs to revisit, and to some extent reinvent, the public service obligation. It is more important than ever before that law schools be seen doing good things—such as providing support for the legislature through a student research bureau, or presenting symposia that give needed attention to issues of public concern, or providing legal services to the needy via clinical programs, or expanding the library's service to constituencies outside the law school. The administrative requirements of mandatory pro bono programs for law students are formidable, but it is no longer appropriate to discard the idea casually. Much faculty research fulfills a public service function, and this needs to be clearly articulated. When ethics and professionalism are integrated into the curriculum, the faculty's teaching performs a public service function. In addition, when law schools prepare students to participate in and protect our system of justice as prosecutors, defenders, and judges, to aid entrepreneurs in forming business organizations that enhance our nation's prosperity, and to work in government positions, law schools are performing a public service.

Within this broader conceptualization of public service rests the traditional service obligation owed by each faculty member. Law school committees, university committees, bar association committees and activities, and AALS committees are all important, and each faculty member should be expected to make a contribution in one or more of these areas. But the "new service," more expansively defined, emphasizes the connection between the entirety of the law school community and the public. Articulating and communicating this connection is crucial to maintaining, and hopefully growing, the public's investment in legal education. Faculty and professional staff generate the value; the dean is the messenger who describes this value outside the law school's walls.

55. The tendency for governing boards, regents, or even legislatures to micromanage higher education has become more apparent in the 1990s. One of the most stunning examples occurred in Ohio, where the Board of Regents approved, then abandoned, a policy making the amount of law school funding turn on the average LSAT of public law schools' entering classes. See Chris Klein, *Downsizing Meets Resistance at 3 Ohio Public Law Schools*, *Nat'l L.J.*, July 29, 1996, at A20. Another relevant case history is the struggle between the Minnesota Board of Regents and the University of Minnesota faculty over tenure. See generally Morrison, *supra* note 54.

Of course, there are still other things to consider. But you need to have a philosophy about service clearly in mind, and you must be prepared to defend it. At some point, you may be asked to explain your thinking about the boundary between scholarship and service; if this is an issue unresolved in the faculty you are visiting, the chances are high you will be asked about it. If some of the faculty are not comfortable with the institution's stated or unstated rules on outside consulting activity, you may be asked to state your position on consulting. Because the issue is complex and often quite sensitive, prior reflection (as well as some prior understanding of the law school's current norms) is important. In short, the professional service issue is vast, and the pitfalls are potentially deep.

9. *Know where you stand on the question of how the law school should relate to and interact with the legal profession.* Prominent alumni will be involved in the dean search at some point; chances are that these will be persons who care deeply about the school and have been intimately involved in one or more of its programs. The nature of their queries to you will depend largely on how well they think the school is doing. They are unlikely to know the details of the school's inner workings, but if there are problems, they are likely to have some sense of them and will ordinarily ask good questions about them. If they know someone whose son or daughter was denied admission to the school, a question about admissions policy is likely. They will be familiar with *U.S. News and World Report*, and you will need to have an articulated position on polls and rankings, and their effects on the law school whose deanship you seek.⁵⁶ (This issue is likely to arise with other law school constituencies as well; you should be familiar with the strategies that schools often employ to enhance their rankings, and you should be expected to explain your own views on what law schools should or should not do in the rating game.) The odds are good that the alumni will try to get some sense of whether you like lawyers and enjoy being around them.

The alumni are almost certain to ask you what you think about the law school's relationship to the legal profession. Chances are the questioner already knows the right answer to this question and simply wants to know whether your view measures up against the one he already holds. Answers to this question from the perspective of the profession are widely varied; some strongly believe that legal education has lost its moorings, while others are keenly aware of law schools' varied and complex missions, particularly when the school is affiliated with a university.

My thinking about the relationship between the academy and the legal profession starts with the following ideas.

All three of the law school's central missions—teaching, research, and service—involve promoting more connections between the law school, the profession, and the public while at the same time preserving the separate identity of the legal academy. This vision can be

56. For a discussion of the general subject of law school reputation, see Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. Legal Educ. 568 (1998).

implemented at most law schools without radical change. Some schools already offer capstone specialty courses team-taught by practitioners and faculty. Some have a one-week period between terms when practitioner-adjuncts offer specialized short courses. Many schools have incorporated skills training and professional values into the first-year curriculum. Increased attention to issues of ethics and professionalism is good for its own sake, and it also responds to the public's increased concerns over ethical lapses in the profession as a whole. Many schools have done much to teach students the methodology and benefits of litigation alternatives. The globalization of our economy has important implications for what the next generation of lawyers must know—and therefore for what we teach. In short, there is a need to be innovative in ways that bring the law school closer to the profession, while preserving the institution's separate identity as a special place and the faculty's separate identity as a community of scholars.

Explaining your views on this subject is like walking a tightrope: it takes a keen sense of balance to make it to the end. But you must have a philosophy and be prepared to defend it.

10. Be ready to explain your personal stance on diversity in legal education and the profession. On most issues of great importance, it is impossible to please everyone, and the question of diversity is no exception. But every viable dean candidate must demonstrate that she understands the issues and can speak thoughtfully about them. A good starting place for reflections is the AALS Executive Committee's 1995 "Statement on Diversity, Equal Opportunity and Affirmative Action."⁵⁷ The law school where you are interviewing may have its own similar statement, and you may be asked to react to it. Likewise, you may be asked to react to the school's admissions policies. Presumably, you have long had an opinion on these issues; the more difficult task is explaining your opinion in the context of the culture and the experiences of the interviewing law school.

My baseline is short on specifics, but it is the starting place for the positions I choose to advocate.

Opportunity is not fairly distributed in our country, and persistent racial and ethnic discrimination continues to rob many Americans of the chance to develop their inherent abilities. Empowering historically disadvantaged classes through education is one crucial part of any answer to unequal opportunity. Graduate professional education at high-quality law schools is a scarce commodity, and there is nothing even close to a consensus on how this scarce commodity should be allocated. The underlying problem is that America remains deeply divided over issues of race and ethnicity. This creates special challenges for educational institutions, and we cannot avoid our special responsibilities. If institutions of higher learning cannot deal effec-

57. 1999 Handbook at 99 (Washington, 1999).

tively with issues of race and ethnicity, there is little reason to have hope for our society.

Law schools should recruit, retain, and graduate a racially and ethnically diverse student body. Successful recruitment, retention, and graduation—and ultimate success on bar examinations—each require different kinds of programs and support, but all three have obvious interconnections. Recruitment involves aggressive efforts to interest high-quality students in the school. Retention and graduation require a climate where students feel a sense of community and support from colleagues, faculty, and staff. Admissions policies should not use criteria that merely reinforce the factors that have caused historically uneven distribution of opportunity. Whatever precise standards are articulated, if the process fails to produce a racially and ethnically diverse entering class, the public's interest is not served.

You must be prepared to engage each law school constituency on the details of your values regarding diversity. The tenor and direction of these conversations will necessarily be affected by the particular school's past experiences with issues of diversity and its current culture. If you can learn before the interviews something about the school's past and present, you will be better able to participate effectively in these discussions.

11. Be prepared to demonstrate your understanding of the dean's role as a manager of a complex institution. The Y2K law dean leads an institution far more complex than the law school of the 1960s. This puts a premium on managerial skills; in fact, many search committees place great value on prior administrative experience, reasoning that too much is at stake to endure a period of on-the-job decanal training. The committee's members—and the provost or president—will do their utmost to determine your aptitude for managing a law school.

If an institution is to prosper, it must know what it is doing; its various constituencies must communicate effectively with each other. The dean, through example, demonstrates the importance of communication and creates an expectation that others will value it. Indeed, without effective communication, the dean can easily be the last person to learn about simmering problems. Be prepared to state your sense of what makes communication effective among law school constituencies, and what your general practices will be. Regular meetings between each key staff person and the dean are important. Do you favor the practice of periodically assembling all key staff and department heads together? Should the head of student governance and a faculty representative be present at, or at least invited to, these meetings? If under the governance rules a faculty executive (or advisory or "policy") committee is the dean's option, what is your preference? Do you plan to meet with groups of students on a regular basis (perhaps at "breakfast with the dean" or "pizza with the dean")? Do you plan regular open meetings with students? On some of these questions, it may be adequate to say that you need more familiarity with the institution before deciding on some of the details, but at a minimum you need to demonstrate your appreciation of the importance of effective communications.

Some law school management occurs in faculty (usually faculty-student) committees. If to some extent the committee structure is discretionary with the dean, there may be interest in your attitudes about committees generally. How many faculty committees are appropriate? Faculty involvement in committees is needed to make shared governance work; on the other hand, one of the most important contributions a dean can make to the faculty's productivity is freeing them from needless or inefficient committee and faculty meetings. Subject to the constraints that committees need to be both representative and large enough to get projects completed, do you favor a default rule that committees should be as few in number and as small as possible?

Because law schools provide many student services and the dean is ultimately accountable for their effectiveness, you should be prepared to discuss them. The school's primary mission is to train students for the legal profession, but this task can be complicated if students do not receive competent support services—and yet students should be expected to take some responsibility for their own well-being. So there may be interest—particularly from students—about what you think the institution should provide. Career counseling is the most important of the nonacademic student support services, and financial aid counseling is increasingly important. A successful dean is one who assembles a strong team to provide these services; how will you go about assembling the team? What kind of academic support apparatus do you think is needed? The precise structure appropriate to any particular school depends on factors that vary from one school to another, including past experiences with past iterations of the programs. Law schools must also be responsive to the needs of students with disabilities; what role would you play in this area? What about the needs of students with other special circumstances (such as students with young children or dependent parents)? How would you expect staff and faculty to interact with students, and how would you set that tone? Presumably you agree that students are entitled to be treated fairly, both by the faculty and by external constituencies. The more interesting terrain some will want to explore is how you balance the need for a school to be pro-consumer against the imperatives of maintaining the integrity of academic programs and encouraging students to take personal responsibility for their education and their future.

Be ready to discuss how you would improve, maintain, or perhaps even create an effective student recruiting and admissions operations. The admissions process is increasingly important at every law school, given declines in applicant pools and the resulting pressures to maintain student quality, at least as measured by GPA and LSAT. In an era of ratings and rankings, the numerical credentials of entering classes have even more importance, as unfortunate as this development may be. Private law schools have an especially great stake in the admissions process, for the success of each admissions cycle has a direct bearing on their financial health. The effectiveness of student recruiting and admissions is also directly related to the school's efforts to create and maintain a racially and ethnically diverse student body, and you may be asked to discuss what role the dean should play in these efforts.

Be prepared to discuss, at least in general terms, the dean's role as fiscal manager. The dean, of course, is responsible for both implementing sound fiscal management practices and organizing an administrative team that carries them out. Think through what role faculty should have in budget matters, realizing that different schools have varied ways of structuring this interaction and that some faculties will have established expectations on how this is to occur. You will be asked questions about your appetite for fundraising, and the search committee will try to get some sense of your aptitude for it.⁵⁸ The success of the stock market in recent years has created excellent opportunities for fundraising, but there are reasons to expect that raising money will become more difficult during the next couple of decades. Many more organizations have sophisticated fundraising apparatuses, and the competition for gifts among all kinds of charitable organizations is intense. And probably it will be more difficult to raise money from the recent, present, and future classes that paid higher tuitions than earlier classes and may never have the opportunity to experience the rapidly inflating real incomes that graduates of the 1950s and 1960s have enjoyed. This kind of fundraising environment will place a premium on creativity, personal contacts, and energy. What role do you see for faculty involvement in fundraising? Clearly, fundraising is primarily the dean's responsibility,⁵⁹ but faculty can help in some important ways. Occasional participation in alumni activities, for example, is extremely beneficial. Delivering high-quality education and treating students with courtesy and respect lays the foundation for the dean's future fundraising success. To what extent would you expect faculty and staff to treat today's students as tomorrow's alumni?

In the typical law school budget, library expenses are the second-biggest item, exceeded only by salaries. Together, these two items can account for ninety percent of the budget—or perhaps more. So the search committee—and particularly the professional librarians—will try to learn how much you know about law libraries and what expectations you have about them. Obvi-

58. The percentage of this article that is devoted to fundraising does not reflect the percentage of time that fundraising occupies in a dean's schedule. In both private and public institutions, fundraising is extraordinarily important—and time-consuming. If you have no prior experience in fundraising, you may worry about your ignorance of a subject so important, and you might find it worthwhile to visit with one or two professional law school fundraisers to get some sense of what their jobs entail. But the "technical" aspects of fundraising can be learned; there are annual workshops for law deans and their fundraisers. You should simply concede that you have much to learn about the technical aspects but underscore your willingness to invest whatever time is needed to acquire this knowledge. (In fact, if a law school has a sophisticated and effective fundraising operation, a new dean may, at least initially, need only turn over a portion of his schedule to the fundraisers and essentially show up where and do what they say.) What is less easily learned are the interpersonal skills that make a fundraiser effective—and these are traits that search committees, the institution's professional fundraisers (whose opinions will probably be solicited by the search committee), and presidents are able to evaluate. If, of course, one of the law school's priorities is to build up a moribund fundraising operation, candidates who have experience and an established track record will have a significant advantage over candidates without such credentials.
59. This proposition needs to be qualified to some extent where the law school is part of a university with a highly centralized fundraising apparatus. A critic of the centralized system would observe that it leaves the dean with responsibility for fundraising but without all the authority needed to carry out the responsibility.

ously, the law library in the information age presents special fiscal challenges. The dean must work closely with the library director and staff to ensure that faculty have access to the resources they need for their research. New methods of accessing information expand the definition of the library—and increase costs. It has never been appropriate to conceive a law library as a book collection, but such a conception has never been more inappropriate. The modern law library must be service oriented; helping students and faculty locate information through new technologies requires a more labor-intensive operation. Rising costs dictate increased sharing of resources among law libraries. (Indeed, law schools would do well to monitor how libraries share information, for the sharing of faculty resources in the age of interactive video capabilities cannot be too far behind.)

Your course through many of these questions can be easier if you become familiar with some of the vast literature on managerial leadership.⁶⁰ On any list of traits of effective managers, most of the items are commonsense notions, equally applicable to anyone who serves as a leader in any complex organization. The dean must:

- set the example he wants others to follow
- listen to the ideas of others, because no dean knows all the answers, and faculty and students may have better ideas
- be willing to delegate authority, because the dean simply cannot do it all, no matter how much energy he has
- set standards for subordinates and then allow them to do their jobs
- make himself available for consultation and then be a good and patient listener
- tolerate mistakes (assuming the mistakes are not repeated)
- be intolerant of casualness, sloppiness, inattention, or chronic ineffectiveness
- be able to recognize and reward the meritorious
- work toward consensus and get everyone to pull in the same direction
- be decisive, thereby avoiding the opposing evils of hip-shooting (which is usually accompanied by an excessive error rate) and

60. For four suggestions, see Batista, *supra* note 7, at 78–80. Don Polden suggests Peter M. Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization* (New York, 1990); Stephen R. Covey, *Principle-Centered Leadership* (New York, 1991); James M. Kouzas & Barry Z. Posner, *The Leadership Challenge: How to Get Extraordinary Things Done in Organizations* (San Francisco, 1987). Joe Tomain suggests Robert Townsend, *Further Up the Organization* (New York, 1984); Sun-Tzu, *The Art of War* (6th century B.C.; in various editions and translations); Charles Percy Snow, *The Masters* (London, 1951); Sidney Lumet, *Making Movies* (New York, 1995) (for the implicit analogies between movie-making and deaning). Tom Sullivan suggests Stephen R. Covey, *The Seven Habits of Highly Effective People: Restoring the Character Ethic* (New York, 1989); Daniel Goleman, *Emotional Intelligence* (New York, 1995). I suggest Jay Alden Conger, *Winning 'em Over: A New Model for Managing in the Age of Persuasion* (New York, 1998); Roger Fisher & Alan Sharp (with John Richardson), *Getting It Done: How to Lead When You're Not in Charge* (New York, 1998); Michael Useem, *The Leadership Moment: Nine True Stories of Triumph and Disaster and Their Lessons for Us All* (New York, 1998); James Dunnigan & Daniel Masterson, *The Way of the Warrior: Business Tactics and Techniques from History's Top Twelve Greatest Generals* (New York, 1997); Peter F. Drucker, *The Effective Executive* (New York, 1967).

unreasonable procrastination (which is always accompanied by colleagues' frustration)

12. *Before you meet with the search committee (or make a visit to the campus), find out what problems the law school has recently faced or is now facing. You are certain to be asked what you would do if you encountered these problems.*⁶¹ Members of the committee or the faculty will ask you about things that have recently bothered or are now bothering them. In the absence of any particular difficulties at the school in the area of tenure or promotion, the chances are good that you will be asked about decanal involvement in tenure and promotion matters; but if the faculty has recently faced a difficult tenure or promotion decision, you can be *certain* that you will be asked about your views on the dean's appropriate role in such matters. The chances are always good that you will be asked what the dean should do if a university committee or central administrator disagrees with the faculty's position on a question of tenure or promotion. But if a faculty decision to recommend someone for tenure or promotion was recently opposed by the university president, you can be *certain* that you will be asked what you would do in those circumstances. All of this underscores the importance of acquiring information about the law school before your first visit with the search committee. If the school has had public problems during the last few years, you will certainly be asked, probably in the form of a hypothetical question, what you would have done if the problem had arisen on your watch.

Some questions about "hypothetical" situations will require you to summon all of your diplomatic skill, which, of course, is a valuable item in any dean's inventory. Consider, for example, the hypothetical question "How would you deal with unproductive senior faculty?"⁶² The questioner may simply want to learn something about your skills in personnel management, or the question may be an invitation for you to wander into a divisive angry squabble among individual faculty, the details of which are not known to you. Other loaded questions will be less obvious. At the very least, you must carefully avoid commenting on a specific situation about which you know nothing; yet you need to answer the question in a way that gives people confidence in your judgment.⁶³

13. *Consider whether you and the central administration have shared goals with respect to the law school's future.* An extraordinarily important constituency, of course, is the central administration. During the interviews, the president or

61. This insight is not original with me, but the person who shared the idea with me some years back wishes to remain anonymous.

62. Both my own experience and that of others indicate that this question is one to be anticipated; you should reflect on your answer ahead of time.

63. It should not need to be stated that if you give different answers in different settings to the same question posed by different people, you will almost surely be found out, and that probably will kill your candidacy. If your instinct is to handle such questions in this manner, you have already spent far too much time reading this article and thinking about being a dean.

provost will take the measure of you, but you must do the same of him (or them). No other constituency can do more to help—or impede—the success of your efforts as dean. So it is critical that you share with the central administration a set of common aims and objectives. From the initial stages of your candidacy, you should strive to forge a relationship with the central administration grounded not only in trust but also in compelling mutual interests—the creation and maintenance of a strong law school and a strong university.

If you are offered the deanship, the time will come when you sit down with the provost or president to discuss the terms of your appointment, including what resources are at the university's disposal to assist you and the law school as you begin your deanship. The "negotiating posture" taken by one who is offered the position varies from accepting the position on a handshake to presenting a manifesto to the central administration for negotiation and ultimate signature, with many permutations between those two extremes.⁶⁴ Which is best depends on you, the central administration (including how much the president or provost wants you to be the next dean), and the culture of the institution with respect to decanal appointments. Regardless of how the negotiation unfolds, a part of the end game must be to achieve clarity in any commitments made to you at the time of your appointment. Anything important should be in writing. After all, provosts—perhaps even more than law deans—come and go,⁶⁵ and the oral commitment obtained today from the provost's office will be worthless tomorrow if, by that time, there's a new provost. Of course, predicting all future circumstances is impossible, and one cannot anticipate at the time of appointment all the issues that it might be

64. The handshake approach is premised on agreement that the new dean (presumably an outside candidate) cannot know until she spends several months at the institution exactly what is needed to make the institution prosper. The approach presupposes a high degree of trust between dean-designate and provost or president, hopes that the provost or president will not be gone within a year or two, and assumes some risk that little will be done to help the new dean, which will be hurtful to the institution and the new dean's longevity in the position.

The advantage of the manifesto approach is the high degree of clarity in the relationship between dean and provost or president, and between law school and larger university. The disadvantage, varying in its extent, is the potential for creating a quasi-adversarial relationship between dean and provost or president (and between law school and university), which in the long run may prove detrimental to the law school's interests. In fact, if the negotiations go poorly, the offer of the deanship might be withdrawn before acceptance. From the candidate's perspective, this might not be a bad thing, if the withdrawal simply reflects the reality that your vision for the law school is not shared by the central administration. If, however, the withdrawal occurs because you demanded more than you could legitimately expect, in a manner more adversarial than was appropriate in the circumstances, both you and the law school have cause for regret—assuming that you would have been, but for this initial misjudgment, the best person for the job.

65. It is commonly asserted that the tenure of law deans is less than four years and declining. The study by Bhandari and colleagues calls this common wisdom into question and indicates that the mean decanal tenure is in excess of five years, although the authors explain how one interpretation of some of the data—by focusing on the median rather than the mean—can be used to support a claim that the tenure of deans is getting shorter. Bhandari et al., *supra* note 4, at 330, 344–45.

Regardless, given the widespread perception that decanal tenures are short and getting shorter, you should anticipate being asked—and have a ready answer for—the question "How long do you expect to serve as dean?" (I thank Nancy Rapoport for that suggestion.)

wise to address. That is why it is crucial that the dean-designate and the provost or president start the relationship on a firm foundation of trust. Whether this will be possible rests in no small measure on interpersonal considerations that will come into play as soon as your initial interview with provost or president begins.

14. From the first moment of your candidacy, act like you want to be the dean, and do not relent. Once you decide you want to be the dean, project the enthusiasm and energy that, if successful, you will be expected to bring to the position. Show interest and excitement at the prospect of being a part of the community of the institution. If during a thickly scheduled campus visit a group of clinicians expresses regret at not having more time to visit with you, and if your first appointment the next morning is not until eight-thirty, invite them to join you for breakfast at seven. If your schedule for a campus visit is not completely filled, consider asking if it might be possible to spend more time talking with faculty or staff. Act out the interpersonal skills that deans are expected to possess; if circumstances allow it, at the beginning of a group discussion try to introduce yourself individually to each person present, make meaningful eye contact, and shake hands. After all, you are interested in these people, and you mean to demonstrate it. Know that if you should eventually become the dean, your constituencies have already starting judging you.

* * * * *

Deans make decisions, and good deans have the judgment to make good ones. If you have the judgment and skills needed to be a good dean, the odds are high that you will be a good dean candidate. Therefore, during the search, trust yourself and your instincts. Those who interview you will seek to acquire a sense of how you make decisions; if your judgment is good, you will demonstrate it.

Also, remember that many good people seek deanships, and many good people are not offered them. Just as a faculty with a need in the tax curriculum will pass over top-flight constitutional law scholars, a school may need particular talents in its next dean, and the skills you bring to the table may not be the best match for the school's needs. Also, the provost or president may have his own plans for the law school—which can differ from the faculty's. If your agenda does not match with the provost's or president's vision, you will not be offered the position, and your reaction should be relief rather than disappointment.

The observation that there is a life after law deaning is perhaps more important for current deans than for first-time dean candidates.⁶⁶ Planning one's strategy for exiting a deanship and arranging one's postdecanal career is hardly a preferred state of mind for a dean candidate. But it may be worthwhile to consider, as part of the process of deciding whether and why you want

66. Three days after I moved to a new school and city after a five-year deanship, my oldest child, then five years old, expressed surprise to his mother: "You mean Daddy is going to have dinner with us again tonight?" I think that sums up my point.

to be a dean, one question related to the longer run: "When it is time to give it up, will you be able to?"⁶⁷ Of course, you cannot finally answer the question until the time arrives, but embedded in your *ex ante* attempt to answer it can be found some of your most intimate understandings of your own values and priorities, understandings which in turn provide insight into the reasons you have for wanting to be a dean. The question posed, of course, is one that can be asked about many things, including some that are much more important than deanships. If this last point is too oblique, a simpler iteration might be clearer: deanships tend to be short, but life is also. To give an affirmative answer to the "can I give it up" question in its broadest context, you need to have fully invested your time and energy in things you believed to be worth doing. And this, of course, brings us full circle to where this discussion began, and to a question answerable only in your own heart.

67. While considering a deanship opportunity, I was asked this question by my father, himself a public school administrator and a professor of secondary education administration for most of his career.