AFTERWORD: WHY DEANS QUIT

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In 1980, Jeffrey and Thomas O'Connell published their thoughtful reflections in The Five Roles of the Law School Dean. Their aim in part was to explain why the average deanship tenure is less than four years. While Jeffrey O'Connell is a well-traveled law professor and Tom an experienced administrator, neither had served as a law school dean. It is a wisdom attributed to Mark Twain that people who write about places they have never been tend to be boring. Yet the O'Connell's work has survived scrutiny by those who have been there, perhaps demonstrating that there is not much to this deaning business that does not meet the eye of the careful outside observer. Their identification of a dean's five roles, as leader, manager, envoy, energizer, and intellectual, remains a helpful taxonomy to those contemplating service as a dean or bearing the responsibility of selecting a dean.

Nevertheless, it seems fair to say that the O'Connells stopped short of tendering a full explanation of the short tenure of law deans. Perhaps it would be useful for a wizened veteran such as myself to put their observations in a slightly different light by trying to count the costs and the benefits of service in the office. It is after all true, as one might suppose, that the reason for the high turnover is that the rewards of the job are for many too meager in relation to the burdens. Understanding why this is so may be helpful not only to those who are considering employment as a dean, and for those seeking to hire one, but also perhaps to those who advise or supervise one, not only as university officers, but also as members of boards of visitors or other advisory groups. In this vein, I add my thoughts to those of the O'Connells.

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The time between preparation of the submitted manuscript and publication of this article was very brief. In that time, the author did receive a number of very helpful insights of readers of the draft, many of which are not reflected in the article only because the author was too late to change it. It is clear from these responses that more is to be said on this subject, and an enlarged treatment should be prepared and presented at another time. Meanwhile, the author is especially grateful for the comments of Francis Allen, John Cribbet, Tom Ehrlich, John Ely, Charles Galvin, Dave McCarthy, Dick Merrill, Jeff O'Connell, and Frank Strong. Dick Maxwell and Ken Pye made helpful comments on a previous draft, and I have drawn on experiences of many others, some of whom may well prefer to remain unnamed.

I. **The Dean's Rewards**

On the one hand, consider the rewards. There are few deans who do not make some financial sacrifice to the job; sometimes rather substantial sacrifices. It is true that most deans are paid more than they received as professors, and many are paid significantly more than their senior colleagues. But there are unavoidable personal costs associated with the role, and there are sometimes substantial opportunity costs for a dean who makes a full investment of self in the job.

There is of course the gratifying noneconomic effect of being regarded by one's friends, colleagues, and family as a "leader" or a decisionmaker. That benefit will carry some deans for a few weeks, and others for some months, but will carry very few for a period of years. Colleagues do learn rather quickly to regard the dean most of the time as a mere support player; indeed, one of the occasional decanal roles not enumerated by the O'Connells is that of community fireplug. The status of the professor is already very high; the dean is scarcely elevated in relation to the professor; and the former dean enjoys the effect without paying the cost of being a dean.

Then there is the fame, the imagined public recognition. Some persons may nourish the illusion that what deans say is more important, or at least more widely perceived, than what professors say; but experience teaches the falsity of that perception.

Finally, there is the reality of a bit of power over an institution, surely an attraction to those of us who study the exercise of power for years without engaging in it. Little enough power, to be sure. Just enough perhaps to force the question, power to do what? Power will not feed and clothe the children; it is useful only if one can imagine a consequence of its exercise. What might a dean expect or be expected to accomplish with the crumbs of power conferred on the office?

When one thinks of the narrow institutional goals to be served, these are likely to be conceived by the dean's constituencies and supervisors in the shallow terms of peer impressions: can this school be moved from eightieth to sixtieth, or from eighth to sixth, on the fraternal pecking order in the period of a deanship? A mature person contemplating success measured in that way is likely soon to find, if he or she did not perceive it in advance, that the gratification associated with the effective exercise of power to achieve the goal is inadequate compensation for the pain associated with its attainment, to say nothing of the painful risk of failure and negative results.

One who seeks rewards in the results of performance had therefore best come to it with a reasonably firm sense of the values to be served by
performance in the office; for such persons, there is a possibility at least that they can draw their pay at the window of internal gratification derived from having advanced those values even through occasions of defeat and rejection. Alas, it is probably true that many of the persons who find themselves to be deans lack any such sense of mission, and hence are doomed to be undercompensated.

Having values, it should be emphasized, is very different from having objectives. A wise dean will, I think, avoid having a plan specifying objectives to be achieved. Such plans are an impediment to the exploitation of opportunity. If they are not the product of widely shared institutional deliberation, they invite opposition because they are manipulative. If they are the product of such deliberation, they will be made at the cost of institutional energy invested in questions that need never arise, and will likely lack ambition because of the institutional tendency to avoid hard questions that have not yet arisen. There are times when academic institutions are justified in undertaking elaborate planning, but they are fewer than is supposed by persons infected by the dictates of management science. Law school deans, and other academic leaders as well, do better to concentrate understanding on why decisions are to be made than on matters of how, what, and when.

II. THE DEAN’S CONSTITUENTS

At the same time that the pay is limited, the job is hard. The difficulty derives because there are so many constituencies to be served, many of them capable of insistence on service. Even more so than the work of most practicing lawyers, the job of dean is freighted with contradictions and conflicts of interest that preordain a measure of failure. As the O’Connells describe,2 the traits required for the job include in good measure those that enable the office holder to endure frustration and rejection.

The first constituency of a dean is, of course, the faculty. Almost all success in the job, however success may be reasonably defined, must be derived from the success of the faculty. A dean lacking satisfactory collegial relations with the faculty needs to address that problem first and last; if relations cannot be redeemed, there is little use in continuing as a dean. It is almost inevitable that the relation will in time become frayed, and this fact alone is usually sufficient justification for terminating a deanship that is in its second decade.

There are in fact two faculty constituencies, one comprised of individual members, and one of the faculty entity. There is conflict of inter-

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2. Id. at 620-24.
est with respect to each. In the relationship with individuals, the dean, like the shipboard Laundry and Morale Officer, has a duty to help resolve personal as well as professional problems of the faculty, to do whatever can be done to keep each individual member of the group in the most productive mode attainable. This may involve concern with support service, or pay, or fringe benefits, or spouse employment, or medical care, or, perhaps most of all, encouragement or moral support. Most, maybe all of us, have weeks, months, or years when we need community support such as a sound and effective institution can provide. While wise senior colleagues and others can be a big help, it is generally the dean alone who has the motive and opportunity to detect and provide the help that is needed by individual colleagues. In general, this requires above all that the dean be ready to approve and encourage the efforts of colleagues, to be an appreciative and sympathetic audience. Yet, at the same time, like the Laundry and Morale Officer, the dean must, because no one else will, hold colleagues to account when they neglect duties and fail to achieve. If there is a case of faculty harassment of a student, or an involuntary medical leave that must be imposed, or a reappointment to be denied, it is the dean who wears the mantle of adversary to the unfortunate colleague. Moreover, the dean should also provide intellectual criticism of colleagues whose work is not up to attainable standards. There is a manifest inconsistency in these roles. As with the military, no one should be required to serve with the same officer for too long.

Similarly, in relation to the faculty as a group, the dean is cast as advocate for group decisions, as the champion of faculty governance. Faculty governance is important for several reasons, but not least is the relation to faculty morale; those who are devoting their lives to the institution require substantial control over it if they are to retain enthusiasm for it, if they are not to become passive drones. While being the champion of faculty governance, the dean should, however, inhibit some of the political impulses of the faculty, partly to prevent the waste of emotional energy that can result in an environment in which competition for control is too keen and too pervasive. A good faculty can render itself almost useless by too large an investment in internal politics; when that occurs, the dean has failed. The contradiction is again apparent.

In regard to faculty relations, there is also a related conflict between the roles of the dean as leader and as energizer of the faculty. As the O'Connells recognize, a faculty of self-regarding lawyers can be led, if at all, only by the gentlest and least-constraining of means. But law faculty committees are rarely energetic risk-takers; from the perspective of individual professors, institutional committee work is not professionally rewarding, and almost any program change is a threat to some personal
relationship rightly valued by some member of a committee. So, as the O'Connells observe,\textsuperscript{3} it is the dean who has a primary interest in the advancement of the institution, and who may have the energy and the willingness to take risks needed to accomplish most of the possible improvements that it might occur to anyone to make. But the performance of this function of energizer risks personal conflicts with colleagues and raises the visibility of the dean, thus impairing the ability of the dean to lead by effectively gentle means.

These opportunities for conflict are increased and magnified by their divergence from the many other constituencies with which the dean maintains a relationship as envoy. The most important envoy role of the dean is with those who provide support for the school.

One major constituency is the one that appointed the dean, the President and Trustees, who usually act through a subordinate academic officer, a Vice President or a Provost. The dean can survive a moderate amount of friction with the university hierarchy, but, depending on the character of the officers involved, there is a limit to the support a law school will receive from university leadership that is a bit down on the dean. Law schools that are blessed with reasonable financial formulae have deans who are a bit less dependent, but most universities do place the law school dean in the role of annual mendicant. The weight of this burden depends in part on whether the university is genuinely supporting the law school, as only a few private schools do, or whether the law school is made to bear its own full financial weight.

In some public schools, it may be desirable, even important for the dean to maintain a good relationship with the chair of the state senate finance committee, or other political officials who exercise control over the state fisc. Or, to maintain the institutional political base, it may be important to maintain close relations with the organized bar of the state.

Especially if the institution is a private one, the dean as envoy must also maintain relations with past and prospective benefactors, at least those who are in the major gift category. It appears that most law deans have seriously neglected this set of relationships; a decade of such neglect inflicts permanent harm on the institution. A momentary lapse in manners, or even a forgotten appointment, can undo the benefits of a decade of earnest labor at the other tasks of the dean. Major gifts are rarely received out of the blue or from supporters of a school whose dean is regarded with disfavor by the benefactor.

A complication with this set of constituent relationships lies in the conflict of interest of the university administration. Law school deans

\textsuperscript{3} Id. at 612-17.
are often charged by the university with a duty to raise funds, sometimes
in large amounts. At the same time, the university is also raising funds
for other purposes and other programs, often in competition with the law
dean. It is an experience common among law school deans to have major
prospects cultivated over a period of years diverted by the university to
other programs. Indeed, a dean is sometimes given a list of "prospects"
on whom the university development officers have given up, and it is not
rare for the dean to find that any progress in kindling the interest of a
person on such a list is rewarded by a re-direction of the resulting gift to
some other program.

Before most persons become eligible for the role of benefactor, they
are of course alumni. The dean is the chief envoy to that group. General
alumni relations and an effective annual giving program require atten-
tion, and for some schools much travel. While much of this can be de-
egated to administrative staff or to colleagues, the ultimate responsibility
remains with the dean, and the dean does need a positive relationship
with at least those alumni who are helpful in organizing such activities.
For some alumni, the appropriate means of communication is through
the activities of the organized bar, and few deans can afford to ignore
those activities even if their schools are private and have no use for a
political base from which to influence the public fisc. For other alumni,
the avenue of communication is continuing education; it is not a bad idea
for a dean to be visible in that activity.

While the foregoing constituencies are important for the needed sup-
port they give the law school, there are a number of others who are im-
portant because of their claim to regulate the school. First on this list
will normally be the Provost or academic Vice President who, in addition
to exercising some power of the purse, will also impose constraints on the
law school usually justified by reference to a presumed need to fit the
practices of the school to those of the larger institution of which it is a
part. Although first on the list, this source of regulation is rarely a prob-
lem. The Vice President, like the dean, has a strong interest in the wel-
fare of the law school, and, if experienced, has learned that the law
school and its faculty is a potentially powerful ally of the central admin-
istration, if for no other reason than that law professors are not by defini-
tion hostile to the making of decisions by officers, and are often more
balanced in their political and institutional judgments than their less
worldly colleagues in some other disciplines. As long as the dean is not
asking for too much of the university's money, most problems of regula-
tion by the central administration can be managed even by a dean of
modest administrative skill.
This may be less so if the Vice President or Provost is subject to the
dominion of the university faculty or its committees. Prospective deans
should be quite wary of being responsible for a law faculty whose ap-
pointments or other important recommendations are subject to the ap-
proval of an "advisory committee" of the university faculty. When new
powers are suggested for university faculty bodies or committees, it is the
unfortunate dean who must place his or her body across the tracks.

In regard to tenure appointments, of course, such committees can
perform a useful role by preventing bad appointments to weak schools or
departments. Even in regard to these recommendations, however, such a
committee can be a very troublesome adversary of the law faculty. Being
proponents of values of the academic rather than the legal profession,
they elevate research to transcendent importance. Such committees are
often death to clinical appointments, and are a formidable threat to the
careers of academic lawyers drawn from the ranks of practitioners, who
are sometimes a bit slow to produce scholarly writing in the bulk ex-
pected. More subtly, and perhaps more importantly, such committees
threaten the collegial responsibility of the law faculty and transfer the
authority of the collegium over its junior members to a faceless group of
references at other universities, diminishing the incentives of the young
law teacher to maintain constructive relations with law colleagues, law
students, and the legal profession. If the law faculty's recommendations
on tenure are to be subject to close scrutiny by an outside group, the law
school dean is well advised to insist that the reviewing group be at least
largely composed of law professors from other law schools rather than
other kinds of academicians closer at hand.

Certainly, in any case, tenure decisions are important and it must be
expected that the law school will have to justify them to higher authority
within the university. The dean will be the person to make the justifica-
tion. The duty of the dean to be candid with the university on these
matters can bring the dean into serious conflict with the faculty. The
dean is obliged to disclose weaknesses in the recommendation, and if the
dean is himself opposed to the recommendation, this too must be dis-
closed. Such disclosures are very likely to result in a disapproval of the
faculty's recommendation, leading to much recrimination by the major-
ity making the recommendation. Few deanships could withstand such
an event.

Review procedures can be an unqualified nuisance to the law school
and to the dean with respect to matters of rank. Given the traditions of
law schools, tenured faculty members must have full rank if they are not
despised. This reality can be denied by a university faculty committee.
Indeed, this is likely to be the case because of the tradition in other fields
of reserving full rank as a recognition of additional achievement. My own judgment is that this is a perverse tradition representing poor personnel management; it demeans and alienates an underclass in order to give a useless satisfaction to a favored group. But despite the unwisdom of fine-tuned class distinctions among the members of a tenured faculty, it is the tradition and a university rank committee can be expected sooner or later to seek to impose it upon a professional school.

Similarly, many law schools have a number of endowed chairs, which serve as an additional emblem of rank. In a few universities, there is an "advisory" committee to counsel against the dilution of standards by promiscuous appointments to chairs. If such a committee is taken too seriously by the university, the regulatory scheme can confer on a group outside the law school, and having no particular interest in its welfare, a very sizable destructive power over it.

A dean unable to secure an appropriate rank for a colleague deemed within the law school to be deserving of that rank is likely soon to lose not only any positive ties to the faculty, but some of the most ornamental and promising members of that faculty as well, resulting in a total failure of the deanship. Thus, all of these advisory committees pose a serious threat to a law school dean, one that can be reduced but not controlled by the dean's ability to maintain a positive relation with university faculty.

The risk is magnified if a rank committee is appointed to perform a representative, political function. It is also magnified if members are inexperienced in the exercise of small power, underemployed, insecure in their own professional status, or self-important; alas, all of these traits can be found among esteemed university faculty, and are likely to recur among those serving on rank committees. When these traits manifest themselves, the rank committee is very likely to be tougher than it is good, gratified by an opportunity to elevate its members by denying rank to a professional school colleague, and quite immune to the pleading and cajolery of a dean.

Occasionally, a university faculty committee may claim other powers over a professional school, such as the power to disapprove a new program, or even to control salaries. Once entrenched, such prerogatives are difficult to remove. Yet the presence of such powers makes the law school deanship a hazardous venture which places the best and most creative work at uncontrollable risk.

Other officers of a university may also propose to regulate aspects of a law school program. For a private school especially, the most noisome of these regulators is likely to be the university development office, which will try to restrict the law school's access to possible benefactors. Uni-
versity development is a tough, competitive game, and many of the players have limited job security. Few if any university development officers perceive the law school as a major source of political support, and they are accordingly driven to take what they can away from law schools for the benefit of programs nearer and dearer to the central administrators who supervise them. Raising funds from foundations and corporations is at many universities an especially competitive game played by rules that are unstated, changed for the occasion, and administered unevenly. More than a little guile, tact, and aggression is required if a law school is to hold its own in this universe of activity.

Also important may be the employment or human relations officer who has the task of administering federal and state employment laws and of protecting the university from ruinous internal competition for the best employees. Such officers can obstruct sound administration when they deny a raise or promotion in rank to a secretary or administrator. These matters often can be as important to the school as they are difficult.

Then there are the regulators outside the university. For local institutions, it is often crucial for the dean to maintain a positive relation with the state supreme court, the bar examiners, and other organized bar leaders who exercise some power to regulate law schools. More important to a larger number of schools is the Section on Legal Education and Admissions to the Bar. For about twenty years or so, that Section, through its accreditation committee, has become increasingly aggressive in regulating law schools. The Section has a legitimate, indeed important, function in ensuring that approved law schools, whose graduates are allowed to sit for bar examinations in most states, adhere to appropriate minimum standards regarding the size and qualifications of the law faculty and its dedication to the teaching mission of the school, the qualifications of the students, the adequacy of library facilities to sustain effective study, and the sufficiency of the curriculum to train students for the performance of legal services. In the last two decades, however, the Section has used its accreditation power to coerce improvements by universities in an effort to conform each law school, as near as may be, to the vision held by the Section for that school. Thus, in 1980, one officer of the Section explained to over a hundred assembled deans that the turnover rate in their offices required that the Section assume some decanal responsibilities for planning and developing the 170 or so approved schools. This activity of the Section has been encouraged by some deans, some of whom may indeed have secured at least momentary advantages from their universities as a result of this kind of leverage. This well-intentioned program to improve law schools is a serious threat to the governance responsibility of
the faculty, and to the general quality of many law schools. A dean whose school falls into the receivership of the Section has failed, even if some short-term monetary support is won thereby, because the benefit will accrue at the cost of the law school’s control over its own destiny.

One hopes that the Section will return soon, as it has been advised, to its appropriate function of maintaining minimum standards of preparation for law practice, leaving to deans and faculties of most law schools full responsibility for their own fates. But meanwhile, the Section must be yet another significant constituency for many deans, one which has the power to undo a decade’s achievement.

Not a regulator of the law school, but certainly a threat is the communications industry. While, as I have said, few reporters or readers of the press or viewers of the media are interested in the words of a dean with respect to issues on which a dean might wish to be heard, there are other matters on which a dean must speak even if there is no benefit to the school to be gained by the utterance. Preeminent on the list of issues on which deans must speak to the press is the bar examination result, a clear no-winner for any dean. There are other less routine questions regarding the profession or students of the university on which the press will smoke out a dean. And a dean is often included on the list of persons to whom a petition is circulated for signature prior to publication. The press relations dimension of the job has been magnified by the advent of the journalism of the legal profession. Lurid reportage of innocent events can and does cause substantial harm to a dean or to a school. It is often the business of these journalists to make stories even where there are none. Doubtless some positive results can be achieved by working with this branch of the press, although such results must be very rare, and are alien to my own experience. In any case, an effective dean serving as a public information officer for the law school must strive to maintain a suitably positive relation with the media, even while knowing that most journalists have interests that are adverse to those of the school.

There are two constituencies among the general public to which the dean has an envoy relationship. These are the law firms and other employers who do, or might do, business through the law school’s placement office and prospective admissions applicants. Individuals in either of these groups can make reasonable demands on the time of a dean. Because neither of these groups is organized, it is not generally the case that a dean’s mistake in dealing with an individual will be a deadly one. Yet because they are not organized to insist on their views, someone must champion their interests in deliberations on school policy. Often that someone is the dean.
Additionally, the dean is envoy to a number of smaller groups of individuals who are significant to the school. One group consists of those members of the university faculty who have interests extending to law or some aspects of law; some of these persons may or should teach law students from time to time, and others ought to participate in other ways in the intellectual community of the school. A second group consists of international visitors, some of whom may teach, but many of whom may serve usefully as friends of the school on the basis of a single day's positive impressions. A third group is the adjunct faculty, which, especially for a school ambitious to maintain a substantial clinical program of quality, can be an important group that can be often and easily slighted by the regular faculty. A fourth group, of critical importance, are prospective recruits to the faculty; indeed, this group may be, over the longer term, the single most important constituency of the dean, for a failure of positive relations with this group has dreadful consequences that are obvious.

Yet another set of groups to which the dean is envoy is comprised of student organizations. Each school has at least one organ that is representative of the entire body of law students. Sometimes, this group can be energetic and constructive; more often, it is passive and sociable; sometimes it can become confrontational and a real difficulty for the dean. Not always will such a group be wrong when it is confrontational; law students are a critical and perceptive audience and are not unwilling to take public note of a dean's shortcomings. On other occasions, the group will pit itself against the faculty, perhaps putting the dean in the crossfire. Sometimes, such a group will simply make unjustifiable demands that must be rejected. If possible, a wise dean will engage the support of the full faculty on such an occasion, but this may not always be possible.

Sometimes incendiary is the relation to other student organizations. Organizations responsible for a publication can pose serious problems; more than a few function far below the par of quality that the students are capable of achieving. Such organizations can also manage their affairs in such matters as membership selection in ways that adversely affect other school activities. An effective dean can try to elevate standards and inhibit activities that are harmful to others, but traditions of institutional autonomy are an impediment. Similarly, moot court programs run by students can develop negative traditions, habits and standards; a dean can hope for help from a faculty adviser, but ultimate responsibility does rest in the dean's office. Additionally, there are the special interest student groups, each of which may have special expectations to which a dean may have to respond.
A common characteristic among student organizations is a short time perspective. Unwise "traditions" can be invented and entrenched by a single three-year generation of students. The ability of group members to distinguish such traditions from the longer term and broader interest of the law school is limited not only by short memory, but also by short foresight. It is a function of the dean to try to correct the consequences of such defects of vision.

Much of the work with student organizations can be delegated to an assistant dean, but not the part giving rise to serious conflict. When there is an odium to be borne in such matters, it is likely to be the dean's, and it is likely to have some effect on other relationships as well.

In addition to student organizations, there is another student constituency—the unorganized mass of students. This group exercises the real power of socialization over its members. What most think and do will influence the thinking and action of many. The dean's and faculty's relation with the mass will be influenced by the relationship with student organizations, or with student members of faculty committees, but the mass should not be mistaken for its representatives. A dean not having a satisfactory relation with the mass of students exposes to risk not only the deanship, but also faculty and staff who may need the support of a dean, and the longer-term goodwill of younger alumni.

Owing in part to the high teacher-student ratios prevalent in law schools, the power of the student constituencies is greater than an outsider might imagine. Law teachers are, in part, performing artists, and are strongly influenced by audience reaction; this pressure on the faculty is subtle and sometimes unperceived, but more than a few bad decisions have been made by professors and faculties to avoid the lash of audience rejection. Indeed, the timidity of otherwise courageous professors in the face of even limited and temporary student odium can sometimes be remarkable. It is then the role of the dean to deflect, and if necessary, to absorb such an odium that would otherwise befall one or more colleagues, or to urge the faculty to resist an improvident impulse of student opinion.

I have now identified a couple of dozen constituencies of the dean to whom that officer bears the relation of envoy. Others arise from the role to which the O'Connells refer as managerial. The dean as manager has yet another full set of constituencies to whom relationships should be maintained.

First, of course, there is the administrative infrastructure of the law school, the people who do the work of making the institution run, the associate and assistant deans and the director of the library. These persons are almost universally underappreciated by the students and by the
faculty. Often there are serious questions of job title and status or even tenure; many of these are matters for the faculty to decide even if they are not directly dependent on the individual for help. A dean who fails to get and retain the right kind of help in these positions is in serious difficulty, to say the least.

In addition, there is the staff supervised by the deputy administrators. The dean must be careful not to tread on the roles of delegates, and to leave them ample room to make their own mistakes and maintain their own relations with subordinates. At the same time, it is desirable to maintain a possibility of direct communication with the cataloguers in the library, the admissions secretary, and dozens of other individuals who are on the institutional front lines. Without some communication with these sources, it is impossible to judge the administrative skill of delegates or to form a satisfactory opinion on relative budget needs, or to be effective in doing battle with university personnel officers with regard to raises and promotions. Moreover, staff members are sometimes drawn into heated issues which the dean cannot avoid, such as complaints by the faculty about secretarial services, or by students about library or placement services. On such occasions, the dean needs knowledge of the office and a relationship with the people in it.

Of course the largest constituency within the school is made up of students in their individual capacities. Except in a very small school, it is impossible for the dean to have a personal relationship with each student. But the management role does require involvement in crises. Student suicide is only the most serious of a range of matters requiring the dean's attention. Some of these matters can place the dean in an adverse relation with a faculty member or with a deputy. They also bring the dean into contact with other significant constituencies who may be concerned with student conduct, including especially parents, but also the police or the fitness committee of the bar examiners. The latter pose an especially noisome conflict between the dean's role as teacher-counselor and his role as an officer of the profession obliged to disclose pertinent information to a licensing authority. Even in a small school, one can expect several individual student crises each year.

In a more positive vein, the dean may have opportunities to help individual students with their careers. This is most likely to be the case with judicial clerkships. Even this role is not free of conflict, because alumni do ask, and some expect, a preferment in the advice given by the dean to students considering offers of employment.

As manager, the dean may also have a relationship with admissions applicants and with employers. These will again involve the crisis situations in which there are opportunities to make institutional friends and
enemies. Most deans must at some marginal level become involved with admissions decisions involving candidates favored by supportive alumni; usually the dean’s interest in such matters is rightly resisted by the faculty. On occasion, also, problems arise with employers using the placement service. Sexual harassment of a student by an interviewer or summer employer presents the dean with an especially onerous obligation for confrontation, sometimes with alumni.

There is another large constituency outside the law school for whom the dean is accountable to those within it. These are the university support offices, which may include the campus police, food service, the parking office, the bursar’s office, housekeeping, and a half dozen other bureaucracies. Often these offices have acquired a self-centered view of the university and have lost the sense, if they ever had it, that their mission is to support the efforts of those who teach and learn. In order to secure satisfactory services, the dean may be required to spend valuable good will with higher university officials. If the services are unsatisfactory, it is often the dean who bears the odium of the dissatisfaction. Again, much of the routine contact with these offices can be delegated, but not when the heat is up.

Finally, perhaps most urgent of all obligations, the dean has duties to an immediate office staff with whom satisfactory relations are indispensable. Like the dean, persons working in the office of the dean must deal with many constituencies, hopefully without adding to the complexity by interjecting yet more conflict into these relations. Like the family cat, it is they who are closest at hand when something needs to be kicked. A dean supported by a competent and even-tempered staff is very fortunate; a wise dean will make the appropriate care of such a staff a very high priority.

As the number of constituencies approaches a third dozen, I should note that intersecting almost all these relationships is the responsibility of the dean as budget officer of the law school. For those who have shared the experience of spending millions of institutional dollars, it is no surprise to learn that there seems to be very little discretion to be exercised, so fixed are the expectations reflected in the way things have been done recently. Yet there is endemic dissatisfaction with whatever the budget allows, and every dollar that a dean spends on one purpose is in fact taken from twenty-five others.

Much of this is obvious, but it is possible that the reader has not before attempted to count these diverse groups to whom a law school dean must account. When one also considers that most of these very numerous and conflicting constituencies are articulate and aggressive, it seems fair to say that the job is as complex as any other job within the
university. The accomplishment of any specific objective by a dean must be regarded as improbable. These features are, of course, for some of us the charm of the job.

III. LIFESTYLE

Thus far, I have dealt with the substantive complexities of the job. These complexities are not what generally causes deanships to end in the third or fourth year. The cost-benefit analysis of deanig tilts still more to the cost side when consideration is given to the lifestyle of the dean. It is at all times clear that the lifestyle of a professor is to be preferred by almost any taste to the lifestyle of the dean.

Some deans find their in-boxes to be unbearable companions. I have never minded mine so much, but I learned early to be ruthless in dealing with it. Over half of my mail each day is disposed of in a round file in less than three minutes, and I will have disposed of much of what remains within seven minutes by penning the initials of another person in the upper right-hand corner. This is not to say, of course, that my own in-box, or that of every dean so far as I know, is not sometimes an appalling sight, especially the second in-box, where I hold those few daily items that require fuller attention. It is a special discipline not to be governed by the mail; failure to master the technique of handling most paper only once and usually as briefly as possible can make the job an intolerable burden.

There is likewise the telephone. It rings too much, too often with messages one would prefer not to receive. And much too often with calls placed by persons other than the callers, for whom one is asked to wait, a practice that I revile. An attraction of being a former dean is the freedom it allows to greet with a dead line those persons whose secretaries announce their call. (I do not know how many others share my own reaction, which is to measure the maturity and integrity of a person by his or her willingness to dial a telephone. I know federal judges, senators, and university presidents who do, and assistant bureaucrats who do not. It may be useful parenthetical advice to rookie deans to do their own dialing.) Of course, one can ask that incoming calls be controlled, but this is the counterpart of having a secretary place your calls: it risks offense to callers; and it always turns out that the calls one most wanted to receive are the ones that are held.

Then there is the calendar of appointments and committee meetings, which are sometimes seemingly incessant. Most troubling is that the ap-

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appointments one often should have kept are the ones that are never made, because the occasion for them was not known. It is not bad practice for a dean to cruise the building, daily if possible, especially to remain in contact with the faculty, but also to see and be seen by the secretaries, the librarians, and of course the students. A dean without time for a visit to the faculty coffee pot or lunch table invites serious trouble and disappointment. It also seems necessary to see most assistant and associate deans frequently, some daily and some weekly, maybe the library director monthly. In general, for most deans, because the usual work week is already chopped to pieces by calls and mail and appointments, it makes sense to leave the office door open and receive most callers on demand; this is good for relations with faculty and students and costs less than one might suppose.

Then there is ceremony. Some ceremonies, such as commencement or meeting an incoming class, can be especially gratifying. But the number of events in between can wear a fellow down. And for some deans there is the travel. For national law schools, alumni and benefactors are everywhere. An effective dean may need to spend thirty to sixty nights a year away from home, usually in a lonely hotel room, and often after too much food, too much drink, and not enough exercise.

If the dean is to perform at all as an intellectual leader, it is essential to maintain at least a passing acquaintance with contemporary news events and with recent legal developments. It is necessary to read at least most of what the faculty writes, in draft and with comments if possible. It is also desirable to participate in the intellectual life of the faculty by attending lectures and workshops, and contributing useful comments on papers presented whenever possible. And it is perhaps most important for a dean to retain some personal life of the mind by reading novels, history, science, or other writings that carry the mind some distance from the institutional routine so that its owner can return to work from a different place, at least from time to time.

If the dean is not planning to leave academic life at the end of the deanship, it is essential that the dean also teach. Perhaps for the wrong reasons, students will, fortunately for a dean, minimize their claims on outside time of a dean-teacher. It is, however, inevitable that the dean’s teaching will be less careful, and less effective, than it would be without the distractions of other decanal duties. For this reason, teaching is not without risk. Pity the dean who must deal with student unrest about the quality of his or her own teaching!

Moreover, a dean who contemplates a possible return to academic life must also write. Writing is also important if one is to keep one’s status as a member of the intellectual community of the school. As with
teaching, this activity must be limited, and is seriously impeded by the incessant demands of the in-box, the telephone, and the appointments calendar.

Adding these activities together, it is clear that they occupy more hours and days than there are. Over-commitment of time is thus an independent additional reason why a dean is doomed to experience substantial failure and frustration. This is also a reason why, in the end, a dean's neglected spouse is likely to blow the whistle if no one else does.

Indeed, it should be noted that the family bearing that burden of neglect can be an enormous, even an essential, help in keeping the stresses of the dean's job in perspective; the dean's family is always his or her most important, if not only, "support group." It is perhaps for this reason that few unmarried persons have served long terms as deans. But this means that the office is in a sense filled by two persons (or more), not one. Even a spouse who limits his or her ceremonial and social activities is making a substantial, if involuntary, contribution to the institution. Rarely is this recognized by an institution. I am, however, told that there are now a few enlightened institutions that provide salaries for spouses of executive officers. If commencing anew, I would perhaps insist on such an arrangement.

IV. Conclusion

Would I undertake such a job again? Yes, on conditions. Would I recommend it to a friend? Yes, on the same conditions, I would recommend the job for a friend who has a strong marriage (or a suitable surrogate for that), a substantial willingness to take flak as well as give it, and a sense that law and legal education are worthy enterprises. But I would not recommend the job to one who takes himself or herself very seriously, and who expects his or her efforts to be widely and fully appreciated. Appreciation can come to some, but it would be a folly to count on it, and one who performs the job for gratitude will not perform it well.

The conditions I would require and recommend to a friend are several. First, one should not undertake to be a dean to a faculty of which one would not wish to be a member. The previous discussion suggests many reasons why this won't work. This factor often counsels against becoming an "outside" dean, and there are additional reasons for caution about that, not least of which is the awesome difficulty of establishing positive relations with literally hundreds of people at once; an outsider cannot with any accuracy assess so many unknowns among the many constituencies, and is not likely for many years to be effective in relations with alumni and benefactors. On the other hand, I would for myself
again elect to be an outsider once (but never again), given just the right time and place.

Second, one should be assured of enough control of events within the law school that one’s failures will result from one’s own shortcomings and not the intransigency of an officer or committee that will not share in the responsibility for the failure. Thus, I would never recommend to a friend a deanship of a law school whose important decisions (such as rank) could be reversed by a university faculty committee, or the accreditation committee of the Bar, even if the faculty were the one to which the friend belonged. Better to keep one’s options open to leave than to invest the effort and heartache in a losing cause.

Third, in the same vein, one should have a clear understanding about the role of the dean in fund raising and the nature and extent of any limitations imposed by university development officers. This should probably be reduced to writing. A minimal demand would be that the law school dean be free to ask for support from any alumna or alumnus of the law school at any time, or from corporations or foundations in which they have major offices; a dean without that freedom is in an unacceptably vulnerable position.

Fourth, one ought to be prepared to remain on the job for about a decade, perhaps a bit less for an insider who knows the institution well enough to shorten the learning curve. It takes, at least for most, about half that time to learn the role and the other players. Turnover every three or four years destabilizes too many relationships, and results in the neglect of too many constituencies. It also invests too much institutional energy and emotion in deanship selection. From the school’s point of view, it is important that there be periodic reviews, especially of the relationship between dean and faculty. Yet there is a problem with a departure date fixed in advance in that the deanship weakens as the date approaches; for this reason, it will generally be desirable for the dean to quit substantially in advance of any fixed date, and on moderately short notice.

Finally, one should accept employment as a dean only if one is prepared to leave the job early without regret. The job is a prison if the dean does not keep the door open for himself as well as for those seeking his attention. The authenticity of the risk that the dean might quit can give strength in dealing with unruly constituencies, most of whom will prefer the known to the unknown in the job. A dean who cannot quit will be victimized by a constituency whose claim he is unable to resist. Thus, here again there is contradiction inherent in the deanship. One should want the job for its own sake, yet not want it too much. The adversities
in the lifestyle of the dean are likely to make this ambivalence easy enough to achieve.

Adaptability to such conditions is a special form of madness. Yet it is said that a key to a happy career is to make one's special insanity useful or even valuable to others. My hope in penning these words is to help a few individuals and institutions make just this kind of match.