

# HEINONLINE

Citation: 31 U. Tol. L. Rev. 567 1999-2000



Content downloaded/printed from  
HeinOnline (<http://heinonline.org>)  
Thu Nov 12 10:14:57 2015

- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from uncorrected OCR text.
- To obtain permission to use this article beyond the scope of your HeinOnline license, please use:

[https://www.copyright.com/cc/basicSearch.do?  
&operation=go&searchType=0  
&lastSearch=simple&all=on&titleOrStdNo=0042-0190](https://www.copyright.com/cc/basicSearch.do?&operation=go&searchType=0&lastSearch=simple&all=on&titleOrStdNo=0042-0190)

# TEN THINGS THEY DON'T TEACH YOU AT DEAN SCHOOL

*Patrick J. Borchers\**

**M**Y title is misleading. Actually, they do teach you a bunch of this stuff at Dean School, or at least at the ABA's excellent annual workshop for new deans, which is the closest thing to a Dean School that exists. But, I couldn't think of another short title, and I'm bound and determined to write something with a shorter title and fewer footnotes than my first academic article.<sup>1</sup>

As I finish up my first year as a dean, I thought it might be useful—particularly for those considering walking this same path—to share some of my thoughts about the job. If you, dear reader, think too that it might be useful, continue reading; otherwise stop here and go on to some other activity.

For those who have made it this far, a disclaimer or two. Not all of this applies to my current institution, the Creighton University School of Law. Some of what I have to say, of course, draws on my thus-far brief tenure at Creighton, especially the stuff that draws on mistakes I've made. Some though comes from having worked for different deans at my prior institution. Some were great; others weren't so great. I learned from all of them, however. My observations, I should also point out, aren't in any particular order. In particular, one shouldn't assume that the first ones are the most important. Rather, they just appear in the order in which they occurred to me. Finally, as I indicated in the previous paragraph, my deaning experience consists of one (1) year as a dean, and a few years before that as an associate dean at another school.

So, with that out of the way, here are ten observations about deaning that I hope prove useful to someone.

## *1. Be Nice*

As a dean, you get plenty of chances to be unnice. And sometimes you have to be unnice. But that shouldn't be your default approach. It especially shouldn't be your default approach when it comes to dealing with your predecessors. Fortunately for me, I have two great predecessor deans on my faculty, and they are invaluable sources of information. But anyone who does this job for a while is bound to attract a few critics. The fact that your predecessor(s) might have a critic or two is not license for the current dean to be petty. If you look petty it will diminish your moral authority, and sometimes that's all you have as a dean. Remember: your time as a former dean will come.

The be-nice presumption applies to faculty, staff and students as well. Especially if you are coming in from the outside, there will always be a few people who will be identified as problems. Sometimes they are problems; sometimes they're not.

---

\* Dean and Professor of Law, Creighton University.

1. See Patrick J. Borchers, *The Death of the Constitutional Law of Personal Jurisdiction: From Pennoyer to Burnham and Back Again*, 24 U.C. DAVIS L. REV. 19 (1990) (544 footnotes). If I do this right, I'll come up 543 footnotes shy of my personal record.

Give everyone a chance. You'll know when you have to be unnice to someone, and you'll be in a better position for having given that person a chance.

## 2. *Honesty is the Best Policy*

This sounds trivial, but it isn't. As a dean, you get lots of chances to lie. Some of them seem like they might be little, harmless lies, but it doesn't work that way. Suppose, for instance, that the staff raise pool is such that you give out raises from 2% to 6% in a particular year. Especially if your raises aren't subject to public disclosure, it's mighty tempting to say, for instance, that staff raises that year ranged between 1% and 6% so that the people who got 2% don't feel like they were left at the bottom of the heap. Resist the temptation. The people at the bottom of the heap should know it, even if it makes them feel bad. Moreover, people have a way of figuring out that you aren't telling the truth, and it'll kill your credibility later on.

## 3. *Speak Directly*

This can be a hard one sometimes, but it pays off in the end. If you are having a problem with someone, speak to that person directly. Don't speak to someone else, hoping that the message will get back to the source of the problem. The message will get back, but probably not in the form you'd like and not with the results for which you are hoping. Of course, this doesn't prevent you from consulting with others—especially Associate and Assistant Deans who are paid in part to give you advice—about a problem before taking action. But the problem person—student, faculty member, alum or other—is entitled to hear it from you, not from someone else.

## 4. *Learn About Your Institution*

This is especially true for deans, like me, who come from the outside. But, I suspect, it's not completely inapplicable to insider deans. Every institution is peculiar, but it probably has reasons for its peculiarities. The urge can be overwhelming sometimes to treat foreign customs with a conclusive presumption of wrongness. Of course, as a dean, you are going to want to make changes, and you will make changes. But, I've found from both sides of the fence, those changes are much easier for the affected constituencies to accept if the dean has some appreciation for the practice being displaced. Moreover, you might actually learn something in the process. Your new institution's way of doing things may shed some different light on a problem and cause you to reconsider your own thinking, even if only partially. Highhanded attitudes lead to very bad results.

## 5. *Pick Your Spots*

As a dean, you can only take on so much at one time. Moreover, you find that your effectiveness diminishes if you are spread too thinly. If you communicate effectively that you have a couple of top priorities for a particular year, I think you'll find that your faculty, staff and student colleagues are likely to support you,

but they might well balk at ten priorities. Of course, that may mean that you have to live with some things that you'd eventually like to change. But, in the grand scheme of things, you have to consider whether it's more important to attempt to rearrange a school's faculty committee structure or try to get excellent faculty hires. In principle the two shouldn't be related. But if your energy as dean is going into a controversial plan to rearrange the faculty committees, you might just find that your influence on the hiring process is diminished.

#### 6. *Let People Know What You Are Doing*

Being a dean is a multifaceted endeavor. You have a large number of constituencies: faculty, staff, students, central administration, other units within the University, alumni, the general public, and on and on. Because you deal with all of them as dean it's easy to assume that they all communicate with each other, and that each knows what you are doing all of the time. It doesn't work that way. If you are out of the office a lot (and you will be) let people know what's going on. This doesn't have to be a constant excuse for self-glorification, but you should communicate successes. So, if you had a development trip to Southern California and made some successful calls, there's nothing wrong with letting people know. But, at a minimum, your various constituencies will find your absences easier to accept if they know that you're working on institutional business. And if you're out on vacation, that's fine too; it doesn't have to be a state secret.

#### 7. *Don't Get Away from the Things That Made You Successful*

One of the harder decisions that I faced before taking my new job was whether to teach a course my first year. Most of the advice I got was in the "no" camp, but I went ahead and taught a section of Civil Procedure anyway. I'm really glad that I did. First, there are professional reasons that I'm happy I taught Civil Procedure. As a newcomer to the school, it gave me a connection with students that I never would've had if I hadn't taught. There are, of course, many things that your students (i.e. the students in your class) will tell you that they probably wouldn't tell you if they didn't know you from class. It also helps give you credibility with the students and with your faculty colleagues. Somehow, I think, it seems comforting to know that the Dean is slogging through a stack of bluebooks as the grading deadline approaches.

Second, I'm happy I taught Civil Procedure because teaching has always been my favorite part of the job. It would've been alien for me to spend a year in a law school without teaching any students. Now, my point is not to argue that every dean should teach in the first year. Institutions have different customs and deans have different preferences. But don't give up the things you like and do well. Neither you nor your institution will be better for it.

#### 8. *You Don't Have to be an Expert on Everything*

You don't have to be an expert on everything, which is good because you probably aren't (I know I'm not). If you think about all of the challenges that face

law schools—from admissions to fundraising, from building projects to information technology issues—nobody could know all of this stuff. Sometimes it's easy to get the impression that you're supposed to, and probably some people will even have the unrealistic impression that you do.

Fortunately, you have help. The most obvious source of help is your Associate and Assistant Deans and immediate administrative staff. Particularly if they've been around for a while, it's amazing what these folks know. Depending on personalities, they may or may not be reluctant to share it with you without invitation. The easy way to solve this problem is to invite them by asking.

Sources outside the school can be incredibly helpful as well. If you haven't had responsibility for finances and a budget before, it makes sense to talk to the University financial people on a regular basis to see where you stand. You can build up lots of goodwill by staying in regular communication, and it can avoid misunderstandings later on.

A word of warning on this observation, however. The fact that you're not an expert on everything doesn't absolve you of liability for subjects about which you aren't expert. If, for instance, you haven't had much experience in the admissions process and the school comes up 20 students short in the first year class, it's unlikely that the folks in central administration will give you a soothing pat on the head because, after all, you aren't the admissions expert. You have to rely on your experts, but you also have to learn about these critical areas and be able to explain and defend the decisions that have been made.

There's a corollary, too, which is that you have to go with your gut instinct. At the end of the day, you'll probably be called upon to make many decisions about subjects upon which you aren't an expert. After you've gotten the advice you can get, you have to make the best decision that you can and be prepared to live with it.

### 9. *Don't Duck the Blame*

It should come as no shock that not everything is going to go perfectly. If you wind up in a job like this, there will eventually be failed initiatives, bad ideas, miscommunications and misfortunes that will come home to roost. When they do, it can be agonizingly tempting to point fingers. Don't do it. Whatever shorrun gains there might be are usually overtaken by the long term costs. Of course, if something went wrong, you have to try to get to the root of the problem so that it doesn't repeat itself. Part of a job like this is accepting that the lack of your personal participation in the failure doesn't insulate you from liability. If you accept this, you and your institution will be better off for it.

### 10. *Love Your Job*

Deaning is a lot of fun, or at least I think it is. No two days are ever the same. Lots of the people you meet are smart and interesting. The problems that you get to attack are challenging and will call upon skills that you probably haven't fully developed. Not every day is a joy, but on balance it can be a wonderful job.

It's OK to admit that you love your job. It is not, in my judgment, necessary to walk around as if the weight of the world is upon your shoulders. Sometimes I

think that it's a conditioned reflex of administrators to maintain glum, weary demeanors so that they can communicate that they are Very Important People with Very Important Jobs. This is a bad strategy. First, it's not good for morale. People in the law school community often take their cue from the dean. If the dean has a glum, weary demeanor and acts as though the job of being dean is awful, then somehow everyone has a glum, weary demeanor and an awful job, and nothing gets done. Second, there are times when a glum, weary demeanor is justified because there is some serious problem that needs attention. If the dean is permanently in a glum, weary condition, it may make it hard for others to distinguish the real crises from the imaginary ones.

In the end, it's a wonderful and complicated job; it's both easy to love and easy to hate. My only hope in writing this is that one or more of my observations might make it a little easier for someone to love.

