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ESSAYS

DECANAL LEADERSHIP IN LAW SCHOOLS AND THE ABRAHAM L. FREEDMAN FELLOWSHIP PROGRAM

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ABSTRACT

Temple University School of Law offered the Abraham L. Freedman Fellowship Program for four decades beginning in the 1970s, assisting to establish post-J.D. teaching fellowships as a well-recognized path into legal academia. Over the two-year fellowship, Freedman Fellows taught multiple legal writing courses and one doctrinal course, collaborated with faculty teaching doctrinal courses, attended faculty meetings, and received guidance in preparing a scholarly article and interviewing for teaching positions, ultimately obtaining an LL.M. degree. Freedman Fellows generally obtained faculty positions at law schools nationwide, and a significant number of Freedman Fellows later assumed decanal leadership roles. This Essay explores the contributions of the Freedman Fellow Program's foundational training to the leadership required of deans and associate deans at law schools, adding to the important but limited scholarship on routes to legal academic leadership. The Essay first generally describes the functions of decanal leadership at law schools. The Essay then describes the particular responsibilities of deans and associate deans for academic affairs, research,

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and strategic initiatives at law schools. The Essay next sets forth the origin, purpose, and structure of the Freedman Fellow Program. The Essay thereafter details the significant representation of former Freedman Fellows as deans and associate deans at law schools and explores possible connections between participation in the Freedman Fellow Program and decanal leadership. The Essay concludes by noting lessons from the Freedman Fellow Program for other law schools that seek to launch candidates into academic careers that might include educational leadership.

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INTRODUCTION

For four decades beginning in the 1970s, Temple University School of Law¹ offered the Abraham L. Freedman Fellowship Program, assisting to establish post-J.D. teaching fellowships as a well-recognized path into legal academia. Over the two-year fellowship, Freedman Fellows taught legal writing courses and one doctrinal course and also collaborated with faculty teaching doctrinal courses. In addition, Fellows attended faculty meetings and received guidance in preparing a scholarly article and interviewing for teaching positions. Upon successful completion of the teaching and scholarly requirements of the program, the Fellow received an LL.M. degree. Fellows generally obtained faculty positions at law schools nationwide, and a significant number of Fellows later assumed decanal leadership roles.

1. In 1999, Temple University School of Law was renamed Temple University Beasley School of Law. See *About Temple Law: Mission & History*, TEMP. U. BEASLEY SCH. L., <http://www.law.temple.edu/about/mission-and-history/> [<https://perma.cc/2KQB-8LZ2>] (last visited May 1, 2020).

This Essay explores the contributions of the Freedman Fellow Program's foundational training to the leadership required of deans and associate deans at law schools, adding to the important but limited scholarship on routes to educational leadership in law schools. In addition, the Essay preserves and disseminates the lessons of the Freedman Fellow Program for law schools hosting law teaching fellowship programs across the country. Section I describes the many responsibilities of decanal leadership. Thereafter, Section II discusses the particular responsibilities and selection of decanal leaders, focusing not only on deans but also on associate deans for academic affairs, research, and strategic initiatives. Section III sets forth the origin, purpose, and structure of the Abraham L. Freedman Fellowship Program; details the significant representation of former Fellows as deans and associate deans; and explores possible connections between the Freedman Fellow Program and decanal leadership. This Essay concludes that the Freedman Fellow Program offers lessons for other law schools that seek to launch candidates into academic careers that might include educational leadership.

I. THE RESPONSIBILITIES OF DECANAL LEADERSHIP IN LAW SCHOOLS

The common purpose of decanal leadership, which includes not only deans but also associate deans, is to assist the school in its overall pursuit of excellence in teaching, scholarship, and service to local, regional, national, and even international communities.² Of course, deans are not alone in seeking those goals. Law school faculty teach, write, and serve in various positions across the law school, university, and profession. In addition, nonfaculty staff also enable achievement of the law school's goals by offering and supporting the infrastructure for teaching and scholarship, such as admissions, alumni relations, career services, communications, information technology, fundraising, library services, marketing, and registration. Seeking to support and lead the efforts of both faculty and staff, decanal leadership provides three overarching services to the school: (1) strategic ideation, inspiration, and implementation;³ (2) administration and management;⁴ and (3) financial planning and fundraising.⁵ In all of these roles, decanal leaders work with the school's many stakeholders, including faculty, students, alumni, and perhaps also the public.⁶

2. Cf. Jeffrey O'Connell & Thomas E. O'Connell, *The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual*, 29 EMORY L.J. 605, 631 (1980) (noting that "most faculty would agree" with former Cornell University President Ezra Day that "the essential job of the administrator [is] to facilitate the work of the professoriate in teaching and research" (citing OFFICE OF EDUC., U.S. DEP'T OF HEALTH, EDUC. & WELFARE, THE COLLEGE PRESIDENCY, 1900-1960: AN ANNOTATED BIBLIOGRAPHY 110 (Walter Crosby Eells & Ernest V. Hollis eds., 1961) (quoting Ezra Day, *Administrative Organization of Institutions of Higher Learning*, in NAT'L ASSOC. STATE U. PROCEEDINGS 47 (1948)))).

3. See *infra* Part I.A.

4. See *infra* Part I.B.

5. See generally Robert H. Jerry, II, *A Primer for the First-Time Law Dean Candidate*, 49 J. LEGAL EDUC. 564, 568 (1999) (describing a dean as "leader, administrator, manager, planner, energizer, advocate, mediator, intermediary, counselor, ambassador, representative, fundraiser, public official, and public servant"); *infra* Part I.C.

6. Professor Robert Jerry noted a dean's interactions with numerous groups, including "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

A. Strategic Ideation, Inspiration, and Implementation

Mindful of the law school's history and identity, decanal leaders develop an institutional vision and related strategic initiatives that seek to inspire and engage school stakeholders.⁷ Strategic undertakings draw upon the perspectives and expertise of administrators, faculty, staff, students, and alumni⁸ but also particularly benefit from the experience and judgment of the dean.⁹ While consultation about strategic endeavors occurs swiftly after the appointment of a new dean, consultation is also ongoing, yielding new information about the school and important relationships that will assist in acceptance of a plan.¹⁰ Even if the faculty and administrators formally adopt a strategic plan, it may need to be updated or flexibly implemented based on new circumstances.¹¹ In looking for strategic opportunities, decanal leaders may focus not only on areas of improvement or growth within the law school but also on external partnerships across the university or with entities outside the university.¹² University administrators may appreciate decanal leaders forwarding university-wide goals within the law school.¹³ Decanal leaders may need to respond creatively to apply and adapt at least some university-wide goals to the law school setting.¹⁴

B. Administration and Management

Decanal leaders provide daily oversight of a school's administrative functions and the personnel who accomplish them. For example, decanal leaders maintain, implement,

bar, employers of graduates, the [American Bar Association] Section of Legal Education, the [Association of American Law Schools], and the general public." Jerry, *supra* note 5, at 568.

7. See John L. Carroll, *Words of Wisdom for Deans from Mick Jagger and Others*, 36 U. TOL. L. REV. 29, 31 (2004) ("[T]here is no more important role than emotional leader and no more important aspect of emotional leadership than the articulation of a vision that many communities of the law school can understand and embrace."); Colleen A. Khoury, *Ruminations on a Deanship*, 34 U. TOL. L. REV. 105, 106 (2002) (noting the "staggering number of times . . . [she was] asked about [her] 'vision' for the Law School"); Blake D. Morant, *Reflections of a Novice: Four Tenets for a New Dean*, 40 U. TOL. L. REV. 385, 386 (2009); O'Connell & O'Connell, *supra* note 2, at 610 ("[T]he Leader must have the ability to rise above the trivial, to concentrate on his institution's 'grand plan.'"); Daniel B. Rodriguez, *The Market for Deans*, 17 J. CONTEMP. LEGAL ISSUES 121, 127 (2008) (noting that decanal responsibilities include "strategic planning"); Steven R. Smith, *Deaning's Seven Deadly Sins and Seven Deanly Virtues*, 36 U. TOL. L. REV. 173, 181 (2004) ("A law school should have a vision of what wants to become and a sensible plan for getting to that vision.").

8. See Morant, *supra* note 7, at 386. A decanal candidate's interviews with faculty, administrators, staff, and students during the hiring process may include a discussion about the school's identity and desire for change. See *id.* at 387. A new dean may obtain additional information by reviewing a law school's prior ABA questionnaires and faculty meeting minutes. See *id.*

9. *Id.* at 386–87.

10. *Id.* at 387.

11. *Id.*

12. See Alfred C. Aman, Jr., *Protecting a Space for Creativity: The Role of a Law School Dean in a Research University*, 31 U. TOL. L. REV. 557, 565 (2000) (stating the role of a dean in "buil[ding] bridges between and among various schools and departments within [the dean's] own university, and beyond [a dean's] school as well").

13. See Morant, *supra* note 7, at 389–90. See generally Susan Poser, *Inside the Star Chamber: A Dean's Reflections on Central Administration*, 44 U. TOL. L. REV. 355 (2013) (discussing a dean's working with central administrators).

14. See Morant, *supra* note 7, at 390.

and update the school's existing educational rules and general academic program.¹⁵ In addition, decanal leaders bear special responsibility for the maintenance of academic freedom for faculty in teaching and scholarship.¹⁶ Decanal leaders also ensure that accreditor requirements are followed by monitoring and updating the law school's academic program so as to be consistent with the pertinent standards of accreditation—particularly the American Bar Association (ABA) Standards for Approval of Law Schools¹⁷ and the requirements of any regional university accreditor.¹⁸

With regard to personnel, decanal leaders oversee the evaluation, supervision, and recruitment of both faculty and staff at the school.¹⁹ For faculty hiring, decanal leaders balance considerations of teaching, scholarship, service, and diversity, along with the curricular teaching needs of the law school.²⁰ After a law school hires faculty, decanal leaders coordinate review of their teaching, research, and service, perhaps in conjunction with a tenure committee for tenure-track faculty, a clinic director for clinical faculty, or a director of legal research and writing for legal research and writing faculty.²¹ In hiring and evaluating adjunct faculty, decanal leaders may weigh curricular needs and practical experience more heavily than scholarship or professional service. Decanal leaders also oversee hiring, evaluation, and promotion of staff,²² as well as appropriate delegation of

15. Cf. O'Connell & O'Connell, *supra* note 2, at 624 (combining a dean's administrative and managerial functions into a manager's role and noting that "[m]anagers typically accept the purposes and goals of the institution . . . and rarely take steps to revise or expand them").

16. *Id.* at 617 (describing "creation of an atmosphere conducive to academic freedom" as "essential").

17. See Jerry, *supra* note 5, at 570–71 (urging decanal candidates to review ABA accreditation standards). See generally Parnham H. Williams, *To Be or Not To Be . . .*, 37 U. TOL. L. REV. 195 (2005) (recounting Chapman University School of Law's journey toward ABA accreditation).

18. Regional university accreditors in the United States include (1) the Higher Learning Commission; (2) the Middle States Commission on Higher Education; (3) the New England Commission on Higher Education; (4) the Northwest Commission on Colleges and Universities; (5) the Southern Association of Colleges and Schools, Commission on Colleges; (6) the Western Association of Schools and Colleges (WASC), Accrediting Commission for Community and Junior Colleges; and (7) the WASC Senior Colleges and University Commission. See *Accreditation in the United States: Institutional Accrediting Agencies*, U.S. DEP'T EDUC., http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html [<https://perma.cc/HF27-35PW>] (last visited May 1, 2020).

19. See Daan Braverman, *Staff Development*, 34 U. TOL. L. REV. 27, 27 (2002) (noting the dean's daily reminders of the "critical role played by the hardworking, but often underpaid, staff members"); O'Connell & O'Connell, *supra* note 2, at 631 (noting the need to "be adept at getting and keeping a strong faculty"); Rodriguez, *supra* note 7, at 127 (noting decanal responsibility for "recruitment and retention of faculty").

20. See George W. Prigge, *Just What Does a Dean Do? The Collective Wisdom of Many Law Deans*, 39 U. TOL. L. REV. 361, 363 (2008) (noting the importance of balancing diversity, scholarship, and teaching when hiring); cf. H. Reese Hansen, *Except for the Problems, Being a Dean Is a Very Good Job*, 33 U. TOL. L. REV. 77, 78 (2001) ("[I]t is worth whatever effort it takes to be sure that faculty hires are good ones.").

21. See Bryan L. Adamson et al., *The Status of Clinical Faculty in the Legal Academy: Report of the Task Force on the Status of Clinicians and the Legal Academy*, 36 J. LEGAL PROF. 353, 372–79 (2012) (examining different committee models that law schools use to monitor performance of clinical faculty); Hansen, *supra* note 20, at 78 (highlighting the importance of dean's "guiding the process of finding, hiring, and developing new faculty"). In recent decades, legal research and writing professors have sought and obtained long-term contracts and also eligibility for tenure at some law schools. See generally Cody J. Jacobs, *The "Other" Market*, 92 TEMP. L. REV. 765 (2020) (discussing the hiring market for legal research and writing positions).

22. See Kenneth C. Randall, *Staff Matters*, 34 U. TOL. L. REV. 153, 153 (2002) ("[O]ne of the least pleasant parts of deaning is dealing with that small fraction of staff who under-perform in one way or another—those rare staff for whom placement, supervision, or even improvement is a challenge.").

tasks among staff and creation of new staff positions, requiring that decanal leaders become familiar with myriad school staff positions and functions.²³

C. Financial Planning and Fundraising

Decanal leaders ensure the law school's annual budgetary commitments do not exceed its resources and develop and maintain external sources of funds. Reviewing financial resources from endowments, grants, donations, tuition, and any state funds for the school, decanal leaders set salaries of faculty and staff, as well as any additional stipends related to summer research, teaching overloads, or service to the law school beyond regular, expected faculty efforts. Fundraising functions also involve the cultivation and stewardship of donors,²⁴ drawing upon relationships with alumni,²⁵ foundations, or others interested in the mission of the law school.

II. THE ROLES, TRAITS, AND SELECTION OF DECANAL LEADERS

This Section shows that to achieve the functions of decanal leadership, law schools rely not only on a dean but also on one or more associate deans who specialize in particular areas of decanal leadership. Associate deans in academic affairs, research, and strategic initiatives, for example, assist a dean in serving the law school.²⁶ Although many members of the law school community provide input into the selection of a dean, a dean is generally tasked with the appointment of associate deans.²⁷ Both deans and associate deans benefit from various skills and traits that effectively and energetically enable them to develop relationships and collaborations that facilitate the law school's achievement of its goals.²⁸

A. Dean

A dean bears ultimate responsibility to ensure that all of the responsibilities of decanal leadership are met: strategic ideation, inspiration, and implementation;²⁹

23. See O'Connell & O'Connell, *supra* note 2, at 639 ("One of the most important talents of a successful bureaucrat is the ability to delegate selectively.").

24. *Id.* at 646, 661 (noting the need "ultimately [to] become involved in financial . . . planning"); Donald J. Weidner, *Fundraising Tips for Deans with Intermediate Development Programs*, 39 U. TOL. L. REV. 393 (2008) (discussing methods to develop fundraising from alumni, faculty, and students).

25. See O'Connell & O'Connell, *supra* note 2, at 618 ("The academic chief as Leader must devote a substantial portion of his or her time to the development of alumni support . . .").

26. See *infra* Part II.B for a discussion of the role of associate deans.

27. See *infra* Part II.B.

28. See *infra* Part II.A.

29. See Jeffrey A. Brauch, *Three Role Models of Leadership for the Law School Dean*, 48 U. TOL. L. REV. 205, 206 (2017) ("Vision is critical for any leader, including a law school dean."); Teres E. Foster, *Law School Deanship: The Top Ten Reasons and a Tribute to 36 over 10*, 31 U. TOL. L. REV. 587, 588 (2000) (categorizing as the top reason to take a deanship "[t]he incomparable opportunity to craft and develop a vision for one's institution, to take constructive and meaningful steps toward its implementation, and to have a significant impact upon that institution and its multiple constituencies"); Jerry, *supra* note 5, at 569 ("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)."); Rodriguez, *supra*

administration and management;³⁰ and financial planning and fundraising.³¹ To do so, a dean assembles and supervises an administrative team of faculty members and nonfaculty staff members who are motivated to achieve the law school's goals and capable of executing tasks.³² To focus on fundraising and other external matters, a dean must especially be able to delegate administrative duties within the law school.³³ A dean's administrative leadership team should in particular be able to execute effectively with limited need for supervision from the dean.³⁴ A dean may remain connected to students by teaching a course.³⁵ Given administrative demands, however, a dean may find ways other than teaching to connect with students, such as meetings with student leaders or other groups of students.³⁶

Notwithstanding a dean's reliance on associate deans and staff leaders, a dean remains closely and personally involved with certain matters. For example, a dean has primary responsibility to set the salary of faculty members.³⁷ In addition, a dean focuses most on fundraising, aided by nonfaculty staff members in the law school's institutional advancement office.³⁸ At an independent law school, where a dean is also president or

note 7, at 127 (noting decanal responsibilities include "support of faculty initiatives" and "supervision of the academic program"); *supra* Part I.A.

30. See Rodriguez, *supra* note 7, at 127 (noting a dean's responsibility for "management of staff" and "the administration of student rules and regulations").

31. See Peter C. Alexander, *Confessions of a Hybrid Dean: Dean as Sustainer*, 36 U. TOL. L. REV. 1, 5 (2004) ("The dean sets salaries . . . "); Hansen, *supra* note 20, at 79 ("Obtaining [a]dequate [f]unding [i]s the [s]ingle [g]reatest [c]onsumer of the [d]ean's [t]ime and [e]ffort."). Budgeting decisions may need to be made within the context of larger university budgeting. See Rodriguez, *supra* note 7, at 127 ("[A] dean working within the structure of a university must confront the modern political economy of the university and its leadership.").

32. See Hansen, *supra* note 20, at 79 ("The dean simply must have a team of people who are expert with the various details of law school operation, and they must be worthy of his/her absolute trust."); Morant, *supra* note 7, at 387–88.

33. See O'Connell & O'Connell, *supra* note 2, at 662 ("The effective dean is . . . the relentless enemy of busywork; he delegates necessary routine which can be handled competently by others; and he seeks to develop people who can assume responsibility for important tasks" (quoting JOHN WESLEY GOULD, THE ACADEMIC DEANSHIP 16 (1964))); Glen Weissenberger, *A Letter to a New Dean*, 39 U. TOL. L. REV. 399, 403 (2008) ("Delegation is critical."); cf. Patricia D. White, *Brief Reflections on the Enterprise*, 31 U. TOL. L. REV. 773, 773–74 (2000) (noting that "some people find it difficult to delegate effectively when they become dean" and noting the similarities of a deanship to law practice, where "your own professional success and reputation often depend directly on the work of others").

34. See Morant, *supra* note 7, at 387 (urging that a dean assemble a team that "will help to advance institutional objectives with minimal supervision").

35. See Hansen, *supra* note 20, at 79 (arguing that despite the "additional flexibility and freedom in . . . schedule," a dean's leadership position is compromised by "not teaching on a regular basis"); Prigge, *supra* note 20, at 364 ("[M]any indicate one critical step is for the dean to teach at least one semester per year in order to be viewed as approachable by the students and not just as a ceremonial figurehead."); Gary J. Simson, *To Teach or Not To Teach*, 39 U. TOL. L. REV 375 (2008) (discussing arguments in favor of and against a dean teaching courses).

36. See Kevin R. Johnson, *The Forgotten Constituency? Law School Deans and Students*, 42 U. TOL. REV. 637, 638 (2011) ("[G]iven the many huge demands on a dean's time . . . it is difficult for a dean to spare time to maintain his or her teaching at the level of a normal faculty member and to get to know current students as most faculty members do.").

37. See Alexander, *supra* note 31, at 5.

38. See William B.T. Mock, *Matchmaker, Matchmaker, Find Me the Perfect (Decanal) Match*, 31 SEATTLE U. L. REV. 799, 800–01 (2008) (noting the fundraising skills of deans); O'Connell & O'Connell, *supra*

chief executive officer, a dean also needs to oversee various administrative functions that the central university usually maintains, such as financial aid, maintenance, and human resources.³⁹ A dean of an independent law school must also engage, involve, and apprise a board of trustees.⁴⁰ And she may also be more engaged in developing joint interdisciplinary studies with other universities than would a dean at a law school situated within a larger university.⁴¹

Selection of a dean is initially tasked to a dean search committee, which either a university's central administration or a dean and trustees of an independent law school select.⁴² The search committee may be comprised of faculty from the law school and other schools at the university, students, a dean from another university school, alumni, staff from the law school, and university administration.⁴³ Typically, an external executive search firm assists a dean search committee.⁴⁴ Such search firms may assist in preserving candidate confidentiality and also expanding the pool of candidates through enhanced outreach to potential candidates.⁴⁵ Executive search firms may solicit nominations for a deanship and reach out and recruit external candidates to participate in a dean search.⁴⁶

Candidates sometimes arrive from various sources. One or more candidates may appear from the current faculty of the law school,⁴⁷ current deans at other law schools, or nondecanal faculty at other law schools.⁴⁸ Candidates may also appear from outside legal academia, such as judges or noted practitioners.⁴⁹ Executive search firms sometimes also assist a search committee, provost, or president in assessing candidates

note 2, at 659 (noting that fundraising is an essential role of a dean); Prigge, *supra* note 20, at 365 ("Most deans would agree that fundraising is a key component of their job description."); W. Taylor Reveley, III, *Cultural Musings of a Non-Traditional Dean*, 31 U. TOL. L. REV. 725, 726 (2000) ("There must be some thrill of the chase in development work for a happy dean."); Rodriguez, *supra* note 7, at 127 (noting decanal responsibilities include "securing of external resources").

39. See L. Kinvin Wroth, *Thoughts on Decanal Recidivism*, 33 U. TOL. REV. 269, 269 (2001) (noting the responsibility of a dean of an independent law school for the "business office, budget director, financial aid, buildings and grounds, [and] human resources").

40. *See id.* at 270.

41. *See id.* at 271.

42. See Rodriguez, *supra* note 7, at 122 (noting the formation of dean search committees by the university's central administration or "other constituency groups" for independent law schools).

43. Jerry, *supra* note 5, at 567 n.6.

44. *See id.* at 572 & n.24; Rodriguez, *supra* note 7, at 122.

45. See Jerry, *supra* note 5, at 572 n.24 (noting that a search firm may be retained "to enhance the confidentiality of the process and thereby, perhaps, attract a stronger pool").

46. See *id.* at 564 n.1 ("[C]ommittees typically scour the landscape for suggestions about possible candidates and then contact them directly. These people are the early frontrunners in the competition."); Rodriguez, *supra* note 7, at 126 n.4 ("[H]ighly skilled search consultants are worth their weight in gold.").

47. See Prigge, *supra* note 20, at 362 ("[M]ost deans ascend to their deanships after having served a period of time as a faculty member."); Rodriguez, *supra* note 7, at 123.

48. Rodriguez, *supra* note 7, at 123.

49. See Prigge, *supra* note 20, at 362 ("[S]ome deans come from 'non-traditional' backgrounds such as private practice, judgeships, or even the military" (footnotes omitted)); Reveley, *supra* note 38, at 725 (discussing a former large law firm managing partner assuming a law deanship); Rodriguez, *supra* note 7, at 123; Willis P. Whichard, *From a Warm Bench to a Hot Seat: The Transition from Judging to Deaning*, 36 U. TOL. L. REV. 221, 221 (2004).

and seeking recommendations of candidates from deans at other law schools regionally or nationally.⁵⁰

The search committee and any executive search firm make the initial screening of candidates based on their curricula vitarum (CVs), cover letters, and any other relevant information.⁵¹ Whether or not an executive recruiter first interviews a candidate, the search committee will also preliminarily interview candidates. The search committee then selects a few candidates as finalists who are brought to campus for extended meetings with faculty, students, and any trustees or board of advisors for the law school. Each finalist candidate also typically offers a presentation to the faculty with the candidate's preliminary ideas about the school.

Candidates are evaluated for their potential as administrative leaders. One indication of potential may be a faculty member's prior service as associate dean or chair of faculty committees.⁵² Another indicator may be a professor's reputation as a scholar.⁵³ In addition, a dean search committee may look to the candidate's success as a teacher.⁵⁴ Candidates may be evaluated in light of the attributes of the law school's prior dean and the need for new skills to benefit the institution.⁵⁵ For example, President Thomas O'Connell and Professor Jeffrey O'Connell noted that "it may be necessary that a builder be followed by a consolidator, who must in turn be followed by a fund raiser [sic]."⁵⁶

The provost or president (if in a university) or the board of trustees (if in an independent law school) makes the final decision on appointing a dean.⁵⁷ Following an offer, an executive search firm may assist in persuading a candidate and his or her family to accept.⁵⁸ One concern in dean searches can be the separation of interests in dean selection between the law faculty and the university's central administration or board of trustees.⁵⁹ Persuading candidates to enter a dean search or accept an offer may be made more difficult by the disruption attendant to moving geographically, joining another faculty, and moving into a position with full administrative responsibilities.⁶⁰

50. See Rodriguez, *supra* note 7, at 126 n.4.

51. See Jerry, *supra* note 5, at 572.

52. See *id.* at 566 n.4 ("An increasing proportion of dean candidates have had some type of prior administrative experience, usually as an associate or assistant dean."); Rodriguez, *supra* note 7, at 126.

53. See Rodriguez, *supra* note 7, at 126.

54. *See id.*

55. See Nancy B. Rapoport, *Of Cat-Herders, Conductors, Tour Guides, and Fearless Leaders*, 33 U. TOL. L. REV. 161, 161 (2001) ("Different schools need different types of deans at different times . . .").

56. O'Connell & O'Connell, *supra* note 2, at 677. As Edgar Cumings wrote long ago, "Every 20 years or so, following the regime of some sweet old soul, every college needs a regular human dynamo to sweep out the dry rot. . . . Things get shaken up, complacent people become ruffled, . . . and curricula become changed for the better. Then a morale-builder assumes the presidency again." Edgar C. Cumings, *When Is a College President Successful?*, 81 SCH. & SOC'Y 65, 67 (1955); see also O'Connell & O'Connell, *supra* note 2, at 677 (quoting Cumings, *supra*).

57. Rodriguez, *supra* note 7, at 122.

58. Cf. *id.* at 126 n.4.

59. *Id.* at 122.

60. See R. Lawrence Dessem, *Maybe Deaning Is Not for You*, 39 U. TOL. L. REV. 261, 264 (2008) ("[I]t is unrealistic for a dean to presume that she can serve as dean, preserve time for herself and her family, and still carry on anything approaching a full-blown research agenda."); Rodriguez, *supra* note 7, at 126 ("The best potential deans may be those faculty members who, because they have been successful as law professors would be least likely to accept the professional disruption attendant to deaning for an extended period of time.").

Deans appear to be most frequently selected from associate deans or faculty at law schools. Looking at the deans of both the top twenty-five ranked law schools and another twenty-five randomly selected law schools, according to the 2007 *U.S. News & World Report* rankings, Dean Daniel Rodriguez found that schools ranked in the top twenty-five were much more likely to choose an internal faculty candidate.⁶¹ Dean Rodriguez attributed this approach to elitism and a much smaller pool of candidates from law schools similarly or more favorably ranked.⁶² Highly ranked law schools may place a greater emphasis on scholarship in evaluating a decanal candidate.⁶³ The broader group of law schools was slightly more likely to choose an external candidate than an internal one.⁶⁴ Dean Rodriguez ascribed this difference not only to the larger pool of candidates at schools ranked similarly or more favorably but also to the possible desire to increase the prestige of a law school by recruiting a dean from a law school ranked more favorably.⁶⁵ Only a handful out of the fifty deans had previously been a sitting dean at another law school.⁶⁶

B. Associate Deans

Law schools have decided to create associate dean positions in several areas. An associate dean for academic affairs, sometimes called a vice dean or deputy dean, is a well-established law school position.⁶⁷ In recent decades, the associate dean for research position has also spread through many law schools.⁶⁸ More recently, law schools have created the associate dean for strategic initiatives position.

In contrast to the broad input for the appointment of a dean, a dean solely and directly appoints associate deans. A dean may, however, seek the input of other faculty about potential candidates for associate decanal positions. Moreover, deans learn about candidates by reviewing the teaching, scholarship, and service of the faculty. Deans also interact with faculty members in committee or faculty meetings, during individual

61. Rodriguez, *supra* note 7, at 123–25. See generally 2021 Best Law Schools, U.S. NEWS & WORLD REP., <http://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings> [https://perma.cc/5BD4-ZHYT] (last visited May 1, 2020) (ranking 198 ABA-accredited law schools in the United States).

62. Rodriguez, *supra* note 7, at 123–25.

63. O’Connell & O’Connell, *supra* note 2, at 674 (“A scholar is required to head the Harvards, Yales, and Berkeleys. . . . [D]eans of night school oriented, urban schools are a more pragmatic group and properly so.”).

64. See Rodriguez, *supra* note 7, at 124–25.

65. *Id.* at 125 (noting the “perceived luster” that law schools might think would help them “ascend the law school hierarchy” by hiring a dean from a higher-ranked law school).

66. *Id.* at 123–25 (explaining that one dean in the top twenty-five law schools according to the *U.S. News & World Report* had previously been a sitting dean elsewhere and only two deans in twenty-five randomly selected law schools had been sitting deans elsewhere). The category of sitting dean does not include faculty serving as vice or associate deans.

67. Some law schools refer to this position as the deputy dean. See, e.g., *Department Directory: HLS Deans*, HARV. L. SCH., <http://hls.harvard.edu/about/department-directory/> [https://perma.cc/4TBD-8X5R] (last visited May 1, 2020); *Officers of Administration*, YALE L. SCH., <http://law.yale.edu/about-yale-law-school/office-dean/officers-administration> [https://perma.cc/39GP-GXZ2] (last visited May 1, 2020).

68. Sonia K. Katyal, *Encouraging Engaged Scholarship: Perspectives from an Associate Dean for Research*, 31 TOURO L. REV. 53, 55 (2014) (noting in 2014 that the associate dean for research position “has only recently emerged in law schools over the last twenty years”).

discussions, and through emails. Associate deans might be chosen because of their respected position at the law school, their ability to work well with others, and their expertise in particular areas. In recognition for their additional work in service to the law school, associate deans may be granted limited teaching loads and additional stipends.⁶⁹

1. Associate Dean for Academic Affairs

An associate dean for academic affairs is tasked with oversight of the academic program, helping satisfy the decanal leadership roles of administrator and manager of the academic program. After the dean, an associate dean for academic affairs serves as the law school's leading academic officer.⁷⁰ Although information technology and telecommunications today allow a dean to oversee a law school while off-campus, an associate dean for academic affairs may serve the dean's function in her absence from the school.⁷¹ An associate dean for academic affairs generally has particular responsibility for course offerings, course scheduling, registration, examinations, course grades, and recruiting as well as supervising adjunct faculty.⁷² An associate dean for academic affairs may also substantially assist in conducting faculty meetings.⁷³ An associate dean for academic affairs may be chosen based on knowledge of faculty and curriculum, organizational abilities, or competence in teaching. In addition, an associate dean for academic affairs should be respected by and knowledgeable about faculty and other administrators.⁷⁴

2. Associate Dean for Research

An associate dean for research focuses particularly on the dean's overall responsibilities to forward scholarly research at the school, assisting with the decanal leadership roles of administrator and manager of scholarship at the law school.⁷⁵ An associate dean for research may share information about the mechanisms for submitting manuscripts to journals for publication.⁷⁶ An associate dean for research may spark collaborations with other faculty across the university or at outside academic institutions, connect faculty with empirical research experts, and coordinate a speaker series of visiting scholars presenting works in progress.⁷⁷ Furthermore, an associate dean for research may work with one or more other law schools to create a scholar exchange program, under which each institution agrees to send one scholar to the other institution

69. Joseph P. Tomain & Paul L. Caron, *The Associate Dean for Faculty Research Position: Encouraging and Promoting Scholarship*, 33 U. TOL. L. REV. 233, 234 (2001) (describing the one course release and stipend for an associate dean for research).

70. Morant, *supra* note 7, at 388 (terming an associate dean for academic affairs a "critically important staff member [who] functions as the law school's chief academic officer").

71. *Id.*

72. See A. Felecia Epps, *Lessons Learned on the Journey from Associate Dean of Academic Affairs to Dean*, 48 U. TOL. L. REV. 241, 241 (2017).

73. *See id.*

74. Morant, *supra* note 7, at 388.

75. See Katyal, *supra* note 68, at 69 ("Perhaps one of the most important tasks of an Associate Dean [for Research] is to bring faculty together under the common goal of producing scholarship.").

76. *Id.* at 70.

77. *Id.* at 73.

each year to present her work.⁷⁸ An associate dean for research may also coordinate a speaker series of existing faculty for law students, highlighting the faculty's research.⁷⁹ Informal brown bag lunches in which a faculty member speaks to small groups of faculty about research ideas also assist the scholarly endeavor.⁸⁰

An associate dean for research highlights the scholarship of the faculty both inside and outside the law school.⁸¹ For example, with the assistance of an associate dean for research, a law school may host a faculty blog,⁸² send periodic email updates to faculty about faculty scholarship activities and speaking, or disseminate news of scholarship through the law school's communications and marketing department on the school webpage, in an alumni magazine, or via brochures or fliers sent to faculty at other schools.⁸³ The law school may create an online school research paper series through the Social Science Research Network.⁸⁴ An associate dean for research may also maintain a display area of printed faculty publications⁸⁵ and promote possible scholarly awards and calls for papers for symposia.⁸⁶

Moreover, an associate dean for research provides guidance and mentorship particularly to junior faculty on the tenure track, as well as other nontenured faculty interested in legal scholarship.⁸⁷ That guidance may include reviewing and offering comments on draft articles and assisting junior faculty on framing their research agenda and selecting particular projects.⁸⁸ An associate dean for research may also seek to engage faculty who have stopped writing and encourage them to resume scholarly pursuits.⁸⁹

An associate dean for research advocates for research funding⁹⁰ and may also counsel a dean with regard to which faculty should be recognized for their scholarship.⁹¹ Recognition and funding may include a rotating professorial chair to honor excellence in

78. See Tomain & Caron, *supra* note 69, at 238.

79. Katyal, *supra* note 68, at 69–70.

80. *Id.* at 70. For example, the University of Cincinnati College of Law created a work-in-progress monthly gathering of faculty at which each faculty member speaks for five minutes, discussing even the earliest stage of their scholarly ideas and work. Tomain & Caron, *supra* note 69, at 237. In addition, Cincinnati Law created a weekly summer scholarship series, in which a faculty member discussed a work-in-progress but did not circulate a draft. *Id.* at 238. More formal faculty workshops may occur during the academic year with presenting faculty distributing a paper to other faculty prior to presentation. *Id.*

81. See Katyal, *supra* note 68, at 69.

82. *Id.* at 70.

83. See Tomain & Caron, *supra* note 69, at 239–40.

84. B. Jessie Hill, *The Associate Dean for Research in the Age of the Internet*, 31 TOURO L. REV. 33, 36 (2014) (discussing use of Digital Commons, available through BePress, to post faculty scholarship for public access); Tomain & Caron, *supra* note 69, at 238–39 (discussing online e-journals for law schools and posting of draft manuscripts to a law school's own website).

85. Tomain & Caron, *supra* note 69, at 240.

86. See Katyal, *supra* note 68, at 71.

87. *See id.* at 70.

88. *Id.* at 70–71.

89. *Id.* at 74.

90. *Id.* at 73.

91. See Tomain & Caron, *supra* note 69, at 242 n.27.

scholarship or creating an internal prize for a top scholarly article.⁹² A law school may also provide additional stipend funding for publications that require a longer period of preparation or that are placed in publications deemed more desirable.⁹³

A dean usually selects an associate dean for research from tenured faculty based on the professor's scholarly acumen and success. At some law schools, the associate dean for research position may have a limited term, so that the position rotates swiftly among faculty and further increases faculty responsibility for and awareness of scholarship.⁹⁴

3. Associate Dean for Strategic Initiatives

While associate deans for academic affairs and research may be involved in strategic thinking to improve the school's approach for the academic program or for research, an associate dean for strategic initiatives broadly assists decanal leaders in strategic ideation, inspiration, and implementation in numerous areas. In addition, an associate dean for strategic initiatives may also assist with the decanal leadership role in financial planning and fundraising. An associate dean for strategic initiatives may be chosen for her creative thinking and innovation as well as her ability to develop internal and external partnerships. In recent years, the position of associate dean for strategic initiatives has spread swiftly at law schools nationwide.⁹⁵

C. Decanal Skills, Traits, and Relationships

Decanal leaders benefit from various traits and interpersonal skills to build relationships necessary to lead effectively. Indeed, relationships, discussion, persuasion, and collaboration are particularly important in the academic setting, given the independence and thoughtfulness of faculty members.⁹⁶ The relationships that decanal leaders form both within and outside their law schools enable significant law school change and reform.⁹⁷ As a result, decanal leaders should be good listeners: they must

92. Katyal, *supra* note 68, at 74.

93. See Tomain & Caron, *supra* note 69, at 242–43.

94. See *id.* at 234 (noting a two-year term for an associate dean for research at the University of Cincinnati College of Law).

95. See, e.g., *Administration*, ALB. L. SCH., <http://www.albanylaw.edu/about/administration> [<https://perma.cc/8CBL-DE3C>] (last visited May 1, 2020); *Directory: People*, STAN. L. SCH., http://law.stanford.edu/directory/?tax_and_terms=1074&page=1 [<https://perma.cc/95X4-H43A>] (last visited May 1, 2020); *Stetson University College of Law Dean and Associate Deans*, STETSON U., <http://www.stetson.edu/law/about/home/administrators.php> [<https://perma.cc/VHQ9-2Y97>] (last visited May 1, 2020); *UF Law Leadership*, U. FLA. L., <http://www.law.ufl.edu/why-uf-law/deans-office> [<https://perma.cc/4YP9-5NNS>] (last visited May 1, 2020). Drawing primarily on research of the position of vice provost for strategic initiatives that had been developed in university provost offices, I worked in 2016 with Dean Susan Prager at Southwestern Law School in Los Angeles to create an associate dean for strategic initiatives position, which I now hold.

96. See O'Connell & O'Connell, *supra* note 2, at 625.

97. See Carroll, *supra* note 7, at 31 (“A visionary dean without followers to accomplish that vision goes nowhere.”); Morant, *supra* note 7, at 388–89 (noting that former deans speak not only to strategy and the history of the law school but also the many interpersonal considerations relevant to implementing change with particular faculty and administrators); Poser, *supra* note 13, at 360 (“[E]ffective deaning is . . . all about relationships, trust, and shared vision.”); Rodriguez, *supra* note 7, at 127–28 (“Major reform requires energetic cooperation of a vast range of constituency groups.”).

remain calm and productive even when others are not, critically assess the views and perspectives of others, and factor others' viewpoints into decisions as to how to proceed and resolve problems.⁹⁸ Decanal leaders must also be willing to convince others that prudent risks should be taken on behalf of their institutions.⁹⁹ But decanal leaders must have patience in seeking the gradual achievement of goals.¹⁰⁰ Decanal leaders also benefit from communicating clearly¹⁰¹ and being friendly, which eases others' communications with them.¹⁰² Moreover, they need to have integrity, which breeds trust and is supported by carefully measured words and keeping of commitments.¹⁰³ Decanal leaders benefit from a good sense of humor, particularly pointed at themselves, which can help to defuse difficult situations.¹⁰⁴ Furthermore, self-confidence is also useful but must not be so overpowering as to undermine interactions with others.¹⁰⁵

Decanal leaders especially benefit from substantial energy and motivation, for as Professor and former Dean Robert Jerry observed, “[F]ew deans are successful if they

98. See Epps, *supra* note 72, at 245–46; Howard A. Glickstein, *A Dean's Survival Guide*, 34 U. TOL. L. REV. 75, 76 (2002) (noting a dean's ability to “solve[] or at least alleviate[] many problems of students, faculty, alumni, and bar leaders simply by listening intently and offering only the briefest comments”); Morant, *supra* note 7, at 388 (“Impeccable judgment is a key asset for the [associate dean for academic affairs]”); O’Connell & O’Connell, *supra* note 2, at 677 (noting a dean’s “ability to sense the temper of the faculty or the president on a given issue” and describing a dean as “[n]ot a weathervane, [but one who] nonetheless watches the signs of the weather and charts an appropriate course” (quoting GOULD, *supra* note 33, at 16)).

99. See O’Connell & O’Connell, *supra* note 2, at 613–14 (“Another vitally important characteristic of effective leadership is a willingness to take risks.”).

100. See Glickstein, *supra* note 98, at 75 (“[S]erving a long deanship is not possible unless you are . . . extremely patient . . . and . . . understand[] that it often is necessary to proceed toward a goal by taking very tiny steps.”).

101. See Dessem, *supra* note 60, at 266 (“One of the main jobs of any dean is serving as a communicator.”); Darby Dickerson & Marjorie M. Buckner, *Communication Conundrums: Theories About and Tips for Effective Decanal Communication*, 48 U. TOL. L. REV. 211, 211 (2017) (“[A]s a leader, the dean bears great responsibility for clear and effective communication within the organization.”); Epps, *supra* note 72, at 248 (“[D]ean[s] use[] academic leadership skills . . . learned and used as associate dean. . . . [T]he most important of these skills is effective communication.”); Melissa A. Essary, *Confessions of a Dean: Barriers and Breakthroughs to Communication*, 40 U. TOL. L. REV. 333 (2009) (examining barriers and tools for communication by a dean); Randall, *supra* note 22, at 157 (“Deans should not underestimate the importance of language and expression in communicating with staff, especially in challenging situations. . . . [T]hey must choose their words carefully and express themselves calmly.”).

102. See O’Connell & O’Connell, *supra* note 2, at 629–30.

103. See Alexander, *supra* note 31, at 5 (“Building trust with one’s new colleagues is probably the most important task a dean faces.”); Patrick J. Borchers, *Ten Things They Don’t Teach You at Dean School*, 31 U. TOL. L. REV. 567, 568 (2000) (“Honesty is the [b]est [p]olicy.”); Glickstein, *supra* note 98, at 77 (urging that “[d]eveloping trust is . . . of utmost importance” in “maintain[ing] good relations with . . . faculty”); Norman Lefstein, *Reflections of a Long-Serving Dean*, 34 U. TOL. L. REV. 109, 110 (2002) (“Strong personal relationships and trust are vital in order for a dean to make changes”); O’Connell & O’Connell, *supra* note 2, at 613 (“[For academic leaders.] a single essential quality has been consistently identified—integrity.”); Smith, *supra* note 7, at 173 (“Without trust a dean cannot effectively work for long with law school constituencies.”).

104. See Mock, *supra* note 38, at 800 (describing “[g]ood humor” as one of the “central features of successful decanal candidates”); O’Connell & O’Connell, *supra* note 2, at 628–29.

105. O’Connell & O’Connell, *supra* note 2, at 615 (“An academic chief must strike a workable balance between self-confidence and sensitivity to the needs of others.”); Smith, *supra* note 7, at 175 (listing narcissism as one of deaning’s seven deadly sins).

do not work harder than every other member of the faculty . . .”¹⁰⁶ Decanal leaders must balance scholarly habits of thinking largely without the constraint of deadlines with the real need to process decisions in a timely fashion.¹⁰⁷ For example, decanal leaders may face problems if they become too fixated on one specific project of particular personal interest.¹⁰⁸ A decanal leader can address a personal weakness with awareness and plan to address the problem by involving other administrators with strengths in the area.¹⁰⁹

Time demands may preclude a dean from teaching and normally reduce teaching loads for associate deans.¹¹⁰ Similarly, time demands may limit or preclude a dean from writing and also pose similar challenges for associate deans.¹¹¹ Although decanal leaders may not formally teach or produce scholarship, they draw on related skills in their numerous oral discussions with others and frequent writing in pursuit of other decanal tasks.¹¹² Indeed, some decanal leaders may benefit from writing as a respite from detailed administrative tasks.¹¹³

While generally seeking the support of faculty, decanal leaders must also on occasion be steadfast to withstand disapproval when difficult decisions must be made and opinion is divided.¹¹⁴ For example, esteemed Dean Erwin Griswold of Harvard Law School was not viewed as “actively ‘popular.’”¹¹⁵ In particular, deans must have fortitude in pursuing the best interests of the school as a whole, even when faced with resistance

106. Jerry, *supra* note 5, at 567; see also Glickstein, *supra* note 98, at 76 (“A deanship is the ideal position for a committed workaholic.”); Morant, *supra* note 7, at 388 (noting that an associate dean for academic affairs “must have the energy to assist with the management of the law school and achievement of the visionary plan”); O’Connell & O’Connell, *supra* note 2, at 647 (describing a dean as “the [e]nergizer” and noting “the absolute centrality of a high energy level to the successful academic chief both as an individual functionary and as a catalyst who sparks or energizes the institution itself”).

107. See Borchers, *supra* note 103, at 568–69 (advising deans to pick “a couple of top priorities for a particular year” and avoid being “spread too thinly”); Glickstein, *supra* note 98, at 76–77 (“The only way for a dean to deal with the myriad matters that cross his or her desk is to decide as quickly as possible.”); O’Connell & O’Connell, *supra* note 2, at 663 (“Whereas the scholar is expected to temporize and to delay until he has obtained his desired result, the administrator often must act quickly and decisively even though uncertain that his action is the correct one.”); *id.* at 671 (“[I]ntellectuality may make it genuinely difficult . . . to make decisions. Intellectual academic chiefs may be too inclined to examine and then re-examine all sides of a question.”); White, *supra* note 33, at 773 (“The role of dean is . . . significantly a problem solving one. . . . The art of juggling, of being able quickly and calmly to turn from one thing to another, is an art not typically developed to a high degree by professors . . .”).

108. See Mock, *supra* note 38, at 800 (warning deans against “becoming fixated on pet projects”).

109. See Morant, *supra* note 7, at 391–92.

110. See Foster, *supra* note 29, at 590 (suggesting that deans “[t]each a class, if not every semester, at least once in the academic year”); O’Connell & O’Connell, *supra* note 2, at 663 (suggesting in 1984 that “the almost unvarying tradition that law school deans must teach may be a mistake”).

111. O’Connell & O’Connell, *supra* note 2, at 664 (noting that in one study approximately forty-two percent of deans were unable to complete scholarship while a dean).

112. *Id.* at 665 (noting that academic leaders “exist in a verbal world” and that “[w]hen they are not talking or listening, [they] are likely to be reading or writing” (quoting MICHAEL D. COHEN & JAMES D. MARCH, LEADERSHIP AND AMBIGUITY—THE AMERICAN COLLEGE PRESIDENT 134 (1979))).

113. *Id.* at 667 (“[A]dministrative detail drives academic chiefs to undertake scholarly pursuits.”).

114. *Id.* at 616 (“If law school deans are to be successful, they must be willing to take an active stand on matters which will inevitably anger some of their constituents.”).

115. *Id.*

by constituents who have opposing interests.¹¹⁶ Moreover, having flexible and adjustable goals aids deans as the process of pursuing change continues.¹¹⁷ Decanal decisions may involve balancing the interests of varying communities and maintaining rapport, particularly with any group whose perspective may not have been adopted on a particular issue.¹¹⁸ A dean may be undone by dwelling on personal tensions with one or more faculty members.¹¹⁹ In situations involving disagreement and dissent, a decanal leader's loyalty to the institution and commitment to its goals will help others to see such differences as being in good faith.¹²⁰ All communities should believe that the process for decanal decisionmaking is fair and that decanal leaders have consulted them in important decisions.¹²¹ To forward initiatives and involve faculty, a dean might set broad goals and delegate further consideration of a particular solution to a faculty committee.¹²² Indeed, when seeking input from faculty, a dean needs a degree of detachment as well as patience.¹²³

Decanal leaders must build relationships with numerous communities, including faculty, administrators, students, alumni, and surrounding communities.¹²⁴ Deans and

116. See Morant, *supra* note 7, at 393 (urging a dean have “[d]uty and fortitude” and favorably referencing Sir Thomas More’s holding to principle against King Henry VIII of England); Nancy B. Rapoport, *Going from “Us” to “Them” in Sixty Seconds*, 31 TOL. L. REV. 703, 708 (2000) (“[T]he dean has a fiduciary duty to her law school, but not necessarily to the individual constituencies comprising the law school.”); Smith, *supra* note 7, at 179 (“The moments when the immediate interest of a group is not consistent with the long-term interests of the law school are times deans deserve the ‘big bucks’ they are said to earn.”).

117. Cf. Mock, *supra* note 38, at 800 (including “flexibility . . . and willingness to adjust” as “central features of successful decanal candidates”).

118. See Glickstein, *supra* note 98, at 76 (“[F]aculty members come in such a variety of packages that you have to tolerate (and accept) many people who are very different from yourself.”); Morant, *supra* note 7, at 389.

119. See Mock, *supra* note 38, at 800–01 (noting the possibility of “squandering . . . political capital by taking small tensions too seriously”).

120. See Epps, *supra* note 72, at 250 (“Embrace the mission and core values of your school.”); Morant, *supra* note 7, at 389; O’Connell & O’Connell, *supra* note 2, at 614 (“Loyalty to the institution and commitment to its purposes . . . are also essential characteristics of the Leader.”); *id.* at 668 (“[I]t is critical that [the academic chief] retain a respect for the life of the mind and the ultimate purpose of the university.”); Smith, *supra* note 7, at 178–79 (“[T]he dean’s true loyalty should be to the interest all of the groups share: the long-term goal of improving the law school.”); White, *supra* note 33, at 773 (stating that being a dean is “a bit like being a lawyer with one very demanding client whose values you embrace”).

121. See Morant, *supra* note 7, at 389.

122. See O’Connell & O’Connell, *supra* note 2, at 621 (discussing “stimulating the faculty ‘without their knowing that they’re being led . . . [getting] groups to formulate proposals for themselves’” (omission in original) (alteration in original) (quoting GOULD, *supra* note 33, at 79)).

123. *Id.* (noting that a dean’s “job is to be detached, which requires patience” (quoting GOULD, *supra* note 33, at 79)); *id.* at 654–55 (noting Harvard University President Charles Eliot’s statement that “patience is ‘the prime virtue of any administrator’” (quoting NICHOLAS J. DEMERATH ET AL., *POWER, PRESIDENTS, AND PROFESSORS* 59 (1967))).

124. Morant, *supra* note 7, at 388–89; O’Connell & O’Connell, *supra* note 2, at 629 (“The development of successful relationships with students and faculty is critical to the ability of an academic chief to manage his or her college.”); *id.* at 656 (noting a dean’s role as “Envoy” who is “responsible for the institution’s relations with the university’s central administration, and off-campus constituencies”); Prigge, *supra* note 20, at 365 (“[E]stablishing and maintaining good relations with the central university administration is critical to the success of the law school.”); *id.* at 367 (noting the need for deans to “recognize and develop their staff members”).

vice deans or associate deans for academic affairs, functioning as politicians on behalf of their law schools, may need to make numerous speeches.¹²⁵ A dean must also host and welcome numerous guests to the law school.¹²⁶ Deans of public law schools must focus particular attention on state legislative representatives and state administrators, apprising them of the ongoing value that the law school offers but retaining academic independence.¹²⁷ Deans at private law schools, by contrast, may need to spend more time on private fundraising.¹²⁸ An associate dean for research must work with marketing and communications staff members to promote faculty scholarship and discuss ways to empower, recognize, and reward faculty scholarship with the dean.¹²⁹

Faculty connections may be built not only in faculty meetings but also in individual meetings with faculty members.¹³⁰ Faculty support for shared goals is essential for the decanal leader's ability to make progress on those goals.¹³¹ One way to foster collaborations is for decanal leaders to highlight others' contributions to projects, rather than for the decanal leader to take credit personally.¹³² Deans must not, however, take too much of the faculty's time for administrative projects as the faculty need sufficient time for their research and writing.¹³³ A dean's sensitivity and relationships can aid faculty members considering whether to retire or managing significant medical or family challenges, providing heartfelt support while also cognizant of the law school's many needs.¹³⁴ Deans can also benefit significantly from relationships with former deans.¹³⁵

125. O'Connell & O'Connell, *supra* note 2, at 657 (describing a dean as acting "very much like a politician" and noting that "[o]ne of the . . . most important public relations functions is making speeches").

126. *Id.* at 658.

127. See Donald G. Gifford, *How Does the Dean Resemble the Islets of Langerhans?*, 31 U. TOL. L. REV. 599, 600 (2000) (noting that seeking financial resources includes "lobbying members of the state board of regents and the legislature"); O'Connell & O'Connell, *supra* note 2, at 658–59.

128. O'Connell & O'Connell, *supra* note 2, at 674 (noting greater need for private fundraising at a private college compared to time spent on procuring state funds at a public institution).

129. See Hill, *supra* note 84, at 36 (noting that "[a] team approach is essential" for an associate dean for research).

130. Morant, *supra* note 7, at 389.

131. See Jerry, *supra* note 5, at 569 ("[A]n effective dean cannot, by himself, deliver progress without the faculty's commitment to shared goals.").

132. O'Connell & O'Connell, *supra* note 2, at 626–27 ("President Lowell of Harvard once said that a college head 'cannot both do things and get the credit for them'—that he could not 'cackle like a hen that had laid on an egg.'") (quoting A. LAWRENCE LOWELL, *WHAT A UNIVERSITY PRESIDENT HAS LEARNED* 21 (1938))); Kent Syverud, *Three Principles of Effective Deanning*, 31 U. TOL. L. REV. 751, 752 (2000) ("[T]he dean praises and acknowledges work of students, faculty, staff, alumni, and administrators all the time, on every occasion, and constantly creates new occasions to celebrate the people of the school.").

133. See O'Connell & O'Connell, *supra* note 2, at 632 (noting former Brown University President Henry Wriston's recommendation that "[s]o far as is humanly possible, [academic chiefs] should let the members of the faculty alone, giving them all the freedom practicable for teaching and research" (second alteration in original) (quoting HENRY WRISTON, *ACADEMIC PROCESSION: REFLECTIONS OF A COLLEGE PRESIDENT* 122 (1959))).

134. See Margaret Raymond, *Work and Life and Death: A Law School Dean's Perspective*, 48 U. TOL. L. REV. 303 (2017).

135. See Morant, *supra* note 7, at 391; Matthew L. Spitzer, *Taking Over*, 33 U. TOL. L. REV. 213, 213–14 (2001) (advising a new dean to "go see your predecessor, the former dean" to seek advice, particularly on budgeting and the university's central administration and for assistance in connecting with major donors).

Further, a dean may reach students through formal or brown bag luncheons and breakfasts or other gatherings.¹³⁶

Connecting with alumni may involve frequent travel.¹³⁷ A dean needs to be sensitive to balancing fundraising outside the school with attention to internal matters within the school, lest the faculty feel that a dean's attention is not focused sufficiently on them.¹³⁸ Fundraising depends critically on developing relationships with alumni.¹³⁹ Indeed, a dean may regularly visit 50 to 100 of the most important donors.¹⁴⁰ Outside the law school, a dean should connect with judges and practitioners.¹⁴¹ Ceremonial events, such as convocations and graduations, assist in presenting the school to alumni and the community.¹⁴²

Given the extensive work demands, decanal leaders need to maintain personal balance so as to remain joyfully committed to the job while working.¹⁴³ Nonstop work may lead to resentment or depletion.¹⁴⁴ Personal balance also aids in the retention of decanal leaders, which in turn facilitates the law school's attainment of its goals.¹⁴⁵

III. THE ABRAHAM L. FREEDMAN FELLOWSHIP PROGRAM, LAW TEACHING, AND DECANAL LEADERSHIP

Developed to transition lawyers from law practice into academic careers as law professors, the Abraham L. Freedman Fellowship Program provided Fellows with extensive training in teaching and scholarship, as well as guidance in interviewing for and obtaining a law professor position.¹⁴⁶ Over several decades, Fellows subsequently accepted positions at numerous law schools across the country. As their careers developed, a remarkably high percentage of Fellows attained positions as deans and associate deans, suggesting that the program may have contributed skills that aided Fellows not only in meeting the responsibilities of law professors but also those of decanal leaders.¹⁴⁷

136. Morant, *supra* note 7, at 389.

137. *Id.*

138. See O'Connell & O'Connell, *supra* note 2, at 660–61.

139. See Prigge, *supra* note 20, at 365 (“Cultivating and stewarding donors is all about relationships.”).

140. *Id.*; see also Spitzer, *supra* note 135, at 214 (“[T]here will be 50 to 100 donors, mostly alumni, who are very important to the school.”).

141. Morant, *supra* note 7, at 390; see also Rodriguez, *supra* note 7, at 127 (noting decanal responsibilities include “engagement with the bar and with relevant professional organizations”).

142. O'Connell & O'Connell, *supra* note 2, at 618 (“One of the most effective mediums of communicating with . . . off-campus constituencies is the traditional, ceremonious activities of the school.”).

143. See Richard L. Aynes, *Stone Soup: Thoughts on Balancing a Deanship and Family Life After Twelve Years as Dean*, 39 U. TOL. L. REV. 221, 222 (2008) (relating “how to strike a balance with family life and work”); Foster, *supra* note 29, at 590 (advising deans to “[c]are for your own physical, emotional and spiritual needs”); Morant, *supra* note 7, at 392.

144. See Morant, *supra* note 7, at 392.

145. *Id.*

146. See *infra* Part III.A.

147. See *infra* Part III.B.

A. Origin, Purpose, and Structure of the Freedman Fellow Program

In 1974, Temple University School of Law offered the Freedman Fellow Program to train fellows to obtain and succeed in law professor positions.¹⁴⁸ Compared to other teaching fellowship programs, the Freedman Fellow Program had a particular emphasis on teaching.¹⁴⁹ Over two academic years at Temple, Fellows had substantial teaching obligations.¹⁵⁰ In both years of the program, Fellows taught a legal writing course that spanned the fall and spring semesters.¹⁵¹ Fellows completed several teaching collaborations with doctrinal faculty, serving as apprentice teachers who attended classes and discussed pedagogy with the professor.¹⁵² During the collaboration, Fellows taught one or more classes and received feedback on teaching effectiveness from the doctrinal professor.¹⁵³ In the final semester of the program, each Freedman Fellow taught one upper-level law school course.¹⁵⁴ Temple's administration also invited Fellows to attend faculty meetings.¹⁵⁵

Fellows received guidance in preparing a scholarly article.¹⁵⁶ Through most of the history of the Freedman Fellow Program, fellows prepared their articles mainly in the summer between the first and second year of the program.¹⁵⁷ In the last several years that Temple hosted the Freedman Fellow Program, fellows started working on their articles in the summer before the first semester, enabling them to submit an article during the winter journal submission period of their first year.¹⁵⁸ The program thereby adjusted to the increased emphasis in faculty recruiting on scholarship that had developed in recent decades.¹⁵⁹

Fellows also received an LL.M. degree in connection with their apprentice teaching and preparation of a publishable scholarly thesis.¹⁶⁰ Fellows did not pay tuition for the

148. Richard K. Greenstein, *A Bit of History* 1 (2016) (unpublished manuscript) (on file with Temple Law Review).

149. *Id.* at 2 (“What has made the Freedman Fellow Program different from other transitional programs (other fellowships, [visiting associate professorships], and the like) is its emphasis on teaching.”). This initial emphasis on teaching may have itself grown from Temple’s own emphasis on, and belief in, the quality of its own law teaching. *Id.*

150. *Id.* at 1–2 (“While we have successfully taken various steps over the years to encourage and facilitate scholarship among the fellows . . . , the core of the program remains the variety of teaching experiences.”).

151. *Id.* at 1.

152. *Id.* at 1 & nn.2–3.

153. *See id.* at 1 & n.2.

154. *Id.* at 1. Until the late 1980s, instead of the general requirement to teach one doctrinal course, Freedman Fellows taught a litigation skills course, while separate Law and Humanities Fellows taught a law-related undergraduate course at Temple University. *Id.* Since the 1980s, Temple University School of Law designated all Fellows as Freedman Fellows. *Id.* All of whom taught one doctrinal course at the law school, matching Fellows’ general desire to obtain tenure-track positions teaching doctrinal courses. *Id.*

155. *See id.* at 1 & n.3.

156. *See id.* at 2.

157. *Id.*

158. *Id.*

159. *Id.*

160. *Id.* at 1. Fellows who left the program without completing the scholarly-thesis requirements did not receive the LL.M. degree. *Id.* at 3.

LL.M. degree and received an annual stipend.¹⁶¹ Those who taught any additional courses received additional compensation.¹⁶²

B. Freedman Fellow to Dean or Associate Dean

Faculty at Temple offered Fellows advice in interviewing and delivering job talks for teaching positions.¹⁶³ From the outset of the program, the Abraham L. Freedman Fellowship Program director, which in recent decades was Professor Richard Greenstein, would work with the Fellows to assemble teaching collaborations, a scholarly thesis, and a doctrinal course, which, together with their interests and prior practice experiences, would present a coherent and favorable package for the teaching market.¹⁶⁴ In the summer prior to the second year of the program, the program director wrote to the deans of all law schools, highlighting the Fellows entering the teaching market that fall and describing the Freedman Fellow Program.¹⁶⁵ Each Fellow also participated in practice interviews and delivered a practice job-talk presentation with Temple faculty.¹⁶⁶ These practice job-talk presentations provided fellows with an opportunity to obtain feedback from faculty and review their performances through video recordings.

Between the inception of the Freedman Fellow Program in 1974 and its suspension in 2017, Temple educated 118 Fellows.¹⁶⁷ As of fall 2019, sixty-eight Fellows actively held full-time law teaching positions, seventeen Fellows had retired from full-time law teaching positions, twenty-six Fellows held positions outside of academia (four of who had previously held full-time positions in academia), and seven Fellows were deceased (three of who had previously held full-time positions in academia). Accordingly, ninety-two Fellows have held full-time positions in academia.

Those ninety-two Fellows have held positions at law schools and universities across the country and the world, teaching at more than a quarter of the ABA-accredited law schools in the United States:¹⁶⁸

161. *Id.* at 1 (noting that in 2016 the Freedman Fellow stipend was \$38,000 in the first year and \$40,000 for the second year).

162. I served as a Freedman Fellow at Temple University Beasley School of Law from 2003 to 2005. In spring 2005 at the request of Temple, I taught an evening section of Civil Procedure II, which was an upper-level elective course, beyond my Freedman Fellow assigned teaching courses (which included Legal Research and Writing and a day section of Civil Procedure II). In connection with my teaching the extra evening section of Civil Procedure II, Temple provided me with additional compensation beyond the Freedman Fellow stipend.

163. Greenstein, *supra* note 148, at 2–3 (“Since the fundamental purpose of the program has been to help our fellows find faculty positions, we have since the program’s inception placed considerable emphasis on placement assistance.”). From the beginning of the Freedman Fellow Program, Temple has had a policy of not itself hiring fellows directly from the program to avoid explaining to other law schools why Temple was not itself hiring any particular fellow and also to minimize internal competition among fellows. *Id.* at 3–4.

164. *Id.* at 2.

165. *Id.*

166. *Id.* at 3.

167. The information in this Part relating to the teaching and decanal positions of the Freedman Fellows is derived from Byron G. Stier, Former Freedman Fellows as of Fall 2019, at 17 (2019) (unpublished manuscript) (on file with Temple Law Review), and the author’s personal knowledge.

168. See *List of ABA-Approved Law Schools*, A.B.A., http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/in_alphabetical_order/ [https://perma.cc/CV97-YDUP] (last

- thirty Fellows held positions at nineteen law schools in the northeastern United States;¹⁶⁹
- twenty-eight Fellows held positions at twenty law schools in the southern United States;¹⁷⁰
- fifteen Fellows held positions at eleven law schools in the midwestern United States;¹⁷¹
- nine Fellows held positions at eight law schools in the western United States;¹⁷²
- two Fellows held positions at two law schools internationally;¹⁷³ and
- several Fellows held positions at universities outside of a law school, including four Fellows at three business schools¹⁷⁴ and four Fellows at four undergraduate schools of arts and sciences.¹⁷⁵

The law schools at which Fellows have taught varied considerably in their rankings in 2020 according to *U.S. News & World Report*:

visited May 1, 2020) (listing 203 ABA-approved law schools). Positions listed in the following notes are the last ABA-accredited law school at which the Freedman Fellow taught.

169. These law schools are Boston University School of Law, City University of New York School of Law at Queens College, Drexel University Thomas R. Kline School of Law, Duquesne University School of Law, Hofstra University Maurice A. Deane School of Law, New England School of Law, New York Law School, Penn State University Dickinson School of Law, Quinnipiac University School of Law, Rutgers University Law School, Seton Hall University School of Law, Suffolk University School of Law, Temple University Beasley School of Law, Touro College Jacob D. Fuchsberg Law Center, University of Buffalo Law School-State University of New York, University of New Hampshire Franklin Pierce School of Law, Western New England College School of Law, Widener University Delaware Law School, and Widener University Commonwealth Law School.

170. These law schools are Atlanta's John Marshall Law School, Barry University Dwayne O. Andreas School of Law, Baylor University School of Law, Campbell University Norman Adrian Wiggins School of Law, Emory University School of Law, Florida A&M University College of Law, Florida International University College of Law, Georgia State University College of Law, Mercer University School of Law, North Carolina Central University School of Law, Nova Southeastern University Shepard Broad Law Center, Oklahoma City University School of Law, Stetson University School of Law, Texas A&M University School of Law, University of Arkansas-Fayetteville School of Law, University of Maryland Francis King Carey School of Law, University of Memphis Cecil C. Humphreys School of Law, University of Oklahoma College of Law, University of Tulsa College of Law, and West Virginia University College of Law.

171. These law schools are Cleveland State University Cleveland-Marshall College of Law, Marquette University Law School, Michigan State University College of Law, Mitchell Hamline School of Law, Northern Kentucky University Salmon P. Chase College of Law, Ohio Northern University Claude W. Pettit College of Law, Southern Illinois University School of Law, University of Dayton School of Law, University of Illinois at Chicago John Marshall Law School (previously an independent law school), University of Toledo College of Law, and Western Michigan University Cooley Law School.

172. These law schools are Golden Gate University School of Law, Pepperdine University School of Law, Southwestern Law School, Thomas Jefferson School of Law, University of Denver College of Law, University of New Mexico School of Law, Western State College of Law, and University of Hawaii School of Law.

173. These law schools are the Australian National University ANU College of Law in Canberra, Australia, and University of Stirling in Stirling, Scotland.

174. These business schools are Georgetown University McDonough School of Business, Stockton University School of Business, and Temple University Fox School of Business.

175. These colleges are Rutgers University School of Arts and Sciences, Suffolk University College of Arts & Sciences, Temple University College of Liberal Arts, and University of North Carolina at Pembroke.

- 6% of Fellows held positions at law schools ranked in the top 50;
- 28% of Fellows held positions at law schools ranked 51 to 100;
- 23% of Fellows held positions at law schools ranked 101 to 145;
- 41% of Fellows held positions at law schools ranked 146 to 192; and
- 1% of Fellows held a position at an unranked law school.¹⁷⁶

Several law schools had numerous Fellows on their law faculties including the following:

- with five Fellows each—Nova Southeastern University Shepard Broad Law Center and Widener University Delaware Law School;
- with three Fellows each—Touro College Jacob D. Fuchsberg Law Center and Widener University Commonwealth Law School; and
- with two Fellows each—Barry University Dwayne O. Andreas School of Law, Drexel University Thomas R. Kline School of Law, Florida International University College of Law, Ohio Northern University Claude W. Pettit College of Law, Penn State Dickinson School of Law, Seton Hall University School of Law, Southern Illinois University School of Law, Stetson University School of Law, Texas A&M School of Law, University of Arkansas-Fayetteville School of Law, University of Illinois at Chicago John Marshall Law School, and University of New Mexico School of Law.

Of the ninety-two Fellows who had careers in academia, ten serve or have served as dean or interim dean. Those ten deans or interim deans comprise approximately eleven percent of all Fellows who had careers in academia. Regarding associate deans, of the ninety-two Fellows who had careers in academia, twenty-seven (twenty-nine percent) serve or have served as associate deans. Fellows were well represented in multiple categories of associate decanal positions: thirteen have held a position as associate dean for academic affairs (or vice dean, associate dean, or senior associate dean); five have held a position as associate dean for research (or associate dean for faculty development); and four have held a position as associate dean for strategic initiatives (or vice dean for strategic initiatives, associate dean for faculty development and strategic initiatives, or associate dean for assessment and strategic analysis).¹⁷⁷ All of the ten Fellows who have served as dean or interim dean have previously held positions as associate deans; while some were promoted to the dean position from their own faculty, others were hired externally from another law faculty.

Several possible explanations exist for the remarkable success of the Abraham L. Freedman Fellowship Program in producing deans and associate deans in law schools. First, the strong training of the program in teaching and scholarship meant that Fellows could immediately succeed as law professors in their new law schools. At their new schools as tenure-track law professors, faculty likely saw former Freedman Fellows as relatively high performers, free of significant problems in teaching or scholarship. As a result, deans and faculty later saw former Freedman Fellows as candidates for associate dean positions, which in turn opened further decanal opportunities.

176. See generally *2021 Best Law Schools*, supra note 61.

177. Other associate decanal positions Fellows have held include associate dean of academic support and bar services, associate dean for diversity & inclusion, associate dean for faculty, associate dean for graduate & international programs, and associate dean for student academic affairs.

Second, to succeed, deans and associate deans need to draw not just on scholarly and teaching skills but also, importantly, on the ability to build relationships and collaborate with others to frame, revise, and accomplish shared goals. Notably, the program especially developed collegiality, collaboration, and camaraderie among Fellows, who supported each other and discussed teaching, scholarship, interviewing, and job presentations in their shared goal of obtaining full-time professor positions. In addition, distinctive among law teaching fellowships nationally, the program even included multiple teaching “collaborations” in which Fellows paired with both a doctrinal professor and with a legal writing professor to learn how to teach their respective courses. Fellows also had the opportunity to attend faculty meetings.¹⁷⁸ Furthermore, Fellows’ scholarly works benefitted enormously from close guidance, discussion, and feedback from the program director and other Temple faculty. Fellows also found camaraderie and collaboration among themselves and with caring faculty as they sought to navigate the national Association of American Law Schools Faculty Recruitment Conference and obtain professor positions. In all of these settings, Fellows learned how to interact and collaborate with faculty while working toward common goals.

Third, the people who were selected for and participated in the Freedman Fellow Program may already have been people well suited to decanal and associate decanal positions. Fellows committed to two years in residence at Temple in Philadelphia, which often meant relocating, exiting law firms, and accepting a significantly lower salary. Fellows also accepted the risk of possibly not obtaining a tenure-track professor position afterwards. The persons who would choose such a path are likely primed to utilize fully all of their abilities to obtain and succeed in faculty positions, possibly leading later to their selection as deans and associate deans. Moreover, because of the weighty and important teaching responsibilities of Fellows, Temple likely evaluated and hired candidates particularly for their potential teaching skills, which may correlate with many of the interpersonal skills needed for successful decanal leaders.

Fourth, the Freedman Fellow Program enabled Fellows—perhaps especially those who were also first-generation students in college or who had an untraditional path into legal academia—to believe that once they had obtained a law professor position after two years of striving and training, any career achievement might be possible.¹⁷⁹ Fellows felt empowered to believe they could attain positions as associate dean or dean.

178. Cf. *Academic Fellows Program*, COLUM. L. SCH., <http://www.law.columbia.edu/careers/academic-fellows> [https://perma.cc/KZM6-SA6F] (last visited May 1, 2020) (“Academic Fellows write scholarly articles, teach legal research and writing, attend moot job talks, critique one another’s work, participate in faculty workshops, and otherwise prepare to go on the law teaching job market.”); *Apply To Be a Harry A. Bigelow Teaching Fellow*, U. CHI. L. SCH., <http://www.law.uchicago.edu/bigelow/howtoapply> [https://perma.cc/5Y2P-QZV5] (last visited May 1, 2020) (noting that Bigelow Fellows teach legal research, writing, and analysis to first-year students; may teach an upper-level seminar in the second year; and “pursue scholarly interests, attend workshops, interact with the faculty, and audit courses or seminars”); *Climenko Fellowship*, HARV. L. SCH., <http://hls.harvard.edu/dept/climenko-fellowship/> [https://perma.cc/QSM9-UGF4] (last visited May 1, 2020) (“Fellows will teach the [First-Year Legal Research and Writing] Program and devote themselves to scholarship in preparation for entry into the teaching market.”).

179. For this explanation, I am indebted to former Freedman Fellow Anthony Niedwiecki, dean of Golden Gate University School of Law, who will serve as president and dean of Mitchell Hamline School of Law beginning in summer 2020. *Anthony S. Niedwiecki Named President and Dean at Mitchell Hamline*, MITCHELL

CONCLUSION

Ongoing teaching fellowship programs at other law schools should consider the success of the Freedman Fellow Program in producing deans and associate deans. Other fellowship programs should particularly consider the Freedman Fellow Program's emphasis on formal collaborations with faculty in teaching courses that may particularly have developed the collaborative skills essential for decanal leadership. Indeed, given the Fellows' remarkable representation among deans and associate deans, perhaps Temple should consider reviving the Freedman Fellow Program, which would enable future generations of Fellows to display the extensive training they received at law schools across the country. Now that both law student enrollments and faculty hiring are returning after years of decline from the 2008 financial crisis and ensuing recession, perhaps the Freedman Fellow Program should also return.