



REFLECTION

Leadership in Law Schools

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Leadership in law schools fundamentally requires the same as leadership skills in any organization. I had the tremendous benefit of being in a number of leadership positions before becoming the dean of a law school. For example, I served as the director of a program for high school students at Northwestern University, spent a year as President of the campus-wide Academic Senate at the University of Southern California, and chaired government commissions. Most importantly, I was elected by Los Angeles voters in 1997 to a commission to rewrite the Los Angeles City Charter and then chosen by my fellow commissioners to chair the Elected Los Angeles City Charter Reform Commission. These experiences guided me when I assumed the position as the first Dean for the University of California, Irvine School of Law (UCI).

Yet there also are important ways in which being a law school dean is different from other leadership positions. Unlike in other organizations, much of the governance of a law school is done by the faculty; the dean's is only one vote among many. For example, decisions about faculty hiring, promotion, and tenure; curriculum; and academic policy are for the faculty as a whole to make.¹ In addition, in my role as Dean, I am a part of a larger campus which is itself part of a much larger university (the University of California system). Accordingly, unlike in my previous positions, many of my decisions as Dean are constrained by campus and university rules, and a significant amount of my time is spent resolving disputes with campus bureaucrats.

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1. I regard there as being three broad categories of decisions. First, there are those to be made by the faculty. I chair the meetings and may or may not choose to express my views depending on the issue, but ultimately it is and should be for the faculty to make these decisions. Second, there are decisions that the dean makes, but I do so in consultation with an elected three-person faculty advisory committee. Finally, there are those decisions that I believe are for the dean to make, though I generally will consult with many others. For example, I regard appointment of my assistant and associate deans to be my prerogative, though there generally will be search committees to make recommendations.

I was honored to be asked to speak about leadership in law schools at the *Stanford Law Review's* "Lawyers as Leaders" Symposium, though I feel presumptuous doing so. I do not claim to have any special expertise, and my comments are entirely a reflection of my own experience: thirty-seven years as a law professor, nine of them spent as a dean. Admittedly, my experience as Dean has been unique because, unlike my contemporaries, I am the founding Dean of UCI. I was hired in September 2007 and formally began on July 1, 2008, the first year UCI opened to law students.

From my experiences in leadership positions, both as a dean and in other capacities, I would identify five crucial characteristics of effective leadership. This list, of course, is not exhaustive but reflects five aspects of leadership I have observed in others and realized when I have been in a leadership position.

First, it is essential to have a vision, to articulate it, and to look for ways to advance it. An organization can only achieve its goals if its goals are articulated. That is the leader's responsibility. Articulating a clear vision has benefits both internally within the organization and for external audiences. For example, when I served as Chair of the Elected Los Angeles City Charter Reform Commission, it was imperative at the outset to define our vision, because we were starting from scratch to write a new charter for the City to replace one that had been drafted in 1925. My vision was that we were engaged in reimagining city governance, with the goal of creating a new structure that would maximize efficiency and accountability. This effort was particularly important because there was another charter reform commission that had been appointed by the Los Angeles City Council working simultaneously. This commission defined its role much more modestly as revising the existing Charter. Articulating the vision was crucial for how my Commission saw its tasks and for how it would be perceived by elected officials, constituent groups, and the media.² Ultimately, we successfully convinced the voters to approve the new Charter in June 1999, in large part based on the vision we set out from the beginning: the Charter would create a more efficient and accountable city government. Los Angeles continues to be governed by this Charter.

As Dean of a new law school, I knew from the outset that I needed to articulate the vision of what we sought to be as an institution. I repeatedly said that we wanted to be a "top-twenty law school by every measure." My intention was to send a message to prospective faculty, students, and employers—and even to others within my university. New law schools traditionally begin near the bottom of the rankings and slowly move up. That was not what I, or the Chancellor and Provost at UCI, wanted us to be.³ My

2. See generally Erwin Chemerinsky, *On Being a Framer: The Los Angeles Charter Reform Commission*, 2 GREEN BAG 2d 131 (1999).

3. I received criticism when UCI debuted at number thirty in the *U.S. News and World Report* rankings (and then moved to twenty-eight in its second year of being ranked).
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vision was of an interdisciplinary, collegial law school that emphasized experiential learning, such as by requiring in-house clinical experience for all students; stressed public service, such as by encouraging pro bono work; and was diverse in every way. By articulating this vision, I helped achieve something that many thought was not possible in large part because it kept everyone focused on the goal. For example, it helped avoid the temptation to make decisions that would not have served that objective, such as by hiring people to fill a particular curricular need at the moment even if they did not fit our vision of a top law school.

As Dean, I constantly look for opportunities to advance this vision. At the outset, I reached an agreement with my Provost that I could match faculty salaries of anyone we wished to hire, something essential in attracting top faculty.⁴ I devised a plan to offer full scholarships to all of the students in the entering class, which allowed us to attract terrific students to a new, unaccredited law school. I succeeded in obtaining approval for a mandatory clinical requirement from my faculty; invested substantial resources in supporting public service, such as scholarships for students with a demonstrated commitment to public interest work, funding for every student who wanted to do public interest work during the summer, postgraduate fellowships for students pursuing careers in public service, and loan forgiveness; and worked with other departments to create interdisciplinary programs. Having a vision is also crucial in knowing which battles I have to fight and win and which battles can be lost or not fought at all.

Of course, a deanship cannot succeed if the dean's vision is not consistent with the faculty's. And I have no doubt that it was both easier and more important to articulate the vision for a new school than it would be coming into an existing one. I was not seeking to persuade the faculty to change a long-established status quo but rather to embrace having a blank slate and to use it to create a different type of law school.

See, e.g., David Bernstein, *U.C. Irvine Law School Didn't Make the Top 20: What Went Wrong?*, WASH. POST: VOLOKH CONSPIRACY (Mar. 10, 2015), http://wapo.st/1F71Z17?tid=ss_tw. While UCI may not have achieved a top-twenty status, no new law school had ever been ranked so highly. In hindsight, I would not change a thing about my statements and believe that without articulating a lofty goal, we would not have achieved such a tremendous outcome. I believe that this lofty goal was crucial in attracting strong faculty and students and assisting our students in obtaining employment opportunities and clerkships.

4. One measure of our success in this regard is that a study of "faculty scholarly impact" ranked UCI sixth in the country, behind the law schools at Yale, Harvard, the University of Chicago, NYU, and Stanford. Brian Leiter, *Top 40 Law School Faculties in Scholarly Impact, 2015*, BRIAN LEITER'S L. SCH. REP. (Sept. 16, 2015), <http://leiterlawschool.typepad.com/leiter/2015/09/top-40-law-faculties-in-scholarly-impact-2015.html>.

Second, it is crucial to have terrific administrators and staff, to empower them, and to back them up. I saw this clearly as Chair of the Elected Charter Reform Commission. Our initial Executive Director struggled, and the Commission struggled as well in its first months. But everything changed when we replaced him with a more successful Executive Director and hired a terrific staff.⁵ The Commissioners no longer had to focus on the administrative tasks of finding rooms for meetings, ordering food, and circulating agendas. Instead, their energies went into debating policy choices and then making policy decisions. The staff then drafted language to reflect these choices and to be reviewed by the Commissioners. It all worked well once there was an experienced administrator to handle the managerial tasks and oversee the staff.

I believe that one of the greatest assets of UCI is our terrific associate and assistant deans. They are the ones who truly run the law school on a daily basis and who admit (with a faculty-student committee) and recruit prospective students. The associate and assistant deans then work to meet the needs of students and faculty, operate the law library and technology services, facilitate fundraising, communicate the successes of the law school, find employment opportunities for our students, manage the budget and facilities, run the clinics, and so much more.

I see my role as a leader as working with each of the assistant and associate deans to set goals for their respective departments and then empower them to succeed. I give great deference to them in hiring and managing their staff. At times, I have found the need to back them up with faculty, students, their own staff, and the larger campus. I think it essential that the assistant and associate deans feel that I have their backs and that if I disagree with their choices, we will deal with that disagreement privately. I ask that they let me know of possible problems before they arise so that I am not blindsided and taken by surprise. Having excellent administrators means that I do not need to micromanage every department, and that frees up time for other crucial tasks. In general, I have found that working with such wonderfully talented and committed administrators is one of the most enjoyable and rewarding parts of being a dean.

Third, communication is imperative in any leadership role. One of the defining characteristics of being a dean is the need to work with many constituencies, all of which are integral parts of any law school: faculty, administrators, staff, students, alumni, the campus, the community, legal employers, and the legal profession. Succeeding as a leader requires careful planning of communications to all of these constituencies.

5. Ultimately, the charter reform process succeeded, as we proposed a new Charter. Voters approved it in June 1999, and it remains the governing document for the City of Los Angeles.

For example, I have a meeting with all senior administrators every Monday morning. It is a chance for each to report on key activities in his or her department and an invaluable opportunity for me—and the other department heads—to learn what is happening throughout the law school. I also meet individually with each senior administrator at least once every two weeks, if just to touch base. Each winter, I have a budget meeting with every senior administrator, where I (and the Assistant Dean for Finance and the Vice Dean) hear their budget requests for the following year. I learn a great deal from these meetings about how the law school is being run.

A crucial aspect of any institution is the staff, and being an effective leader requires making them feel valued and invested in the institution. Communication is essential to accomplishing this. I hold a joint faculty-staff meeting the first week of every school year, at which I present the details of the budget (literally everything except individual salaries) and articulate the priorities for the year. In addition, when staff members do exemplary work, I look for opportunities to recognize it, including with handwritten notes and small cash bonuses called “spot awards.” Finally, I give every staff member in the law school a handwritten holiday card that includes an American Express gift card that I personally pay for as a small way of expressing my genuine gratitude for their hard work.

In any educational institution, effective communication with students is imperative. Every two weeks, I have a “coffee with the students” event. Refreshments are provided, and there is no agenda for these meetings. It is a chance for them to come and discuss whatever they want. If there are complaints and concerns—and there often are—I take notes, investigate, and get back to them as quickly as I can. Once a semester, I hold a town hall with the students. I always have some material to present: for instance, I share the budget with them each fall. But I also try to leave about half the time for topics of their choosing. Finally, I have regular office hours for students and am also available by appointment.

Alumni are another crucial constituency within a law school. Their wisdom and, frankly, their monetary support are enormously beneficial. I meet with the alumni board quarterly, always on Saturday mornings so as to accommodate their work schedules. The agenda includes giving updates on the law school, addressing their areas of concern, and planning alumni events. I generally am in more frequent contact with the President of the Alumni Board, though that tends to vary from year to year. I constantly look for opportunities to engage the alumni with the law school, as mentors for students, as speakers in classes and at events, as advisors for me and the school, and occasionally as adjunct faculty.

The most important constituency for any dean is the faculty, partially because they are the governing body of the law school. I do my best to respond immediately to any faculty e-mails and to be available as quickly as possible

when a faculty member wants to meet. I try to have lunch with each of our untenured faculty members each spring. I look for opportunities for more informal interactions with my faculty colleagues, though there is often less chance for this than I would wish.

Ultimately, all of the communication is important because transparency builds trust with faculty, students, staff, and alumni. Frequent communication allows for identifying and solving problems before they fester. Ideally, it builds goodwill so that when I have to make an unpopular decision—and that inevitably happens—people will accept it more easily than if they are alienated from me.

Fourth, an effective leader must be attentive to the culture of the institution, making conscious choices about the desired culture and how to foster it. When I began my deanship, I wanted UCI to be warm and inclusive. To a large extent, this tone is set by the administrators and faculty, and it has been important in hiring to look for those who also desire such a culture.

Being diverse in every way is a crucial part of our desired culture. We have worked hard, consistent with the constraints imposed by the California Constitution in Proposition 209 (which prohibits discrimination or preference based on race or gender), to create a very diverse faculty, staff, and student body. Everyone's education is enhanced by this diversity.

Ultimately, I believe that the culture of any institution is the product of many small choices. For that reason, I am insistent that food be provided at speaker events and faculty meetings or workshops. I personally make sure that there is always a bowl of candy on the receptionist's desk at the front office of the law school. My wife and I have all of the students to our house for dinner (spread over two or three nights) during orientation. We host a dinner for all faculty at the beginning the school year. We have a staff luncheon (now at a restaurant because of the staff's size) before the December holidays.

Once at UCI, I quickly discovered that the University of California system is a highly complex and bureaucratic institution, in contrast to the private institutions for which I had previously worked. Navigating this bureaucracy consumes a significant amount of my time, and I will admit that I find it one of the least pleasant—but among the most important—aspects of my job. In working through the system, I realized that there are two ways of approaching decisions: one that begins with focusing on the desirable outcome and figuring out how to achieve it and the other that begins with the rules and often leads to rejection of ideas. As Dean, I have stressed that we must do the former. I have tried to instill a culture where the presumptive response to requests is "yes," though there are countless instances where the answer ultimately must be "no." I see my role, and the role of my administrators, as doing all we can to enable our faculty, staff, and students to do things that make sense and therefore to protect them from the campus and university bureaucracies that thwart innovation. As Dean, I have been blessed with incredibly supportive

Chancellors and Provosts, and they deserve the lion's share of credit for what we have achieved.

Finally, I am aware that the most important way that a person leads is by example. I have four children and long ago realized that my most important parenting occurs not through the verbal lessons I offer my children (though admittedly I give plenty—and they may say too many) but through the example I set for them. The same thing is true in any leadership position, including that of dean of a law school. I try my best to model the behavior we expect of our faculty and students, in terms of kindness, hard work, professionalism, and integrity.

For example, a faculty member's three primary tasks are teaching, scholarship, and service, including community service. I think it is essential that as Dean I be actively involved in all of these. We have instituted a policy at my law school that requires every faculty member who is not on leave—including the Dean and associate deans—to teach a full load. For me, this means teaching at 8:15 AM each semester and holding office hours at 7:30 AM, which admittedly is not always the most popular time for students. But doing so allows me to be done with class by 9:30 AM on class days, leaving the rest of the day for everything else my job entails. Doing this is often difficult, but I think it is a key way of communicating the importance of students and teaching within the institution, and it also has the benefit of letting me get to know students in a non-decanal role. I think it important that I continue to write. Also, it is important for me to continue to do pro bono work, though significantly less than before I was Dean. All of these things need to be fit in around the role of dean, which is a demanding full-time job. I have been enormously helped by having a spouse (also a professor) who is extremely supportive and truly a partner in all of this.

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I realize that I only have begun to describe the challenges and lessons in leadership that I have learned. There is the need to learn to take a deep breath when confronted with frustrations or angry colleagues or students. There is the need for thick skin, which does not come naturally to me. There is the occasional need to reprimand or even fire staff, which I find the hardest part of the job. There is the need to choose a personal style that is consistent with one's personality.

I do not mean to imply in this Reflection that I always, or even generally, succeed in these aspirations. I could write a much longer reflection about all of the mistakes I have made as Dean and in other leadership positions. Nor do I mean to imply that these choices are unique to me or even to law school deans. But having been given the wonderful opportunity to reflect on leadership as a

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law school dean, I wanted to share my thoughts as to what is necessary to be effective in this role.