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## NINETEEN RULES TO DEAN BY

Rodney A. Smolla\*

THERE are nineteen rules to good deaning—some say eighteen.<sup>1</sup> In the course of a year, I've broken all of them at one time or another, several on multiple occasions, and thus prefer to think of them as guidelines rather than fast laws.<sup>2</sup> Whether understood as rules or guidelines, here they are.

### 1. *It's Not about You*

To be a dean is to be a leader and steward. The "Office of the Dean" is important to the institution, in substance and in symbol. But don't confuse the office with the occupant. You're a renter, not an owner. Be proud of others but never yourself. Brag on faculty, students, staff, alumni, and *mean it* when you do, but don't brag on yourself. It's the institution that matters.

### 2. *It's a Marathon, Not a Sprint*

The building and nurturing of an institution takes time. The good will of an academic institution, like the good will of a business, is perhaps its most important asset. It's human nature, especially in the breakneck, multi-tasking pace of modern digital life, to think and act in the hyper-speed. I believe it was the *New England Journal of Medicine* that recently released a study showing that the attention span of the average American is twenty-three seconds.<sup>3</sup> As dean you need to do better than that. A sense of the future is vital to academic leadership. Thinking five, ten, fifteen years into the future is critical. On significant matters, it is more important to the institution for you to think long than to think fast.

### 3. *It's an Exhibition Not a Competition*

The exhibition is an exhibition of excellence. Everything a great law school produces, like everything a great lawyer or jurist produces, should exhibit excellence. This is our professional ideal. Do not confuse *intrinsic quality* with rankings and ratings. We live in a competitive culture that places great stock in

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1. In this sense, good deaning is like good writing, which has a similar catechism. In the words of Mark Twain: "There are nineteen rules governing literary art in the domain of romantic fiction—some say twenty-two." Samuel Clemens, *Fenimore Cooper's Literary Offenses* (1894), reprinted in 2 CLEANTH BROOKS ET AL., *AMERICAN LITERATURE: THE MAKERS AND THE MAKING* 1329 (1973).

2. The ordering here is capricious and connotes no priority of importance. See, e.g., U.S. CONST. amends. III, V. The Third Amendment (prohibiting the quartering troops) is not by sheer dint of numerical priority superior in importance to the Fifth Amendment (with its Due Process Clause, Self-Incrimination Clause, Takings Clause, etc.), at least in the context of deaning.

3. My attention span is too short to be able to remember if this was the median, mean, or mode, nor do I have a footnote for this, so please don't cite me.

ranks and rates. As a dean, you will naturally do all in your power to improve the reputation and ranking of your school. But never confuse the ranking with the reality and never confuse the nobility of the striving with the hollowness of a life in which pursuit of recognition becomes the end of living. Rankings are *measures* of quality—often imperfect and unfair, to be sure—but measures nonetheless. But rankings are not, *in themselves*, the *actual stuff* of quality.<sup>4</sup> Do all you can to inspire others to be the best they can be. Then let the chips fall and sleep easy. Remember this wisdom from Shakespeare:

.... Reputation is a most idle and false imposition;  
oft got without merit and lost without deserving.  
You have lost no reputation at all unless you  
Repute yourself a loser.<sup>5</sup>

#### 4. *The Buck Stops Here*

If it happens on your watch, take responsibility for it.<sup>6</sup> No one admires a shirker, and you are a role model. Students need to see what it means to be professional. Gracefully accepting responsibility when things go wrong is part of that. And nine times out of ten when things go wrong, it's better to own up, deal with it, take your lumps if required, and move on with life. Talk this talk and walk this walk.

#### 5. *Don't Take it Personally*

This is an important corollary to Rule Number One ("It's not about you."). The ticket here is not to take conflict personally. In a healthy academic environment, there will constantly be intense and passionate exchanges on matters of principle among students, faculty, administrators, and staff. Remember, this is a university, built on faith in the free and civilized exchanged of ideas.<sup>7</sup> If at times the civility of the exchange diminishes, remember to keep your head about you as all around

4. See generally ROBERT M. PERSIG, *ZEN AND THE ART OF MOTORCYCLE MAINTENANCE: AN INQUIRY INTO VALUES* (1984).

5. WILLIAM SHAKESPEARE, *THE TRAGEDY OF OTHELLO, THE MOOR OF VENICE*, act 2, sc. 3, l. 256-61, reprinted in *THE COMPLETE WORKS OF WILLIAM SHAKESPEARE* (Cambridge Text) (William Aldis Wright ed., 1936).

6. See Daniel J. Morrissey, *Harry Truman and the Joy of Deaning*, 35 *TOL. L. REV.* 153, 154 (2003).

7. See *Board of Regents of University of Wisconsin System v. Southworth*, 529 U.S. 217, 233 (2000) ("The University may determine that its mission is well served if students have the means to engage in dynamic discussions of philosophical, religious, scientific, social, and political subjects in their extracurricular campus life outside the lecture hall."); *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 835-36 (1995) ("The first danger to liberty lies in granting the State the power to examine publications to determine whether or not they are based on some ultimate idea and, if so, for the State to classify them. The second, and corollary, danger to speech is from the chilling of individual thought and expression. That danger is especially real in the University setting, where the State acts against a background and tradition of thought and experiment that is at the center of our intellectual and philosophic tradition.") (citing *Healy v. James*, 408 U.S. 169, 180-81 (1972)); *Keyishian v. Board of Regents of Univ. of State of N.Y.*, 385 U.S. 589, 603 (1967); *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).



are losing theirs.<sup>8</sup> You're a role model, remember. You'll almost never make things better by losing your cool.

#### 6. *Remember That Law Connects with All Things*

Celebrate the idea of a university and the constant intersection of the law with all that transpires on a campus. Law touches life; law touches all aspects of human endeavor and inquiry. The academic study of law and the practice of law are central to the advancement of the human condition. A great law school is a wonderful intellectual asset to any academic community. Encourage the intellectual life of the university to course through the law school, and do all you can to encourage faculty and students to course through the intellectual life of the university. Teaching and researching law is a grand enterprise, of vital importance to society and to all that is studied and taught on the campus. Venerate those connections.

#### 7. *It's a University*

Yes, law connects to all things, but the law school is not all things. It's a university, stupid. All parts of it matter, all parts of it are interconnected, and the law school must do its part for the common good. Learn to see the world as your president and provost and fellow deans and trustees must. Learn the issues facing the campus that are of no direct concern to the law school (a controversy surrounding athletics, perhaps, or the curriculum for entering freshmen) and participate with thoughtful humility in those deliberations. Your job is to lead the law school; but, you work for the university. Learn to be comfortable with this academic federalism and enjoy the constructive role you can play in participating in the resolution of university-wide issues.

#### 8. *Money Isn't Everything*

Of course it comes in pretty useful down here—as George Bailey (Jimmy Stewart) says to his guardian angel “Clarence” in *It's a Wonderful Life*.<sup>9</sup> As the song goes, it can't buy you happiness. Nor can it buy you salvation, nor meaning. Spirit, character, creativity, energy, and soul all mean more than dough. Do not ever discount the power of inspiration. Students, faculty, alumni, friends, and even strangers may do wonderful things for your school without opening their checkbooks. Many magnificent things may be accomplished at an institution with little or no infusion of new resources. (*Since deans spend a lot of time fundraising, this is a rule you may choose to keep to yourself*—this explains why some think there are nineteen rules to good deaning, others eighteen).

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8. See Rudyard Kipling, *If—*, in RUDYARD KIPLING, *THE COMPLETE VERSE* 578 (1995) (“If you can keep your head when all about you are losing theirs and blaming it on you.”).

9. *IT'S A WONDERFUL LIFE* (RKO Pictures 1946).

9. *Do Not Be Afraid to Ask for Money—Lots of It*

I never said it wasn't useful. There is no shame in asking donors, foundations, the central administration, or the government for money to accomplish the many worthy enterprises of a thriving law school. Build relationships based on truth. Let the world know, honestly, the things that are great about your school. Touch them with your vision and then put the touch on them for their help. This is how society is built; this is how we pass the torch to new generations. Do not be afraid to ask for money to build the future of your institution for the generations of Americans who will be looking to excellent, ethical, dedicated lawyers for leadership and counsel in navigating the challenges of the future.

10. *Be Friends with Your Development and Alumni Relations and Public Relations Teams*

Among your duties as dean, you must raise money, cultivate good will among alumni, and promote the reputation of the school. To have poor professional relationships with the key players on your team who work to help you raise money, cultivate good will among alumni, and promote the reputation of the school cannot be a good thing. If you are not clicking with the people in these positions, then you may need to make some changes. You may need to adjust, they may need to adjust, or you may just need to assemble a new line-up. But do what you must do to make these relationships healthy and well-functioning. The school needs that.

11. *Do Not Micro-Manage, but Do Pay Close Attention to, Admissions and Career Services*

Admissions and career services are the two departments within your school that have the most direct impact on students. Admissions brings them in; career services places them out. Ideally, the folks in these two departments will be passionately committed to their jobs. They will often look to you for guidance and support. You will often find that your ability to guide them is limited because the truth is that they know much more about the nuances than you could hope to learn or should learn. So do not micro-manage them. What you are good at is support. Learn to listen and try to understand what they are telling you. (I find an understanding quotient of about 64% works well.) You need to understand enough to be able to exercise some credible judgment in advising them. Most importantly, however, you need to understand enough to come to agreement on sound working decisions and then back them up with moral support.

12. *Encourage the School to Connect with the Surrounding Community*

As the Supreme Court has observed: "Universities possess significant interests in encouraging students to take advantage of the social, civic, cultural, and religious opportunities available in surrounding communities and throughout the country. Universities, like all of society, are finding that traditional conceptions of territorial boundaries are difficult to insist upon in an age marked by revolutionary changes



in communications, information transfer, and the means of discourse.”<sup>10</sup> Law schools can connect with the surrounding community in an infinite variety of creative and useful ways. Clinics, pro bono services, educational programs, participation in the forums and councils of government, civic organizations, the judicial system, the bar—the examples from around the nation abound. Make it a goal as dean to strengthen the connections that already exist and encourage the creation of new ones. Service, giving back, is a vital part of what it means to be a lawyer and ought to be a vital part of what it means to be a law school.

### 13. *Lead More, Manage Less*

Deaning is of course a mix of leadership and management. So is being the governor of a state, the CEO of a company, the commander of an army, the head coach of a football team, or the conductor of a symphony. In adjusting this mix, the optimal ratio is 73% leadership and 27% management. (Remarkably, I think I recently read a report from the Yale School of Management demonstrating that this mathematical rule holds true across the board—in government, business, the military, athletics, and music.<sup>11</sup>)

### 14. *Encourage Character, Not Caricature*

Negative caricature is endemic to humanity, especially humanity inhabiting a university campus. Only sociologists understand this, and they’re not talking. As dean, you will run into a lot of strident opinion and conspiracy theorists of all sorts. Pseudo knowledge often abounds, often grounded in a shifting collage of half-truth and misconception. There is a natural tendency for various groups to draw hyperbolic negative portraits of those with whom they deal primarily from a distance. Faculty members are instinctively distrustful of the “central administration” and are generally convinced that those who inhabit headquarters do not appreciate their hard work and constant contributions to the common good. Those in administration have their own pet caricatures, as do alumni, trustees, students, and staff. A big part of leadership is to challenge and inspire others to judge each other on the well-earned attributes of character, to engage in candid yet constructive dialogue, to see the world from the perspective of others, to resist trafficking in rumor and caricature, and instead to seek authentic interaction and common ground. As dean, it is generally perilous to be caught in the middle between forces trading fire. It is far better to use the fulcrum of the middle to sue for peace and facilitate a sense of shared destiny and common enterprise.

### 15. *Love it or Leave it*

If you love the job, it will love you. You ought to love it. It is rewarding, interesting, challenging, and meaningful. You’re doing some good in the world. But if it just doesn’t click for you, or when it ultimately begins to wear you down,

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10. *Southworth*, 529 U.S.at 234.

11. *See supra* note 1.

or if it loses its magic, leave. You do nobody a favor by hanging on when its time to go. Longevity in office is not a free-standing virtue, and continuity in institutions is only a positive when what is being continued is working well.

16. *Observe the Importance of Ritual, Symbol, and Promiscuous Pomp*

Remember the circle of life, Simba.<sup>12</sup> Academic life is rich in pomp and circumstance. So is the life of the law. Symbols and rituals matter. Professors and judges and students all at various times wear robes. They confirm our deepest values and mark precious rites of passage and achievement. The banquets and receptions of student organizations, scholarship lunches, endowed lectures, the opening and closing of conferences and symposia, convocations and graduations—all of these mean a great deal to a great many. People look to the dean at these moments. The public life of deaning ought not be empty and rote. It ought to be rich in feeling and values. Embrace these times. Make use of them as moments to teach, inspire, and build institutional pride and community.

17. *Be out and About*

More good things happen for the institution when you are out of your office than inside it. Be visible in the building, on the campus, in the community, and be visible among students and faculty, alumni, the judiciary, and the bar. You can accomplish more connecting with others away from your desk than behind it.

18. *Collaborate, Consult, Communicate*

There is a lot of debate in academic leadership over whether academic leaders such as deans, provosts, or presidents ought to be hierarchical “top down” leaders, following a business CEO model, or whether they are the “first among equals” in a democratic enterprise, in which values such as collaboration and consultation and democracy are sovereign. This is a false debate and a false dichotomy. In any organization there are decisions for the leader at the top alone to make. This is true of a law school dean. In a university there are also many decisions uniquely suited to the faculty, or to the student body, or to a provost or president, or to the board of trustees. A university is a complex governance organism filled with checks and balances and shared responsibilities. And of course, not all universities are the same in their approach to governance, either in their formal rules or their traditions. But the point is, *it doesn't matter*. No matter what the formal governance rules are, you will be a better academic leader if you freely and constantly collaborate, consult, and communicate. What makes you think you're so smart? The odds are that if you float a decision by others first, somebody will see something you missed, spot a potential problem or embarrassment, or see a possible improvement.

And remember, a large part of successful deaning is the building of consensus. How are you going to do that if you don't talk to folks? How you going to get people to buy into a program, to own it, if they have not been approached in

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12. See *THE LION KING* (Disney 1994).



advance for honest and authentic conversation over its merits? Indeed, perhaps the most important people to consult with are often those that you anticipate, in advance, will be opposed to your proposal, or at the very least, highly skeptical. This is an especially hard rule to observe, and I often have to steel up the gumption to do it, but it usually pays off. First, they will often surprise you, and be supportive. But even if they are opposed to the program, the fact that you had the leadership confidence and grace to get their views first will usually improve the civility of the subsequent discussion and deliberation. Don't forget, we're supposed to be university professors, trained in the value of civil discourse. Don't forget, we're supposed to be lawyers, trained in the value of reasoned discussion and conflict resolution. Consult, collaborate, and communicate—with your provost and president, with your alumni, with your faculty, and with your students. It's not always easy, but force yourself. It's your job. And it's not the sign of a weak leader, but a strong one.

19. *When You Think about the Big Picture, Think Big*

Vision isn't everything, it's the only thing. The "vision thing" may be a cliché, but it's a tried and true one. Just because something's hackneyed doesn't mean it's right. A leader must not be afraid to lead. Your most important job is to inspire the extended law school community to formulate with you a vision of the future, to create a plan to achieve that vision, and to work tirelessly on the joyous mission of seeing it through. This is not the job of others; this is your job. Yes, the buck stops here. Sometimes that's a good buck. Enjoy and revel in the concentration and creativity that it takes to lead a community through the conception of a vision, the formulation of an implementing strategy, and the execution of the plan. Leadership is the satisfying and meaningful part of the job. Do not feel guilty about it being fun and fulfilling. The fun and fulfillment is part of your pay (remember Rule Number Seven: "Money isn't everything."). Do not feel guilty about delegating a reasonable amount of management to others. In delegating, you are not selling the institution short, but investing long.

