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Essays

AFTERWORD: WHY DEANS STAY

MICHAEL J. KELLY*

There is a certain charm to thinking of my sixteen and one-half years as dean at the University of Maryland School of Law in the terms Paul Carrington has used to describe the role: "Adaptability to . . . [the] conditions [of leading a law school] is a special form of madness. Yet it is said that a key to a happy career is to make one's special insanity useful or even valuable to others."¹ When Carrington resigned as dean of Duke Law School, he delivered these reflections in an Article titled *Afterword: Why Deans Quit*.² My view of Carrington's Article is best captured in a statement made by Clifford Gertz: "I make these . . . allusions to Michael Foucault's famous article, 'What is an Author' (which in fact I agree with, save for its premises, its conclusions, and its cast of mind), because . . . it does locate the question I am posing with some exactness."³

How difficult is the job of the law school dean? The answer is profoundly distorted by Carrington's image of the dean as a noble and much misunderstood creature, constantly nipped at by petty constituencies, who works extraordinarily hard and doesn't get much thanks. The costs, constituencies, and unpleasantries professed by Carrington are no more exacting than those of the leader of a moderate or large law firm. The managing partner endeavors

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1. Paul D. Carrington, *Afterword: Why Deans Quit*, 1987 DUKE L.J. 342, 359.

2. *Id.*

3. CLIFFORD GERTZ, WORKS AND LIVES, THE ANTHROPOLOGIST AS AUTHOR 7 (1988).

to hold the firm together, keep superb colleagues working productively, prevent weak colleagues from doing much damage, set some directions for the practice, "make some rain" (i.e., attract new clients), and perform ceremonial functions such as welcoming new associates. There are scores of fine managing partners scattered throughout the United States who thoroughly enjoy these challenging and varied tasks. Although the world of practice is replete with stories about managing partners eager to return to the simpler life of serving clients, nothing in the literature of practice approaches the degree of self-pity and sense of being put upon that characterizes law school dean talk.⁴

At the 1991 annual meeting of the Association of American Law Schools (AALS) on "Why Deans Quit,"⁵ panelist deans and former deans complained that the job lacked intellectual challenge, and required thick-skinned and uncreative persons. The panel discussed the creation of a special "Committee on the Deanship," a curious and predictably futile project, the function of which would be to draft a "manual on deaning" to help deans understand and address the difficulties of the position. Paul Carrington's image of the law school deanship might, with some accuracy, be termed the standard conception in American legal education.

When my tenure passed the fifteen-year mark, I was frequently asked to serve on panels cheerfully titled "How to Survive." One of my favorite co-panelists was Susan Prager, Dean of the University of California at Los Angeles (UCLA) School of Law, who suggested that people who become law school deans determine rather early whether or not they like the job. Those who don't like the job figure out ways to extricate themselves from their positions as gracefully and as expeditiously as possible. This separation is made all the easier by the prevalent notion that those like Susan and myself, who stay on, are outlandish in some respect; or, to adopt Paul Carrington's characterization, they are people strangely unwilling to come to terms with an obvious mental health problem. It is time that the difficulties of being a law school dean were analyzed by someone who found it a fulfilling and pleasurable experience.⁶

4. Frank Beytagh, Dean of the Ohio State College of Law, conducted a job satisfaction survey of law school deans in the fall of 1989. With his permission, Dean Beytagh's summary of results is reprinted in the Appendix.

5. This type of program is repeated often and is always well attended. I should add that the attraction of these programs may be attributable to a perception that the quality of humor is predictably higher than that of the substantive programs against which they compete.

6. An acknowledgement may be appropriate at this point that this essay is entitled

One way to approach the deanship is to compare its demands to the work of ordinary mortals, such as law professors and those who practice law. People who do serious scholarship, significant litigation, or transactional lawyering acknowledge the need for discipline and persistence; they recognize that motivation comes more from commitment to the enterprise than from the praises of people who read the writing or compliment the quality of one's work. Good scholars and practitioners also have highly developed senses of audience—of other scholars, legislative committee staff members, judges, and adversaries. Douglas Rosenthal argues that the most successful lawyers are those who play well to multiple audiences:

[T]he good lawyers have mastered a repertory of these styles and can shift from one to another as they choose. One lawyer interviewee . . . put the matter succinctly:

“A main difference between a good attorney and a poor attorney is the number of roles and the sensitivity in determining which lawyer role to play in which situation, that a lawyer has at his command.”

A good lawyer manages not only his client, but also the insurance adjuster, the judge, and the jury. His clients admire him, adjusters and judges respect him, and juries believe him. Qualities that impress some of these people in some situations are not the same ones that work in other settings.⁷

The multiple roles of the practitioner are not unlike the many hats worn by a dean, roughly corresponding to the two or three dozen constituencies described by Carrington. The busy general practitioner must manage a careful balancing act of handling a range of clients, adversaries, court officials, ordinary people, and support staff on matters at various stages of development, complexity, and urgency. This is less an orderly succession of playing to different audiences than a kaleidoscope of roles. More accurately, a dean needs a general practitioner's temperament and work habits—a dean must have a penchant for chaos.

A dean also needs the instincts of a general counsel for a complicated enterprise or corporation: a feeling for *the whole*, a sense of how various activities and energies affect the entity, an ability to distinguish important from trivial events. In short, a dean views the

“Afterword” because I have left the job. The motive for the departure is not unhappiness or discontent, but an opportunity in higher education of more challenging scope and similar pleasure.

7. DOUGLAS ROSENTHAL, *LAWYER AND CLIENT: WHO'S IN CHARGE?* 110 (1974).

apparent chaos as a huge intellectual puzzle, one that is less susceptible to the limited domain of “solution” than to patient reading, cultivation, and connoisseurship. In his *The Reflective Practitioner*, Donald Schön demolishes the standard conception of professional knowledge (that law is applied to “facts”) in favor of a reflective dialogue between the situation and the practitioner, as he or she responds through a series of actions to each new situation created by prior actions.⁸ Schön argues that there is a looseness, a creativity, an adaptability, let’s call it an ability to jive, fundamental to professional practice. So too, with the art of deaning.

In addition to the gift for chaos of a general practitioner and the institutional sixth sense of a general counsel, a dean needs to appreciate the special gifts of a managing partner. I prefer the term “orchestration” to more standard administrative idioms such as “good delegation is essential to effective leadership,” “staff is a constituency,” or “one must build a management team.” These do not do justice to the skills of orchestration. A leader of a law school who spends any time at the job develops a deep respect and builds a supportive environment for colleague administrators. It is a special pleasure to help people become managers and leaders and to discover fulfilling careers within a fabric of collaborative working relationships. Development of a group of associate and assistant deans, directors, and other staff who care deeply about the school, and who have an appreciation for the whole and a talent for making good decisions, is like finding a family—a family that shares the delights of being together, worrying about each other, watching people mature, and seeing the institution benefit from the quality of a broadly dispersed but single management.

The profound difference between Carrington’s concept of the role and Schön’s more accurate appreciation for the fluidity and ambiguity of professional role is best illustrated in Carrington’s discussion of the relationship between dean and faculty.⁹ Carrington is troubled by what he describes as the “inconsistent” demands forced upon a dean—one is required to serve as a sympathetic champion and gentle supporter of faculty on the one hand and as a disciplinarian, enforcer of standards, and direction-setter on the other. Most parents would be astonished to hear that these roles are inconsistent. Such “inconsistencies” are fundamental to strong families, friendships, healthy lawyer-client relationships, and good teaching.

8. See DONALD SCHÖN, *THE REFLECTIVE PRACTITIONER* (1983).

9. Carrington, *supra* note 1, at 344-46.

Of course, a parental role may be more hierarchical than a friendship role. Good lawyers understand the nuances of role shifting, which depends on the client's needs. Whether the relationship is hierarchical or collegial, it still requires resolving the "inconsistencies" in a way that makes both the nurturing and the expectation sides credible and salient. Because these "inconsistencies" present the parent, friend, practitioner, or teacher with the opportunity to affect a positive change in the lives of others and genuinely to engage in helping, they are the most cherished, valued, and satisfying part of the job. This mothering and fathering, or counseling function—no words seem truly apt—of the dean, managing partner, or practicing lawyer is fundamental to work that is fulfilling. Without this other dimension, technical parenting, deaning, or lawyering can be pretty burdensome stuff.

This "inconsistency," which I consider fundamental to the satisfaction of being a dean, has not only a personal dimension, but an institutional one. By both helping a person and holding the person to certain standards, one contributes to the formation of the individual's character; similarly, one may contribute to the development of the whole, the institution. Organizations, as well as individuals, develop values and require sustenance.¹⁰ A leader of an organization embraces inconsistency—as a sustainer and director, an agent of support, and an agent of change. An institutional leader derives a special satisfaction from the richness of these contradictions.

An appreciation of contradiction is fundamental to teaching law and is characterized by dialogue and exchange. If a teacher were honest with herself, she would be rather pessimistic about the prospects of her students achieving any learning breakthroughs during the course of the semester. Yet, approaching this problem with a modicum of good humor makes the impossible task seem significantly less daunting. As a result, many good teachers establish an atmosphere of almost playful disingenuousness. They create a classroom setting in which students have the thrill of discovery and ownership of ideas that conforms to the teacher's agenda for the content and structure of student learning. Sometimes rare and transcendent moments occur when everyone in the classroom, the teacher included, discovers something new and captivating.

Teachers have a variety of stratagems and devices to lure their students into thinking, ranging from creating conceptual cul de sacs, to rephrasing responses to make them more cogent, to exaggerating

10. See PHILIP SELZNICK, *LEADERSHIP IN ADMINISTRATION* (1957).

differences. These methods can be used to manipulate students by creating an artificial excitement in the classroom. When deployed with respect for students, however, they are devices that encourage people to listen and learn from dialogue and exchange. These techniques, or sleights-of-hand, are little fictions put into play not out of cynicism, but from a belief that their use can lead to that special magic called learning.

Deans should be more candid about their little institutional fictions, which are not dissimilar to classroom maneuvers. We must assume that these fictions are deployed with respect, and that there is a value in their working for the institution akin to the magic of learning. Discretion prevents me from making an exhaustive list of my favorite institutional fictions, but I mention a few to give a flavor of this style and approach to problem solving. If the word "fictions" is too offensive, call them useful "exaggerations":

- * The faculty make all important policy decisions and only delegate the minor stuff to the Dean.

- * Everyone is loyal to the institution, particularly when it is blatantly clear that they are not.

- * The Dean respects all of his or her faculty colleagues and cares for their feelings, even when they are being their most irrational and obstreperous.

- * The Dean always represents an institutional, not a personal, point of view. It follows, therefore, that faculty are never punished or given the stick, because that technique is about as effective as herding cats. But coincidences do sometimes occur, by which some clear-minded and impartial institutional policies sometimes fall somewhat more severely on some faculty than on others.

- * The Dean always models the behavior she expects from faculty. She loses gracefully, never holds grudges, never talks behind the backs of faculty, and never encourages or becomes a part of factions within the faculty. Because the Dean's appropriate role is to be a strong advocate for students in the educational dialogue of the school, there are, unfortunately, many opportunities to lose battles with good grace.

- * The allocation of resources at the law school is strictly based on institutional merit, and could be defended if questions were to be raised in the unflattering light of full publicity.

- * The Dean always picks fights with extreme care, but is willing to wage tough battles when necessary. By occasionally risking all and winning, the Dean develops a reputation for effectiveness and good judgment. I call this the Grenada/Panama principle.

These little “exaggerations,” when cultivated carefully and sensitively, emerge as principles that set expectations of conduct in the organization, like fictions that become real and leave an indelible imprint on us. Such exaggerations, or teaching techniques, can be more helpful to a dean than lists of constituencies or official functions.¹¹

Up to this point I have suggested that the job of dean presents few complexities that are not characteristic of other legal positions such as teaching, general practice, or law practice management. I now want to discuss the hard part of the job and describe why being a law school dean is an intellectual challenge. Such a view contradicts all the inferences to be drawn from Carrington’s Article, as well as the universal belief that deaning is rather thin intellectual gruel. We must first move beyond Carrington’s question about what makes the job difficult to a more fundamental question about the purpose of the enterprise.

The challenge of the job of dean turns on an institution’s willingness to entertain the question “What is the function of legal education?” The reason a number of law school deanships fit the standard conception of dreariness is that faculty at some schools do not consider this a question worth asking. They have determined the type of institution in which they want to be—a community of scholars pursuing their own interests, or a bar-preparation program. These schools hire a dean to perform obligatory ministerial, ceremonial, and fund-raising functions. And a job like that is indeed wearisome and dull.

Let me again draw inspiration from Paul Carrington, to whom I owe an apology for having cast him in yet another fictional dean role: whipping boy. One of the most remarkable features of his view of the deanship is the absence of the legal profession. While he complains about the unnecessary and obtrusive regulations of the American Bar Association, he has little to say about the legal profession itself: “In *some* public schools, . . . to maintain the institutional political base, it *may* be important to maintain close relations with the organized bar of the state.”¹² The purely instrumental nature of

11. For an exhaustive study of the functions of a dean, see generally 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 (1980).

12. Carrington, *supra* note 1, at 346 (emphasis added). I have truncated the quotation, perhaps unfairly, by omitting its first sentence dealing with relationships to political officials with budgetary clout, but I believe the phrase that initiates the paragraph is meant to limit the scope of the quoted second sentence to “some” public schools.

In another minor reference to the profession that also has an instrumental flavor to

this advice, its direction to "some" public schools, and the absence of other references to the legal profession suggest that Carrington does not see legal education as part of the profession. Such a narrow view has strikingly negative consequences for a sustained interest in a deanship; in actuality the legal profession offers fascinating opportunities for legal education.

Although it is treacherous to attempt to characterize a profession as profoundly diverse and stratified as law, I want to make a rather noncontroversial claim that the character of the legal profession is undergoing significant change. Since the mid-nineteenth century, the American legal profession¹³ has balanced a number of different ideals: service to the client, commitment to craft or excellence, dedication to one's colleagues in order to create a supportive professional environment, public service, and an interest in making a good living. The profession has handled, with relative ease, the potential conflicts between these ideals, although there have always been lawyers who negotiate poorly the tensions between self interest and advocacy for a client. For a number of years, the legal profession enjoyed healthy demand for its services and largely uncompetitive marketplaces for clients and lawyers.

In the past two decades, the emergence of a more intensely competitive professional climate has significantly altered the practice of law. The profession today may be characterized by strong practice organizations, which provide higher incomes for many segments of the bar, include substantially more lawyers in the profession, and service more sophisticated clients who shop for bargains or specialized expertise. New competitive and organizational pressures have strained lawyers' capacities to mediate successfully between their commitments to craftsmanship, clients' interests, good relations with colleagues, public service roles, and earning an income.¹⁴ Thoughtful lawyers struggle with these tensions. They

it, Carrington characterizes a dean's relations with alumni in these terms: "For some alumni, the appropriate means of communication is through the activities of the organized bar, and few deans can afford to ignore those activities even if their schools are private and have no use for a political base from which to influence the public fisc." *Id.* at 347. Carrington also mentions relations with "law firms and other employers." *See id.* at 351.

13. I am talking primarily about private practitioners, but public lawyers, public service lawyers, and in-house corporate lawyers are also affected by these changes.

14. Clients also recognize these tensions. Lawyers are less able to convince their clients of the dispassionate nature of their judgments. The priority given by lawyers to marketing and maintaining a profitable business is transparent to all but the least sophisticated consumers of legal services. Client counter-measures are emerging: more episodic use of lawyers, the imposition of budgeting, shopping for "cutting edge" quality

worry about the way in which lawyers seem motivated largely by financial incentives; they see relationships between lawyers growing more hostile and adversarial. Changes within firms and agencies carry the flavor of corporate command relationships, as organizations become more impersonal and less collegial in style. Managing partners of firms and heads of agencies must help their organizations to negotiate these tensions; they must define institutional character in the midst of professional change. A dean's agenda is no less demanding.

Law schools have not escaped some of the "corporatization" that has overtaken the profession. I refer to the creation by many deans of more sophisticated strategies for fund raising, public relations, marketing, long-range planning, budgeting, financial management, and information management technology. The benign balance law schools have achieved between faculty salary expectations, faculty scholarly ambitions, the learning needs of students, and the institution's role in the profession is under a centrifugal force similar to the tensions facing law firms and agencies. The way a law school negotiates these conflicting goals defines its character as an institution. And the dean plays an influential and guiding role in this process.

One of the anomalies of the contemporary law school is that the curriculum, together with the outlook of those creating the curriculum, is strangely inattentive to changes in the profession. Professors do, of course, talk about symptoms:

- * The growing sense that legal scholarship is becoming more esoteric and of less interest to practitioners.

- * The continuing insularity of legal academics from descriptive scholarship about the justice system.

- * The peculiarity of a handful of law school programs that look at the legal profession not unlike anthropological studies looking at indigenous communities, as if law firms and law practice organizations were alien societies.

- * The success of legal academics in fending off various efforts of the organized bar to reform legal education through required courses, practice skills programs, and other means.

- * The growth of compensation structures in large law firms that dwarf faculty salaries. Teachers themselves tend to divide into two

or lower cost services, championing of alternative dispute resolution for economic reasons, demands for billing and documentation in excruciating detail, and the growth of lower cost alternatives such as in-house counsel.

groups: scholars akin to graduate school faculty, and professionals whose consulting and other activities outside the academy detach them from the life of the institution.

Although legal education has prospered more in the last decade than at any other time in its history, and has become, in many respects, a much more interesting and intellectually lively and productive enterprise, the growing incoherence between the profession and the law schools is a largely unrealized source of creative contradiction offering rich possibilities for educational and professional action within legal education.

If one role of legal education is to build the human capital of the profession, law schools seem unwilling to confront evidence of considerable upheaval in the marketplace. There is no turning back the clock to simpler, happier, less economically self-conscious days. Self-satisfaction with the activity of admissions and placement offices, or faculty "productivity," is too narrow a focus. The law school, and the dean in particular, has a role to play in the character transformation of the legal profession. It would be folly to underestimate the difficulties inherent in law schools' efforts to affect significantly the changing character of a legal profession that sees itself responding to, not creating, major economic and social forces. But an institution that conceives of itself as being part of a profession must view such an effort as a major conceptual and strategic challenge. This is what I call "intellectually demanding" dean's work.

The dean is the master of at least one subject area in the law school: the organization of the place. No faculty member is likely to have a similar commitment to this subject and to the rigorous performance skills required of its mastery.¹⁵ While there are always faculty committed to the value of other disciplines (economics, literature, philosophy, history) in understanding law, the dean is surely the faculty member best equipped to offer insight into the profound impact of organizations on students' careers, the importance of "reading" organizations accurately, and the challenge of integrating automated systems and personnel in order to produce cost effective services.

Deans and practicing attorneys share the challenge of weighing the trade-offs between bureaucratic forms of organization and the "professionalism" of the institution. The dean is a boundary figure,

15. There is an extraordinarily rich literature, both applied and theoretical, in the field of organization, much of which has not penetrated far into the legal profession or legal academia.

able to move between the bar and the academy because the dean has sympathy, understanding, and expertise in both the traditional academic arena and the organizational arena of legal practice.

The function of legal education extends well beyond its relationship to the legal profession. The role of law in American culture is presumably to make life better by helping to establish a framework for a pluralistic and industrialized culture. Law enables people to conduct their lives and business affairs under an accessible, predictable, responsive, and relatively just regime—an articulated structure of rules, principles, and policies. The American people, for whom this law is designed, should remain visible constituents of the organized institutions of law, including the judiciary, the bar, and the law schools. Legal education should thus have a certain transparency—the way law functions for people, institutions, practitioners, and society needs to be discernible. Such transparency, however, is not without profound difficulties. Who is to say, and on what basis, what is best for American society? And how, from the maze of jurisdictions, groups, interests, and organizations that make up the fabric of American culture, can we begin to identify the appropriate community, or communities, to be served? Such questions offer rich opportunities for argument and discussion—from left and right, liberal and conservative, activist and passivist—that make great education.

This transparency, or larger community framework, energizes the best of legal scholarship, traditional and esoteric. It also may account for much of the current student demand for legal education. Some of the most compelling activities and scholarship in both public¹⁶ and private law schools today are directly connected to major issues in local communities.

If the ultimate constituents of law schools are the people and communities whom the law and its institutions are designed to serve, then legal education, through scholarship, legal reform, and instruction, has a role to play with the institutions that mediate the impact of law on people—including regulatory agencies, the judiciary, the legislature, and the organized bar. In this respect, the dean is, *ex officio*, a public figure and leader who can and should take an active role in both the profession and the community.¹⁷ Choosing a model of participation requires a delicate balancing between the

16. The public school that is both a unit of state government and a critic that calls for legal reform poses yet another splendid contradiction for a dean. Working through this contradiction yields rich educational rewards for students and faculty alike.

17. I do not mean by this (although I certainly do not discourage) participation in

sensible use of limited time and finding a relevant, not cosmetic, community activity. This added dimension to a deanship contributes to a sense of the larger whole and of the relevance of community activity to legal education. From this perspective emerges an outline of a mission for the legal education enterprise that may shrink the significance of the constituency hassles that perturbed Paul Carrington.

Conceiving of the role of dean in terms of the profession offers the advantage of a longer view—a sense of thinking of an institution in nonparochial terms—as maturing, changing, or developing at a pace not unlike that of larger social or professional communities. If the stories of a four year average life span for a law school dean are accurate, there is a striking resemblance to the average life span of the American CEO. We are inured to complaints about the performance of American corporations in comparison to their foreign competitors. As the argument goes, emphasis on the short term rather than the long term has serious consequences for the health and future of American industry. We are not accustomed to thinking of legal education in terms of competitive difficulties because of the astonishing success of American law schools in attracting many of the most talented nonscientists of this generation. It is anyone's guess whether this unusual market situation will continue in the face of significant decrease in the demand for law graduates and the predicted increase in demand for Ph.D.s in higher education.

Law firms do not prosper if they have a turnover of their leadership every four years. The delicate task of controlling the internal forces of a professional organization requires experienced leadership and complete immersion in the culture of the organization. Leadership is essential to strategic decisions involving the development, growth, and maintenance of the organization. Most law firm managers and law school deans find that they mature on the job—that there is a significant reduction in the stress, pressure, and demand over time—the natural consequence, perhaps, of having solved some problems, and survived some crises. One develops a sense of the seriousness of a problem and some means of solving it. As in the practice of law and much else, experience can lead to better results when it is put to good use.

Let me now mention a subject of some delicacy. One of the causes, as well as an effect, of the high turnover rate in deans is the

organized trade groups such as the legal education sections of the bar or departments of government devoted to education.

strengthening of faculty governance of America's law schools. I refer to the kind of town meeting of tenured faculty which, if anything, is growing more robust precisely at the time when law firms are moving away from such governance structures. One hypothesis—that strong faculty governance is the effect of short-lived deans—suggests that this development is a sensible and understandable effort by risk-averse faculty to maintain continuity and stability in the face of rapid turnover and the highly variable quality of deans. The etymology of organizational and leadership functions is also suggestive: *administer* literally comes from the Latin word “minister to,” or serve; *manage* derives from the same French root as *ménage*, and therefore a manager is a “keeper of the beasts”; *leader* originates from an old Anglo Saxon word meaning finder of the path.¹⁸ It may be that law school faculties have come to the sensible conclusion that if they are going to be faced with a new head of their organization every four years, they would prefer a manager to a leader, a beast-keeper to a pathfinder.

Another hypothesis, that strong faculty governance is the cause of short-lived deans, suggests that the stranglehold tenured faculty maintain over legal education so limits the possibilities for problem solving that new deans soon tire of the ministerial and fund-raising chores to which they are relegated. Deans prefer to return to the real center of power, the tenured faculty. Law faculty may not want a pathfinder precisely because the maze of the law school curriculum conveniently suits the personal interests of the faculty. Comfortable cul-de-sacs are preferable to the hard labor of building a curriculum, particularly when there is deep disagreement about both the terrain to be covered and the destination. Few deans would quarrel with Carrington's conclusion that new activities of real significance are difficult to generate in law schools. Major decisions are often rancorous, and the most bitter and difficult of all decisions are those about who will be permitted into that inner circle of tenured self-governance. The first rule of survival of a dean is keeping and feeding the beasts. Henry Rosovsky, long-time Dean of Arts and Sciences at Harvard, described one of the main features of this challenge as the “Amadeus Problem,”¹⁹ a felicitous name given to the fact that extremely talented people often have willful person-

18. This etymological tale is borrowed from remarks made by David Maister at a meeting of law school deans sponsored by the American Bar Association, Section on Legal Education and Admissions to the Bar, in early February of 1986.

19. HENRY ROSOVSKY, *THE UNIVERSITY: AN OWNER'S MANUAL* 241-42 (1990).

alities. Managing partners at law firms confirm Rosovsky's observation.

Perhaps this is a confession of some analytic shortcoming, but I do not find strong faculty governance in American legal education particularly upsetting, or substantially more daunting, than the task facing the managing partners of many law firms—where partners have the vote over all new admissions to the partnership, and can be recalcitrant in the face of efforts to modernize the firm or initiate new directions for the firm. Surely a dialogue among committed and thoughtful people is a better way to develop a path for an institution than the imposed will of a leader. Democracy works, particularly when there is a sense of responsibility by the participants and a leadership that honors the contradictions of providing guidance and respecting all participants. Faculty governance simply requires resourcefulness and hard work by the dean.

The differences between the deanship that Carrington finds so burdensome and that I find so enjoyable may simply be a matter of style, as if we were each taking aim on the clutter of our backyards. Some people are determined to enjoy the glorious dishevelment of their garden, while others find it onerous to keep ahead of the weeds and keep up with the neighbors. There are tensions in this backyard rivalry, particularly when a neighbor can come in and uproot a plant (or a faculty member) you have nurtured from a seedling, and transplant it to her backyard, where it will bloom gloriously.

I use this metaphor deliberately. The little suburb of American legal education, with its backyards growing more beautiful and better looking, is now facing a change of neighborhood. The massive transformations in the legal profession deeply affect the little pieces of turf that constitute our respective law schools. Deans need to measure their success as leaders by a yardstick that extends to the profession and community, one that is not confined to the law school's backyard. Some day, when we look back on these salad days of legal education, we will regret not having prepared students with a better understanding of the new legal profession; we will regret not having taken a more active role in helping the profession respond to its own transformation.

How would I sum it up? If you are temperamentally comfortable with chaos, enjoy the long-term intellectual challenge of guiding a law school into a different relationship with a changing profession and the larger community, then deaning is the best job going, one that offers rare opportunities for creativity and fulfillment. I can't,

in all honesty, maintain that I lived up to my own standards outlined in these pages, but I can say this: the dean's job at Maryland—not every day or every encounter, but taken as a whole sixteen and one-half years—has been an enormously rewarding experience for me. To readers who were part of this experience—faculty, staff, students, alumni—I hope you sense the depth of my gratitude.