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A Dean for All Seasons

Steven H. Goldberg*

The average tenure of a law school dean in the United States is three years, in large part because the task is both eclectic and difficult. Michelle Simon, the longest tenured Dean at our law school, was able to surpass that average because she was a dean for all seasons: Leadership and care of faculty; attention to student concerns; financial acumen; curricular relevance; keeping the day-to-day operation of a multi-faceted institution on track; maintaining a close but arms-length relationship with the university; and managing external relations on all fronts.

There is some irony in a law school faculty member writing about the tenure of a law school dean. There is hardly any category of individuals that knows less about a dean's performance than members of a law school faculty. Most of us are ill-suited by aptitude, experience, or interest to do a dean's work; and few of us know that. Law faculties, nevertheless, are the primary pool from which law school deans are chosen. It is, therefore, not much of a surprise that the average tenure of a law school dean is slightly less than three years and that few deanships "succeed."

Few positions are as strange as that of law school dean. University law schools are typically separate from their universities in almost every respect and as a result law school deans are unlike almost any other dean within a university. Law schools are often physically separate from their university's main campus. American Bar Association accreditation of law schools is separate from university accreditation. Law schools run their own admissions, career

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placements, external relations, faculty governance, development/fundraising, orchestrate and hold their own commencements, and are responsible for making and minding their own budgets. Most law school deans do the same tasks as do university presidents, but with fewer administrators with whom to share the load, fewer levers of authority, and more administrators to whom they report than does a university president.

The most important and difficult task for a law school dean is to operate as a “first among equals.” University presidents and other senior administrators have relatively broad authority to make decisions that shape the academic institution. Large faculties with very different interests and rare communication engage in faculty governance mostly in theory. The distance and different focus between university-wide administrators and university-wide faculty makes it rare that the latter have any real influence on the shape and operation of the university. Law faculties, by contrast, are small, in every-day communication, and have a long history of influence in the shape of a law school. The law school dean must be first a faculty colleague, because nothing of significance happens in a law school unless the dean can lead the faculty to make it their own. In that regard, a law school dean is much more like a department chair than a university president. Leading a law school faculty takes less time than many other of the dean’s tasks. Leadership is not a consequence of time so much as it is a consequence of culture. A dean that understands that leadership of equals in a joint task of governing a law school involves the nuance of personal relationships is likely to escape the main reason for the failure of most short-lived deanships.

So long as the transition is smooth, new deans arrive with nothing but good will from all constituencies. Most deanships end when the good will has been exhausted by difficult decisions that are unpopular with one constituency or another. The history, interests, and close day-to-day decision-making with and about faculty colleagues makes that constituency the most constant and, therefore, the one in which decisions about individuals can more quickly exhaust good will.

It was into this world that Michelle Simon became the first

full-time teaching member of the faculty to be quickly elected by her colleagues to be their dean. Her unique journey brought her to the work well-prepared. She had started in a legal education dead-end job. She was a legal writing teacher at a time in legal education when there was no hope of becoming a tenure-track, let alone a tenured, professor. She then went through the full recruitment process and became a tenured member of the faculty with teaching responsibilities in a multitude of courses. She later became Associate Dean for Academic Affairs, the number two administrative job in the law school, with responsibility for virtually all of the academic side of the institution. When Stephen Friedman, then Dean of the Law School, became President of the University on relatively short notice, she became interim dean. The next year she emerged from the search process as the overwhelming choice of the faculty to be Dean of the Law School.

A Dean for all seasons, Michelle Simon served longer than any other Pace Law School dean. In between two one-year appointments as interim dean – 2007-08 and 2013-14 – she served a five year term in which she managed to juggle all of the too many responsibilities with which a law school dean is saddled; and achieved against all odds a level of success that future deans will be hard pressed to match.

In 2008, when Simon became Dean, the Law School was struggling with a slow and often jarring transition from a period of stagnation or plateau of the kind from which many relatively young academic institutions suffer. The faculty was composed mostly of two different cohorts with different kinds of experience, focus, age, and interest.

One cohort had been at the law school for much of its existence. Many of the faculty leaders that had shaped and were responsible for the early growth of the school came to academia from many years in and a focus on a very individual client-based practice. The culture of the school and the work of faculty members reflected that focus. The base documents, for example, were standard for law schools; but their interpretation reflected the school's culture and focus. It allowed the school to develop in some innovative ways that other more traditional law faculties were not able to accomplish, such as an early adoption of specialty centers and a

unique foreign program; but occasionally at the cost of more traditional law school growth.

For a variety of reasons, during the last decade of the 20th century there were precious few additions to the faculty and zero traditional, entry-level additions. At the beginning of the 21st century, the cohort that had spurred the school's early growth had passed the energy of middle age and was continuing to work with what was familiar. A significant number of faculty members began to push for expansion of the faculty. After a conscientious and sometimes a bit contentious introspection, the faculty decided to hire exclusively from the traditional pool of entry-level applicants that older schools had been mining for years, and to focus on demonstrated scholarly achievement. Eight entry-level hires joined the faculty from 2003 to 2007.

This first large infusion of new faculty hires came to the school with a somewhat different professional experience, interests, and focus from those of us that hired them. And they were mostly two to three decades younger than the members of the faculty they joined.

Institutions, and law schools in particular, grow from the ideas and energy of new additions; but growth is almost always jarring in some respect. Were there some rough patches and unhappy campers along the way? Of course, it's a law school faculty – the center of everything a law school is and does. Some changes and some growth are almost always received more happily by some faculty members than by others. The greatest testament to Michelle Simon's leadership was her ability to mold that group of widely different experience, age, and expectation of the future into a faculty that started a comeback from a period of stagnation.

She accomplished a slow and steady change in our culture to reflect more closely what many law schools had been doing for a long time by constant understanding that nothing of significance happens in a law school without the energy and approval of the faculty. Her leadership style was to propose ideas or support ideas from members of the faculty; but to never move to change anything in the internal educational and cultural workings of the law school community without the aid and approval of the faculty. It was that leadership talent that

allowed the faculty and the school to grow.

We made the hard decision to end an evening program that had outlasted its market and replaced it with a January admit class that to date has remained a stable addition the school. The careful transition allowed that to happen without the negative budget consequence of losing a significant amount of tuition revenue.

The faculty's scholarly output from all faculty cohorts took a significant upturn in both quality and quantity. Centers in various areas of education and scholarship were developed. Symposia were instituted and the scholarly life of the school in general grew.

The faculty from all cohorts engaged in strategic planning and attention to school governance.

There are two areas of a dean's responsibility that take the majority of a dean's time, attention, and talent; and for which the faculty is rarely involved: External relations and budget.

External relations, from alumni contact and events at the school to alumni giving and major gifts (which had never been very strong) was roughly speaking moribund until Dean Simon took an active interest in reshaping the Board of Visitors and the Alumni Board, making important hires in the external relations part of the staff, instituting an active alumni outreach, and raising more non-tuition funds than the law School had ever experienced. Alumni giving grew from \$24,000 annually in 2008 to \$134,000 annually in 2012. Total giving increased from \$92,000 to \$1,700,000.

Budgeting is a perplexing balancing of the interests of various constituencies in good times and close to the worst job on Earth in bad times. Bad times for legal education generally arrived about three years after the great recession hit the country at large. Dean Simon began the painful process of taking that into budgeting account a year before most of legal education saw it coming.

This is not the place for a detailed history of accomplishment and decisions that might have worked out better; it is, rather, an attempt to portray in general terms a time of growth in a difficult time with rare problems. Michelle Simon led the school by attention to all areas of a dean's concern and by effective leadership of the faculty. Her

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leadership allowed the faculty to participate in, drive, and enjoy an almost unprecedented period of growth. She was a dean for all seasons