

Looking for a Leader:  
A Primer for the Dean Search Committee Chair

© 2002 By Eric J. Gouvin

Professor of Law  
Western New England College School of Law  
1215 Wilbraham Road  
Springfield, Mass. 01119

(413) 782-1431 (office)  
(413) 565-2811 (home)  
egouvin@law.wnec.edu (e-mail)

Looking for a Leader:  
A Primer for the Dean Search Committee Chair

Abstract

*The task of chairing a dean search committee can be daunting. Despite the fact that competent performance of the task may affect the success of the search and, in turn, have an effect on the fortunes of the law school, the existing literature provides little guidance to search committee chairs. This article addresses that shortage of information by providing an account of how one dean search chair carried out the task. While by no means a roadmap or how-to guide, this article does illustrate how the search committee chair at one law school analyzed and addressed the issues arising in a dean search.*

Looking for a Leader:  
A primer for the Dean Search Committee Chair

By Eric J. Gouvin\*

## INTRODUCTION

In March 2000, my faculty colleagues bestowed upon me a very high honor they made me the chair of the Dean Search Committee. I dreaded it. Now that the process is over, however, I can honestly say that it was not as bad as I feared it would be. Make no mistake about it: it was a huge amount of work. On the other hand, I met many high caliber people, and worked closely with colleagues and other members of the law school community in an intense and professionally satisfying manner. While I am in no hurry to do it all again, I write to assure new dean search chairs that the job is survivable -- and even rewarding.

Most people never have occasion to chair a dean search. While there certainly are other important events in our lives that we engage in only rarely, for most of those big events we have access to resources to help us through. When I began my due diligence as chair of the search committee, however, I found very little guidance available. The one law review article I found specifically addressing the law school dean search committee was from 1973,<sup>1</sup> and, although it was helpful, it was a bit dated. So, because I believe I am unlikely to need this information myself and because I know others may find it useful to hear about my experiences as a dean search chair, I am offering this primer in the form of a personal essay -- on what we did in our dean search and what we could have done better. I have adopted an informal tone and style. I want to share an

---

\***Eric Gouvin** is Professor of Law at Western New England College School of Law in Springfield, Massachusetts. He thanks Robin Craig, Bruce Miller, Fred Royal, and Beth Lovejoy for their comments and suggestions on earlier drafts of this article. The author takes responsibility for any mistakes, misconceptions, and errors.

<sup>1</sup> Herbert I. Lazerow and John M. Winters, *In Quest of a Dean*, 26 J. LEGAL EDUC. 59 (1973) (Ironically, the authors of that piece were moved to write because they, too, could find no handy primer to instruct us. *Id.* at 59. Perhaps every thirty years or so a search committee member needs to update this topic.).

experience, not provide legal or scholarly analysis. Much of what is contained herein might be chalked up to common knowledge or conventional wisdom, but I wish I had had an article like this to give me an overview of what I was getting into. Some of what is contained herein is peculiar to my own institution and may not be applicable elsewhere. Nevertheless, I believe a new dean search chair might find this essay useful as a point of comparison.

## **I. Setting the Stage**

You will need to do a great deal of groundwork before you can launch the search. Our outgoing dean gave the search committee a huge advantage by announcing in March 2000 that he intended to step down at the end of the 2000-2001 academic year. Because of the early announcement over a year in advance -- we were able to get the search underway during the spring of 2000, work intensely over the summer, and aggressively interview and recruit in the fall.

Having a head start allowed us to think through our strategy, prepare our materials, and otherwise be ready to roll long before the academic year started in the fall of 2000. You may not have the luxury of an early start, but if you are getting a very late start you ought to consider whether it would make more sense to appoint an interim dean and conduct your search in the next cycle. Academics need to commit to their plans for the next academic year by March 15. That date looms as the outside deadline for your search, since many of your best candidates will be academics. You will be surprised at how quickly the ides of March will be upon you. Having your game plan in place early will permit you to conduct a thorough search and still finish before the deadline.

Of course, every aspect of the dean search takes place within the larger context of your institution and its norms of behavior. Your institution may have written or unwritten rules about when the search is to be conducted. Depending on the strength of the institutional norms you are

operating under, you may have to take a number of the basic parameters of the search as given. Our committee found, however, that we were most successful when we broke out of traditional thinking. Indeed, we often ran into trouble when we did not reconsider whether the way things had always been done was really the best way to proceed. My first lesson on this score came with the composition of the committee.

#### **A. Composition of the Committee**

By tradition, our law school had an established way for selecting dean search committees. As our faculty understands the ABA standards, the search committee must be accountable to the faculty through substantial faculty participation.<sup>2</sup> We achieved that goal through having four faculty members on a nine-person committee.

Our committee structure proceeded from the idea that working committees larger than nine are unwieldy, but that all important law school constituents needed a place on the committee. Ultimately the following constituents made up the committee:

1. Four members of the law faculty chosen by the law faculty;<sup>3</sup>
2. One law school administrator chosen by the six senior law school administrators;

---

<sup>2</sup>Although ABA Standard 205(d) does not mandate a specific role for faculty in the dean selection procedure, it does provide that [t]he faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean. American Bar Ass'n, Sec. Leg. Educ. and Admissions to the Bar, STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 205(d), p. 35 (Aug. 10, 1999) [hereinafter ABA RULES].

<sup>3</sup>In a twist that may be peculiar to our school, we selected the faculty members to represent the various levels of seniority among our ranks. The faculty was broken into three equal groups in order of seniority and each group was allowed to elect one member from its ranks to serve on the committee. The procedure was designed to insure the candidates selected would be acceptable across the whole spectrum since we had suffered some flare ups of inter-generational discord on other matters institutionalizing representation of all levels of seniority seemed like a good mechanism to insure the deck wasn't being stacked by one group against another. This method resulted in a junior untenured faculty member being appointed, but the faculty as a whole decided that the needs and concerns of the untenured faculty deserved a voice on the search committee. The political risks for that untenured member could be considerable and in some places the risks would outweigh the benefits, but in our case it was workable. The fourth member of the faculty representatives was selected by vote of the entire faculty.

3. One Trustee representative chosen by the Trustees;
4. One university administrator or faculty member chosen by the President;
5. One law student chosen by the Student Bar Association; and
6. One law school alumnus/alumna chosen by the Dean of the law school.

Prior experience led us to believe that this cross-section of representatives covered all the important constituents of the law school community. We were wrong on at least two counts.

First, because the committee appointment process focused so much on insuring representation of various *functional* groups, we were not sensitive enough to making sure that the committee reflected the diverse *demographic* aspects of the law school community. By luck, we achieved parity in gender composition, and we did have representation of our gay and lesbian community, but there were no people of color on the committee at all. Because the selection process was not animated by bad motives I made the mistake of not moving immediately to correct the lack of racial and ethnic diversity.

Two alumnae who knew me well enough to ask tough questions, however, brought the diversity issue to the fore. They wanted to know why the committee did not contain any people of color. I explained the committee appointment process, and further explained why the faculty and administrators of color were unavailable to serve.<sup>4</sup> Finally, I observed that we had always set up search committees this way in the past. To that last comment they made the only appropriate reply: having done it that way in the past does not justify doing it this way now if the result is a non-representative committee.

---

<sup>4</sup>One faculty member of color was tenured and had asked not to be appointed to the search committee because he was over committed to writing and speaking projects in the 2000-2001 school year. The other faculty of color was an untenured faculty member who was new to teaching and scholarship. Politically she was in a vulnerable position and had a lot of demands on her time as well. She did not want to serve. The untenured faculty member who did serve was a seasoned teacher and had a significant number of articles already published.

They were right, of course. They insisted that I do something about the composition of the committee, noting that even if we did not have a large number of faculty or administrators of color, we did have a good number of students and alumni of color who would be happy to serve. I set about finding a way to have a person of color on our committee.

Politically, I knew it would be out of the question to ask the faculty to give up one of its seats on the committee to a non-faculty member in order to accommodate the need for diversity. I feared the institutional balance of power issues involved in the committee's composition would trump diversity concerns. I therefore asked the central administration for permission to enlarge the committee by one member chosen from the ranks of the law school alumni. They had no objection.

The next challenge was in selling the idea of an expanded committee to the faculty. Most faculty members, once they were made aware of the situation, agreed whole-heartedly to enhance the committee's diversity by adding an alumnus/alumna of color to the committee. A few faculty members did object, however, on the grounds that the addition of another member to the committee would dilute the voting power of the faculty. Nevertheless, the vote to enlarge the committee to include an alumnus/a of color, to be selected by the Dean, passed handily.

The episode was very educational for me and prompts me to pass along the suggestion that there be some kind of coordination among the powers involved in selecting committee members to make sure the committee is diverse. A diverse committee will help your recruitment efforts reach all qualified applicants.

The second case in which the committee composition fell short revealed itself at the end of the process. At the conclusion of the dean search I surveyed the various participants in the process to get an idea about how the next dean search might be improved. I was surprised to find discontent among the support staff. One member of the staff who spoke for herself and others indicated that

the support staff felt shut out of the whole process. When I thought about her criticism, I realized she was right. These folks had more invested in the school in terms of their human capital than some of my faculty colleagues, and without them the law school simply would not function. Yet they had no way to participate in the selection of their boss. They felt like they had been taken for granted. Although, again, there was no bad motive at work to keep them out of the process, putting together a process that did not give them some voice was a terrible oversight.

These two incidents push me to suggest that before finalizing the process for selecting the committee, someone ought to think about who should have input into the selection process and how the committee should gather that input. Some constituents will be so central to the process that they will require a seat on the committee. Some will be important enough to require special meetings with the candidates at some point in the process. The committee may be able to accommodate other constituents in other ways. For people of color, committee membership was appropriate; for support staff, perhaps a special meeting with the candidates during the on-campus visit would be sufficient. Which groups fall into which categories may change over time, so it may be worthwhile to evaluate at the commencement of each new dean search both *who* gets a say in the process and *how* they get to say it. Doing it the same way as the last time will not always be a good answer.

Finally, with regard to committee composition, everyone engaged in the selection process ought to keep in mind two obvious, but sometimes overlooked, factors: (1) the committee will represent the law school in a highly visible role, so put people on the committee who make a good impression; and (2) the committee members need to work closely with one another for an extended period of time make sure they are compatible. Point 2 can affect point 1. If the committee is not getting along on a personal level, that tension will be obvious to the candidates and may create a bad impression. From discussions with candidates who participated in an earlier dean search that my

school conducted during a time of faculty discord, I learned that some personal animosity on the committee had spilled over into bad vibes in the interview room. While one hopes that fellow committee members will be conscious of the image they project and will on their own smooth over personal differences when meeting candidates, you cannot always count on that kind of self-awareness. If your committee is not compatible from the outset, you may need to take steps to ameliorate conflict and to coach your members to be civil, if not cordial, with each other for the sake of the search if nothing else.

### **B. Preparing yourself**

If you have read this far you probably have been selected as a search committee member and may even be its chair. Unless you are politically unconscious or the deanship opening was an unexpected event, you probably had an inkling that you might end up on the committee. When I had that epiphany I talked with my wife about the commitment I would be taking on. I urge you to talk with your partner or spouse about what you are getting into. This may seem like common sense but it can be easily overlooked. The search process will demand a lot from both of you. You may want to consider how you are going to pay your partner back after the process is over. You should also begin to think about how active a role your partner will play in the actual search. We generally did not involve spouses or partners in our process, but we wondered whether we should have done more in that regard.

You also will need to psyche yourself up to do a good job. I will not mislead you it is a bear. You probably did not volunteer for it and may even be a bit resentful that you will have to make personal and possibly professional sacrifices to do something that you do not want to do. I constantly reminded myself that this task was important to my school, and therefore to me, and that my colleagues trusted me to represent them well in this critical undertaking.

I also convinced myself that chairing a dean search would be a great opportunity to meet a lot of interesting people who are involved in legal education. In truth, I began telling myself that as a way to make the job tolerable, but in the end, the chance to broaden my acquaintances within legal academia proved to be one of the great payoffs of the dean search. If moving to another institution is part of your career strategy, chairing the dean search makes sense because many of the people you meet will be deans someplace, even if they do not end up being the dean of your institution. This might be especially valuable for younger faculty members on the committee.

Before you undertake your duties as chair of the dean search committee, you must take the time to get your house in order. The dean search will be a major strain on your professional life and you will need to make accommodation for your extra duties. I learned too late that some chairs at other institutions receive teaching relief or an additional stipend for taking the position. I urge you to try to get this kind of accommodation from your institution. Chairing the dean search is much like having a second full-time job, but without the additional compensation. Be realistic about how much time it will take to do your dean search assignment, teach your classes, stay up on your scholarship, and most importantly, stay in touch with yourself and your family. It is awfully easy to short-change your commitments to yourself, to your partner, and to your children. One big mistake I made in my quest to find more hours in the day was to stop going to the gym. That time, I later realized, was more valuable than I knew it helped me sleep, got me away from the phone, and it helped battle the physical onslaught of lots of lunches and dinners at fancy restaurants.

You should also prepare yourself by doing the background reading that I describe below for committee members. There is a sizeable amount of literature relating to law school deanships. You would be well-advised to review that literature.

It makes a lot of sense to talk to other folks on your faculty who have chaired dean search committees in the past and to try to learn from them so you don't make the same mistakes they did. Talking to dean search chairs at other institutions may be helpful as well. I found that colleagues at my school and at other institutions were more than happy to share their impressions and lessons from their experience on previous search committees. Finally, I interviewed some candidates from a previous dean search to hear their opinions about what worked and what did not work. This kind of honest feedback can be valuable, even if it might also be painful.

### **C. Preparing The Committee Members**

As chair, you are the leader of the group. You need to make sure that all the members of the group are pulling in the same direction. Candidates will become confused, then scared, if they hear nine different answers to certain basic questions about your school and your search. Although it may strike you as disingenuous, you really ought to try to coordinate the stories your committee members will tell. It would help, for instance, to all have the same story about what has happened at your institution in the recent past, what you are looking for in a dean, why the current dean is leaving, and what the new dean will be asked to do. Think this through and deliberately address each of these issues to make sure that you have an official story. Every dean candidate will want to know why the current dean is leaving. Make the out-going dean look good. There is no advantage to your committee or to your institution in creating a bad impression of the outgoing dean regardless of the circumstances under which he or she is leaving. If you have a good reason for why your dean is leaving, make sure everyone understands what that is and how the committee will present it.

Your institution may have some explaining to do about how previous deans fared in the dean's position. We, for example, had to address a recent short deanship that ended rather miserably and with some bad blood. We didn't believe it did much good to air dirty laundry in public, but being

candid and forthcoming turned out to be selling points for us. In addition to giving my view of what happened, I encouraged candidates to get in touch with prior deans to get their perspectives on what happened.

As part of my due diligence, I tried to get a sense of how our candidates might perceive our institution, so I visited our website. I tried to imagine myself as someone with no prior connection to the place in order to gauge the kind of impression I would get. As part of this exercise you should work through the website systematically. You may find glitches that need to be addressed. We had some links that did not work, for instance, and some text that didn't wrap. Today you can expect your website to be the first impression that you will make on most of your candidates. Of course, you want to make that impression a good one.

I also searched our institution on the Internet. I searched in the *Chronicle of Higher Education* to see what had been reported on my school in the recent past. Your committee members need to be well informed about school policy and news items affecting the law school. They will be called on throughout the process to respond to queries from candidates. They need to look like they know what they are talking about.

When I talked to candidates from our previous dean searches, I was surprised to find that other people knew various things about my law school. In the legal academic community rumors circulate freely and reputations take on a life of their own. Doing this homework ahead of time will inform you of the existing preconceptions and misconceptions about your institution in the legal community. You may have to take steps during your recruitment drive to counteract these reputational issues. It behooves the committee to discuss the issues you discover and to try to find the common ground for discussing these matters with candidates. Not everyone on the committee will share the same perspective on what has happened over the years. Nevertheless, as chair you

need to appeal to them to put their personal concerns in perspective and make sure they are projecting a positive image of the institution even as they inform dean candidates about difficult topics. I don't suggest misleading anyone and I certainly do not advocate lying. There are, however, ways to be honest and forthright while at the same time presenting challenges in a positive light.

Another question that virtually every candidate will ask is, "what are you looking for in your new dean?" This is a hard question to answer, but you should devote the time necessary to answer it. Will the new dean be an inside or an outside dean? Will the new dean primarily be a leader of the faculty or a liaison to the outside world? Try to articulate some meaningful package of qualities that you are looking for in your dean. At the start of our process, one of the non-law faculty members wisely insisted that we examine the official job description of the dean's position on record in the university personnel office. Although no candidate asked to see the official job description, the exercise of updating the document provided a catalyst for the committee's thinking about what we were looking for.

You may also need to educate your committee about the market for law deans. Unless you are at a prestigious institution, chances are your committee will be much more in a selling mode than in a buying mode. That is, the committee's job will be much more to recruit an attractive candidate and sell that person on your school than it will be merely to offer a position to someone who is acceptable and rely on them to see the great wisdom of being afforded the privilege of leading your fine institution into the future. You should guard against conveying the impression that the committee believes they're doing the candidate a great favor by letting them become the dean. You must make the candidates feel wanted and valued.

In order to prepare my committee for the job ahead of them, I assembled a package of background reading<sup>5</sup> to bring them up to speed on the recruiting process generally and law school deanships in particular. I think most of them read the material and some of it was discussed in committee meetings.

## **B. Preparing the Faculty**

Your faculty, of course, expects you to bring in a nationally known scholar with impeccable teaching credentials and previous deanship experience who clerked for the Supreme Court, was editor-in-chief of the law review at an elite law school, and whose high-powered practice experience at a Wall Street firm, followed by a Cabinet-level government position will permit the candidate to catapult your school into the very highest circles of rich and powerful institutions. For some schools, there may very well be candidates like this in the pool. For most of the law schools in this country, however, your faculty's ideal candidate and the actual candidates in your pool will be two different groups.

---

<sup>5</sup>Here is the list of readings I gave my committee members: American Association for Higher Education: Search Committee Handbook. Available for purchase at their website ([www.aahe.org/pubs/](http://www.aahe.org/pubs/)). This booklet provides a valuable roadmap for conducting searches generally; an excerpt from the Association of American Law Schools Dean Handbook relating to the dean search process; Jeffrey O Connell and Thomas O Connell, *The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual*, 29 Emory L.J. 605 (1980); LeRoy Parnell, *Deans of Color Speak Out: Unique Voice in a Unique Role*, 20 B.C. Third World L.J. 43 (2000); Bill L. Williamson, *The Art of Deaning*, 35 J. Legal Educ. 227 (1986); Robert H. Jerry, II, *Primer for First Time Law Dean Candidate*, 49 J. Legal Educ. 564 (1999) (see esp. fn. 7, which contains citations to much of the literature on deaning); Susan J. Becker, *Thanks, But I'm Just Looking: Or, Why I Don't Want to Be a Dean*, 49 J. Legal Educ. 595 (1999); Jagdeep S. Bhandari, Nicholas P. Cafardi, and Matthew Marlin, *Who Are These People? An Empirical Profile of the Nation's Law School Deans*, 48 J. of Leg. Educ. 329 (1998); Jane Easter Bahls, *Revolving Door Deanships*, Student Lawyer, March 2000 at 30; Symposium issues on leadership in legal education, University of Toledo Law Review. Available online at the University of Toledo Law Review's website: <http://www.law.utoledo.edu/lawreview/>; and Victor Streib, *Law Deanships: Must They Be Nasty, Brutish, and Short?*, 44 J. Legal Educ. 116 (1994). Since this reading list was prepared, an excellent article appeared in the Journal of Legal Education that would have also included: John A. Miller, *The Modern Law Dean*, 50 J. LEGAL EDUC. 398 (2000).

As a political matter, it makes sense for the chair of the search committee to manage the expectations that the faculty will have for the dean search process. To the extent that you can help them have realistic expectations of the search outcome, you should actively develop those expectations. Early in the process, I researched the deans at our peer institutions, finding where they went to school, where they clerked, where they worked, and their positions prior to assuming the deanship. I circulated these to my faculty colleagues so they would get a sense of what the candidates in our pool were likely to look like. I gave this memo to my faculty colleagues at a faculty meeting called specifically for the purpose of laying out the game plan for the dean search. I reminded them that they would all be part of the recruiting effort and that we all needed to be in selling mode.

You may want to consider the possibility of a faculty retreat before embarking on the search. Your faculty needs to tell the committee what they want in a dean. The faculty, in turn, needs to be able to tell the dean candidates where the institution is going and what it aspires to be. A faculty retreat that focuses on issues of institutional mission may be a helpful recruiting device as well as a useful exercise in self-reflection and self-evaluation.

I also wanted the faculty to appreciate one another, to develop an *esprit de corps*, and to identify what we had to offer to dean candidates. Toward that end, I requested that all my faculty colleagues submit their resumes to me. Originally, I made that request because some dean candidates asked for them, but as I received the resumes from my colleagues I was surprised by the range and prestige of faculty accomplishments. Recognizing that I was unaware of my colleagues many accomplishments, I decided that we should circulate all the resumes among the faculty so we would at least be as well-informed as the dean candidates about what we had done professionally. I believe this had a positive affect overall.

## **E. Preparing Your Students and Alums**

Finally, you'll need to begin laying the groundwork for the search with your students and alumni. Think of ways to get them interested. In our search, the on-campus visits included meetings with alums and with students. It's never too early to begin thinking about which students and which alums will be meeting with the candidates. Of course, you do not want to "stack the deck" by allowing the candidates to meet only the ideal students and the outstanding alums, but, on the other hand, you do want to make a good impression. It may be a fine line between stacking the deck and trying to make a good impression, but in any event you need to give it some thought.

We tried to get alums involved in the search process by inviting them to think creatively about potential candidates. In a mass mailing letter and an article in the alumni magazine, I spelled out our plan for the search and invited alumni participation. Some alums actually did contact me with ideas, but in general the participation was quite modest. I am convinced that the public relations benefits of the alumni's input were beneficial, however, even if it did not result in more leads.

## **II Getting Going**

### **A. Form a Plan to Build Up the Applicant Pool**

Obviously, the two most important tasks the search committee face are to spread the word about the deanship opening and to assemble a pool of applicants appropriate for the job. In order to find that pool you need to have some idea of who you are looking for. As mentioned above, the official job description of the dean's position maintained by your human resources office will at least be a starting point for the committee to think about the essential roles of the dean and to begin to articulate what you are looking for in a candidate for purposes of the advertisement and other

recruiting materials. Be sure to seek input from faculty, students, alumni, staff, and other members of the law school community to see what they're looking for in a dean.

One of the basic issues that comes up is whether "internal" candidates will participate in the applicant pool. Every potential applicant worth his or her salt will ask in the initial conversation whether there is an inside candidate involved in the search. Obviously, the presence of an insider complicates matters all around. For the outside candidate there is the suspicion that the "search" is really just window dressing to give the position to the insider and that the effort of applying will be wasted. For the institution, the presence of an inside candidate makes conducting the selection process rigorously and honestly rather awkward since the insider will continue to be a colleague even if not selected, and naturally the committee will not want to hurt feelings unnecessarily. Given how complicated the process can get, the school should decide how insiders will be treated.

Luckily, our search was made much easier by the fact that the central administration made clear in our charge that the search was to bring in outside candidates only. I am aware that in some places the inside candidates are given a separate track for consideration before the full-blown search is conducted. That is, if existing faculty members want to be considered for the job they are to run the gauntlet before the official search commences. In other places, however, inside candidates participate in the general selection process along with everyone else who is interested in the dean's job.

Even if your search really is limited to outside candidates, however, you as chair still have the task of credibly conveying that position to your outside candidates, who will nevertheless remain on guard that an inside candidate exists whether or not such a candidate has openly declared his or her intention to be considered for the deanship.

Another likely issue for consideration is whether their new dean will be primarily a "inside dean" or an "outside dean." This distinction, I believe, is somewhat artificial because it's hard to imagine a dean who doesn't have significant obligations both inside the school managing the faculty and law school operations and significant outside commitments dealing with alums, university administration, and other constituents. Nevertheless, the predominant character of the deanship position is often the subject of conversation with the candidates. For some institutions the matter may be obvious. For schools where an associate dean handles internal matters, the dean will be free to focus primarily on the outside world. A topic that will be especially interesting to your candidates is whether the position requires a lot of fund raising.

It may also be worthwhile to consider in broad terms what an acceptable candidate resume will look like. For example, will only career academics be considered, or might someone who has held private or public positions also be a legitimate candidate? Will judges be considered? Will distinguished members of the bar or government be considered if they do not have at least some academic experience? I found these issues raise heated debate, especially in light of the ABA rule that says deans will be appointed with tenure.<sup>6</sup>

In addition to considering what candidates the school would be interested in, it may also make sense for you to consider what candidates would be interested in your school. Who are you likely to get? If you're a mid-to-high tier law school, you're probably going to attract a wide range of faculty members, perhaps even sitting deans of respectable but lower-ranked law schools whose career path would lead them to higher prestige institutions. If you are in a low-to-mid tier institution, you may find it difficult to attract candidates with prior decanal experience. Your most

---

<sup>6</sup> ABA RULES, *supra* note 2, Standard 205(c), p. 35.

promising candidates may be well established professors at peer institutions, perhaps with some administrative experience as an associate dean. You should, by the way, consider whether holding a significant administrative position, such as associate dean, is a prerequisite for the viability of your candidate's success. We honestly did not believe that any one specific entry on the resume qualified or disqualified any candidate, but certainly holding a position as academic dean or associate dean was a valuable credential.

In our case, we figured our deans might come from two areas. First, we believed we would be attractive to younger candidates seeking to prove their mettle as part of a plan to move up through legal academia. For these candidates we would be the first step on their path to bigger and better places. Second, we figured we would get some "lion in winter" candidates, i.e., seasoned veterans who wanted to have one last deanship before retirement. In both cases, we figured our candidates would likely have a geographical connection to our area.

What you are looking for influences how you look. One question to address as you plan your recruitment strategy is how widely do you want to cast your net. If you are open to the possibility that distinguished practitioners or members of the bench may be appropriate candidates for your dean position, then obviously you need to find ways to contact those groups. If your paper credentials requirements do not preclude people at lower prestige institutions from being considered, then obviously those folks need to be included as well.

Early on you ought to have a sense of what your budget for this search is. The budget will influence many things, but especially how you carry out the search and what strategies will be available for you to employ. It's important to keep in mind that the way you conduct the search sends a message to the candidates and to the larger legal academic community. To create a good

impression costs money. To the extent that the dean search is also an opportunity for public relations, the budget ought to reflect the realistic costs of making that good impression.

Another preliminary matter that you should think through and revise on a regular basis is the time frame in which you're going to conduct your search. If, as is likely, your candidate pool will include a number of academics, the unwritten rule about making offers to existing faculty by March 15th probably makes that date the outside deadline for concluding the search. The vagaries of the academic calendar create huge gaps in terms of when faculty members and administrators will be available to interview your candidates on campus. The norms of your institution may tell you what the time frame for the dean search should be. On the other hand, if you are in a competitive situation, you may need to move more aggressively than you have in the past.

It's important to know what other institutions in your range are looking for top administrators at the time you are conducting your search. For instance, we conducted our search at the same time Harvard University was looking for a new president. I don't believe we had any serious overlaps between our candidate pool and their candidate pool. We also knew, however, that Quinnipiac, one of our peer institutions, and Hofstra, an institution in the same geographical area, were also looking for deans at the same time that we were. Knowing who else was in the hunt sometimes informed our decisions on when to do what. It's difficult to gather information about other schools' searches, but your candidate pool may help you figure out what is going on at other places. Casual conversations about availability and timing may give you some valuable details.

Finally, you ought to consider a deadline for applications as a way to make sure you know when your initial phase is over. We did not have a formal deadline and the committee dismissed some applications that came in late in the process, even though some committee members thought they should have been given full consideration. Because we were not clear about when our

application selection process was going to end, some candidates thought that our process had already proceeded past the application deadline when we called them in the fall to inquire about the status of their applications. Putting a definitive deadline in the advertisement in other recruiting materials will clear up some of the confusion.

### **B. Techniques for Developing the Candidate Pool**

One of the jobs of the dean search chair is to lead the committee in developing an effective strategy for attracting a sufficient number of qualified candidates. Since most dean search chairs will be trained in the law and not in marketing, this task may require doing a little bit of homework. I found it helpful to think about all the different ways in which I am accosted by marketers in my day-to-day life. Techniques of mass marketing do not necessarily translate to the special task of finding a highly qualified person for a special job like a dean's position, but some of those techniques may give inspiration for techniques that will work in rounding up a pool of viable candidates.

Just as most books and movies owe their success to word of mouth,<sup>7</sup> so, too, do successful dean searches. We knew from previous dean searches that personal contacts between our faculty and faculties at other schools would be very fruitful in developing a pool of candidates. I urged everyone on our faculty to contact people they knew at other institutions, even if they were not close friends. The contact consisted of a letter about our school and our dean search. The strategy had two goals: (1) to solicit the names of people who actually were looking for deanship positions; and (2) to spread the word among legal academics that we were conducting a dean search in hopes that serendipitous connections might be made.

---

<sup>7</sup> For an accessible discussion of this idea, see MALCOLM GLADWELL, *THE TIPPING POINT* (2000).

The way we contacted folks at other schools was primarily through e-mail, which turns out to be a very effective way to conduct this kind of business. A telephone call out of the blue from a casual acquaintance asking for delicate information about who is available as a dean candidate could put the recipient of the call in an awkward spot. In previous dean searches making these cold calls was sometimes a little bit uncomfortable. The beauty of e-mail is that the recipient can get the communication and think about it before responding, and he or she may even respond more honestly than he or she would in a live telephone call. Another nice feature of e-mail is that it allows the sender to transmit more information about the law school. We have a fine law school, but it's not a very well known place. Even those of us who have friends at other institutions find that our colleagues at those institutions often don't know very much about our law school. We realize that this lack of information is our fault, but the dean search solicitation process provides one way to help correct the lack of information about the law school. As a side benefit, this approach also helps with faculty development by giving shy faculty members a legitimate reason for getting in touch with other colleagues and reinforcing their network of acquaintances. With the names of people that we got from this group of contacts, we were able to begin constructing our pool.

The e-mail and phone calls to friends at other institutions were not necessarily intended to solicit those contacts to throw their hat in the ring for our deanship, but rather to give us the names of people that we should be talking to. When we received those names, we sent off a packet of information about the law school along with a letter describing our dean search and what we are doing. The letter was part of our mailing campaign to develop a pool, and we decided that we should be as candid and informative as possible. We described the law school and what we've been doing recently and also described some of the issues that we're facing. We talked about the qualities we were looking for in a dean and invited the recipient to participate in our dean search. The

package of information contained things such as the Law School Bulletin and some other glossy publications we had prepared for various aspects of our student recruiting, faculty recruiting, and employer education. In addition, the mailing contained a special full color pamphlet about our dean search. As names of potential applicants were received from the initial contacts they were assigned to a law school faculty member on the committee to serve as manager. The manager of a given potential applicant was primarily responsible for contact with that person and making sure that the potential applicant had the information that was requested and that he or she had a good experience through the search process.

Approximately two weeks after sending out the initial packet of information to these potential applicants, the manager of that prospect followed up with a telephone call to have a conversation about the level of interest, if any, that the potential applicant had in our dean search. The potential applicants were told in the initial letter to expect such a call, so the awkwardness of this telephone call was in large part defused. Over the summer and into the fall we made literally hundreds of telephone calls of this nature. In many cases, it turned out that these initial prospects were interested in the dean search and wanted to proceed with a formal application. In many more cases, however, the initial prospect was not interested in our dean search. In those cases we made sure, before we got off the phone, to solicit the names of a couple of more prospective candidates from the prospect. In this way we built our list of prospective candidates to a very large number in a relatively short period of time. This was all very time consuming, but I believe paid off well by yielding meaningful leads and creating a good impression of the law school in the minds of folks who might never have given us any thought at all.

One thing I learned in this process is to be careful while soliciting the names of folks to make sure that the person suggesting the names wants his or her name mentioned when you contact the

prospect. In one awkward situation early in the search, I contacted some faculty members at another law school who had been suggested by a friend of mine who was also on their faculty. In the letter contacting them I said they were nominated by my friend. As it turns out he wasn't really nominating them; he was just suggesting them as people worthy of a conversation. The distinction made a difference to him and to them. At his institution to be nominated meant that the nominator wished the nominated would leave the faculty. When the nominated prospects received these letters suggesting that my friend had nominated them for our dean search, they interpreted that as my friend wishing that they would leave the faculty. My friend called me, understandably upset, and I got a lesson in the semantics of nomination versus something less than nomination. In subsequent conversations with people who I was asking for names I made sure to ask them whether it would be okay to mention them in connection with the dean search. This turned out to be very important to many people; some did not want their names used but were willing to give me names as potential leads and others were fine having their names associated with the search.

As another way to develop the pool, we tried to get in touch with the dean search chairs at all the law schools that had conducted dean searches in the past two years. Our thinking in this regard was that every school that conducts a search hires, at most, one dean and that many other qualified candidates go away without receiving the appointment. This technique also turned out to be quite fruitful. Understandably, some law schools did not want to share this information primarily on the grounds that they didn't have permission from the candidates of their own dean search to divulge that information. In many cases, however, schools were happy to share the names of the finalists on the theory that this was public information in any event and some schools felt that they had met some qualified people who hadn't made it to the finalist round but who, in their judgment, probably wouldn't object to being contacted.

I kept this in mind as our search wrapped up. At the end of our process, after we had named finalists and I was having conversations with people who didn't make that finalist list. In several cases I asked whether the candidate would like me to keep his or her name in mind if I was approached by dean search chairs in subsequent years. In the cases where I did that, the answer was always yes.

Of course, any marketing campaign designed to publicize the opening of an important position like the dean's office needs to be advertised in an appropriate way. As we saw it, the advertising issue really involved two main considerations: (1) the content of the ad; and (2) the venues where the ad would run. On the first point we did some research and found ads in the *Chronicle of Higher Education*, among other places, and read them through with an eye toward understanding what goes into the typical dean opening advertisement. It turns out that many schools try to articulate their whole educational philosophy in the space of a three by five advertisement. Often schools try to give a description of the physical attributes of their campus and the success of their alums. We decided that although our school is not well known, such information would be relatively useless to the folks that we were trying to attract. Today, it would be surprising to find a candidate in a dean search who wouldn't do this kind of research about the institution by logging onto the internet. You probably don't want to have a candidate whose whole impression of your school comes from the description given in the position announcement.

Along the same line, we tried to understand from the candidate's point of view what function the advertising served. The committee concluded that the function of the ad from the candidate's point of view is primarily to announce to potential candidates that the institution has a position available. With that goal in mind, we decided to draft an advertisement that would stand out on a crowded page by having lots of white space and having copy that departed radically from the

conventional text. In the end, our ad merely announced the opening and listed a series of qualities that we were looking for in a dean, including passion and a sense of humor. When viewed on a page crammed with position announcements that were set in eight point type and packed to the gills with detailed information about other institutions, our ad, which said nothing explicitly about our educational philosophy or physical condition of our campus, really stood out. A couple of candidates said they applied solely because of the ad and the way the ad was written. We do not know how many candidates the ad turned off but, I suspect, it didn't have a dampening effect on the number of applications received.

The second issue in the ad campaign is deciding where to publish your advertisement. In some sense the question can't be answered in the abstract. The where to publish decision must be made in the context of reaching what the committee thinks will be the audience containing potential dean candidates. Different schools will try to reach different audiences. We decided in the most conventional manner that publication in the *Chronicle of Higher Education* was a given, and based on previous years' searches that the *Chronicle* was a very successful place to put the ad. In order to develop a diverse pool, we also found that placing an ad in *Black Issues in Higher Education*, and *Hispanic Outlook in Higher Education* were also essential. Beyond those publications that are obviously geared toward people already in higher education, we had to do some homework and consider the tradeoff of cost versus effectiveness. First, we thought an ad in the *New York Times* would be a possible venue, but the cost of such an ad was prohibitive given what we thought would be its audience. We wanted to cast our net widely for potential candidates so we tried to think of ways to reach non-academics as well as existing professors and deans. On the academic side, we listed our position in the *AALS Recruitment Bulletin*, of course, because that is both free and very effective. For non-academic candidates, we considered what publications would reach people

interested in our position. We ended up advertising in the bar newspapers in Connecticut, New York, Massachusetts, Rhode Island, and New Hampshire. We figured these ads served two functions. First, they might actually inspire some qualified applicants. Second, they would have a public relations effect on constituents we cared about by showing that our law school was interested in professional education and was willing to advertise for a dean in a bar journal rather than just in, say, the *Chronicle of Higher Education*.

Taking a page from Marketing 101, we also included as part of our development strategy a mass mailing plan. Inspired by Seattle University's dean search in the prior year in which the university produced a full-color, sixteen page brochure describing its institution and its dean search, I urged the committee to approve a similar mass mailing for the Western New England dean search. Rather than go for a multi-page publication, which would be both expensive and perhaps a bit more than was necessary, we opted for a self-mailing three-fold in full color that announced our dean search and described the essential details of the law school, its faculty, alums, and students. We mailed this to all law professors and administrators at American law schools, along with selected other audiences, including some judges and alums. During the process we received many comments about this search piece, and the comments were all positive. Again, we don't know if any candidates were turned off by the search piece, but of the people we did attract, many were favorably impressed by that brochure. We decided to use the brochure because we were confronted with the fact that outside of New England few people really had a very well developed image of Western New England College School of Law. Even in our core market people needed to be reminded that it was a vibrant and exciting institution of higher learning. We designed the piece so that it could be easily modified to serve as an admissions piece as well, so the cost of developing the piece was spread over two functions.

In addition to mass mail, we also employed direct mail marketing techniques. We wrote form letters aimed at several different constituencies, again with the two-pronged idea of both generating applications and passing along public relations information. The committee developed tailored letters for alums who had clerkship experience, all federal judges with some academic connection, all highest court judges in the Northeast, and all state court judges in the Northeast with some academic experience. We also sent mailings to all deans, all associate deans, and all former or acting deans in the past ten years. Our thinking for the last group was that some deanships end abruptly without the dean having a chance to really show what he or she could do, so we contacted these folks directly on the theory that some of them would want to get back into a deanship position.

The last aspect of our pool development strategy was to use electronic resources as effectively as we could. In this regard, a listing on the *Jurist* website was an obvious choice. A little more expensive, but probably worth the money, is an ad on the legal scholarship network's list-serve of professional job openings and conferences. Posting your opening on various list-serves is another good way to get the word out.

Finally, you should give special consideration to techniques for developing interest in your position among persons of color and women. Historically, our dean search pools have consisted primarily of white men and, unfortunately, under my leadership the pool was again predominantly composed of white men. We did try to reach out to women, primarily through the Georgetown Women's Dean Data Bank, but perhaps there was more that we could have done, such as targeting ABA sections or networking more aggressively. Similarly, although we did have a good number of people of color, we could always improve on that score as well, and we may have missed opportunities to reach out through electronic means to lists subscribed by minority faculty members or publications targeted to people of color in the bar.

## **C. Building the Pool of Applicants**

**1. Pre-Application.** The process of building a pool of candidates starts with trying to get people interested in your position, but one of the biggest tasks the committee faced was turning prospective candidates into actual applicants. Everyone can save a lot of time and energy by having a frank discussion at the pre-application phase where a prospective candidate and a member of the search committee can really speak heart-to-heart about the position and the expectations and the qualifications for the dean's job. At that point, both sides can begin to assess whether there is a match and the prospective candidate may self-select out of the process. Of course, from the search committee chair's point of view, a completed application is what's desired. It would be nice to have a very large applicant pool in order to show the Provost and whoever else is looking over your shoulder that you did your job very well; on the other hand, time is precious, and weeding out clear nonstarters before the process gets too far along is probably a good idea.

**2. The Application.** The committee asked potential candidates to submit an application consisting of a cover letter describing why they would be a good fit for this particular institution and a copy of their current curriculum vitae. Many applicants also sent along additional information, but we tried to limit our initial screenings to the cover letter and C.V.

At our weekly committee meetings, the candidate managers were responsible for presenting the applications to the committee as a whole, and the committee would, in turn, discuss the relative strengths and weaknesses of each application based solely on the paper received. Each candidate was ranked on a scale from one to four at this initial screening, with one being a very strong candidacy and four being unacceptable. Applicants who received a rating of four were then notified by letter that they would no longer be considered in the process. Applicants receiving rankings one,

two, or three were contacted. The stronger candidates, i.e., those in categories one and two, progressed to the second stage of the application process, while category three candidates were put on hold. In the second stage, the candidates were asked to supply some additional information to the committee, including a list of references and a portfolio of administrative-type written work. Candidates sometimes had questions about what the portfolio should contain, and we responded that it should be a representative sample of the kind of written work that a dean might be called on to prepare, such as letters to constituents, memos to faculty and other administrators, or policies that were drafted. The administrative portfolios sometimes gave interesting insights into the minds of the applicants. Some clearly were verbose, others idiosyncratic, but for the most part the portfolios produced evidence of the candidate's ability to write clearly and succinctly in English prose. Sometimes the manner in which the portfolio was presented sent a stronger message than the actual content of the pieces in the portfolio.

In some special cases the committee decided not to wait for applications to come in but instead went out to recruit specific people who appeared to be strong potential candidates. In these cases, the committee chair and a member of the committee went on a road trip to have face-to-face meetings with people who had not yet applied but who seemed like promising candidates. Obviously, a committee chair can't possibly know all the good people that are out there, but it seemed common sense to us to try to approach the people that we did know to encourage them to apply. For some members of our faculty, this approach smacked of favoritism, but for our university administrators and the trustee representative on the committee the approach was viewed as proactive recruiting. The administrators and trustee liked the aggressive approach very much.

Of course, we also notched up the recruiting effort when we received strong applications. At most schools, the chair of the committee should keep in mind that he or she is selling, not buying.

That is, good dean candidates will have more choices about where to go than you will have choices about whom to select. We felt it was absolutely necessary to make each strong candidate feel like he or she was being courted by the committee, and indeed they were. I felt my job as chair was to encourage these candidates to remain keenly interested in our position, while at the same time not misleading them about their chances. I tried in all cases to give honest feedback about what I expected the committee's reactions would be to particular candidacies in the hopes that candidates could launch a preemptive strike to address any perceived weaknesses.

**3. Screening Interviews.** Once we received the critical mass of applications we made preparations to move into the next phase, the screening interviews. Our committee found that on paper virtually all the legitimate candidates had strong credentials that were difficult to differentiate. We knew from previous experience in our law school that decanal success depends in large part on interpersonal skills and political acumen or, more colloquially, fit. Therefore, we placed a great deal of emphasis on face-to-face interviews with our leading candidates. We formed a subcommittee consisting of the faculty members on the search committee to conduct the screening interviews. Candidates who fared well in the initial paper screening process were scheduled for face-to-face screening interviews immediately. We did this in two ways: on-campus interviews and a centralized national interview held at O'Hare Airport in Chicago. The candidates were sorted more or less geographically, with the ones within driving distance of the law school being invited to come to campus for a one-hour meeting with the subcommittee.

Before conducting the first interview, the committee got together to come up with a group of questions that we would ask during the interviewing stage. After a while, in the actual interviews, there were particular questions that particular members claimed as their own. The questions were designed to sound out the candidates on a range of topics, but most specifically geared toward

finding out why our particular law school would be a good place for this particular candidate to be a dean. We also developed cues for each other to indicate that we thought the interview was over. I won't say what those cues were for risk of offending some of the folks who we interviewed, but it may be useful as a way of communicating impressions during the interview for the committee members to agree that a certain signal will mean that the interview is over. The other committee members, upon hearing that signal, should know not to extend the discussion unnecessarily.

Upon the scheduling of the screening interview, the chair sent another information packet to the applicants containing information about the law school's strategic plan, among other things. We expected the candidates to digest this material and to be able to discuss it intelligently at the screening interviews. The screening interviews were all conducted in the same format. We scheduled an hour for questions and answers, with a half-hour between interviews in case of any running over, and also to afford the committee a chance to collect itself between meetings. We paid the expenses of all the candidates at this stage, partly to send a message about the seriousness of the search in general, but also to create the impression that we were serious about their individual candidacy.

For the national screening interviews, the committee members rearranged their class schedules and headed out to Chicago, which turned out to be the cheapest hub for assembling people from all across the country. We took a suite in one of the airport hotels and conducted our interviews there over a four-day period. As I said, this committee placed very high emphasis on face-to-face interviews. Other committees would probably find this degree of interviewing unnecessary. We found it invaluable, as several committee members saw their favorite candidates based on the paper screening drop completely out of contention after the face-to-face conversations,

and some lukewarm candidates on the paper emerged as very strong contenders after the face-to-face meetings.

Interviewing that many people for that long period of time is a difficult task under the best of circumstances. To help keep things in order we prepared tabbed notebooks with essential information such as the candidate's cover letter and C.V., along with other special data about the candidate. In preparing this notebook, we found the candidate's personal web pages on the internet to be handy sources of capsule information about each of these candidates, including in most cases a downloadable photograph. Having a photograph of the candidate in the file made discussion much easier when we needed to keep them straight a week later.

Among the things that we wanted to test in the interview was the ability of candidates to make eye contact. We set up our interview room to be sure that it was difficult for the candidate to see everybody and to make the candidate move in order to connect with everyone. We also set the room up so that the candidate was sitting with his or her back to a wall clock that was easily visible by the chair without looking too much like he was checking the time. This kept us on schedule and allowed me to give the signal to wrap up at an appropriate time. Given the number of interviews, being on time was very important.

**4. Reference Checking.** One area where committees often adopt different approaches is in the checking of references and the timing of the checking of references. Some advice that I was given before undertaking this search was to check references before doing screening interviews. I went into our process assuming that would be the best way to go, but soon found that we were overwhelmed with other details and, due to the large number of people we decided to interview, that logistically it was going to be impossible to find time to check all the references before screening. The committee decided it was a wiser use of time to use the screening interview as a test for short

circuiting a candidacy. After all, how likely would it be that a candidate would give references who couldn't say something nice on the initial reference calls? We feared that we would have spent a lot of time getting references for people who might be rejected on the basis of their screening interview. Not all committees will decide to go the same way and there may have been a few candidates that we could have avoided seeing altogether had we known what even their friendly references were going to say about them, but in general I think we made the right call.

We did not systematically contact the references until we had identified the candidates that were going to be invited back to campus. At that point we started tracking down references, knowing that the process would not be a waste of time. We prepared a standard set of questions for the committee members to use in keeping the reference checks on track and relatively consistent from one member to the next. At this stage we also asked each candidate to supply us with two negative references—people with whom the candidate had had disagreements or with whom the candidate had opposing viewpoints. We also considered the candidates at this stage of the search to be fair subjects of inquiry with anyone who knew them, not just the referees. Members of our faculty were encouraged to contact friends at other institutions to learn about the candidates.

Of course, we also checked teaching and scholarship references too. We asked the candidates to supply their teaching evaluations for the past three years. The chair assigned the task of distilling those numbers into a report to a member of the faculty. We also reviewed the candidates' scholarship. The chair called on faculty members to review articles within their areas of expertise. The faculty members reported back to the faculty as a whole during the selection process. Given the short time frame, these reviews were initiated very quickly after the finalists were selected.

**5. Invitations to Campus.** After concluding the screening interview phase, the committee had to decide how many finalists to bring back to campus for the on-campus interview. We

originally assumed that we would invite six candidates back to campus, but when it came time to narrow the field down to six finalists, we found that there were eight candidates the committee wanted to bring back and whom we couldn't justifiably differentiate among. In order for the candidate to be invited back to campus, the candidate had to receive the unanimous support of the four members of the faculty subcommittee that did the screening interviews and also had to receive support from the committee as a whole, although not unanimously. We scheduled our on-campus interviews rather aggressively. We decided to bring back eight candidates in the space between the beginning of November and the first week of December, leaving virtually no room for error or uncooperative weather. Luckily, the gods smiled upon us and we were able to schedule all the interviews in the allotted time frame and make all the travel arrangements without a hitch.

All eight of our finalists accepted our invitation to come to campus. Upon the candidate's acceptance of an on-campus visit, the chair sent out yet another packet of information. This last packet of information contained sensitive data that is not publicly available, including salary information, AALS reports, and other confidential material. After receiving this packet of information one of our candidates decided to withdraw from the dean search, but the remaining seven stayed in the process.

Identifying who you are bringing back to campus necessarily means you are also identifying who is not coming back to campus. Although our committee made a policy decision early in the process to quickly and definitely notify candidates who stood *no* chance of serious consideration, at this stage in the process, the committee found that among the non-finalists were some extremely attractive candidates who probably would have had very strong support on the faculty. The committee instructed the chair to notify these people that they are not being invited back to campus

while at the same time trying to keep open the option for a future invitation if the search process took an unexpected turn.

Our concern about not definitively rejecting the non-finalists was informed by previous unsuccessful dean searches and a recent experience at a nearby law school where the search failed and had to be reopened after the first round of finalists had been brought to campus. We couldn't be sure that the eight people we were bringing back to campus would yield a candidate acceptable to the entire faculty and who would, in turn, accept our offer.

I am not sure how these letters were received. I can say they were somewhat awkward to write. Our committee agonized over the wording of these quasi-rejection letters. Clearly, the letter told the candidate that they were not our first choice, but they were still in the running in some sense. When I followed up with phone calls to some of these candidates, they indicated that they understood the situation and would be happy to be considered at a later stage if that came to pass. Others, I'm sure, probably felt that if they were not in the first group, they really didn't want to come into the deanship under the situation where they were the "second choice."

Recipients of these letters may be perplexed and want to talk about why they weren't in the finalist group. I had several conversations of this type and found in the end that the real explanation for the final selection was something that we would have to call "fit." The people who made it that far in the process were all very accomplished academically and possessed the credentials to take a leadership job at a law school. Our committee saw its most important job as assessing these candidates, not so much for what they had done, but for how they would work with the faculty inside our building and the administration on our campus. That assessment can't be quantified or objectified, but I think the candidates I spoke with understood in some sense that was a legitimate reason for winnowing the field.

In a couple of cases I was able to pass along specific information to candidates that could be helpful to them in other dean searches that they might participate in. On a couple of occasions candidates made particular missteps or misstatements or projected a particular image that struck the committee in a way that made their candidacy less viable. In keeping with our theme that candor would guide our process, when it was diplomatically possible for me to do so, I conveyed that information to the candidates in the hope that it would be useful to them in their next deanship candidacy.

The letter that the chair writes to the candidates who don't make the final cut could be the last communication with these people in the context of the dean search. This is a good opportunity for you to cement your acquaintance and let them know that you appreciated getting to know them during the search process. One of the perks of the job of dean search chair is getting to meet a lot of interesting and accomplished people. These are people that you will see again at AALS functions, at conferences, and other places where legal academics congregate. It will be nice to have an acquaintance with them after the process is over. It was gratifying to find that the candidates felt that they got to know the committee and formed professional friendships with us as well.

Personal issues aside, however, you need to have a Plan B in mind in case the finalists do not work out. Writing letters to the candidates who don't make the final cut is one way to prepare for the unthinkable, the failed search. It might also be that you will need to have a provisional time frame in mind and possibly a plan for publicizing a reopened search. I noticed that at the very end of our process we got a small flurry of applications from relatively strong candidates. I suspect that some of these candidates were throwing their names in the hat to be considered in the failed dean search round if such a round came to pass. It is probably not a bad idea to keep those files active. There may also have been some people who declined to participate in your search in the first round

because of fear there was an internal candidate for whom the fix was in. If your first round of the search fails, try to remember who those people were and contact them to assure them that the search really is a sincere search for the best person and that there is no inside candidate and that the committee would be interested in considering their candidacy.

**6. Planning the On-Campus Visit.** There are some details about the visit on campus that you need to think through. One that we didn't handle very well was the question of whether spouses and partners would be invited back to campus along with the candidates. Only one candidate asked to bring his spouse, and since she was going to be in the neighborhood anyway, she did join the committee for one dinner. But, in general, we did not have spouses come along to the final interview round. This may have been shortsighted on our part. As I noted earlier, we understood from the beginning that we were in a selling mode and in order to get the dean you want, you're going to have to convince that candidate's spouse or partner that your school is located in a place where they could see themselves living. I think part of our reluctance to involve spouses/partners wasn't so much the cost, as was the question of what to do with the spouse or partner during the time when the candidate would be on campus talking to the various constituents of the law school community. We found at the time that getting all the details in line for the candidates was hard enough; the thought of arranging a whole separate program for spouses or partners was a little overwhelming. Plus, we were a little uneasy with the idea that it might be taken that we were interviewing the spouses or partners as part of the selection process for the dean's position and we did not want to convey that impression. On the other hand, as a recruiting device, bringing the spouse along and pitching the area and the school as a great place to live and work is a good idea.

We never resolved the issue of spousal involvement. I raise it for the consideration of new search committee chairs. Query, however, if one decides to involve spouses, whether some

candidates might feel that failure to bring along a spouse or partner would be prejudicial. Also, one would wonder whether non-traditional families might worry that having a non-marital spouse or partner would be prejudicial. In our case, I'm certain that would not have made a whit of difference, but it's an emotionally hard and difficult issue to convey with sincerity. In the end, we realized that having not addressed the question, we were uncomfortable making ad hoc accommodations for particular candidates. Therefore, the one candidate who did ask to bring along a spouse was accommodated with a dinner, but we didn't want to give the impression that we were making special arrangements for one and not for everyone else. So the lesson I learned here is to think the spouse/partner issue through before you have the question put to you by a candidate.

You should also consider how long the visits will last. We set up our visits so that we could handle two per week. Specifically, a candidate arrived on a Sunday afternoon and left on a Wednesday morning, or arrived on a Wednesday afternoon and left on a Saturday morning. The two full weekdays that the candidates were on campus were taken up with interviews and meetings with various constituencies. The partial weekend day, either on the day of arrival or departure, was an opportunity to give the candidates a tour of the area and more of a sales pitch for relocating to our city. We chose this format in part because of tradition we have always done it this way. That's not the best reason to make a decision, but when the Provost asked us to consider whether a much quicker in-and-out, day-long interview would be better, we felt that too much would be lost in the process. One thing that we get out of our dean interviews is the impressions of faculty who have met with the candidate in very small group sessions, perhaps only two or three people sitting in an office with the candidate. While the dean candidate has to go through a lot of these interviews, the format affords the opportunity for frank exchanges. We also set up our interview schedule so the dean candidates get to meet with other important constituents, and the thought of shortening the visit

would have forced us to confront some difficult choices about what meetings would get cut. In the end, we decided that a longer visit was better because it provided more viewpoints from more constituents and, hopefully, contributed to a better decisionmaking process.

We tried to give the candidates an idea of what they would be looking at during the time that they visited. We sent along a generic schedule indicating the groups, if not the precise times, that the candidates would meet with. The final act of the on-campus interview was a command performance before the full faculty called the "Dean Talk," followed by questions and answers. In short, the on-campus visits were designed to provide a two-way flow of information so faculty could assess the candidate and candidates could assess the school.

**7. The On-Campus Visit.** All of this leads up to the big event: the on-campus visit. The logistics for this series of on-campus interviews can be pretty daunting. It is helpful to have support people who are on top of the details. The committee will need to think through the itinerary for the various candidates. Who will they see when they are on campus? First and foremost, they need to meet the faculty. We have traditionally set up the meetings as small group sessions held in individual faculty members' offices where the candidate meets with two or three faculty members at a time. Over the two days that the candidates are on campus, the available interview slots are taken primarily with faculty interviews of this type. Of course, this is not the only way one could imagine structuring the meetings between faculty and candidates. At the end of the two-day session the candidates meet the entire faculty for the dean talk. Some faculties may feel that a group meeting like that is sufficient for their purposes. One way or another, however, you do need to figure an appropriate way for your faculty to get their sense of these candidates.

We also have felt that because the dean is an administrator, the candidates needed to meet the administrators in the law school and in the college/university. What particular administrators get

what kind of meeting will again be determined by your institutional norms. We set up one-on-one interviews with the Associate Dean for Academic Affairs and another one-on-one meeting with the Associate Dean for Admissions. We had one group meeting followed by short one-on-one sessions to accommodate the other department head administrators in the law school building, i.e., the law librarian, director of admissions, director of student records, director of career and human services, and the director of alumni affairs.

We also felt it essential for the candidates to have long one-on-one meetings with both the President of the college and the Provost. This year for the first time we also set up one-on-one meetings with the trustee representative to the dean search committee. The trustee reported that those meetings were very useful, both for the trustee and the candidates. One group that we were blind to, and unfortunately ignored, were the support staff. The dean is, in a sense, their boss and they should have had some opportunity to meet the candidates, at least in a group meeting, before the selection process was over. In future searches I hope we ll do that. If you are thinking about the agenda for your on-campus dean search, you might want to consider whether classified staff is entitled to meet the candidates as well.

In addition to faculty and administrators, we had the dean candidates meet in a forum setting with students. This part of the interview process was coordinated by the student representative to our search committee and presented some unique challenges. Because the meetings were on various days and were open to students on a forum basis, the first challenge was to insure a critical mass of student interest to make the candidates feel that the student population was taking the selection process seriously. There are two age-old strategies for insuring student attendance: (1) lots of publicity in the form of flyers and announcements; and (2) refreshments. Finding consistent and reliable feedback about student reactions presented another challenge. If the group attending the

student sessions changes from meeting to meeting, the quality of the feedback across the field of candidates will be a bit uneven. Luckily, we had a couple of students who attended virtually all the candidate sessions and they were able to write up memos expressing their thoughts and comparing the candidates one to the other. Unfortunately, for personal reasons, our student representative to the committee could not be present for each of the sessions, so the consistency that that member could have supplied wasn't available. Another minor problem was that the presentation occasions conflicted with other events on campus, and students sometimes dropped in to see the candidate and then left early to attend another event. In at least one case the candidate found the coming and going of the students to be a little distracting and perhaps disrespectful. In the future we will continue the student forum because we value the opinions of our students, but we will consider improvements to the format to make sure we have some method to receive consistent feedback and respectful attendance.

We also made sure that our candidates had a chance to meet with a group of our alumni. The purpose of this meeting was two-fold: first, to use our alums to make a good impression on the candidates; and second, to get the perspective of the alumni group on the interpersonal skills and attention to alumni issues the candidates displayed. We set these meetings up as evening receptions, typically at the homes of alumni, and the events themselves were coordinated by the alumni representative to the dean search committee through the office of the director of alumni affairs. Between them they were able to create an effective list of alumni representatives for these events, whose opinions would carry some weight and who would make good impressions. The alumni meetings, however, also suffered from the problem of lack of consistent feedback. Only one or two alums were able to go to all or virtually all of the evening receptions. I was amazed that even one or two could make all seven. Luckily, the people who were able to make that large number were

people whose opinions I valued very highly, so I found their input to be helpful. But I also got feedback from some of the folks who were able to make some but not all of the meetings, and they worried that their presence was just for the purpose of making an impression and not for the purpose of sharing their assessment of the candidate. We needed to have a better way to solicit the opinions of the folks who took time out of their busy schedules to attend these evening receptions with candidates. Next time we will do better.

The visit to campus will be very grueling for your candidates, but you also must take your opportunities where you find them to give the candidate a good impression of your school as a great place to work and your community as a great place to live. Dinner on the overnights may be an opportunity to make a good impression on the candidates by taking them to especially nice places in the local area. On the first night a candidate arrived, the dinner duty was handled by members of the search committee. This was primarily a chance for the candidate to get his or her bearings and an introduction to the on-campus interview process. During the course of the dinner the committee members had a chance to ask their own questions, but also to convey to the candidates any issues that had come up during other visits with other candidates that the faculty seemed to be particularly interested in. On the second night that the candidate was in town, the dinner was used as an interview opportunity for faculty members who were not able to meet during the day. A member of the search committee chaired the dinner, but it was a mixture of social interaction and business.

The last event the candidates had with the faculty as a whole was the dean talk. To make the dean talks somewhat comparable one to the other, we supplied the dean candidates with a list of talking points that they would be expected to address. Some of the points were general, such as describing the fit with the school, and some were quite specific, such as asking for examples of particular kinds of problem solving. I believe the candidates found this list of talking points to be

helpful. They departed from it at their peril because, as usual, the list was compiled as a result of a political process and various groups were committed to hearing the perspectives on each particular point.

After the talk, the candidates were expected to answer questions from the audience. We've always used this period as a way to resolve perceived inconsistencies or concerns that people may have brought to the surface during the visit. I felt it my duty as chair to give the candidates the heads up regarding any issues that I had heard percolating around the faculty during their time on campus. I knew they would be faced with questions in this final session and I thought this was a fair way to allow them to respond coherently and not be blindsided because some of these issues are things that are just misperceptions or were miscommunications.

On the last night that the candidate was in town the dinner was more of a debriefing where the committee again was the host, but the idea was to learn as much as we could about what the candidate saw on campus and what things we ought to be thinking about. It was also an opportunity to get a sense of how serious the candidate was about the position and perhaps even to learn a little bit about the other dean searches that our competitor schools were conducting. This exchange of information had to be done in a light-handed way, of course, but it is possible for all parties to learn a lot about each other and to actually get some useful feedback in a frank exchange at this last dinner.

During the parting meeting, of course, we gave the candidates an idea of what the rest of the timetable looked like and when they could expect to hear further from the committee about their status. We learned a great deal about ourselves and about the relationship between our law school and our central administration by listening to the comments that candidates made, not only during the final interview, but also during the screening phase. We dutifully passed these comments along to

our administrators in the hopes that things that we were doing that were out of step with legal academia generally would be corrected.

#### **D. Selecting From the Finalists**

Every school will have its own process for selecting its top choice from among the finalists. In our search, the charge to the committee specifically stated that the choice was technically to be made by the Provost with the advice of the search committee, passing along the preferences of the faculty as additional information. The faculty members on the search committee felt that charge put them in an untenable position and decided that we would take our marching orders from our faculty, unless they were acting in bad faith. At other institutions, the selection process may be firmly in the control of the faculty or firmly in control of the administration, so I don't have much to add as far as the structural aspects of the process, but given the likelihood that faculties everywhere will have some say, I offer some thoughts as follows.

Neither the ABA nor the AALS standard dictates the voting procedure for dean selection. ABA Standard 205(d) provides: The faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean.<sup>8</sup> The ABA has issued one official interpretation of this provision, Interpretation 205-1 (Aug. 1996), which provides:

The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.<sup>9</sup>

---

<sup>8</sup> ABA RULES, *supra* note 2.

<sup>9</sup> *Id.*

The Association of American Law Schools Bylaw 6-6(c)(iii) is similar:

Except in rare cases and for compelling reasons, no decanal, or faculty appointment or change in faculty status is made over the expressed opposition of the faculty (acting as a whole or by a representative portion determined by reasonable criteria).<sup>10</sup>

Although both of these rules seem tacitly to contemplate support for a decanal candidate by a majority or substantial majority of the faculty, both rules are expressed negatively. What triggers them is not the lack of some predetermined level of faculty support for an appointed candidate, but rather the "stated objection" or "expressed opposition" of "the faculty" or "a substantial majority of the faculty" to the appointment of a disfavored candidate. There is no necessary correspondence, however, between a lack of affirmative support for an appointment and the willingness to express opposition to it. Faculty members might, for instance, acquiesce in the appointment of a dean who did not enjoy the initial support of a substantial majority.

In any event, these rules point to the obvious objective that the new dean should have the support of a substantial majority of the faculty. An important question for faculty decision, then, is what level of support the faculty should require for a candidate's name to be forwarded to the Provost.

To determine that level of support, we recommended that the faculty employ a two-step process for ranking and selecting the candidates. In the first step, after all information on all of the candidates had been presented to the faculty meeting, the faculty members present and voting rated each candidate as either acceptable or unacceptable. In this round the faculty indicated how

---

<sup>10</sup> Ass'n of Am. L. Schools, Bylaws, §6-6(c)(iii).

many of the candidates made the cut. The candidates receiving a 60% majority the same voting requirement we impose on faculty hiring votes progressed to the second round in the procedure.

In the second round of voting, the faculty ranked each candidate that had passed the acceptable/unacceptable vote in order from most acceptable to least acceptable, with the votes weighted to reflect the strength of the preference. The ranked order of acceptable names would be sent to the Provost.

We tried to come up with a system that was likely to give effect to the broad consensus and make it more difficult for strategic voting to skew the results of the process. We went into this process, however, with our eyes open. We knew that no voting system is perfect and every method can on some level be subject to manipulation. We also believed, however, that persons of good will acting in good faith can succeed in expressing general preferences that have some political legitimacy. We therefore hoped that this simple process would be acceptable to the faculty as a whole.

Of course, aggregating preferences is easier said than done. There are many voting systems available that attempt to aggregate preferences, but as public choice scholars have amply demonstrated, the voting procedures employed in the decision making process can determine the outcome of that process. If the agenda develops through an open process where each voter in a deliberative body can propose an alternative, then the outcome of majority rule may wander anywhere because of preference cycling problems.<sup>11</sup>

---

<sup>11</sup>A simple example adapted from a law review article of mine illustrates the problem of trying to aggregate preferences in a neutral way. See Eric J. Gouvin, *Truth in Savings and the Failure of Legislative Methodology*, 62 U. CINN. L. REV. 1281, 1346-47 (1994). Consider a twenty-seven member faculty charged with choosing one dean candidate as their collective first choice from a list of five candidates. Let's call the candidates L, M, N, O and P. Based on their perceived advantages with particular candidates and the political consequences to each of them as individuals, the faculty members have ordered their individual preferences for the candidates as follows, with the candidate listed first as the highest preference and the others listed in decreasing order of

Theory informs us, therefore, that if the voting procedure is not agreed upon in advance the faculty runs the risk of spinning its wheels. By agreeing to the procedure before you sit down to vote and before preferences are stated, the faculty have a better chance of having a determinate outcome. But you should be honest with yourselves no system of aggregating preferences can produce the result that all participants will agree accurately reflects their subjective preferences. At

preference:

9 members rank preferences:	(1) L	(2) O	(3) P	(4) N	(5) M
6 members rank preferences:	(1) M	(2) P	(3) O	(4) N	(5) L
5 members rank preferences:	(1) N	(2) M	(3) P	(4) O	(5) L
4 members rank preferences:	(1) O	(2) N	(3) P	(4) M	(5) L
2 members rank preferences:	(1) M	(2) P	(3) O	(4) N	(5) L
1 members rank preferences:	(1) N	(2) P	(3) O	(4) M	(5) L

Given these stated preferences, it is impossible to determine which candidate is the first choice without also knowing the voting procedure that will be employed to aggregate the preferences. The outcome of the group decisionmaking process will hinge entirely on the voting procedure, as the following discussion demonstrates.

Those favoring L will argue that a plurality method of voting should prevail in which the candidate receiving the most first-preference votes is selected. Under our hypothetical, L would be selected, as more members (nine) have listed L as their first choice than any other candidate.

The supporters of M, N, O, and P will argue for any method of voting other than the plurality system. They might propose a run-off vote between the two most-preferred candidates. In our example this would result in a run off between L, who received nine first preference votes, and M, who received eight first preference votes. Under this system, M would be selected, because in a vote between L and M only nine members would prefer L over M, while eighteen members would prefer M over L.

The supporters of L, N, O, and P can be expected to resist this method of voting. They might suggest a different system of counting votes, such as successive rounds of eliminating the candidate who received the fewest first preferences. The candidate who received the fewest first preference votes in the first round of voting (P in our hypothetical) would be eliminated and all of the remaining preferences would be adjusted accordingly. This would yield the following result: nine votes for L, eight for M, six for N and four for O. In the next round, the candidate with the fewest first preferences from the previous round (O) would be eliminated and the preferences again adjusted. By proceeding in successive rounds to eliminate the candidate with the fewest first preferences, eventually N will be selected.

Those who oppose N will not support that method. They might suggest use of the so-called "Borda count" which reflects preferences in voting. For instance, O might suggest that each first preference vote count for one point, each second preference vote count for two points, third preference votes three points, fourth preference four points and fifth preference five points, and that the candidate with the lowest total number of points would be declared the winner. Under this method, O's Borda count comes out to 69 and is lower than all the others. O would be the first choice candidate.

The anti-O contingent will not support that voting method. They will argue that the best way to determine the outcome should be to pair off the candidates in head-to-head votes. If one candidate beats all the other candidates, that candidate should be designated as the first choice. In the parlance of choice theorists, this exercise would produce a "Condorcet winner." A Condorcet winner is the alternative that can beat any other alternative in a head-to-head vote. Under this method P would be selected. Obviously, L, M, N and O's supporters will not support that method and will propose an alternative method, and so on.

the same time, you need to guard against letting squabbles over theoretical issues of voting process interfere with the overall voting process because while the voting method *may* affect outcome, it doesn't always make a difference. On our faculty, for example, the big debate was between using the Borda count or the Condorcet method. We ended up using the Condorcet approach, but as it turned out, the ranking would have worked out the same way under either method.

#### **E. Communicating the Selection Choice to the Candidate**

The charge our search committee was given required us to report to the Provost a number of acceptable candidates in rank order, and the selection process that we employed allowed us to do that. We also passed along to the Provost our impressions, the impressions of the other constituents who participated in the search, and the actual calculations of ranking and acceptability so the Provost could get a better picture of how the various candidacies fared in the selection process. We did this because we thought that more information would be better than less information, but also to make sure that the Provost would be able to see if one person was widely acceptable but not very enthusiastically reported as a first choice, whereas another person might have been less widely accepted but very passionately considered to be the top one or two person. How the Provost would go about selecting from the group of candidates would be informed with much more political information to make sure that relations between the central administration and the law school were kept on an even keel. At several points in the selection process the Provost had signaled to us that he intended to follow our rankings unless they were completely out of kilter with his. Luckily our rankings and his coincided, so no political battle ensued.

I must admit, I had more than my share of nightmares considering what would happen if either the faculty acted impetuously or the Provost acted imperiously and we could not find the consensus candidate for our deanship. I believe, again, that the role of the dean search chair requires

a bit of politicking behind the scenes with key people both on the faculty and in the administration to make sure this kind of pointless political battle does not take place. Some may criticize the chair taking that role as overstepping the bounds of chairmanship and shaping the selecting process. I don't believe that to be the case. In my situation I did not try to forward a particular candidate but tried to make sure that both sides understood, ahead of time, the telegraphed messages about who was and who was not acceptable. I tried to make sure that people would have an open mind about criticisms or concerns raised as to a particular candidate and not have a knee-jerk reaction that the opposition was in bad faith or otherwise illegitimate.

In any event, the actual extension of an offer was beyond my role. That job was for the Provost in consultation with President and he apparently did what we hoped he would do and made the offer to the first-choice candidate. In the meantime, it was my job to contact the finalists who were not in that number one spot. I held off for a while to make sure that the number one candidate looked like he was going to accept rather than create an awkward perception that a viable candidate was really our number two choice. But again it was an opportunity to express my gratitude for the candidates' participation in the process, to recognize how much effort went into their end of the participation, and to cement a professional friendship with these folks who I had grown to know and respect.

#### **F. Helping With the Transition**

At many places, getting that report to the Provost is the end of the story. It may be, however, that you've got more invested in this process than just discharging your duty and moving on to the next task. As a member of the faculty, the selection and installation of a new dean is an important development in your professional life. Because you were intimately involved in the selection process, the future successes and failures of this dean may be laid at your doorstep, so you

have a lot invested in making sure the dean gets off to a successful start. It may be worthwhile for you to think of ways that you could help the dean make the transition to your institution. For example, I sent our new dean designate some transition material such as a phone book for our area and a campus-wide directory and some real estate contact information. We also had a small reception for our new dean at the AALS Annual Meeting because the timing was right. You might consider whether a similar function works into your time schedule, such as at an alumni function, an ABA event, or some other gathering where faculty members and the new dean will be in the same place at the same time anyway.

Finally, I continued a practice begun by the dean search chair who preceded me and prepared a detailed and thorough report of my dean search process. I found that report to be so helpful during the first few weeks of getting my bearings as dean search chair that I recommended to the Provost that the preparation of such a report be included in the charge to subsequent dean search committees. My 30-page report that set out all the details of our experience running the dean search for the 2000-2001 academic year. I attached to that report sample letters, memoranda concerning particular issues, sets of questions we developed for the interviews, and all kinds of other proprietary data peculiar to our particular institution that should help the next dean search committee hit the ground running. That report contains lots of specific data that I wouldn't share with the rest of the world in this article but that allows us to track our recruiting efforts and the effectiveness of our publicity and other efforts.

I hope I don't have to chair another dean search committee for a long time. I really hope I don't have to do it ever again, quite frankly. On the other hand, I did learn a lot during the process. In the end, I worked very hard, but I was also rewarded with strong professional bonds to the

colleagues that I worked with and with the opportunity to meet some of the best and brightest people in legal academia. It was more than a job, it was an adventure.