

My Top Ten Tips for Good Deaning

Michael Coper

Introduction

This is a tough gig! Had I more than an hour's notice, I am sure I would have come up with a much better-constructed (and more deliberately humorous) list of my "top ten tips for good deaning." As it is, this is the random list I jotted down in five minutes during our earlier "professional development" session, when I made the mistake of saying that there was too little meeting time to run through all the items on my list—hence Jill McKeough's¹ mischievous invitation to turn the list into an impromptu after-dinner speech,² following the unfortunate no-show of our invited guest. I am sure that there are more than ten wise rules for good deaning,³ and consequently that there are some serious omissions from my list, but hopefully my "top ten" will provoke some good discussion.

Tip 1: Be a dean only if you want to

Although I was preceded at Australian National University (ANU) by some excellent deans, including the esteemed Dennis Pearce, co-author of the celebrated 1989 Pearce Report on Australian law schools,⁴ there were strong traditions, so it seemed to me, that the deanship was to be taken up on a rotation basis among the professoriate, in strict order of seniority; that the term of office should be as short as possible; and that service as dean was certainly not to be enjoyed. This seemed completely wrong to me. The deanship is a

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1. Jill McKeough is Chair, CALD; Dean of Law, University of Technology Sydney (UTS).
2. This written version of the speech is reconstructed after the event, and probably includes things I did not say and omits things I did say. Take it as what I probably would have said had I had more time to reflect, though within the constraints of my original "top ten" list. The speech is committed to writing only because of requests from absent deans for a copy.
3. Needless to say, my top ten tips are aspirational; how successful I have been in implementing them (and whether my view from above matches that of my colleagues from below) is another question altogether.
4. Dennis Pearce, Enid Campbell & Don Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (AGPS 1987).

leadership position, from which one can do much good. It seemed to have been wrongly typecast at ANU as about administration rather than about leadership. I do not think of myself as an administrator. Administration is important, but it is static, and concerned with the smooth functioning of the status quo. Leadership is a dynamic concept. It is about transitioning from the present to the future and working with colleagues to anticipate, adapt to, and indeed to initiate change.

In any event, I had been at ANU for just two years when the person whose turn it was to be dean decided, bucking the time-honored convention of decanal stoicism, that he did not want to do it. I had come to ANU from legal practice, hoping to reinvent myself as a serious scholar. However, having tasted academia, government service, and private practice, I was open to new challenges. When approached, I agreed to let my name go forward. Although reappointed twice since 1998 by executive decision of the vice chancellor, I am probably the last serving dean in Australia to have come to office originally by faculty election. It was certainly useful to start with the overt support of my colleagues.

So my first tip is, take on a senior leadership position such as dean only if you want to and are enthusiastic about it—enthusiastic about the mission of the law school and the university and enthusiastic about making a difference. It is an unusual calling; you must have impeccable credentials as a scholar and a teacher, for credibility and to understand the mission and have genuine empathy with your colleagues, but you must then largely put those activities aside. So you must derive your satisfaction largely from the achievements of others, from creating the best possible environment in which they can flourish. If they flourish, the school will flourish, and leading that effort will be satisfying.

In a nutshell, be a dean only if you want to and think you will enjoy it. The things you do best are the things you enjoy. As I say to my colleagues, enjoyment does not mean that every day is a barrel of laughs; indeed, the challenges of leadership—for example, dealing with difficult people—can be very trying. Enjoyment in this context means deep satisfaction, over a reasonable period. The satisfaction may come from big things or from small things. It does not come daily, weekly, or uniformly. And you need to be supported, from above and from below, as well as on the home front.⁵ But you will know at some point whether being a dean is for you.

Tip 2: Strive for collegiality

The life of an academic can be very solitary: alone in the hard slog of research and writing, and emerging from one's office or study only to face a class of students (again typically an individual activity) or to have cursory contact with colleagues at sporadic staff or committee meetings. But when I took on the deanship, I felt that we are surely engaged in some kind of

5. See also, *infra* note 7.

collective enterprise. So I was determined to explore what it was we had in common, what gave us this collective identity, and then to accentuate those elements of our working lives.

The precise nature of this collective or corporate identity is elusive, but it does involve taking pride, for example, in the institution and the achievements of others, and having an interest, however inchoate or unarticulated, in the discipline as a whole. Collegiality, which means different things to different people, derives from this. It is about supporting each other—reading each other’s work, sharing ideas, stepping in to teach when a colleague is indisposed, sharing in faculty governance and administrative tasks, and so on. Unfortunately, university reward systems in the main encourage selfish behavior. We have sought to overcome that, not only by seeking to make virtue its own reward,⁶ but also by, for example, the collective celebration of achievement (you can never overdo this), especially at regular informal gatherings such as a weekly morning tea.

These Wednesday morning teas, by the way, are attended by a cross-section of the broader law school community including academic staff, general staff, Ph.D. students, and visitors. Respecting and recognizing the contributions of everyone, especially of the support staff, is pivotal to establishing a genuine sense of community.

So my second tip is to strive for collegiality. This not only makes for a happy workplace, but also a productive one. In this sense, an ethos of collegiality is not only an end in itself but is also unashamedly instrumental. The goal is to have an environment in which colleagues regard it as an honor to serve in a senior position or on a committee, not (as I said earlier in relation to the deanship itself) as a drudge to be avoided at all costs.

Of course, initially you inherit a certain situation, you inherit your colleagues, and you have to work with what you’ve got. Over time, you recruit in accordance with your vision (see Tip 6 below), and, one way or another, those who do not share the vision tend to separate from the institution. But even with the colleagues you inherit, you will find that if you make generous assumptions of trust and goodwill, they will be repaid many times over. So try to understand what makes the place tick. The first thing I did was to talk to every staff member, in order both to understand their individual motivations and to build a composite picture of the institution. Never lose sight of the fact that an institution is about people—not about outputs, performance measures, reputation, or material success. Care about the people, as individuals and as a community, and the rest will follow.

6. I have made the point elsewhere that, while the institution has reasonable expectations of the individuals who comprise it, so too do the individuals have reasonable expectations of the institution, including, for example, that reward systems such as promotion will be geared to the institutional expectations, *see* *On Building a Successful Career as an Academic Lawyer* (July 2006) (paper presented to Legal Academic Job Network session, Australasian Law Teachers’ Association (ALTA) Conference, Victoria University, Melbourne), *available at* http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1645605.

Tip 3: Balance consultation and executive decision-making

Indisputably, consultation is critical to building a sense of participation in the affairs of the institution and a sense of ownership of its identity and direction. In this sense, the importance of good faculty governance can never be underestimated. Consultation can occur in many different ways, electronically and face to face, but there will be times when the dean, or the dean and his or her small executive team, must act decisively or without extensive consultation, to take advantage of a window of opportunity, to preserve confidentiality, or otherwise to secure some benefit that might slip away.

There is no formula for how to balance democratic participation and executive responsibility, but colleagues need to have confidence in the executive team and the decision-making process, and that confidence is assisted by transparency and principled decision-making. Once that confidence is there, colleagues will readily (and rightly) assume that decisions are made in good faith and in the best interests of the institution—though, as in the case of collegiality, trust is painstakingly built over a substantial period, but is capable of being dissipated in a moment of carelessness or inattention.

An unusual example of executive discretion trumping precise rules is that we have no mathematical model for distributing the teaching load in the ANU College of Law. Trust is, and has over many years been, extended to the relevant decision-makers (the head of school or deputy dean, and the director of our professional training arm, the “legal workshop”) to take into account a wide variety of factors and individual circumstances that defy mathematical precision and demand a long view. I am not sure whether this is indefinitely sustainable; it may run counter, for example, to the transparency principle, and, in any event, workload equity is, understandably, never far from the surface in any workplace. But our culture indicates what is possible when collegiality and trust have been earned rather than merely asserted and are embedded in the corporate ethos.

Tip 4: Manage your workload

A dean’s workload is impossible. The range of matters is endless—student matters, staff matters, strategic planning, budget, external relations, fundraising, “bushfires” and other crises, university-wide matters, discipline-wide matters—and these are apart from any residual scholarly or teaching ambitions. Email arrives at an impossible rate; at this writing, I have over 20,000 emails in my inbox, notwithstanding that I do file them away sporadically and that I have help from an excellent personal assistant. I also created a folder entitled “superseded by the passage of time,” but rarely have the time to transfer emails to it! Email arrives faster than you can deal with it, even if you sat at your computer all day. When, as is more typical, your days are filled with meetings, or you are away for any period of time, the email deluge is overwhelming.

I learned very quickly that one cannot do everything. You must reconcile yourself to this truth. Some things will not get done, or done to your satisfaction. Of course, you can, and should, delegate. I have been blessed with great colleagues in senior positions and great support staff. But they too are overburdened. With the best will in the world, some things will fall between the cracks. This is a fact of life in the complex and diverse environment that is a modern university faculty.

In this situation, a dean needs to develop an instinct for what really demands attention. Unfortunately, the urgent tends to trump the important, with the short term more pressing than the long term. This is one of the big challenges of being dean. I do not have a magic solution. The urgent has to be attended to. But you have to make space for the longer term planning, which is, after all, the primary reason why you are a dean.

So my fourth tip is, accept that you cannot do everything. Set a few realistic goals and prioritize them. Even that is hugely demanding. And I have not even mentioned the issue of work/life balance. I am still working on that one.⁷

Tip 5: Pay attention to detail

At first sight, this seems inconsistent with Tip 4, “manage your workload”. But it is not. Once you have sorted out which tasks you can realistically do, you must do them thoroughly. This is no moral precept but, paradoxically, an imperative of efficiency. The more time you invest in doing a matter properly—whether a student appeal, staff promotion, investigating a complaint, or formulating a policy—the more time it will save you in the long run. It may not seem so at the time, when the temptation to cut corners may be irresistible. But there is nothing so frustrating, irritating, and, most significantly, time-consuming, as trying to unravel a matter that has gone pear-shaped because of inattention to detail in the first place. You cannot always predict which matters will blow up, and you cannot guarantee that a matter will not blow up, but there is no doubting the wisdom of the old saying that prevention is better than cure.

Tip 6: Recruit people who are not dysfunctional!

As I said earlier, you have to work with what you’ve got, at least initially, and generally speaking, your colleagues will be of goodwill and amenable to change. Hopefully, you will inherit good traditions and a good ethos. I was fortunate at ANU to join an institution whose high reputation had been built over a long period on the reputations of great scholars in tort, contract, equity, constitutional law, administrative law, international law, and other areas. Outstanding scholarship is undoubtedly necessary but not, I think, sufficient to build a great institution, among whose hallmarks one may wish to include

7. This brings to mind another tip that is surely a strong contender for inclusion in any top ten: have an understanding partner, who shoulders an unreasonably disproportionate share of the family responsibilities, to the almost inevitable detriment of his or her own professional career.

a sense of cohesion and inclusion, equal opportunity to thrive, and a broader concept of serving the public interest. One has the opportunity as dean to lead a recruitment process that takes into account a broad range of factors, including not only a commitment to good teaching, but also to a particular institutional ethos.

When I recruited for the law firm I worked for in the early to mid-1990s, we unquestionably accepted the need for candidates whom we believed would be a “good fit” with the firm’s ethos. Yet I found this quality to be a harder sell in academia, at least initially. Scholarship was paramount, especially in a research-intensive institution like the ANU. Teaching capacity was not unimportant, but tended to be assumed or inferred from scholarly credentials, and there was little interest in teaching innovation or creativity. There was certainly no concept of “fit” with the institution (at least overtly); if anything, there was scepticism of the notion for fear of simply replicating the status quo.

The issue was important to me, theoretically and practically. I wanted both to underscore the value of collegiality and its implicit emphasis on altruism rather than selfishness, and to promote the adoption of a faculty-wide ethos of sensitivity to law reform and social justice.⁸ Was it legitimate to recruit only colleagues who shared these values, or would that amount to the suppression of diversity and dissent?

Commitment to collegiality is the easier objective to defend. Building a team and fostering a sense of team identity is not inconsistent with the notion of individual contributions to the success of the team; indeed, that is the essence on which team success is built. But what of commitment to substantive values like law reform and social justice? Is there no room for the scholar and teacher who fervently believes in the neutrality of law, the unrepentant positivist who denies any moral mission for a law school?

I can address that concern at two levels. First, an institution is entitled to carve out its own identity and populate itself with individuals who foster that vision. Indeed, in Australia where, by any reckoning, there is a large number of law schools relative to population,⁹ differentiation is not only sensible but essential. Different individuals will be attracted to different institutions, according to their preferences and predilections. Students will have the same choice, subject to all the familiar practical constraints on entry and mobility.

Secondly, however, there is a more ambitious justification, based not on differentiation but on universality. It goes to the core of what a law school is about, which, in my view, is to produce graduates who not only possess all the

8. For more detail on this, see Michael Coper, *Law Reform and Legal Education: Uniting Separate Worlds* 39 *U. Tol. L. Rev.* 233, 233-49 (2008), available at <http://law.utoledo.edu/students/lawreview/volumes/v39n2/Coper%20I%20Corrected%20Final.pdf> or http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1805324.

9. With 33 law schools for 23 million people, Australia has twice as many law schools, on a per capita basis, as the United States (around 200 law schools for 313 million people).

technical skills of the lawyer's craft, but who also aspire to use those skills in the broader service of the public. This may play out in many ways, of which commitment to law reform and social justice is but one. Parallel purposes may be articulated for a law school's research and outreach activities. I have argued the case at greater length elsewhere, and it appears to have a degree of international support.¹⁰

There is plenty of room for dissent and diversity within this broad framework of values and purposes. The framework does not mandate particular outcomes, just an orientation to law as a tool for good rather than as a value-free abstraction.¹¹ Indeed, I worry more about the potential chilling effect of collegiality on dissent than I do about any like effect of a shared ethos of law reform and social justice. However, collegiality is misunderstood if it is taken to imply bland agreement on everything. To the contrary, the idea of mutual support that is at the core of collegiality should breed the confidence to disagree, and to do so vigorously within the ample boundaries of mutual respect. Fortunately, my worry about collegiality suppressing the cut and thrust of academic debate has (I think, at least at my law school) been more theoretical than real.

I have strayed a bit from the more mundane message of Tip 6: "recruit people who are not dysfunctional!" All I really mean is that, for an academic institution to thrive, it is not enough to recruit the world's greatest scholar or the world's greatest teacher, if that person is not a good fit with, or in an extreme case is likely to have a deleterious effect on, the community of scholars and teachers. A shared view of the collective nature of the enterprise, and a shared commitment to its deep values, is necessary to make the institution hum. Selfish or otherwise antisocial behavior is antithetical to these objectives. I am not advocating psychological testing, though others might! We do the best we can to have hunches on these matters within our normal appointment processes, and generally we do fine. When we don't, we are likely to witness Decanal Golden Rule No.1, namely, that a small minority of people will take up a large majority of your time.¹²

10. Michael Coper, *Educating Lawyers for What? Reshaping the Idea of Law School*, 29 *Penn St. Int'l L. Rev.* 25, 25-39 (2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1681758. Other elements of educating lawyers for public service, especially those elements with evident international support, may include educating lawyers for civic and political leadership, for active citizenship, for the promotion and defense of human rights, and for the promotion and defence of the rule of law.
11. See my Foreword in Stephen Bottomley & Simon Bronitt, eds., *Law in Context* (Federation Press, 3d ed. 2006).
12. Even apart from extremes like dysfunctionality, colleagues will vary widely in their aptitudes and strengths. It is important to play to those strengths in allocating jobs and not necessarily to seniority—though balancing this with workload equity, equal opportunity, and professorial or senior leadership responsibility is always a challenge.

Tip 7: Think of yourself as part of the discipline

The collective nature of the enterprise, in my view, transcends the institution and extends to the discipline. We are not only advocates for our law schools and our universities but also torchbearers and ambassadors for our discipline. Yes, we are also competitors—for students, staff and kudos. And in our society, competition is lauded as a key motivator in the quest for excellence. But in my view what we have in common transcends our differences. There is so much to do to educate the community about the value of lawyers and lawyering, as well as to transform legal education to maximize that value. There is so much to do to promote Australia and the quality of Australian legal education overseas before institutional competition for international students makes much sense. There is so much to do to improve the funding of and access to legal education, to achieve better recognition for the diversity of legal scholarship, and generally to improve the law and the operation of the legal system. We will not make much progress toward these goals if we work in silos.

International, and to some extent national, rankings are forcing us into unproductive competition and comparison. But the top-ranked institutions should not become victims of hubris. Those institutions are well-placed, and indeed in my view have a responsibility, to harness their energy and firepower to lead the discipline. All institutions will benefit from locating themselves in the context of the external environment within which we all have to operate: the regulatory framework, the funding imperatives, and the social, political and economic forces that shape the society for which we are preparing our graduates. So my Tip 7 is simply this: You will be a better and more effective leader of your law school if you and your colleagues understand where the discipline of law sits in our society, see yourselves as part of it, and think of the gains you make in your law schools as gains for the discipline as a whole.

Tip 8: Imagine the future

I mentioned earlier the challenge to escape from the pull of the immediate and the urgent to address the imperatives of the longer term. But as dean you must plan for the future. This is your particular responsibility as the leader of your school, though you will inevitably draw on the ideas and experience of others, especially your colleagues. As I said earlier, this is partly a matter of responding to change, partly a matter of anticipating change, and partly a matter of endeavouring to lead change. It is unthinkable to imagine your educational programs without considering the impact of technology, globalization, and demography. It is unthinkable to imagine your research programs without thinking about scientific discovery, social change and the big challenges of the future. You have to ask, what will my law school look like in five or ten years? What do I want it to look like? What kind of a world are we educating our students for? These are difficult questions, but you do have to try to imagine the future.

One imponderable, by way of example, is the emergence, in Australia and a number of other countries, of the graduate-entry J.D. degree.¹³ Will there be a general shift in Australia to law as a graduate degree, as happened over the course of the 20th century in the United States? Or will it be sustainable to run the LL.B. and J.D. side by side? If so, how much convergence and how much divergence between the two degrees will be appropriate? What will employers prefer? What role will the regulators play? I do not know the answers to these questions, but as deans we need to work out what we want, what model we think is best for our institutions and for the discipline. We cannot control the future but we need to plan for it—informed by the past, guided by our aspirations and our vision of what we want to be (for example, global, reformist, altruistic), and flexible enough to adapt as events unfold.

Tip 9: Treat everyone with respect

This is a pretty obvious tip, even trite, but a very important one. The essential dignity of all human beings requires us to accord equal respect to the governor-general and the garbage man. This seems to me to be intrinsically right, and I would not even begin to seek to justify it on instrumental grounds. But it is amazing how often someone you treat with appropriate respect, relating to them in the exigency of the moment and without any eye to the future, pops up unexpectedly years later, with a warm memory of that moment, often themselves to bestow some kindness in return.

Sometimes our students, our colleagues, and our alumni will behave badly, be irritating, let us down, say or do something we profoundly disagree with, or otherwise find multiple ways to be disagreeable. Sometimes, of course, they will delight us. But in any case they should be treated with respect. Stand in their shoes. Try to understand where they are coming from. That in itself accords them basic respect. And remember that everyone has their own story, however little known that story may be to you. This was driven home to me recently at the funeral of one of our students, who died unexpectedly while on an overseas exchange program and whom I did not know at all. Each eulogy in turn transformed my knowledge of the student from a blank canvas into a rich picture. It was a poignant reminder that the anonymity bred by large numbers masks a never-ending flow of individual human stories.

Tip 10: Have a sense of humor (but always be yourself)

Being a dean is a serious business. Our decisions have an impact on the lives and careers of our students and colleagues. We can do some serious good; we try not to do too much harm. But in all of this we should not lose sight of the inconsistencies and absurdities of human existence, and should preserve our sanity by enjoying the lighter side of things. This is perfectly consistent with a passionate belief in the seriousness of our vocation. As long as we do not

13. See also Michael Coper, Recent Developments in Australian Legal Education, 8 *Chuo Law J.* 53 (2011) (trans. Hisaei “Chuck” Ito), original Japanese version at 8 *Chuo L.J.* 19 (2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1715262.

take ourselves too seriously, we can be appropriately serious about what we do. My only counsel would be that you have to be yourself. We all have role models or people who have influenced our thinking or behavior. But we do not need to try to be like them. We need only to be ourselves—always listening to and learning from others, but in the end backing our own judgment, acting on our own instinct, and being committed enough to show serious intent, yet detached enough to see the lighter side.

Conclusion

I am sure there are many other practical tips I could have given. Get on top of your brief. Cultivate good relations with your vice chancellor.¹⁴ Make daily “to do” lists (only to have them subverted by the Bushfire of the Day or the Issue from Left Field). Be principled, but apply your principles sensitively to individual circumstances (not so hard—we are aficionados of the common law after all). Importantly, maximize your law school’s resources so that you have the capacity to achieve your aspirations.

But more important than all of this is having a purpose in what we do. We need to keep in mind, and from time to time remind our colleagues, why we are here, individually and collectively, doing what we do. We are here, as deans, not just to keep the show on the road, but to make a difference. If we can inspire our students, and inspire our colleagues to inspire our students, to think of a career in the law as an opportunity not merely for material personal gain but for leaving the law, the legal system and the society a little better than they found it, we will have made a difference. If our research and scholarship and our community engagement is infused with the same ethos, we will have made a difference.

If, by contrast, we think of lawyering merely as the deployment of highly technical skills in support of the status quo, or of lawyers merely as paid mercenaries, we will most likely perpetuate the levels of depression suggested by recent studies to disproportionately affect lawyers and law students.¹⁵

14. One of the most energetic topics of discussion following my talk was where the dean sits between his or her colleagues and the university vice chancellor or president. Some saw the dean as the protector of his or her flock against the deprivations of the university executive, while, in a diametrically opposed view, others saw the dean as part of, or agent of, the university executive. Ideally, of course, a law school is best placed if it shares the goals and ethos of its university, and the two entities work together for a common purpose; sometimes, though, a dean may be caught in the cross-fire between the bosses and the workers.
15. Some of these studies are cited in my article, *supra* note 10. As to the Australian literature, see Massimiliano Tani & Prue Vines, Law Students’ Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession? 19 *Legal Educ. Rev.* 3 (2009); Kath Hall, Do We Really Want to Know? Recognising the Importance of Student Psychological Wellbeing in Australian Law Schools, 9 *Queensland Univ. of Tech. Law and Justice J.* 1 (2009). For a U.S. study, see K. M. Sheldon & L.S. Krieger, Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values and Well-Being, 22 *Behavioral Sciences and the Law* 261 (2004).

Lawyers must master their craft, but this must be seen as a means to an end, not as an end in itself. As deans, we have a leadership opportunity, within our law schools and as part of the discipline as a whole,¹⁶ to develop and promote a positive view of law and lawyers. We should all wish each other good luck!

16. For the avoidance of doubt, I see the discipline not only as national but also as international. This is why I am such an enthusiast for the International Association of Law Schools (IALS), especially as a forum for deans to discuss the role of law schools, see <http://www.ialsnet.org/> and the wealth of conference papers posted there. I have extolled the virtues of internationalization elsewhere, see my article, *supra* note 10.