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David A. Brennen

University of Kentucky College of Law, david.brennen@uky.edu

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Recommended Citation

David A. Brennen, *Succeeding in the Candidate Pool: Resources Available at Association of American Law Schools for Persons Interested in Becoming a Law School Dean*, 31 *Seattle Univ. L. Rev.* 791 (2008).

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Notes/Citation Information

Seattle University Law Review, Vol. 31, No. 4 (Summer 2008), pp. 791-797

Succeeding in the Candidate Pool: Resources Available at Association of American Law Schools for Persons Interested in Becoming a Law School Dean

David A. Brennen[†]

I. INTRODUCTION

I would like to thank Seattle University School of Law and Dean Kellye Testy for hosting this conference aimed at increasing diversity in the decanal ranks. I would also like to thank the Society of American Law Teachers and its co-presidents, Tayyab Mahmud¹ and Eileen Kaufman,² for partnering with Seattle University to organize and promote this wonderful event.

This presentation covers three areas that fall under my supervision as Deputy Director of the Association of American Law Schools (AALS). First, I will discuss the two Deans Databanks that I administer, which relate directly to increasing diversity among the ranks of law school deans in America: the Women Deans Databank and the Minority Deans Databank. In particular, I will address how these two databanks reflect the core values of the AALS and how the databanks function in the deanship process. Second, I will discuss the *Law Deanship Manual*,³

[†] David A. Brennen serves as Deputy Director of the Association of American Law Schools for the 2007–2008 and 2008–2009 academic years. He joined the University of Georgia School of Law in the fall of 2006 as a professor specializing in tax law. Prior to joining the teaching academy, Brennen worked as Assistant General Counsel of Florida's Department of Revenue where his practice areas included tax litigation oversight and tax policy advisory opinions. Professor Brennen is a member of the American Law Institute (currently serving as an adviser to its Principles of the Law of Nonprofit Organizations project) and a former member of the Board of Governors of the Society of American Law Teachers (serving as chair of its budget and finance committee). Professor Brennen earned his bachelor's degree from Florida Atlantic University and his Juris Doctor and Master of Laws in Taxation from the University of Florida.

1. Tayyab Mahmud is the Associate Dean for Research and Faculty Development at Seattle University School of Law, where he is also a professor of contracts, civil and economic rights, comparative law, and international law.

2. Eileen R. Kaufman is a professor at Touro Law School, where she teaches First Amendment law, international law, torts, and public interest law.

an AALS publication that addresses nearly every aspect of what it takes to become a dean. Finally, I will discuss the many valuable opportunities available to professors and others in the legal community; these opportunities provide a chance to gain valuable experience relevant to being a dean through service to the AALS.

II. DEANS DATABANKS

A. Relationship of Deans Databanks to Core Values

The AALS is a wonderful resource of information for people who are interested in becoming law school deans. This is especially true for women and minorities. Before addressing the two Deans Databanks, it is important to explain what motivated the AALS to get involved with making deanship information available and, in this particular case, focusing that information on minorities and women.

The AALS, as a nonprofit organization, is driven by its core values. These core values are the Association's guiding principles in a significant portion of its activities. The core values come into play whenever the Association considers an application from a law school that wants to become a member of the AALS or performs a site evaluation of a school that is renewing its membership. In these situations, the Association must routinely reference the schools' compliance with the Association's core values.

The Association has five core values, but the two core values most relevant to maintenance and administration of the two Deans Databanks are: (1) scholarship, academic freedom, and diversity of viewpoints; and (2) a diverse faculty and staff that are hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination.⁴ Thus, in the spirit of advancing "diversity of viewpoints" and promoting the hiring of "a diverse faculty and staff," the AALS maintains the Women Deans Databank and the Minority Deans Databank.

B. The Birth of the Deans Databanks

The Women Deans Databank was first established at Georgetown University Law Center in 1997. Two major objectives of the databank at that time were: (1) to facilitate recognition of qualified female candidates

3. ASS'N OF AMERICAN LAW SCHOOLS, AALS LAW DEANSHIP MANUAL: REPORT OF THE AALS SPECIAL COMMITTEE ON THE STATE OF THE LAW SCHOOL DEANSHIP (1993).

4. ASSO'N OF AMERICAN LAW SCHOOLS, AALS HANDBOOK: MEMBERSHIP REQUIREMENTS, BYLAWS SECTION 6-1 (2005), http://www.aals.org/about_handbook_requirements.php#6 (last visited Apr. 2, 2008).

for decanal positions; and (2) to encourage dean search committees to consider these nominated candidates in their quest for a new law school dean. By the 1999–2000 academic year, it was evident that the databank project at Georgetown was having an impact. That year, there were sixty-seven women candidates nominated for deanships, twenty requests by dean search committees for lists generated by the Databank, and seven women appointed as law school deans. Encouraged and excited by these results, in 2001 the AALS assumed responsibility for the administration and maintenance of the databank.

It was also in 2001 that the Association, encouraged by the success of the Women Deans Databanks, created the Minority Deans Databank. The AALS expected that this second databank would emulate the success of the first and that it would strengthen diversity among American law school deanships and further support the Association's mission and values.

In 2006, the Association improved the two databanks by instituting an advisory board and an advisory council that consisted of current and former deans. The creation of the advisory board and advisory council is actually a revival of a similar structure that existed several years earlier when Georgetown University operated the Women Deans databank. These additions allow the Association to tap the collective experience of those who are most familiar with what it takes to make it as a dean. The additions add both insight and expertise to the growing list of women and minority candidates.

C. How the AALS Deans Databanks Work

In practice, the databanks are set up to be widely-accessible to the law school community in order to ensure that qualified women and minority candidates have the opportunity to be nominated for prospective deanships. Any current dean, administrator, or law faculty member of an AALS member school may nominate a woman or a minority for inclusion in the Women Deans Databank, the Minority Deans Databank, or both. Self-nominations are also permitted. A nomination is made by contacting the AALS Deputy Director and providing the name and contact information for the proposed databank participant. Once a person is nominated for entry into a databank, the Deputy Director contacts the nominated person to see if he or she is willing to be included in the proposed databank. If the response is positive, the person is included. If the response is negative, the person is not included. In addition, each person who was listed in either databank in the previous year is re-contacted to ascertain his or her interest in remaining in the databank.

With a list of candidates compiled, the actual administration of the databank falls to the Deputy Director. For example, AALS publicizes the databanks by contacting deans at least once per year and seeking names of persons to include in the databanks. This ensures that the process is proactive and that it actively encourages deans to nominate new and talented candidates. Additionally, AALS responds to requests from search committees and faculty for names of persons listed in one or both databanks. Finally, AALS occasionally provides databank information to dean search committees or other potential hiring groups when this information was not directly requested. This ensures that search committees are aware of as diverse a candidate pool as possible.

III. THE LAW DEANSHIP MANUAL

The *Law Deanship Manual* (Manual) was published by the AALS in 1993. It is a comprehensive description of what it takes to be a law school dean. The Manual describes various aspects of being a dean, from dealing with faculty, staff, and students, to conversing effectively with university administrators, alumni, and other constituents. The Manual also contains a section that explains the dean search process.

The Manual describes the role of a law school dean as complex. In essence, the Manual is intended to be a comprehensive and general description of the multiple aspects of the law school dean. Thus, the Manual is written in broad and general terms rather than focusing on details or specifics of any particular law school or type of law school. The Manual is intended for use by existing deans as well as persons interested in becoming deans. Other important audiences for the Manual include dean search committees, faculty interested in understanding the role of the dean, and members of the bench, bar, and public who regularly interact with deans.

A. Why a Manual?

The Manual grew out of concern in the 1980s that the terms for law school deans were growing shorter and shorter, averaging 3–5 years. These terms were often thought of as short because they were shorter than expected by either the dean or the dean's institution. Amid much speculation as to why deans were not lasting in their positions for very long, some suggested that the AALS should embark on a project that laid out, in general terms, the job of a law school dean. Accordingly, in January 1990, then President of the AALS, Thomas Morgan, appointed a special committee on the State of the Law School Deanship. The committee's charge was to consider what, if anything, the AALS should do about the term of law school deans. After several months, the committee

recommended that the AALS produce a written manual. Over the next two years, an outline, rough draft, and edited version of a manual were produced and made available to all.

B. The Current State of the Manual

The Manual was originally written some fourteen years ago and was started during a time when the law school environment was very different. For example, technology is very prevalent in law schools today, and is much more common than it was when the Manual was first published. Fourteen years ago, schools did not require students to arrive with laptops. Fourteen years ago, law schools did not have as many professors using technology in their classrooms as they do today. In addition, fourteen years ago, law schools were not nearly as global as they are today; that international aspect presents considerations that the original Manual did not address. Moreover, fourteen years ago, *U.S. News & World Report* was not nearly as dominant in the law school environment with respect to rankings as it is today. Thus, in many respects, the law school dean today faces challenges that were not contemplated at the time the first Manual was written in 1993. These changes in the law school environment should be taken into account as one reads the Manual. That said, however, many of the core aspects of the Manual are still applicable even in today's changed environment.

IV. SERVICE TO THE ASSOCIATION

In addition to the two Deans Databanks and the *Law Deanship Manual*, a third area in which the AALS provides opportunities for minorities and women interested in becoming law school deans is service to the Association. The service opportunities available at the Association are numerous, including a number of committees, volunteer opportunities and work in the AALS leadership structure.

A. Sections and Committees

One way in which a professor could serve the Association and gain valuable experience relevant to becoming a dean is to take a leadership role in a section or serve on one of the AALS's many special or standing committees. All of the AALS sections are listed on the Association's website at www.aals.org. In addition, all sections and committees are described in the annual *AALS Handbook*. Each of the sections and committees offers a unique opportunity to serve the Association and to focus on different aspects of legal education. For example, the Association has various affinity group sections, which are led by persons who have a

special interest in the concerns of those groups, such as minority issues, gender issues and gay and lesbian issues. The Association also has subject matter sections that focus on issues of importance to that particular subject matter, such as constitutional law, taxation law and real estate law. Finally, the Association has a number of committees that focus on different aspects of legal education in general, such as finances, minority students and faculties, law school membership in the association, and professional development workshops for faculty.

Sections and committees offer different types of opportunities and operate in slightly different ways. For example, sections are quite easy to join. Annually, one must simply indicate in which sections he or she would like to participate. If a professor at an AALS member school would like to become an officer in a section, that professor can approach one of the current officers to find out how to become an officer of that particular section. Alternatively, the interested professor could simply contact the AALS for a copy of the bylaws of the section that describes the officer election process. Committees, on the other hand, require appointment by the President of the Association. The appointment process begins by recommendation of candidates to the AALS President-elect.

B. Other Volunteer Service

In addition to service on a committee or as a leader of a section, other important opportunities for service to the Association include volunteering. These include volunteering (1) by assisting at a conference by spending time in a hospitality suite; (2) by serving on a panel; and (3) by serving on a site evaluation team. The site evaluation team service is by far one of the most valuable volunteer service functions offered by the Association. As an AALS site evaluator, the individual is charged with writing at least a portion of a report to the Membership Review Committee concerning a law school that is seeking to join the Association or seeking to renew its membership. In order to write this report, the evaluator must be willing to travel to the subject law school and spend several days on-site looking into various aspects of its operations. There are two typical requirements for persons interested in serving as a site evaluator on an ABA/AALS joint sabbatical team: (1) the person must be a faculty member at an AALS member law school; and (2) the person must have previously performed at least one site evaluation for the American Bar Association's Section on Legal Education.

C. Service as Deputy Director

A final and very important way to serve the Association and gain valuable experience for a deanship is to apply for the position of Deputy

Director of the AALS. This position is a unique opportunity to gain significant administrative experience in legal education. The Executive Director of the Association announces the position in one or more AALS Newsletters. The position is a two-year appointment that requires the person to live and work in Washington, D.C. As Deputy Director, one works in conjunction with a Managing Director and the Executive Director to manage a staff of approximately twenty employees and hundreds of faculty and other volunteers. The position is akin to being an associate dean on a national scale. Although a significant part of the job involves overseeing the membership review process, the Deputy Director has many other areas of responsibility. If anyone is interested in possibly applying for the Deputy Director position, she or he should contact either the current Deputy or one of the many former Deputies.⁵

5. Past deputies include: Elizabeth Hayes Patterson at Georgetown University Law Center; Joyce Saltalamachia at New York Law School; Dean Veryl Miles at Catholic University School of Law; H.G. Prince at U.C. Hastings Law School; Barbara Cox at California Western School of Law; Bari Burke at University of Montana School of Law; Barbara Black at University of Cincinnati College of Law; Alice Gresham Bullock at Howard University School of Law; John Sebert, the current Executive Director of the National Conference of Commissioners on Uniform State Laws; Carl Monk, the current Executive Director of Association of American Law Schools; and Dean Steven Ray Smith at California Western School of Law.