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DEANING'S SEVEN DEADLY SINS AND SEVEN DEANLY VIRTUES

*Steven R. Smith**

DEANS sin. There are the petty offenses: the occasional missed reception, the student's name forgotten, or the parliamentary gaff at a faculty meeting. These are generally forgiven and dismissed before the next graduation.

There are, however, the more serious decanal transgressions that are not so easily forgiven or forgotten. The worst of these are deaning's Seven Deadly Sins, the wrongs that will rot a deanship. They may destroy the trust that allows a dean to function, dissipate the opportunity for the law school to make progress under a dean, or interfere with the collegial environment that supports learning and discovery. Furthermore, there are Seven Deaning Virtues, which strengthen and vitalize a deanship. They are described in the second half of this essay.

The original Seven Deadly Sins dealt, of course, with personal failings. Pope Gregory the Great is said to have suggested the seven capital sins, modifying the list of eight developed by Evagrius of Pontus. Gregory's list included Pride, Envy, Anger, Avarice, Sadness (later changed to Sloth), Gluttony and Lust. The personal deadly sins, of course, are good for deans to avoid. But deans face additional temptations and tribulations that deserve consideration and caution.

Unlike the original seven, the decanal Seven Deadly Sins are not purely personal, but have institutional implications. Not all decanal sins are immoral, but they are disastrous for law schools and their deans. Successful deans advance long-term quality, professionalism, efficiency and equality of their institutions; have satisfying careers; promote the professional satisfaction of others; and help nudge forward the legal and education professions. They also usually have some fun doing it. Successful deans are that way in part because they avoid the seven transgressions that will destroy deanships one way or another.

Each of the seven deadly transgressions has a reciprocal or opposite evil. They are the yangs to the yins of the Deadly Sins.

With apologies to Gregory the Great, the Seven Deadly Sins of Deaning are Deception, Revenge, Narcissism, Pessimism, Taciturnity, Disloyalty and Aimlessness. The "opposite" evils are noted in italics at the end of each section.

1. *Deception*

The lubrication of a deanship is the personal trust the dean creates with many individuals and groups. Without trust a dean cannot effectively work for long with law school constituencies. A dean must be a reliable partner with faculty, donors,

* Dean and Professor of Law, California Western School of Law. The author would like to thank his friends who provided such helpful comments in the preparation of this article. (Since most have distinguished careers to protect they remain unnamed.) He is less grateful to those reviewers who said the article should never see the light of day. This article fulfills a career-long dream of the author to write one article without footnotes. This is not a footnote.

and the bar. Most people are too kind to announce that they no longer believe a word the dean says, but they do notice deception. When they feel deceived, they will begin to avoid and distrust the dean.

Deception is not limited to outright lies. Small dishonesties ultimately undermine a dean as surely as big lies. Hiding information from accrediting agencies, fudging admissions data, playing with placement statistics, exaggerating donation levels, and promising the impossible to prospective faculty are easy examples of deception. A dean must also avoid intentionally misrepresenting the dean's own accomplishments or the school to alums, students, applicants, and the public.

"Puffing" may not be legal fraud, but that does not make it right for law schools. Subtle deception in alumni publications, catalogues, and law school web sites nowadays sometimes seems to be an art form. Law schools need to be more careful about the claims they make in these publications.

Rankings raise issues of puffing and deception. The greatest harm from law school rankings may not be the misleading rankings themselves, but the reaction of schools to them. Rankings have undeniably increased the temptation toward deception, but they do not justify giving in to the temptation. Leave aside the instances, which are probably few and far between, of intentionally misleading actions (hiring unemployed graduates for short times to count them as employed, eliminating a few students from the LSAT figures, miscalculating volume counts), and outright fabrication of data. "Touting," a special form of deception related to *U.S. News & World Report*, is much more widespread.

Touting is the practice of proclaiming that rankings are misleading, arbitrary and unreliable, and then trumpeting or calling attention to a good ranking. At best this is intellectually dishonest. Touting the ranking to alums, students, or applicants, of course, implies some legitimate meaning to the rankings that deserves attention. Another example is the deans who for a few years have been explaining that one or two point differences in LSAT scores are nearly meaningless who have now suddenly started loudly touting an increase of a point or two as evidence of a significant improvement in the school.

Touting is not rare. I have in my office the "Pile of Shame" of law school publications and web sites that tout. The pile is growing, but surely we are not so desperate for recognition, acknowledgment, and momentary glory that we need to stoop to this. We ought to stop it.

Not only is deception just plain wrong, but in the long run, people are not complete fools, and they do notice these smaller dishonesties. When someone notices one decanal deception, it is easy for the person to see this as a way of life of that dean, but it is even worse. These deceptions not only destroy the dean, but they also chip away at the moral legitimacy of legal education as a whole. Our place as the teaching and research arm of the profession relies in part on our collective integrity, and a deceptive dean dissipates the confidence that the profession and society can place in legal education. Deception thereby undermines the dean, the law school, and legal education more generally. Legal education cannot afford deaning's First Deadly Sin.

Misguided Truths. If deception is wrong, the opposite, gratuitous truth telling and nitpicking can also be wrong. On this earth some truths will not set us free. Deans are not obligated to correct every misstatement anyone makes, or to chime

in at every opportunity to explain the truth as they see it. Publicly correcting the president's recollection of a golf score, correcting meaningless typographical errors in an accreditation site visit report, or saying what you think of a major donor's hair piece is probably more truth than the world really needs.

2. *Revenge*

"Don't get mad, get even" may be great advice for politicians, but half of it is deadly for deans (the "don't get mad" half is good). Another adage better fits the decanal activity: "If you are out for revenge, first dig two graves."

Revenge is deadly in law schools because it deepens hatred and mistrust, draws bystanders into conflicts, dissipates the energy that could otherwise go into productive activities, and leaves too many other people wondering whether they might be next. Revenge is sometimes rationalized on the grounds that it serves as a warning to others, but it seldom works, and even when it does the benefits are not worth the costs.

Revenge should not be confused with legitimate discipline, not granting every request that an unpleasant person makes or treating some people differently from others. The essential distinction is that revenge is motivated not by promoting legitimate institutional interests, but by getting even or retaliating for slights or wrongs the dean has suffered.

Revenge is a temptation for a dean because although our real power is limited, if we put our minds to it, we can make life miserable for some people. Revenge inevitably looks like petty bullying and is a misuse of the limited power we do have. It is, therefore, an abuse of the trust our institutions and colleagues have placed in us. The result is that revenge invites further limits on the legitimate use of power, and it undercuts the moral authority on which a dean's real, informal power depends.

Favoritism. Favoritism is the opposite evil of revenge. Both revenge and favoritism have at their core treating people inappropriately for reasons that are not in the best interest of the institution. They are abuses of power. On the other hand, giving reasonable recognition or rewards to faculty who do great work, students who excel, or staff who go above and beyond is not "playing favorites" because it reflects the furthering of the law school's interests, not the dean's, and it can be explained publicly as a rational decision.

3. *Narcissism*

Narcissism may be the mother of deadly sins. Many other sins arise when deans merge the school with their own identity. They begin to see the law school as "all about them" or egocentrically confuse the success others achieve as their personal success. Perhaps monarchs could get by with viewing personal disloyalty as treason against the state, but deans cannot. A dean should be committed to the law school, but no matter how long a dean serves, how influential, or how good the dean is, the law school is never "the dean's." It has a separate identity that the dean must expect to share continuously with many others.

In extreme circumstances a dean may confuse the assets or staff of the school as available for personal use. Auditors and whistleblowers can bring a fast end to these deanships. Narcissistic deans more commonly fall into less obvious traps. They cannot delegate properly (“nobody ever does things right,” that is, the way the dean would do them); cannot genuinely participate in collegial governance (“the faculty wants to tinker with my curriculum again”); and allow their personal considerations or pet projects rather than real priorities drive the law school budget, course offerings, or research grants (“what the hell, I don’t want a lot of trouble from X; give him the money”).

Narcissism may also cause deans to misperceive their roles. They fail to delegate to talented staff and are distrustful of legitimate governance mechanisms. These deans also become suspicious of, and therefore unable to support fully the work of, effective faculty whose productivity is threatening to them. This narcissistic “misperception of role” will likely lead to perpetual and pointless skirmishes with faculty.

Narcissism is so deadly not only because of what it does to others’ perceptions of the dean, but also because of what it does to the dean. Most people’s response to egocentrism is to withdraw because the dean is not sharing credit or responsibility, or to begin a game of “king of the mountain” in which they look for opportunities to bring the dean down a peg or two.

Narcissism’s emotional cost to the dean is enormous. Fear and anger, truly destructive emotions, are inevitable. Fear is probably warranted. If you are the king in “king of the mountain,” you have reason to be fearful: there is only one way you can go in that game. Anger is an emotion behavioral scientists have found in abundance in lawyers and may account for a significant part of the pathology and alcoholism among a segment of the profession. A dean who is always right, who cannot delegate or share, and who merges his or her own ego with the law school’s identity will be angry.

Law schools are not set up to please the narcissistic. People will forever be disagreeing with the truth as decanally revealed; they will seldom tell the dean how lucky they are to have the dean’s thoughtful, creative, divine leadership; they will want to do things their way; they will want credit for what they do; and more. These will drive egocentric deans crazy, or at least more neurotic, and make them angry.

The problem is that few people without some element of narcissism become successful deans. It is not in the job description, but it could be. The challenge is either to have it in moderation or recognize it as a weakness and keep it under control. The symptoms of anger, fear, and betrayal should tip a dean off that a narcissism check is in order.

Inadequate Self-Confidence. The opposite evil of narcissism is deans’ unreasonable lack of confidence in themselves or their law schools. Deans must believe that they have something special to offer the law school if they expect anyone else to believe it. Excessive self-doubt can immobilize a dean at critical moments. Everyone has doubts, but deans cannot afford to let those doubts depart from reality.

4. *Pessimism*

A dean is a leader, and successful leaders are not pessimistic. There are a lot of things that can be wrong with any program or project. Deans must be aware of what can go wrong and be prepared for it. That is not pessimism. Pessimism is a focus on the risks and problems to such an extent that it prevents affirmative efforts or becomes a self-fulfilling negative prophecy. It is the difference between thinking, "we need to make sure we raise additional funds to cover the possibility of cost overruns" and "there is no use undertaking this project, things always cost a lot more than estimated."

Pessimism is especially deadly in law schools. It inevitably saps energy, feeds inertia, results in lost opportunities and creates a kind of institutional depression. Law schools, however, are filled with professionals who, by training and inclination, are experts in finding problems. A law school dean's pessimism, therefore, can be magnified considerably once it has gone through the everyday dark and gloomy wringers that are part of most schools.

The atmosphere deans create within their schools is among the most important things they do. The more difficult situations become, the more important it is for deans to inspire their colleagues to be their best, to do what it will take to improve the situation, and to persevere. I have seen so many deans do this brilliantly, but I will never forget the special way in which the late Dean Terry Benbow and his colleagues at (then) Bridgeport University Law School faced a disintegrating parent institution. In spite of almost insurmountable odds, they took their law school out of that situation to become part of a much better parent, Quinnipiac University. Although I did not live through it, the institution I now serve went through a similar metamorphosis. These events simply could not have happened in the face of pessimism from the dean. Less cataclysmic law school events depend on the dean's everyday sense that good things can happen in spite of difficulties to be faced.

Having this internal sense of optimism is important for the dean, but its real value is in being able to create the same sense in others. Both optimism and pessimism are contagious.

Unrealistic Optimism. At the opposite extreme of pessimism is unreasonable, baseless optimism. Unrealistic optimism causes deans to take unnecessary risks and leave potential problems unattended, thereby creating the impression that the dean is a goofy Pollyanna. Unrealistic optimism seems especially to afflict deans in budgeting, where the annual budget is just a little over the horizon, or where a major gift holds great promise for meeting all of the needs of the law school with enough left over to do the hallways in gold.

5. *Taciturnity*

A good dean must communicate effectively. The danger is not in failing to use words. All deans talk and write a lot, but some say more than others. The truly great ones communicate large ideas, a sense of direction, and their commitment to the shared goals of the law school. They inspire. Others are silent even when they are talking because they are not really communicating anything worth listening to.

Decanal uncommunicativeness is not always sloppiness or accidental. Sometimes, consciously or unconsciously, it is a technique. The dean is in a position to have a lot of information, and, to the extent that information is power, silence is one way to preserve power (see Narcissism).

One problem facing deans is the number of people and groups with whom they should stay in good communication. Consider a partial list: faculty, adjuncts, staff, top university officers or trustees, lower university departments that work with the law school, students, applicants and potential applicants, donors, alumni, local bench and bar, state and national bars, accrediting agencies, other law deans, and the general public. Fortunately, deans have many mechanisms by which to communicate.

The number, frequency, and professionalism of law school communications has increased dramatically in the last decade or so, as has the use of the internet and other electronic means of communication. Even though the opportunities for real communication with many constituencies have improved greatly, genuine communication seems to be slipping, not improving. Perhaps this results from the fact that much of today's "communication" is for the purpose of general public relations, rather than an attempt at a more genuine, focused communication with people who participate in the school. The efficacy of all of this promotional literature is doubtful because people are bombarded with all sorts of commercial advertisements, and it is likely that they recognize our slick publications for the hype they too often are.

Taciturnity is a remediable sin. A good place to start is to develop a communications plan for each constituency. The plan would profitably begin with an honest statement of the goals or reasons for communicating with the group ("keeping them informed about the law school" does not count). The plan should also consider the mechanisms that will be effective in meeting the communication goals, the persons who will be responsible for developing the communications, and the frequency of communication. Deans must, of course, communicate with the communicators in the law school so those implementing the plan understand it.

Chatter. Sometimes a dean should just shut up.

6. *Disloyalty*

Disloyalty is deadly because, like dishonesty, it destroys the trust that allows deans to work effectively with so many other people. Loyalty is not "blind loyalty," but includes the obligation respectfully to give the best advice possible, even when it is not popular. The real difficulty is not determining that loyalty is important or what it means, but determining to whom loyalty is due.

Deans owe loyalty to so many groups. The dean works for the president, is employed by the university, is appointed by the provost, is paid by the students, is bound to the faculty, is at the mercy of the staff, is beholden to donors, is at the beck and call of the bench and bar, and is subject to accrediting agencies. There is individual loyalty to each of these groups, of course, but they frequently have conflicting interests. How is a dean to be simultaneously loyal to so many? Serving two masters is said to be impossible. What about serving dozens of masters? The answer is that the dean's true loyalty should be to the interest all of the groups

share: the long-term goal of improving the law school. The dean's first loyalty is to the law school as an institution and, through the school, to the profession and the public.

The moments when the immediate interest of a group is not consistent with the long-term interests of the law school are times deans deserve the "big bucks" they are said to earn. True loyalty sometimes means having to say "no" to influential constituencies. Occasionally that puts a deanship at risk. The trustee/donor who wants to drop a clinic because it offends his political views, the faculty committee that wants to tenure a really nice guy who is a very bad teacher, and the university administrator who wants to invade the law school endowment—all have to be told "no" one way or another. Each will be very disappointed and may decide to get even with the dean.

Loyalty requires not just a commitment to individuals and the institution, but also keen judgment and the courage to do what is right for the institution.

Toadyism. Toadyism is a form of dishonest loyalty, a fawning on superiors, or sycophancy. It often ends up having exactly the opposite of the intended effect because all but the most egocentric dolts can see through it. Toadyism does the superiors no good and turns off everybody else.

7. *Aimlessness*

Aimlessness is the silent sin. It is pernicious in the sense that nothing happens to cause a ruckus, and that is the deadly point: nothing happens. Even if all of the other sins, major and minor, are avoided and virtue otherwise abounds from a dean's service, aimlessness will preclude a successful deanship.

Aimlessness manifests itself in several ways, most dangerously in the absence of vision and planning. Budgeting not clearly tied to priorities is another sign. Aimlessness results in a dean's and a school's wandering around from one thing to another without any clear direction, and as a result, the financial, faculty, staff, and other resources of the school are used inefficiently and wasted. It means that a school will not define success for itself, and the school may become the victim of every fad, fashion, or notion that comes along.

Another manifestation of aimlessness may be procrastination. I had intended to address that in greater detail at this point, but put it off and did not get around to finishing the section.

Because it wastes resources, aimlessness becomes especially costly during budget changes: when there are budget increases or cuts or when donors are especially generous. During increases in budgets, aimlessness is likely to lead to funding currently popular projects at the expense of higher, more important long-term priorities. During budget-cutting times, aimlessness causes across-the-board or momentarily convenient cuts, rather than elimination of the least important activities. Priorities may be set in such circumstances, but if they have not been identified as part of a long-term vision and plan, it is unlikely that they will be the best choices.

This sin can have a lot of supporters under the theory that "no amount of planning can make up for dumb luck, and we feel lucky." Aimlessness clears the way for everybody to go off in separate, perhaps inconsistent, directions without the

inconvenience of having to come to a common sense of where the institution should go. An aimless dean does not present a strong case to the university for supporting a consistent direction for the law school. The job description of the dean: Go outside and raise funds for popular individual projects and leave everybody else alone. Some of the focus within law schools on rankings may reflect a kind of aimlessness in that it does not require a school to consider seriously its own goals and direction, and it allows administrators to go charging after something that is largely unimportant and unachievable while leaving everybody else to go off without interference.

Deans perform extraordinarily valuable service when they supply the incentive for the law school to identify for itself its vision, goals, and definition of success.

Inflexibility. Deans should have a plan and stick to it faithfully, but not absolutely. Circumstances change and occasionally extraordinary opportunities arise that justify changing the best plan. A good plan is a guide, not a straightjacket.

THE SEVEN DEANLY VIRTUES

The ancient Seven Heavenly Virtues were identified as Faith, Hope, Charity, Fortitude, Justice, Temperance, and Prudence. As for deans, I propose Seven Deanly Virtues:

1. *Integrity*

Between the sins of deception and misguided, gratuitous truths is the Virtue of Integrity. Deans should always be honest and courteous. Delivering good news is not difficult, but virtuous deans tell the truth without exaggerating or fabricating good news. Delivering bad news and criticism is difficult, but it must be done and can be done with compassion and a caring attitude that invites growth and improvement in the listener. More than technical truth-telling, integrity requires a practical honesty that conveys a true representation of circumstances. The dean should be a model of the professional with integrity.

2. *Fairness*

The Virtue of Fairness escapes sins of revenge and favoritism. By showing fairness to everyone, deans reward those who improve the institution (not necessarily the dean's life) and encourage those who could make greater contributions. Fairness has the advantage of leaving the door open for those who have been somewhat estranged but who want to become real players. It requires that people hear from the dean about what contributions are valued and that they have a chance to show periodically how they are contributing to the work of the school.

3. *Generosity*

The Virtue of Generosity avoids the problems of narcissism and inadequate self-confidence. Successful deans share. They appropriately share both the authority

and responsibility for the school as well as the special expertise, understanding, and wisdom they bring to the deanship. This requires a sometimes difficult balancing of being a leader and a colleague in many groups.

4. *Realistic Optimism*

The sins of pessimism and unreasonable optimism are overcome by the Virtue of Realistic Optimism. A leader is optimistic and conveys can-do optimism to others. Deans' optimism must be rational, however, if anyone is to believe them. Their optimism is really the tip of an iceberg, however. Underneath the public hopefulness must be a clear understanding of circumstances and very solid planning that allow the optimistic statements to become reality.

5. *Communication*

Between taciturnity and chatter is the Virtue of Communication. Effective communication begins with the truth and ends with that truth being delivered to the proper people. In the middle is a thoughtful communications plan and strategy. It is the dean's responsibility to see that the plan is developed and carefully executed.

6. *Loyalty*

The Virtue of Loyalty avoids both disloyalty and toadyism. A dean must always be loyal to the law school first. Only with that commitment can the dean ultimately balance and work fairly with the many individuals, groups, and institutions who understandably expect and deserve loyalty too. Deans should make this loyalty clear even when it entails some personal risk. Deans also ought to promote the commitment to the success of the law school that every constituency shares.

7. *Vision*

Deans escape both aimlessness and inflexibility by turning to the Virtue of Vision. A law school should have a vision of what it wants to become and a sensible plan for getting to that vision. This direction setting will not occur without the clear leadership and direction of the dean. Deans should also have their own plans, written and measurable in some way. They should have long-term, intermediate (three to five years), and current-year plans for themselves and the school. Developing these plans is very hard work, but pays substantial dividends.

The Deany Virtues help achieve successful deanships. A successful deanship is, in my view, not measured in time. Successful deans make a difference in helping an institution become better than it thinks it can be (or in some cases, almost as good as it thinks it is). They advance long-term quality of the law school in ways that enrich the lives of its students and ultimately their clients, contribute to the understanding of the law, and improve the profession and communities. Virtuous deans make a difference.

