

Reflections on Law Deans and Leadership

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INTRODUCTION

The theme of this conference relating to the role of the Law Dean coupled with the idea of leadership within the international context of law schools affords an opportunity to reflect on what law schools and the educational community expect from those who head up their academic legal institutions.

In my role as Editor of the Legal Education Digest, it might be coincidental that the latest edition,¹ contains some articles which provide pertinent comments on the role of law deans. In one of these Sonsteng, Ward, Bruce and Petersen in a paper entitled: *A Legal Education Renaissance*², when calling for such a renaissance, place the responsibility for *the ability and enthusiasm of law school faculty to initiate and implement significant change*³ firmly on the law dean. They state : *The primary responsibility for leadership lies with the deans, just as it did in Langdell's time. The role of the law school dean has become more complex, but it is through the deans's strong leadership and the collaborative support of other actors within the system that change can occur.*⁴

THE ROLE OF THE LAW DEAN

The difficulty for the legal educator is that in some ways the role of the law dean is mostly seen in conventional terms and even then there is difficulty in defining his or her role. One of the few organizations to attempt to seek an answer to this question is the Association of American Law Schools, who in November 1993 published a Report of the AALS Special Committee on the State of the Law School Deanship which was replicated as the AALS Law Deanship Manual.⁵

The opening chapter of the text reflects on the dilemma faced by someone entering into the role of Dean. It states: *The law school deanship is so complex because of a nearly unique combination of several characteristics....distinctive nature from institution to institution and even differs within the same institution from time to time*⁶ It goes on to add another : ... *factor in the complexity of law deanship is that the law dean, unlike most other academic deans, is both chief executive officer and chief academic officer of all functions of a largely self-contained academic unit.*⁷

Although it has to be recognised that the Manual was originally published in 1993 and that the roles of deans in all disciplines have changed there is still a unique quality about the role of the dean of a law school.

¹ (2009) 17 (1) *Legal Education Digest*.

² Sonsteng, Ward, Bruce & Petersen (2008) 89 *Legal Studies Research Paper Series, William College of Law*.

³ *Ibid.*

⁴ *Ibid.*

⁵ Victor Streib (ed), *AALS Law Deanship Manual (1993.)*

⁶ *Ibid.*

⁷ *Ibid.*

Another facet of the role, is the dean as an effective leader. Geoff Scott,, the author of *Change Matters*⁸, quotes P. Senge on this topic: *At its heart, the traditional view of leadership is based on assumptions of people's powerlessness, their lack of personal vision and inability to master forces of change, deficits which can be remedied only by a few great leaders...The new view of leadership in learning organisations centres on subtler and more important tasks. In a learning organisation leaders are designers, stewards and teachers.*⁹. Scott himself encapsulates his concept of the effective leader under the title **Stance**: *When people are set the task of identifying what distinguishes really effective leaders of change and successful practitioners in education from their less capable counterparts, they almost always start by talking about their stance. That is, they usually start by discussing the affective or emotional side of the top performers they have encountered. They discuss how these individuals position themselves in relation life at work and to the people who populate it*¹⁰

THE LAW DEAN'S ROLE IN THE GLOBILISATION OF LEGAL EDUCATION

Another article featured in the current edition of the Legal Education Digest by S Chesterman reviews the transformation of legal education across jurisdictions.¹¹ He describes this as the: *...enmeshing of diverse economies embraced by the loose term 'globilisation'*¹². In his view the various influences: *...have seen legal education one might term 'international', 'transnational', and now 'move away from a purely local approach and through three broad paradigms, which global' approaches to legal education.*¹³ It is a fact that, as Chesterman points out, the law deans play a major part in responding on behalf of their law schools to these seismic changes which have taken place in modern legal education.

The writer of this article reviewed the effects of global challenges to his own law school – the Law Faculty, University of Technology, Sydney (UTS) in a paper presented to a Symposium on Continuing Progress in Internationalizing Legal Education – 21st Century Global Challenges conducted at the AALS 2002 Conference held in New Orleans.¹⁴ In this paper I described how at that time the Faculty was responding to the pressure to provide Postgraduate Studies with an International Aspect. The UTS Law Faculty offered a graduate program for civil lawyers who wished to gain an understanding of the research skills, methodologies, general concepts, and the doctrines of the common law, particularly those which were applicable to international and transnational business transactions. By undertaking a subject entitled Advanced Comparative Law for Civil Lawyers, students with civil legal qualifications were able to transfer to the Faculty's LLM program. The Law Faculty also conducted a twelve week intensive training program in Intellectual Property Rights to groups of between 25 to 45 professionals from Indonesia as part of an Indonesia/Australia Specialized Training Project. In addition the Faculty also provided a Master of Laws/Master of Legal Studies (Chinese International) program taught in Mandarin and which was

⁸ Geoff Scott, *Change Matters*(1999).

⁹ P. Senge *The Fifth Discipline* (1990).

¹⁰ Scott, above n.8, 153.

¹¹ S. Chesterman (2008) *Journal of Legal Studies*.

¹² Ibid.

¹³ Ibid.

¹⁴ David Barker, 'Beyond Australia and the Pacific Rim: Challenges for the Internationalization of Australian Legal Education (2002) 21(1) *Penn State International Law Review* 75 – 87.

available to international and Australian students. This was expanded into an off-shore program taught in collaboration with the Beijing Management College of Politics and Law and the Shanghai Justice Bureau. Apart from these major programs the Faculty was also involved in a major International Chinese Short Course Program in Sydney with the provision of an additional 10 short courses varying from International Trade Law for the International Business Management Institute to a Water Resources Corruption Prevention Course. These were all taught in Mandarin. This was followed by the Faculty extending its provision of short courses by teaching a Vietnamese Prosecutors Delegation in their native language and under the auspices of the United Nations.

It leaves little to the imagination as to how the provision of these international programs placed a strain on the resources of a faculty which was also obligated to provide a full undergraduate/postgraduate legal studies program. The faculty also incorporated a legal practice major as an integral part of its undergraduate program. The provision of the international programs also involved both the law dean and the executive management of the law faculty in negotiating and providing the academic curriculum and financial terms with the overseas institutions and students.

THE RECOGNITION OF OUTSTANDING LAW DEANS AS INTERNATIONAL LEADERS

In forums such as this Conference conducted by the International Association of Law Schools is possible to reflect on those current academics who are regarded as the luminaries of the International Academic Legal Community. I do this with the knowledge that academic lawyers rarely, if ever, pay tribute to those who have paved the way for raising the profile of law in the international sphere. I hasten to say that I have chosen those of whom I have personal experience and who represent those legal jurisdictions with which I have had the greatest connection. I would also add that in my view these academics characterise a far wider group who have given leadership to legal education both in their particular region and internationally.

In Australia the most highly regarded law academic would most probably be the Rt Honourable Sir Zelman Cowen PC AK who was the Dean of the Faculty of Law, the University of Melbourne 1951-66. Whilst having a most distinguished career both in public life and as a law academic, Sir Zelman's most notable role was as Governor-General of the Commonwealth of Australia 1977-82.

In contrast one of the outstanding of many law academics in the United States of America would be Professor John E Sexton, Dean Emeritus and President of New York University. Professor Sexton served as Dean of the NYU Law School during the period 1988-02 and raising its profile to become one of the paramount law schools in North America. He is a person who led by example in his role as Dean, continuing as a vigorous teacher, whilst at the same time raising an enormous amount of funds for the benefit of his law school. He also served as the President of the Association of American Law Schools in 1997.

Within the United Kingdom a law academic who has had a major influence over a continuing period of time would be Emeritus Professor William (Bill) Twining. Professor Twining is a former Dean of the Law Faculty, University College, University of London and Quain Professor of Jurisprudence from 1983-96. Apart from having been President of the former Society of Public Teachers of Law, and a Fellow of the British Academy, he has also had a major influence on the development of law in the Commonwealth, particularly as a previous Chairperson of the Commonwealth Legal Education Association. He taught law,

notably jurisprudence, at the University of Khartoum from 1958-1961 and at the Faculty of law, Dar es Salaam, the University of East Africa (1961-1965). He is a prolific legal author, some of his most highly regarded books being *Karl Llewellyn and the Realist Movement*¹⁵, *Blackstone's Tower: The English Law School (Hamlyn Lectures)*¹⁶ and *Law in Context: Enlarging a Discipline*.¹⁷ Professor Twining is another academic who, despite his ongoing high profile association with research and administration, has still maintained an active involvement in teaching.

CONCLUSION

In the event this short review has tried from a very personal view point to put into context the role and influence of the law dean both nationally and internationally. In summing up it is appropriate to give the last word to the *Law Deanship Manual* which states under the heading of **Nature of the Law Deanship**: *Law school deaning varies with different personalities, at different institutions, under different circumstances, and at different times.*¹⁸

¹⁵ William Twining, *Karl Llewellyn and the Realist Movement* (1973).

¹⁶ William Twining, *Blackstone's Tower: the English Law School (Hamlyn Lectures)* (1994).

¹⁷ William Twining, *Law in Context: Enlarging a Discipline* (1997).

¹⁸ Streib, above n5, 3.