

The Role of a Law School Dean: Balancing a Variety of Roles and Interests. The American University Washington College of Law Experience

Claudio Grossman¹

Table of Contents

INTRODUCTION: LEADERSHIP AS A PARTICIPATORY PROCESS	113
THE NEED FOR INTERNATIONAL AND GLOBALIZED CURRICULA	114
IMPORTANCE OF ACHIEVING DIVERSITY IN THE STUDENT BODY	115
A STUDENT-CENTERED APPROACH TO EDUCATION	116
THE ROLE OF SCHOLARSHIP IN FULFILLING A LAW SCHOOL'S MISSION	116
CREATIVE THINKING IN A XXI CENTURY LAW SCHOOL.....	117
PROMOTING PUBLIC SERVICE.....	118
CONCLUSIONS	119

INTRODUCTION: LEADERSHIP AS A PARTICIPATORY PROCESS

Law-school deans must constantly balance a variety of roles and interests in fulfilling our leadership function. We must represent our institution as a whole while developing new initiatives and facilitating decision-making and, at the same time, open up opportunities for all community members to shape our school. Listening is an essential skill, as is soliciting and carefully considering advice. In my opinion, leadership is a participatory process that greatly benefits from the input of the community, with the recognition that occasional circumstances

1. Claudio Grossman is Professor of Law and Dean of American University Washington College of Law, where he is the Raymond Geraldson Scholar for International and Humanitarian Law.

make “unpopular choices” unavoidable, particularly when the community is divided.²

Structuring participation is not an easy task in law schools such as American University Washington College of Law (WCL) where there are currently more than 1,650 students, approximately 100 full-time faculty members, more than 150 administrators and 11,000 alumni. Articulating a participatory vision is certainly essential, but this is only a first step. The vision does not resolve the day-to-day problems, and if it is too abstract, does not lead to action. It is also important that the “vision” not evolve into “tunnel vision” resulting in overlooked or disregarded opportunities. A solid organization helps, as do faculty and program director meetings, program evaluation, and “interconnectedness” between different offices to avoid these offices operating as separate silos that inhibit full development. Nothing replaces leadership at all levels by individuals of quality who see themselves as doing more than “just a job.” In our law school, founded by women in 1896 at a time when women were often not allowed into legal education,³ “engagement” and the power of the law and legal education to affect reality are fundamental and motivating values essential to superb education. Engagement takes place in a context where, while virtually every issue in the world (e.g., commerce, the environment, security, technology, the struggle against discrimination) has a legal component, institutions and procedures that allow for principled decision-making are insufficiently developed.

THE NEED FOR INTERNATIONAL AND GLOBALIZED CURRICULA

As professional schools that prepare students for a legal career, United States law schools must provide doctrinal and theoretical knowledge, skills training, professional identity, and values that guide decision-making.⁴ To fulfill this professional mission, WCL’s strategic vision includes breaking down artificial barriers that divide both individuals and nations, recognizing the important role of law in accomplishing that objective. At the curricular level, achievement of that

2. See generally Claudio Grossman, *Building a Stronger Future*, in LAW SCHOOL LEADERSHIP STRATEGIES: TOP DEANS ON BENCHMARKING SUCCESS, INCORPORATING FEEDBACK FROM FACULTY AND STUDENTS, AND BUILDING THE ENDOWMENT 9 (2006).

3. See Mary L. Clark, *The Founding of the Washington College of Law: The First Law School Established by Women for Women*, 47 AM. U. L. R. 613, 621 n.42 (1998) (noting that four of the five Washington, D.C., law schools at that time did not admit women).

4. See generally WILLIAM M. SULLIVAN ET AL., CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 1 (2007) (the Carnegie Report).

goal includes offering a wide variety of courses—more than forty⁵ each semester—in international law, as well as encouraging links between domestic and international courses. Few issues today are strictly “domestic” or strictly “international,” and the “interconnected” nature of the world necessitates cooperation and collaboration with actors around the globe. The water we drink, the food we eat, the air we breathe, the struggle against crime, and the protection of human rights are all examples of vital, interwoven issues. WCL’s overarching goal is to prepare our students for the practice of a profession in the new world reality. Other educational mechanisms to help achieve this goal include summer and semester-abroad programs, specialized institutes (e.g., in human rights, commercial arbitration, health law, environmental law, and law and government), and supervised externships around the world.⁶

IMPORTANCE OF ACHIEVING DIVERSITY IN THE STUDENT BODY

At the same time, artificial barriers impact (and distort) gender, ethnicity, and sexual orientation. Specialized law-school programs (e.g., WCL’s Women and the Law Program, two LLM specializations in gender) are useful to highlight these issues, incorporating new courses into the curriculum and influencing traditional ones. Needless to say, a diverse body of students, faculty and administrators, who anticipate in our classrooms and corridors the nation and world in which we live, is essential to achieving the educational goal of breaking down barriers. At

5. See, e.g., WCL Course Listing, available at <http://www.wcl.american.edu/registrar/courseapp/searchcourse.html>. Examples of WCL courses and seminars offered during the academic year which involve international law include, *inter alia*: Aviation Law: Domestic and International Aspects, Bilateral Investment Treaty Arbitration, Derechos Económicos, Sociales y Culturales, Derecho Internacional Humanitario, Economic, Social and Cultural Rights, International Business and the Environment, International Business Transactions, International and Comparative Antitrust Law, International and Comparative Copyright Law, International Environmental Law, International Humanitarian Law, International Finance Law and Development Finance, International Law of Biodiversity, International Litigation and Arbitration, International Organizations: The Changing Global Landscape, International Organizations: Law of the UN, International Regulation of Securities Markets, International Trademark Law, Transnational Litigation, U.S. International Taxation, European Human Rights Law, Gender, Cultural Difference and International Human Rights, Intellectual Property and Sustainable Development, the Prohibition of Torture Under International Law, International Arbitration and Choice-of-Law Issues, International Banking, International Commercial Arbitration, International and Comparative Patent Law, International Courts, International Criminal Courts: Theory and Practice, International Criminal Law, International Labor Law and the ILO, and El Sistema Inter-Americano de Derechos Humanos.

6. See Claudio Grossman, *Techniques Available to Incorporate Transnational Components Into Traditional Law School Courses: Integrated Sections; Experiential Learning; Dual J.D.s; Semester Abroad Programs; and Other Cooperative Agreements*, 23 PENN. ST. INT’L L. REV. 743, 745 (2004-2005).

WCL, 42% of the 2009 entering class are minorities and 56% are women.⁷ Approximately 150 lawyers, from roughly sixty countries, participating in our LLM in International Legal Studies considerably enhance the rich cultural background of our student body.⁸ Of the full-time faculty, which include tenured and tenure-track, special appointments and library faculty, 20.9% are minorities and 44.3% are women; and of the tenured and tenure-track faculty, 30% are women and 24% are people of color.⁹

A STUDENT-CENTERED APPROACH TO EDUCATION

WCL's strategic vision requires a student-centered education recognizing and emphasizing at every turn that our educational "trade" is about students who come to law school to learn a profession. A small student-faculty ratio greatly contributes to a personalized experience for every student, as does the opportunity to engage in experiential learning through clinics, trial advocacy, supervised externships, specialized seminars, and so forth. We achieved this through annual participation of approximately 240 students in ten clinics, 300 students in our Stephen S. Weinstein Trial Advocacy Program, more than 300 students in the Supervised Externship Program, and approximately 140 students in specialized seminars. Providing these experiences is costly yet indispensable. How can we make this possible while containing tuition costs? Can technology contribute to alleviating the costs? What is the right student-faculty ratio in the different experiential learning opportunities available? These are not simple questions. At WCL, we have the advantage of addressing these issues with a faculty who does not distinguish between "clinicians" and "non-clinicians," an important recognition of the centrality of experiential learning in legal education.

THE ROLE OF SCHOLARSHIP IN FULFILLING A LAW SCHOOL'S MISSION

Needless to say, scholarship is central to our law school's mission, and this requires creating the space to make that possible in the form of a

7. See WCL—ADMISSIONS—PROFILE, available at <http://www.wcl.american.edu/admiss/profile.cfm> (last visited June 16, 2010).

8. See MEET OUR ILSP STUDENTS, http://www.wcl.american.edu/ilsp/meet_students.cfm (last visited June 16, 2010); see also Sajuta Das, *Qualification gains favour as financial crisis bites*, SPECIAL REPORT ON GLOBAL LEGAL EDUCATION, FIN. TIMES, Nov. 23, 2009, at 1 (noting, *inter alia*, that around the world "the LLM or Master of Law programme is increasingly seen as a productive alternative for those seeking work or facing imminent redundancy, and gives practitioners seeking promotion or a move the edge. . .").

9. See AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW, ACCREDITATION SELF STUDY FOR AMERICAN BAR ASSOCIATION (2010).

reasonable teaching load, summer research grants, a vibrant speaker series,¹⁰ resources to attend conferences both domestically and abroad, and access to library resources. These measures, however, are expressions of what is crucial: developing and sustaining a creative community of scholars.

CREATIVE THINKING IN A XXI CENTURY LAW SCHOOL

Creative thinking, while always necessary, has become increasingly more complex considering the speed with which knowledge is developing in today's world. In a not-so-distant past, the major challenge was gaining access to information; today, filtering and discerning masses of information in constant flow has become even more important. The increase in the generation of knowledge that we are witnessing is dramatic. These phenomena have profound implications for education, including legal education. Learning how to learn, flexibility, and creativity are serious challenges to rigid, fixed concepts such as "thinking like a lawyer." All of us are still in the process of assessing the impact from this break-neck speed in the generation of information, and adapting to new technologies that are already "old" by the time we learn how to use them. As we adjust to a new situation, we need to promote choice because it opens up possibilities for creativity (e.g., electives in the first year), to reward innovation (e.g., through awards for role models), and to challenge institutional inertia (e.g., through proper systems of incentives). Other strategies include identifying strategic institutional partners that could contribute to our educational mission (e.g., think tanks, NGOs, and professional organizations that engage in research and training). Jointly funded research and joint conferences help forge these links and create opportunities for students to gain valuable experiences. At WCL, forty-five students per semester work in our grant-funded projects on topics such as war-crimes tribunals, gender, intellectual property, international commercial arbitration, teaching constitutional law and rights to high-school students, and so forth.

10. See AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW SPEAKER SERIES, 2009-2010, http://www.wcl.american.edu/faculty/speaker_series.cfm (last visited June 17, 2010).

PROMOTING PUBLIC SERVICE

In a world where approximately one billion people go to sleep hungry each night,¹¹ our vision is that “service” is not simply an individual matter. A percentage of time per year completed by lawyers for pro bono work is not only good in itself (without a need for further explanation), but it also contributes to resolving specific needs of individuals while promoting the rule of law in the aggregate.¹² At WCL, encouraging service (for the cause you choose) is accomplished through the many opportunities available within numerous human-rights initiatives and our Pro Bono Honors Pledge Program.¹³ While we develop the value of pro bono work for all, we must recognize that some lawyers will perform low-paid¹⁴ jobs in the public interest. To help with debt management, WCL and other schools offer programs such as the Public Interest Loan Repayment Assistance Program (PILRAP).¹⁵ Moreover, at WCL, we created the annual Public Interest/Public Service Scholarships (PIPS), providing full-tuition three-year scholarships that include academic, mentoring and other services to ten students who have a clearly demonstrated commitment to public service.¹⁶ These

11. See Food and Agriculture Organization of the United Nations, *More people than ever are victims of hunger* (2009), available at http://www.fao.org/fileadmin/user_upload/newsroom/docs/Press%20release%20june-en.pdf.

12. See, e.g., ABA MODEL RULE 6.1 VOLUNTARY PRO BONO PUBLICO SERVICE cmt. 1 (2006), available at <http://www.abanet.org/legalservices/probono/rule61.html> (noting, *inter alia*, that “[e]very lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. The American Bar Association urges all lawyers to provide a minimum of 50 hours of pro bono services annually.”).

13. The Washington College of Law *Pro Bono* Honors Pledge Program formally recognizes the voluntary, uncompensated work on behalf of low-income and underrepresented populations undertaken by WCL students while at the law school. Students complete the Pledge by accumulating at least 75 hours of *pro bono* and community service work. At least 50 hours must be with an organization engaged primarily in law-related or legal work, while up to 25 hours of non-legal community service work is permitted. Annually, over 300 students actively participate in the Pledge and, in some cases, individual students have completed more than 1000 hours of *pro bono* work. Students who successfully complete the Pledge are honored at graduation and during the student public service awards ceremony held each spring.

14. Compare NATIONAL ASSOCIATION FOR LAW PLACEMENT, ASSOCIATE SALARY SURVEY (2008), with NATIONAL ASSOCIATION FOR LAW PLACEMENT, PUBLIC SECTOR AND PUBLIC INTEREST ATTORNEY SALARY REPORT (2008).

15. For additional information about PILRAP, see PUBLIC INTEREST LOAN ASSISTANCE PROGRAM, <http://www.wcl.american.edu/finaid/pilrap.cfm> (last visited June 16, 2010).

16. For additional information about PIPS, see PUBLIC INTEREST / PUBLIC SERVICE SCHOLARSHIP FOR ENTERING FULL-TIME STUDENTS, <http://www.wcl.american.edu/finaid/pipsscholarship.cfm> (last visited June 16, 2010).

scholarships allow the recipients to further pursue their public-interest initiatives during law school while bestowing the security of a stronger financial footing from which to engage in a public-interest career upon graduation. In our experience, supporting students in their commitment to public service has been effective. The percentage of WCL 2008 and 2009 graduating students who entered public service is roughly double the national median.¹⁷ Schools might feel differently, however, as to whether their mission includes supporting these types of programs, and in pluralistic societies we should not dictate an outcome. Applicants to law schools choose the type of institution that coincides with their own interests.

CONCLUSIONS

Let me conclude my contribution to this panel by reiterating the value of creativity. Creativity has many components ranging from the diversification of law-school resources to the promotion of flexibility in numerous forms (training, technological innovation, opportunities for professional development, promoting an organizational ability to adapt and change).¹⁸ As the environment in which we perform our mission evolves (e.g., costs, change in the job market, the role of technology), we simply cannot anticipate the profound impact of factors outside of our control on our own institutions. In this challenging environment, we need more than ever before to learn from each other. I value initiatives such as today's panel that help us to understand how to better address the challenges before us.

17. Compare the public interest sector employment statistics for WCL 2009 and 2008 graduating classes (12% and 11.5%, respectively, based on data extrapolated from the NALP Report for WCL, available at <http://www.wcl.american.edu/career/documents/AmericanUniversityWCL2009StudentStats.pdf?rd=1>); with the NALP's National Summary Report statistics for public-interest-sector employment for the 2009 and 2008 graduating classes (5.7% and 5.4%, respectively), available at 2009 and 2008 National Summary Charts, NALP: NDLA—DIRECTORY OF LAW SCHOOLS, <http://www.nalp.org/> (select "Research & Statistics" and from the drop-down menu, and select "Recent Graduates" for the "Class of 2009" and "Class of 2008," each of which has a link to the "National Summary Report" for the respective year).

18. See Grossman, *supra* note 2, at 17-18.