

## **Synergies Between the Dean's Internal and External Roles: The Example of Fundraising**

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In difficult economic times, there may be greater and greater interest in pursuing efforts to gather new resources for law schools and law departments, even in cultures where the idea of support from donations by private individuals or what some call philanthropy has not previously been present. In this short paper, I want to make two observations that are related to one another:

(1) fundraising efforts have far broader utility than the money given to the law school, and (2) law school leaders who are not substantively engaged with the teaching, research, service and other missions of the school are unlikely to be effective at fundraising.

My core premise is that a Dean cannot be effective at fundraising without a deep understanding of the strengths, weaknesses and opportunities of the school. To be good at this external role, the Dean must truly be immersed in both what the school is today and what it could become in the future. The Dean must be able to convey excitement about the direction of the school, using concrete examples of faculty and student accomplishment. The Dean must be able to illuminate how the help of alumni and friends of the school will make a difference. For example, will a gift enable students to grow and learn, or support the work of individual faculty members, including new initiatives that faculty would like to pursue, or enable the school to design and implement new programs. The Dean must be able to convey that through a wide array and evolving community of external supporters the law school has the potential to become ever-stronger. If the school is successful at growing its mission or improving its quality, the law school will not only continue to cast a favorable light on those who have graduated, but its graduates across the generations will share in the rising reputation of the school. Even more important, the Dean will also be able to highlight the pride and sense of accomplishment that graduates and friends of the school share with one another when they have joined together to help the law school achieve a goal or a collection of initiatives that it could not have reached without them. The Dean will become a storyteller who makes concrete for alumni what their help has meant to a particular former professor, or to a group trying to start a new program, or to a student who needed additional financial help in order to pursue a legal education.

There are also positive aspects of a Dean's efforts to draw resources to the law school beyond the specific help that a gift to the school will provide. During the many conversations that a Dean has with individual graduates and friends of the law school, the Dean will learn a great deal about the problems that lawyers face in today's world and about their perceptions of how their legal education helped them. The Dean will also learn their views about the ways legal education can improve. When a Dean puts these conversations together in his or her mind, there may be unexpected benefits to the Dean's ability to contribute to internal conversations about what is being taught, and to think about the larger issues involved in curricular reform, which is often a very difficult and stressful internal issue. Particularly in those law schools that have pursued an academic model of legal education, a part of the Dean's role is to be able to

translate to the faculty the realities that private practicing lawyers face in a variety of different roles from government to private practice.

Another benefit of creating a program of fundraising is its potential positive impact on planning. The need to build an array of fundraising objectives is of independent value because it invites creativity and aids long term planning. It is important for Deans to recognize that it may be far easier to ask the faculty to generate and discuss ideas that could be incorporated in the Dean's efforts to raise additional money for the law school, than it is to ask them to engage in an effort to craft a "plan" for the future of the school, which can often generate worry, resistance and stress in the faculty. Yet often the conversations designed to generate "ideas for fundraising" can encourage quite expansive ideas, probably because the frame of raising money conveys additive actions, rather than a zero sum game. Furthermore, these more open ended conversations will often produce important ideas that can become elements of longer term planning for the school. In addition, if the Dean is also actively listening for new ideas, the climate becomes one where the Dean can more easily test some ideas of his or her own, obtaining valuable commentary from faculty, staff and even students and adapting the ideas accordingly.

Ultimately, a Dean's success in garnering new resources for the law school depends both on his or her ability to engage internally, and to insure that the law school is able to respond to the growth and change in the society, as well as to new ideas about how people learn. Put another way, donors are far less likely to respond positively to a request to help the school "maintain" what is, than they are to decide to join in an effort to add to the school's strengths.<sup>1</sup>

There are two areas of ferment in legal education at this time in the United States. The first of these stems from the phenomenon often referred to as internationalization or globalization. Although we each might describe the issues somewhat differently, it is likely that each of us attending this IALS Conference centering on leadership are all considering the implications for legal education of the greater interconnectedness of the world and the growing internationalization of the legal profession. These developments are of world wide interest, and many law schools and their leaders have been considering what steps they should be taking to prepare their students for cross cultural practice or to help them work across international legal borders.

The second development is a growing interest in curricular reform in United States law schools. This interest has been stimulated both by 40 years of experimentation with clinical education and by a thoughtful report published in 2007 by the Carnegie Foundation for the Advancement of Teaching.<sup>2</sup> The Carnegie Report has stimulated a focus on the potential for curriculum reforms that would better integrate the teaching of legal analysis, with the other important skills that lawyers need,<sup>3</sup> and an attention to developing in our students the ethics and values

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<sup>1</sup>Robert Stein, then Dean of the University of Minnesota Law School, identified this aspect of fundraising for me in his teaching of the American Bar Association Deans' Workshop in the 1980's. I've always been grateful to him for this insight.

<sup>2</sup>EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, Lee S. Shulman, the Carnegie Foundation for the Advancement of Teaching (2007) (commonly referred to as The Carnegie Report).

<sup>3</sup> These skills are often described as including such things as: The ability to gather and assess facts, the ability to conduct research efficiently, the writing skills required for the type of practice involved, the combination of legal

that will serve both members of the profession and the broader society. The two examples below are offered to help illuminate how the Dean's external and internal roles intersect one another.

#### Example #1

Dean "J" of "Sunshine Law School" has been Dean for 4 years now. He has been sitting down in individual conversations with graduates of his school and with some of the public officials in "Crossroads" the growing city in which "Sunshine" is located. The Dean's purpose is to learn about the interests of each person he speaks with to see if he can bring them closer to the law school and interest them in helping Sunshine. In many of the conversations, the Dean is hearing a growing concern about global warming. He has also learned that the city leadership has aspirations for further growth and is especially interested in becoming more of a center of international activity, especially international trade. Dean J decides to first bring together the faculty whose teaching interests relate to the issue of global warming. One is a mid-career person, hired about 15 years ago to develop what was then a new course in International Environmental Law, another is a senior scholar whose work focuses on international organizations, a third is a new member of the faculty who is interested in the regulatory powers of government, and the fourth is a business law teacher who has been showing signs of interest in growing his knowledge to include international trade. The Dean asks the group to ruminate with him about what Sunshine Law School might do to address the enormous issue of global warming in a meaningful way. For purposes of the discussion he tells them, "In this discussion we won't focus on the costs of our ideas, we'll just try to develop some good ideas." (The Dean has also included in the group Professor A who is enormously respected by her faculty colleagues, and who is talented at helping develop and implement ideas.)

Over two meetings the group comes up with a broad range of ideas. One of them is to use the problem of global warming as a theme that would be developed in the first year curriculum and beyond in substantive subjects that lend themselves to elements of the problem. Another is to facilitate placements for Sunshine law students, for a semester or for the summer in institutions around the world, in countries that have either evidenced a serious interest in the subject and have made steps toward controlling emissions, or ones that have been for some time or have more recently become major sources of the problem. One suggestion is to develop an ongoing relationship with universities in other countries with common interests, including a flow of faculty and students who would focus a portion of their time in the country they visit working on a specific idea that would improve a particular source of the problem. Another recommendation is that major attention be focused on behavior within the United States, because the U.S. has been such a large contributor to global warming. It is also suggested that each of the efforts would include scientists and those interested in government responses. The working group convened by the Dean decides to have an informal lunch session with all members of the faculty who would like to attend to talk about the problem and what Sunshine might do. At this well attended meeting many full and part time faculty express their interest in participating. The Dean then decides to contact each of the graduates who have expressed concern about global warming, telling them about the exciting conversations that are going on

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and interpersonal skills that enable interaction with a client in ways that will be productive, including ensuring that you are able to provide the client with information and an assessment of their particular situation, together with the options to pursue, so that the client can make informed choices about how to proceed. The skill to conduct negotiations or other methods to resolve essential issues for the client are seen as central lawyering skills as well.

in the faculty, and seeking their advice about how the Dean might secure funds to begin to work on the ideas that have been generated. After these conversations he invites three of the graduates to the law school to have lunch with some of the working group members to participate in further developing some of the ideas. One of these alums then volunteers to try to raise money from others in the community to support the school's efforts. Another privately encourages the Dean to apply for a multi-year grant from a local Foundation. The Dean reports these developments to the full faculty, drawing on those who have been participating in the discussion. [Remember that one of the early meetings included an invitation for any faculty member to participate.] The faculty is generally supportive of continuing these efforts. Dean J also visits separately with four graduates who were not included in the working group discussion to ask for a major gift to support a new program in "Economic Vitality through Sustainability" drawing on all of the internal conversations which have been taking place. Two say that they are not interested in making a sizeable gift at this time, but one sends a small check the next week to support the Dean's efforts; the other two say they will think seriously about the possibility. A year later, one of these graduates makes the largest gift she has ever made to the law school, and tells the Dean that she has made provisions for a further gift at a later time. She also gives the Dean the names of five people in the community who have not previously had contact with the law school whom she believes the Dean might be able to draw into helping Sunshine Law School because of the track record the faculty now has of addressing real world problems. She tells the Dean that one of them, Mr. C, is especially interested in ensuring that "Crossroads" becomes a vibrant center of international activity. The Dean then starts thinking about a new internal working group to help him consider the intersections of the city's interests with those of this potential donor; he asks his assistant to schedule an appointment with Mr. C so that he can begin to learn firsthand. The next day a longtime faculty member who has not been engaged in service to the school apart from his teaching and research comes to the Dean's office to say that he is so impressed with what the faculty has done with the global warming issue, he wants to encourage the Dean to hold a "retreat" meeting of the faculty to develop further ideas the law school should be pursuing. He volunteers to serve on any working group where the Dean believes he would be helpful.

### Example # 2

Dean R is the new Dean of "Traditional Law School." After six months in office, she realizes that the school is not one where the faculty would support comprehensive changes in the program. She fears that without curricular experimentation, which is increasingly the hallmark of many of the country's law schools, "Traditional" will be seen as less and less desirable by prospective students. In her view change must begin to occur. The Dean decides to talk with 20 graduates to see if they will come forward with gifts that will encourage volunteers from the first year faculty to experiment with some of the ideas presented in the Carnegie Report. Five of the graduates she visits were instrumental in encouraging her to accept this Deanship and she feels comfortable talking candidly with them about the situation at "Traditional". Four of them each make a nice gift, and two of the other graduates make a gift as well.<sup>4</sup> Those who were involved in the search for the new dean recommend that they condition their gifts as follows: The Dean will convey to the faculty that graduates have come forward to invite six members of the faculty to engage in a three year curricular experiment in their own introductory courses. No more than six will be chosen to participate; each will receive a temporary supplement to salary, potentially

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<sup>4</sup> A rule of thumb for fundraising in U.S. universities is that out of every four people personally asked to make a gift, one will do so.

renewable after evaluation of their experimental work, for each of the three years. [Criteria are established for written proposals. There is also an evaluation plan. It is made clear that the donors are not trying to control program content, but are seeking pedagogical experimentation.] The Dean asks two members of the clinical faculty to act as a resource for the six faculty engaged in the experiment, and begins the project with a retreat of the eight people, facilitated by a faculty member at another law school that has engaged in considerable efforts to bring about curricular change, but where the road has not been easy. The clinicians will be provided their choice of a lighter teaching load or additional compensation, again funded with gifts from graduates who are interesting in helping encourage curricular innovation. The Dean wants to seek further gifts to sustain this project and expand it to a larger number of faculty if it is successful. After year one, one participant, professor B comes to the Dean and recommends that she try to expand the project as soon as possible. He tells her that he has found his experimentation to be highly effective with the students and he would like to explore revising his second year course in collaboration with the clinician who has helped him rethink major parts of his traditional first year course. Dean R expresses her appreciation to Professor B for his important efforts and his encouragement of her efforts. She also asks if he would be willing to do a presentation to the donors to thank them and to let them know of the success that he feels he is having with their help. She also asks him if he has any feedback from the other faculty participants as yet. As soon as Professor B leaves her office, Dean R calls each of the six donors to once again convey to them her appreciation on behalf of "Traditional Law School" and to let them know that the project is already beginning to show signs of success. She emphasizes that through their generosity they have made a major contribution to their law school's future.

### Conclusion

While not all efforts at raising money for our educational programs are successful, success is directly related to the right blend of care and thoughtfulness and an artful balance of patience and persistence.<sup>5</sup> The seeds you sow may not mature until your successor continues to care for the plants you have established. As you think about your own schools, take comfort in the fact that no one else has the vantage point that you do and that vantage point will enable you to develop the vision that you will need to work toward an ever-stronger future for your law school.

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<sup>5</sup> Most of us learn fundraising on the job; I certainly did. Nonetheless there were people who taught me, encouraged me, and collaborated with me. Always first in my thanks is my predecessor as Dean of the UCLA School of Law, William D. Warren without whom I would never have become Dean. Bill is always the wisest of advisors. Chancellor Charles E. Young could not have been more supportive. To work under such a visionary leader was a great gift to me and to the law school. Assistant Dean Joan Tyndall and I worked so closely together for so many years and with so many alumni and friends of the law school, that Joan and I both feel that the law school's success in drawing outside support over the 15 years we worked together was very much a collaboration with one another and the many wonderful people who helped the school. Jim Osterholt and Mike Eicher, successive Vice Chancellors at UCLA, were important teachers, colleagues and friends. John Sexton, then Dean at NYU, was a great and expressive example of enthusiasm and success at fundraising. Vice President Carrie Pelzel and Jamshed Bharucha (now Provost at Tufts) with whom I was privileged to work at Dartmouth College were both truly extraordinary. Carrie's words: "Just remember Susan, you don't raise big money without a big vision," still ring in my ears.