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Dean Me: The Checkerboard World of Law School Administration A Play in Five Acts

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DEAN ME: THE CHECKERBOARD WORLD OF LAW SCHOOL ADMINISTRATION

A PLAY IN FIVE ACTS

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PROLOGUE¹

No matter how they felt about law school when they were students, graduates' perspective is likely to improve as time passes. Such is the case for members of the Avon Law School Class of 1958, who had returned for their fiftieth reunion.² The school has provided some excellent refreshments, and the classmates mingle and share stories from yesteryear. Our heroes, Ford Sr. and Hart Sr., reminisce about their years at the school and how proud they are that their sons both attended Avon Law in the 1970s. After saying hello to yet another person named "Dean," they steal away from their colleagues to revisit the law school and the library. We join them as they wander through the hallowed halls.

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1. A few years ago, the authors noticed an increase in the number of assistant and associate dean titles used at many law schools. They had used Ford Jr. and Hart Jr. on two previous occasions, involving library subject-area alcoves and rescuing a clueless faculty member from bad teaching evaluations. Because Ford Jr. and Hart Jr. were too busy practicing law to help this time, the authors decided to enlist Ford Sr. and Hart Sr. Fortunately, their fiftieth law school reunion was at hand and they could obtain much of the data without raising the suspicions of the deans and other administrators. See Research Methodology *infra* for specifics of the research and a list of the Association of American Law Schools' charter member schools on which this study focuses. Unless a reference indicates otherwise, data discussed in this article covers only the charter member schools.

2. The faculty members and administrators in this play previously appeared in earlier "histories" of the fictional Avon Law School. See Carol A. Roehrenbeck & Gail Levin Richmond, *Three Researchers in Search of an Alcove: A Play in Six Acts*, 84 LAW LIBR. J. 13, 14 (1992) [hereinafter *Three Researchers*]; see also Gail Levin Richmond & Carol A. Roehrenbeck, *From Tedious to Trendy: A Tax Teacher's Triumph*, 17 NOVA L. REV. 739, 739-40 (1993).

CAST OF CHARACTERS

(IN ORDER OF APPEARANCE)

HART SR.: a member of the Class of 1958³
FORD SR.: another member of the Class of 1958⁴
AMANDA BONNER: Associate Dean for Career Services⁵
MARIAN PAROO: law librarian⁶
MICHAEL LIGHTCAP: the dean⁷
JOHN LINDSAY: a law professor⁸
ATTICUS FINCH: Associate Dean for Academic Affairs⁹
Other assistant and associate deans too numerous to list

ACT 1: OUTSIDE THE RECEPTION AREA

HART SR.: I needed to take a short break from the group. I'm so confused by the names, and I don't want to insult anyone. Every other law school employee I've met tonight has the same first name—Dean. My head is spinning. In our day we had good, solid names and lots of variety—Milton,

3. Father of Hart Jr. See JOHN J. OSBORN, JR., *THE PAPER CHASE* 52–54 (1971), in which Ford and Hart broke into Langdell Hall at approximately 5:00 a.m. Once inside, they proceeded into the stacks, remaining long enough to avoid an encounter with Professor Kingsfield. *Id.* In the movie version, they entered the red set room in the library in search of class notes belonging to Professor Kingsfield. See *THE PAPER CHASE* (CBS/Fox Video 1973).

4. Father of Ford Jr. See OSBORN, *supra* note 3, at 52–53.

5. Sometime after her appearance in *Three Researchers*, *supra* note 2, Professor Amanda Bonner joined the administration. Her character is named after the defense attorney portrayed by Katherine Hepburn in *ADAM'S RIB* (Loew's, Inc. 1949).

6. Professor Paroo joined the Avon Law School faculty after leaving River City, Iowa, to attend law school. Unfortunately, this facet of her history was omitted from the stage (1957) and motion picture (1962) versions of *The Music Man*. See *THE MUSIC MAN* (Warner Brothers 1962) (starring Shirley Jones as Marian); MEREDITH WILSON, *THE MUSIC MAN* (1957).

7. Dean Lightcap has not followed the trend of shorter deanships. He was Avon's dean when *Three Researchers*, *supra* note 2, was written, and he has no plans to "retire" to the faculty. He is the namesake of the law professor played by Ronald Coleman in *THE TALK OF THE TOWN* (Columbia 1942).

8. Professor Lindsay, who also appeared in *Three Researchers*, *supra* note 2, has never been an administrator. In this regard, he is a rarity at Avon Law School. When portrayed by Edward G. Robinson in *I AM THE LAW* (Columbia Pictures Corp. 1938), he served as a special prosecutor.

9. After *TO KILL A MOCKINGBIRD* (Brentwood Productions 1962) appeared, Finch left the practice of law and became a professor at Avon Law School. Since his appearance in *Three Researchers*, *supra* note 2, he has become Associate Dean for Academic Affairs.

Benjamin, or Arthur, for example. These people's parents seem to have been fixated on the name "Dean." Perhaps they all hoped that their children would become deans at some university. How embarrassing for all of them to have ended up here at the same school. I bet the students get confused with all these folks named "Dean" running around.¹⁰ (Hart and Ford enjoy a good laugh.)

FORD SR.: You certainly are right. Maybe there was someone famous with that name twenty-five or thirty years ago. Was there a famous Dean other than Dean Martin, Dean Acheson, or John Dean that would explain how the name came into vogue? Perhaps those parents should have followed our path—I can't imagine Ford Jr. being named "Dean."

HART SR.: We should go ask someone.

FORD SR.: Maybe we should wait, Hart. One of those chaps named "Dean" said there would be a tour after dinner. Why don't we ask him about the name thing and find out when the tour will be held.

HART SR.: Don't worry. Nobody will notice that we aren't at the reception. Say, what is this office?

FORD SR.: It says "Career Services."

HART SR.: Maybe it's for undergraduates—to encourage them to attend law school.

FORD SR.: Oh look, the place is run by somebody *else* named "Dean," Dean Bonner. Let's ask that woman if he is in. Maybe we can resolve this name thing right now.

BONNER: Can I help you two? You look lost.

HART SR.: We want to talk to Dean Bonner.

BONNER: I'm Dean Bonner.

FORD SR.: Uh, no we want the gentleman named Dean Bonner.

10. When our protagonists entered law school in the mid-1950s, the average number of law school deans and other administrators was 2.5. See *infra* Appendix, Chart A (using the average for 1955). The administrative team in most law schools consisted of a dean, a librarian, and sometimes an assistant dean. (Empirical data is available in the offices of the authors.) The regional average for the Midwest was 2.4, the Northeast was 3.1, and the West Coast was 2.5. See *infra* Appendix, Chart C.

- Bonner: I *am* Dean Bonner—Dean Amanda Bonner. What can I do for you?
- Hart Sr.: Uh, excuse us. We’re confused. We keep meeting people called “Dean.” We met the dean of the law school so we know that these other folks aren’t the “Dean,” but we’re trying to figure out why so many parents named their kids “Dean.” When we attended school, there was only one dean and he was a he.¹¹
- Bonner: Well, I think things may have changed a bit since you attended law school. Here at Avon we have ten deans, both male and female, and that is not unusual.¹²
- Ford Sr.: You mean all those folks are deans at the school?
- Bonner: Yes—the dean and nine assistant or associate deans.
- Ford Sr.: Well what do they all do?
- Ford Sr.: And why would they put a dean from the undergraduate school in the law school? Is the university trying to talk undergraduates into a law career? Don’t they know they want to be lawyers by the time they get here?
- Bonner: (Somewhat annoyed) What are you talking about?
- Hart Sr.: He means why do they have this career office here? Surely it can’t be for law students. They should already know they want a career in law.
- Bonner: (Still annoyed) Today Career Services does much more than place students in jobs. We help law students in many ways,

11. By the time our protagonists attended law school the expansion in administrators was just beginning. See James M. Peden, *The History of Law School Administration*, THE HISTORY OF LEGAL EDUCATION IN THE UNITED STATES: COMMENTARIES AND PRIMARY SOURCES 1105, 1116–17 (Steve L. Sheppard ed., 1999). For example, in 1916, the Harvard Law School administration consisted of Dean Roscoe Pound and an administrative staff of two; in 1923, Columbia’s trustees voted to create the position of Assistant to the Dean. *Id.* at 1116. By the time Hart Sr. and Ford Sr. completed their first year of law school, Michigan had both an associate and an assistant dean, and Rutgers Law School had a dean, an assistant dean, and an associate professor who also served as librarian. See *id.* at 1117; ASS’N OF AM. LAW SCH., DIRECTORY OF TEACHERS IN MEMBER SCHOOLS: 1956, at 28, 110 (1955).

12. In 2005, the average number of administrators in our sample was 10. See *infra* Appendix, Chart A. The regional averages were Midwest 9.75, Northeast 13.27, and West Coast 9. See *infra* Appendix, Chart C.

including resume writing, practicing interviews, and finding the position that best advances their legal career path.¹³

Hart Sr.: Ford, I think we need to let Dean Bonner get back to work. We should rejoin our group.

Ford Sr.: Thank you, Dean Bonner.

Outside in the hallway, Hart and Ford confer.

Ford Sr.: I knew we shouldn't have left the group. Now we've offended Dean Bonner.

Hart Sr.: Ford, keep quiet for a minute. We know the law school had only one dean and a librarian when we were students. They ran the place. I can't believe there are ten deans now.

Ford Sr.: Well most are assistant or associate deans according to Dean Bonner.

Hart Sr.: Do you remember how many deans were there when our sons were in law school?¹⁴

Ford Sr.: The only thing my son had to say about law school was something about some tough professor named Kingsfield. He and your son almost got caught breaking into the library looking for notes before an exam.¹⁵

Hart Sr.: This deserves some research. Let's go to the library and see if we can find the law school yearbooks.

Ford Sr.: Oh dear, this brings back memories, not all of them good. Do you think Marian Paroo is still around?¹⁶ Maybe she could help us.

13. The use of "career services" instead of "placement" was not limited to law schools. Between 1975 and 1997, the majority of [four-year] institutions changed the name of their career planning and placement function from 'placement' to 'career services,' reflecting the broader mission and expanded programs and services. In 1997, 88 percent of career services offices were centralized units and 78 percent reported to student affairs, with 15 percent reporting to academic affairs.

R. Samuel Ratcliffe, *Use of the CAS Standards by Career Services Directors at Four-Year Public Colleges and Universities 11* (July 14, 2004) (unpublished Ph.D. Dissertation, Virginia Polytechnic Institute and State University), available at <http://scholar.lib.vt.edu/theses/available/etd-07262004-150008/unrestricted/RatcliffeDiss.pdf>.

14. The average number of administrators in 1975, the year after our protagonists' sons graduated, was 4.77. See *infra* Appendix, Chart A.

15. See OSBORN, *supra* note 3, at 52–53.

16. See *supra* note 6 and accompanying text.

ACT 2: MARIAN PAROO'S OFFICE

Act 2 occurs simultaneously with Act 1. Marian Paroo is alone in her office, packing up her files. She is retiring after sixty years at Avon Law School, a fact that will be announced to the alums at the reunion dinner the next evening. Dean Lightcap plans to use the announcement as a fundraising springboard, to endow the Marian Paroo Professorship. Dean Lightcap enters.

Lightcap: Marian, why aren't you at the reunion party? The alums are eager to talk to you. After all, you've been at Avon Law longer than any other faculty member.

Paroo: I'll be up in a minute. I was going through these files and simply lost track of time. Is there anything in particular you need?

Lightcap: Actually, I've come to give you some wonderful news. President Stodgy has approved your promotion to Associate Dean for Library & Technology.¹⁷

Paroo: I didn't know I was being considered for an associate dean title. After all, I'm retiring in two months. If I've managed without the title for sixty years, what is the point of having it for eight weeks?

Lightcap: Well, that is the problem. Although you never asked for the title, it appears that librarians want the same titles as the administrators in career services, admissions, student affairs, graduate programs, academic affairs, clinical and externship programs, academic support, development, and budget. The person to whom I've offered your position won't accept it

17. The use of titles incorporating more than the word "librarian" to refer to the library director begins to appear in 1996. See *infra* Appendix, Chart F. Early titles include Associate Dean for Library and Computer Service (Columbia), Associate Dean (Northwestern), and Dean for Information Resources (Washington University). ASS'N OF AM. LAW SCH., THE AALS DIRECTORY OF LAW TEACHERS 1996–1997, at 115, 163 (1996). By the year 2005, ten schools in the charter group had *AALS Directory* listings that included information, computers, or associate or assistant dean in their library director titles. See ASS'N OF AM. LAW SCH., THE AALS DIRECTORY OF LAW TEACHERS 2005–2006, at 29 (2005). The use of the associate or assistant dean title also appears in other publications or resources. See, e.g., Carol Bredemeyer, *What Do Directors Do?*, 96 LAW LIBR. J. 317, 318–19 (2004). For example, in an article published in 2004, Carol Bredemeyer reported, "Today, nearly 40% of the responding directors have responsibility for all law school technology. Many have had assistant or associate dean added to their title . . ." *Id.* at 318 (internal footnotes omitted).

unless I make her an associate dean. And I knew getting another title through President Stodgy would be easier if it was for you—President Stodgy really appreciates all the free research your staff has provided the university and the library space you’ve given up for university storage.

Paroo: But doesn’t he know I’m retiring at the end of the semester?

Lightcap: Details, details, details. He’s such a busy person, and I hate to bother him with the day-to-day operations of the law school.

Paroo: I take it that he doesn’t know.

Lightcap: In any event, the maintenance workers are putting a new nameplate on your door at this very moment. Congratulations, Marian.

Lightcap leaves a few minutes before Ford Sr. and Hart Sr. arrive.

ACT 3: MARIAN PAROO’S OFFICE

When Ford Sr. and Hart Sr. arrive at Marian Paroo’s office a few minutes later, they do not notice the nameplate on the door. They knock and enter when she says, “Come in.”

Ford Sr.: Professor Paroo, it’s so good to see you after all these years. We’re back for the reunion and wanted to stop and say hello.

Hart Sr.: And we need your help figuring out what has happened to our law school.

Paroo: Gentlemen, what are you talking about? It’s the same law school it’s always been. Avon Law School doesn’t chase after fads the way some other schools do. The curriculum is virtually the same as it was when you were students.¹⁸ We even have some of the original tables in the library. And, although we’ve added some modern gadgets, like computers for students to use for what we call online legal research,

18. *But cf.* ABA SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, A SURVEY OF LAW SCHOOL CURRICULA 6 (2004) (“It has been a decade of dynamism in legal education. From the first year required curriculum through upper division electives, law schools have revised the configuration of courses, increased emphasis in skills and professionalism, and added opportunities in electives, specializations and other degree granting offerings.”). As Professor Paroo noted, Avon Law School has not followed this trend.

you'll notice the books are all still in place. Of course I also have some helpers—librarians who perform online legal research and teach research classes.¹⁹

Ford Sr.: That may be, but what about all these dean people? We weren't in the building more than fifteen minutes before we met at least five of them. At first we thought their first names were Dean—a frightful lack of imagination by their parents—but then Dean Bonner in Career Services informed us it was a title and that the law school had nine assistant and associate deans. Can this be true? When we were students, there was only one dean, good old Dean Diditall.²⁰

Hart Sr.: Exactly—the school seems to have deans in charge of every function, even functions I've never heard of. Dean Diditall and his secretary ran everything—admitted us, got us jobs, and asked us to give money. You ran the library. Why does Avon need anything else? Does the school really have NINE assistant and associate deans?

Paroo: Well, I must admit I get a bit confused about who I should go to for different things. If you ask me I'd say, "Less is more, but"

Ford Sr.: That's a relief. Perhaps that Bonner person really is named Dean and didn't want to admit her parents lacked imagination.

Paroo: No, Amanda really is an associate dean. She was more easy-going when she was a young faculty member. Satisfying the job aspirations of law students is probably less enjoyable than being a full-time faculty member.

Ford Sr.: But how many assistant and associate deans are there really?

Paroo: As of a few minutes ago, we have ten. It appears I am now an associate dean.

19. In 1955–56, the average number of librarians in the charter group was 5.17, although three schools, Harvard (reporting 17), Michigan (reporting 18), and Yale (reporting 20), reported numbers well above those reported by the other schools that reported to the American Association of Law Libraries (AALL). See *infra* Appendix, Chart E. In 1955–56, the total number of librarians in the charter group was 150; by 2005 it had increased to 347. See *infra* Appendix, Chart D.

20. In 1955, the total number of administrators in the charter group was seventy-four; by 2005 it had increased to 326. See *infra* Appendix, Chart B.

- Hart Sr.: I'm sure we're delighted for you, but we still don't understand why the school needs so many titles. Can you help us out here? You were always so good to us when we were students. In fact, our sons have fond memories of sitting in the library doing their homework while we attended class. Law school life was challenging for returning veterans and their families, but you were always so gracious. I'm sure you were an important factor in their decision to attend Avon Law.
- Paroo: It was my pleasure. Now I don't want to keep you from your reunion. Meet me for breakfast tomorrow morning, and I'll explain everything. How is eight a.m. at the Campus Diner?
- Ford Sr.: We'll see you then.

ACT 4: THE CAMPUS DINER

Paroo, Hart Sr., and Ford Sr. sit around a table and enjoy breakfast.

- Paroo: Gentlemen, let me take you back in time. When you graduated in 1958, law schools were relatively small and uncomplicated.²¹ We admitted almost all of our applicants, told them to look to their left and right because one-third of them wouldn't survive the first year, and taught them in large classes using the Socratic Method. When a student graduated, he²² went home and joined a local firm or hung out a shingle. The dean, his secretary, and the library director could handle most tasks on their own or with a bit of help from the central university.²³

21. Total J.D. enrollment reported by 127 American Bar Association-approved law schools for the 1955–56 academic year was 33,405. Memorandum from James P. White, Consultant on Legal Educ. to the Am. Bar Ass'n, on Women Enrollment: First Year, J.D., Total to the Deans of ABA Approved Law Schs. (Apr. 16, 1997) (on file with the authors) [hereinafter Memorandum from James P. White]. The average law school thus had an enrollment of 263 J.D. candidates. *See id.* The total number of J.D. students in the charter group was 11,600. *See infra* Appendix, Chart G.

22. Total enrollment of women in 1955–56 was 1234. Memorandum from James P. White, *supra* note 21. This constituted slightly less than four percent of total J.D. enrollment. *Id.*

23. In 1957, the AALS reported that fifty-two schools had a library staff of one person. ASS'N OF AM. LAW SCH., ANATOMY OF MODERN LEGAL EDUCATION 445 (1961).

Over time, accreditation standards and government regulation increased the number of services law schools provide. And, given ABA Standards regarding qualified students,²⁴ the look to the left and right method no longer worked. Schools needed to hire staff to review applications and select among applicants. As tuition increased, financial aid became increasingly important. The focus on career services, bar passage, academic support, disability services, pro bono opportunities, etc., required additional staffing—and not merely at the clerical level.²⁵ And, because deans were constantly on the road raising money, they no longer had time to run the day-to-day law school operations. The increase in administrative staffing had begun by the time your sons attended Avon.²⁶ And, while law schools were becoming more complex, they were also increasing in size. Many law schools added additional J.D. students.²⁷ Others added LL.M. or non-law master's degree students. Many did both.

24. ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 38 (2009), Standard 501(b) [hereinafter STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS] (“A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.”).

25. “A law school shall provide all its students . . . with basic student services, including maintenance of accurate student records, academic advising and counseling, financial aid counseling, and an active career counseling service to assist students in making sound career choices and obtaining employment.” *Id.* at 43, Standard 511. “A law school shall provide the academic support necessary to assure each student a satisfactory opportunity to complete the program, graduate, and become a member of the legal profession. This obligation may require a school to create and maintain a formal academic support program.” *Id.* at 24, Interpretation 303-3.

26. From 1916 to the mid 1950s, law schools experienced a second wave of adding administrators. Peden, *supra* note 11, at 1117. For example, in 1956, the University of Michigan added its first associate and assistant deans. *Id.*; see also Jeffrey Brainard, Paul Fain & Kathryn Masterson, *Support-Staff Jobs Double in 20 Years, Outpacing Enrollment*, CHRON. HIGHER EDUC. (Wash., D.C.), Apr. 24, 2009, at A1 (looking at universities generally rather than at specific departments).

27. As illustrated in Appendix, Chart H, fall semester J.D. enrollment at American Bar Association-approved schools increased significantly from 1995 through 2005. See *infra* Appendix, Chart H. Data for 1955 through 1995 appear in the White Memorandum. See Memorandum from James P. White, *supra* note 21. Data for 2000 appears in the Morgan Memorandum. See Memorandum from Rick L. Morgan, Data Specialist, on Fall 2000 Law School Enrollment in ABA-Approved Law Schools to the Deans of ABA-Approved Law Sch. (Apr. 5, 2001) (on file with the authors). Data for 2005 appears in the Rosenlieb Memorandum. See Memorandum from David Rosenlieb, Data Specialist, on Fall 2005 Law

And then there are all the questionnaires. Sometimes it seems that all I do is answer questionnaires. The ABA collects mountains of data every year. Then along come *U.S. News*, *Peterson's*, *Princeton Review*, *NALP*, and others I can't even remember. And that is just the tip of the iceberg. Because the university is regionally accredited, it must submit significant amounts of data.²⁸ Law school administrators have to respond to those requests. Faculty members can't be bothered with those requests; they want to focus on teaching, scholarship, and community service. Non-faculty administrators can be hired—or terminated—more easily; and some of them add to the curriculum by teaching on an adjunct basis.²⁹

Hart Sr.: OK. I understand why you need more administrators. But why must they all be called “Dean”?

School Enrollment in ABA-Approved Law Schools to the Deans of ABA-Approved Law Sch. (Feb. 10, 2006) (on file with the authors). The 2005 data covered 191 law schools, yielding an average J.D. enrollment of 737 students. (Note that 2004 data is used for Tulane and Loyola-New Orleans, which were forced to suspend operations after Hurricane Katrina in 2005.). Within the charter group, J.D. enrollment increased from 11,600 in 1995 to 23,537 in 2005. See *infra* Appendix, Chart G. The increase in Chart H is more dramatic than that in Chart G because Chart H reflects an increase in the number of law schools during that period. The American Bar Association Section of Legal Education and Admissions to the Bar website currently provides enrollment and graduation data for the 1963–64 through 2008–09 academic years. See ABA, Enrollment and Degrees Awarded 1963–2008, available at <http://www.abanet.org/legaled/statistics/charts/stats-1.pdf>. By 2008–09, there were 200 accredited law schools (including provisionally approved schools) and a total of 142,922 students enrolled in J.D. programs. *Id.*

28. See STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, *supra* note 24, at 4, Interpretation 101-1.

29. See *id.* at 32. The American Bar Association computes student/faculty ratio using a formula found in Standards and Rules of Procedure for Approval of Law Schools. *Id.* Interpretation 402-1 counts full-time faculty members on tenure track or its equivalent as “full” faculty members if they don’t have significant administrative duties; those who have significant administrative duties count for less (.5 each). See *id.* at 32–33. Other percentages apply to full-time clinicians and legal writing instructors who are not on tenure track or its equivalent (.7 each) and to adjuncts, emeriti, and administrators who are not on tenure track or its equivalent (.2 each). *Id.* at 33. For purposes of computing the ratio, the additional resources represented by individuals in the .7, .5, and .2 categories cannot exceed twenty percent of the count of “full” faculty members. *Id.* at 32. A proposal to delete Interpretation 402-1 is pending. See Memorandum from Hulett H. Askew, Consultant on Legal Educ., and Richard J. Morgan, Chair, Standards Review Comm., on Proposed Deletion of Interpretations 402-1 and 402-2 of the ABA *Standards for the Approval of Law Schools* to Interested Pers. & Entities (Aug. 2008), available at <http://www.abanet.org/legaled/committees/StandardsReviewdocuments/N&C402-1.DOC>.

Paroo: That is a very interesting question, and it has a variety of answers. One explanation relates to reporting hierarchies. Each new reporting level requires a new title. Once an office has used assistant director, associate director, and director, assistant or associate dean is the next step. Another explanation involves salary levels. A university might attach a maximum salary to a particular title; at some point, a better title is the dean's only way to justify a higher compensation level. A third possible explanation relates to respect. Some university vice presidents treat deans, including associate and assistant deans, better than they do directors. Faculty members are more likely to be civil to an assistant dean than to a director. Students today may hesitate at calling a dean by his or first name; we aren't sure they will do so for directors, coordinators, or other titles that would not normally be used in conversation.

Ford Sr.: You mean students actually call you Marian? We would never have done that.

Paroo: There are those who do. I wonder if that practice will end now that I have this exalted associate dean title.

Although I don't know why, my successor refused to accept this position without the title change. I was surprised to hear that. So after you left last night, I did some research into librarian titles. Although most of the Association of American Law Schools (AALS) charter members continue to use the director title,³⁰ I was surprised to learn that many library directors have become assistant or associate deans. Apparently, I'm the tail end of a trend rather than its vanguard.

By the way, please act surprised tonight when Dean Lightcap announces my retirement.

30. See *infra* Appendix, Chart F; ASS'N OF AM. LAW SCH., THE AALS DIRECTORY OF LAW TEACHERS 2009–2010 (2009) [hereinafter AALS DIRECTORY 2009–2010]. The AALS *Directory* released in fall 2009 showed that seven of the thirty charter schools (Drake, George Washington, Minnesota, NYU, Ohio State, Syracuse, and Washington University) included dean titles in describing their library directors. Harvard used a dean title on its website but indicated only "director" in the *Directory*; Northwestern used a dean title on its website (in addition to a separate director) but did not include the dean in its *Directory* listing. See *id.*

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John Lindsay and Atticus Finch emerge from a booth at the back of the Campus Diner. They are engaged in a heated discussion and don't notice Paroo, Hart Sr., and Ford Sr.

Paroo: Gentlemen, what is causing so much angst? You appear not to have noticed us at all. Let me introduce you to two alums from the class of 1958, Hart Sr. and Ford Sr. You may have taught their sons, Hart Jr. and Ford Jr.

Lindsay: I'm glad to make your acquaintance. I assume you are back for reunion weekend.

Finch: It's my pleasure to welcome you back. Now that I am the associate dean for academic affairs, I don't teach as many students as I used to. I do seem to recall teaching your sons when I was a young faculty member. I hope all is well with them.

Paroo: Please join us for coffee and let us know what you were debating a few minutes ago.

Lindsay: Sorry, Marian, but we got carried away discussing Dean Lightcap's five-year plan. I appear to be the odd man out around here. From my perspective, the plan amounts to empire building. I'll admit he'll raise a significant amount of money, and we really do need a building addition. But I'd hoped for new classrooms and faculty offices. The blueprints seem to call for more administrative offices, and that probably means yet another gaggle of assistant and associate deans. Finch, here, went over to the "dean" side awhile ago. He can't wait to add publications and human resources offices, separate alumni from development, and establish a faculty development office within academic affairs.

Paroo: John, it can't be as one-sided as that. Perhaps the classrooms and faculty offices are on the upper floors.

Lindsay: Unfortunately not. The upper floors will be student apartments, which I grant are a good idea, even though it means adding yet another administrator—an assistant dean for facilities management. No wonder we all wear name badges—it's the only way to recognize all these non-faculty administrators.

- Finch: John, I know I'll never convince you, but Avon is behind the curve on this issue. Dean Lightcap did his research before proposing the five-year plan. These new titles, and others we aren't proposing, already exist at other law schools. I'm sure Marian can verify this. In fact, many of her fellow library directors have become assistant and associate deans.
- Lindsay: I know I'm "just" a law professor, but that doesn't mean I'm ignorant. I don't think you'll ever convince me all these administrators improve our school.
- Finch: "Just" a faculty member? John, you are no more "just" a faculty member than a diamond is "just" a mineral. The last time I looked you were the Major Donor Distinguished Professor of Law and Director of the Program in Applied Legal Ethics. And you are hardly alone; at least half the members of this faculty direct a program, a center, or an institute. I don't recall your declining that opportunity or complaining about any of the other faculty titles.³¹ In the end, it's all about providing service to our students. No matter how much we'd like them to be, law schools aren't one-room country schoolhouses and our students don't want them to

31. For example, in early April 2010, the website of AALS charter member Columbia University listed the following titles for faculty administrators who are not deans: Director, European Legal Studies; Director, Center for Gender and Sexuality Law; Director of the Center for the Study of Law & Culture; Director of the Center for Chinese Legal Studies; Director, Center for Japanese Legal Studies; Co-Chair, Charles E. Gerber Transactional Studies Program; Director of Clinical Education. Columbia Law Sch., Full Time Faculty, <http://www.law.columbia.edu/faculty/full-time> (last visited Apr. 3, 2010). The website also listed several other Centers: Center for Climate Change Law; Center for Contract and Economic Organization; Center for Korean Legal Studies; Center for Institutional and Social Change; Center for Israeli Legal Studies; Center for Law & Philosophy; Center for Law and Economic Studies; Center for Public Interest Law; Center on Corporate Governance; Center on Crime, Community and Law; Center on Global Governance; Kernochan Center for Law, Media and the Arts; Vale Columbia Center on Sustainable International Investment. Columbia Law Sch., Programs, http://www.law.columbia.edu/center_program (last visited Apr. 3, 2010). Several of these other Centers listed faculty members as directors, but the faculty list *supra* did not include the director title. Columbia's administration included a dean, two vice deans, an associate dean for finance and planning, an associate dean for development and alumni relations, an assistant dean for faculty services, an assistant dean for special projects, an assistant dean for registration and financial services, a dean of admissions, a dean of career services, a dean of graduate legal studies, a dean of social justice programs, a dean of students, and a law library director. Columbia Law Sch., Administration (and links from this page), http://www.law.columbia.edu/law_school (last visited Apr. 3, 2010).

be. Let's have this conversation at the end of the five-year plan. I bet you'll see that I was right.³²

ACT 5: DEAN LIGHTCAP'S CONFERENCE ROOM

A year has passed since the reunion. Dean Lightcap has called a meeting of all of the associate and assistant deans. The recession, and resulting lack of employment opportunities for recent college graduates, has resulted in more applicants to law schools. Unfortunately, Avon Law School cannot accommodate more students—despite its need for revenue—unless it hires more faculty members. The university has cut the budget in most areas and imposed a freeze on adding additional personnel. The only way the school can hire more faculty members is by reducing its costs for non-faculty administrative personnel.

Lightcap: Friends, this is a sad day for me. You have all worked so hard for Avon Law. Your efforts are a major factor in our success. Unfortunately, we are victims of the current economic downturn. Our endowments have plummeted in value, thus reducing discretionary income; the university has cut our operating budget; and we cannot add new personnel. The only way I can add new faculty, which we sorely need to cover courses demanded by our students, is to eliminate non-faculty positions.

If you hold a tenure-line faculty position, I will either add to your administrative duties or return you to the full-time faculty. If you are a non-faculty administrator, I will be furloughing you—or the directors who report to you—for a few days each month. In some cases, I will be eliminating positions. If you have a J.D. degree and are not teaching a course, I will expect you to do so if you are retained.³³ You

32. Whether Finch is correct is the subject for another article, but the statistics demonstrate that law school administrations have expanded dramatically since 1955. See *infra* Appendix, Chart B. The number of administrators increased 341%. *Id.* The number of librarians increased 131%. See *infra* Appendix, Chart D. The number of students increased 103%. See *infra* Appendix, Chart G.

33. See Peter A. Facione, *20 Ways for Colleges to Cut Costs and Make Money*, CHRON. HIGHER EDUC. (Wash., D.C.), Mar. 20, 2009, at A36. The methods the author suggests include requiring “every administrator with a master’s or doctoral degree to teach a course” and offering “employees temporary or partial leave without pay but with full benefits.” *Id.*; see also Gary A. Olson, *The Unkindest Cut of All*, CHRON. HIGHER EDUC. (Wash., D.C.), Oct

are all such valuable contributors, and I hate to take these steps. But because faculty members generate tuition revenue, I cannot eliminate their positions while retaining non-faculty administrators. The university is establishing an out-placement office to help you find other positions. It has been an honor to work with you all.

5, 2009, at A42 (“Seek to reduce the number of administrators when possible. Administrative posts sometimes proliferate just as unnecessary programs do.”).

APPENDIX

Research Methodology

For the purpose of this study, we focused on the charter members of the Association of American Law Schools (AALS).³⁴ We collected data from the thirty schools that remained in the charter group and excluded schools that resigned or whose status was not clear.³⁵ In instances where data was not available or recorded, that fact is noted on the charts. In one case a school, Indiana University, had two locations (Bloomington and Indianapolis), separate faculties and librarians, but one administration. When separate data was available it was included in the study. We used five-year intervals and began in 1955, the year that Ford Sr. and Hart Sr. began law school.

All data for administrators was taken from what our protagonists would, in politically incorrect language, refer to as the “Stud Book” and that is today known as *The AALS Directory of Law Teachers*. To arrive at the number of administrators for any given year, we counted individuals listed as dean, associate dean, assistant dean, and librarian. We did not count other titles, including director, that begin to appear more recently because it was not clear how much, if any, administrative responsibility those titles included. If those individuals were included, the number of administrators would be

34. Charter members were determined by the “Charter Member” designation in *The AALS Directory of Law Teachers*. See AALS DIRECTORY 2009–2010, *supra* note 30. The AALS was founded in 1900 with thirty-two charter members. Ass’n Am. Law Sch., About AALS, <http://www.aals.org/about.php> (last visited Feb. 21, 2010). Professor James Bradley Thayer, Harvard Law School, was its first president. *Id.* Professor Michael H. Cardozo of Cornell University Law School became the Association’s first Executive Director in 1963 and established the Association’s national office. *See id.* From a full-time staff of two in 1963 (including the Executive Director), the AALS full-time staff has grown to approximately twenty, including the Executive Director, Deputy Director, and Associate Director. *Id.* The staff is based at the national office in Washington, D.C. *See id.*

35. Charter member schools were Boston University, California-Hastings, Western Reserve (which later became Case Western Reserve), Cincinnati, Colorado, Columbia, Cornell, Drake, George Washington, Harvard, Illinois, Indiana, Iowa, Iowa College of Law (Des Moines) (listed as Drake in 1905), Kansas, Michigan, Maine, Minnesota, Missouri, New York University, Northwestern, Ohio State, University of Pennsylvania, University of Pittsburgh, Stanford, Syracuse, Tennessee, Washington University (St. Louis), Wisconsin, and Yale. The original group of members, those who signed the Articles of Association before July 1, 1901, also included Baltimore, Buffalo, and Denver Law School. REPORT OF THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS, 1901 ANNUAL REPORT OF THE ABA 576–77. Baltimore and Buffalo resigned in 1906. REPORT OF THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS, 1906 ANNUAL REPORTS OF THE ABA 125–27. Denver is listed as a member until 1905. ASS’N OF AM. LAW SCHS., PROCEEDINGS OF THE FIFTH ANNUAL MEETING 2 (1905). We counted Indiana as two schools to reflect the two campuses. *See id.*

much higher. Because the AALS did not publish a directory during the 2008–09 academic year, we could not use that source to report on 2008 or 2009 data. Because we ended with 2005 data, the charts may not reflect changes caused by the current economic downturn or other factors.

Data for librarians was taken from the *American Association of Law Libraries (AALL) Directory*.³⁶ These numbers may differ from the numbers reported in other surveys and calculations based on other data sets or using different compilation methods. While the study generally uses five year intervals, this was not possible for the years 1965 and 1975. The *AALL Directory* was published biennially from 1964 to 1980, so we selected 1966 and 1976.³⁷ The director of the library is included in this category. The director is also counted as an administrator and appears in the numbers for law school administrators if he or she was listed in the *AALS Directory*. Titles for librarians that were the basis for the information in Chart F were taken from the AALS directories. As noted in the preceding paragraph, this information may differ from information reported in other surveys and directories. The numbers in Chart F include librarians who listed decanal titles such as assistant or associate dean and titles including computer or information resources or variations thereof.

Student enrollment numbers were taken from multiple sources. The numbers in Chart G, Total Number J.D. Students, AALS Charter Member Schools, were taken from American Bar Association statistical reports with titles that varied over the time period of the study.³⁸ The numbers in Chart H, Total Number J.D. Students, All ABA Law Schools, were taken from American Bar Association Memoranda.³⁹ Chart H is the only chart that is not restricted to charter member schools.

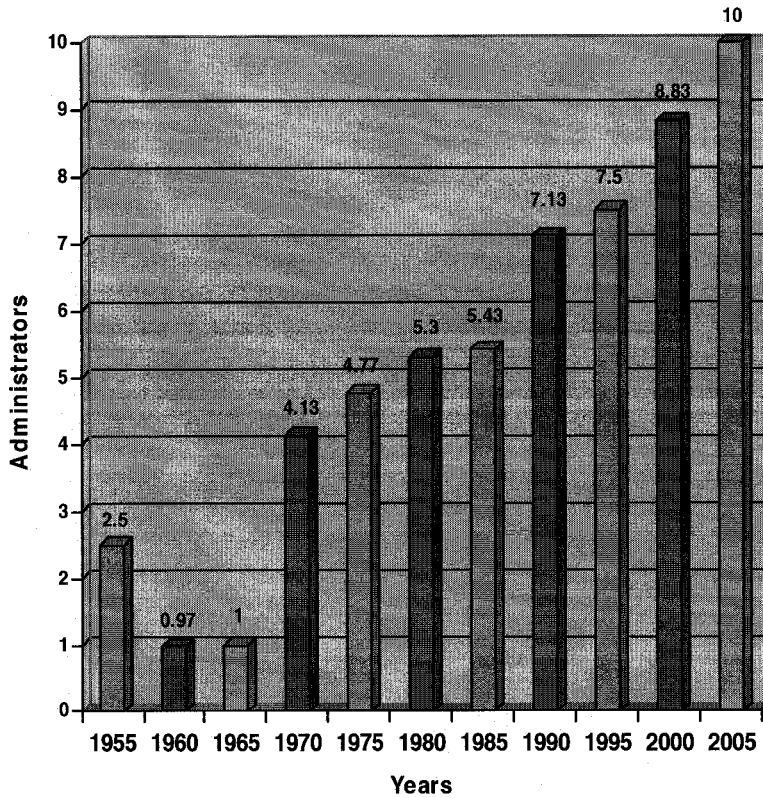
36. Title variations include LAW LIBRARIES IN THE UNITED STATES AND CANADA (1940–1962/3), DIRECTORY OF LAW LIBRARIES (1964–1987), and AALL DIRECTORY AND HANDBOOK (1987/88).

37. The data for the 1966 and 1976 Directories were based on questionnaires submitted to libraries in January of 1966 and 1976.

38. See ABA, COMPREHENSIVE LAW LIBRARY STATISTICAL TABLE; ABA, STATISTICAL SURVEY OF LAW SCHOOL LIBRARIES AND LIBRARIANS; and ABA, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES (The Association, Chicago).

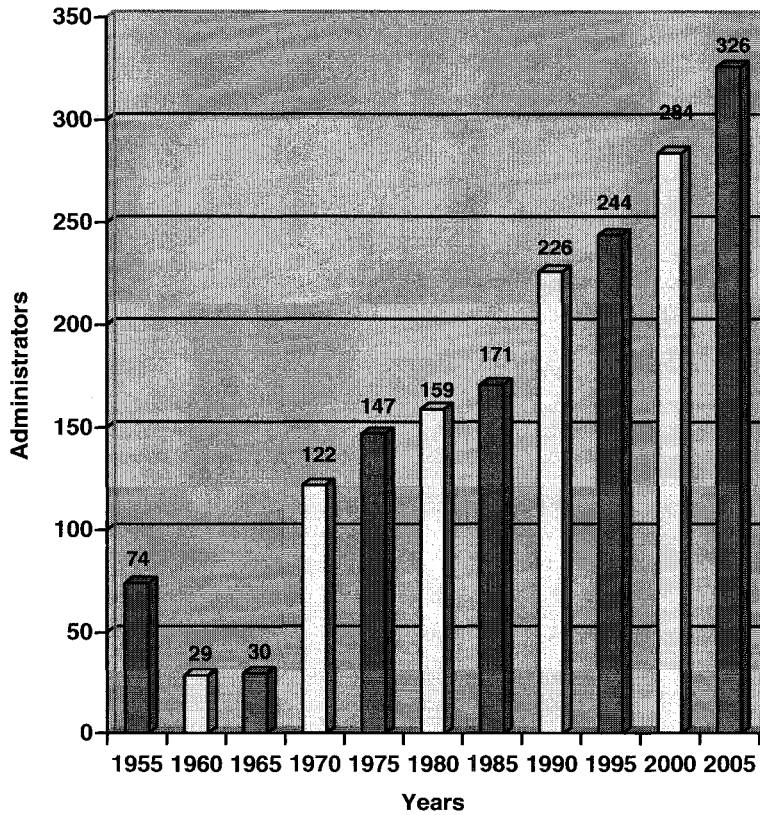
39. Memorandum from David Rosenlieb, Fall 2005 Enrollment Statistics, *supra* note 27, at 1–2.

CHART A
Administrators (average)⁴⁰



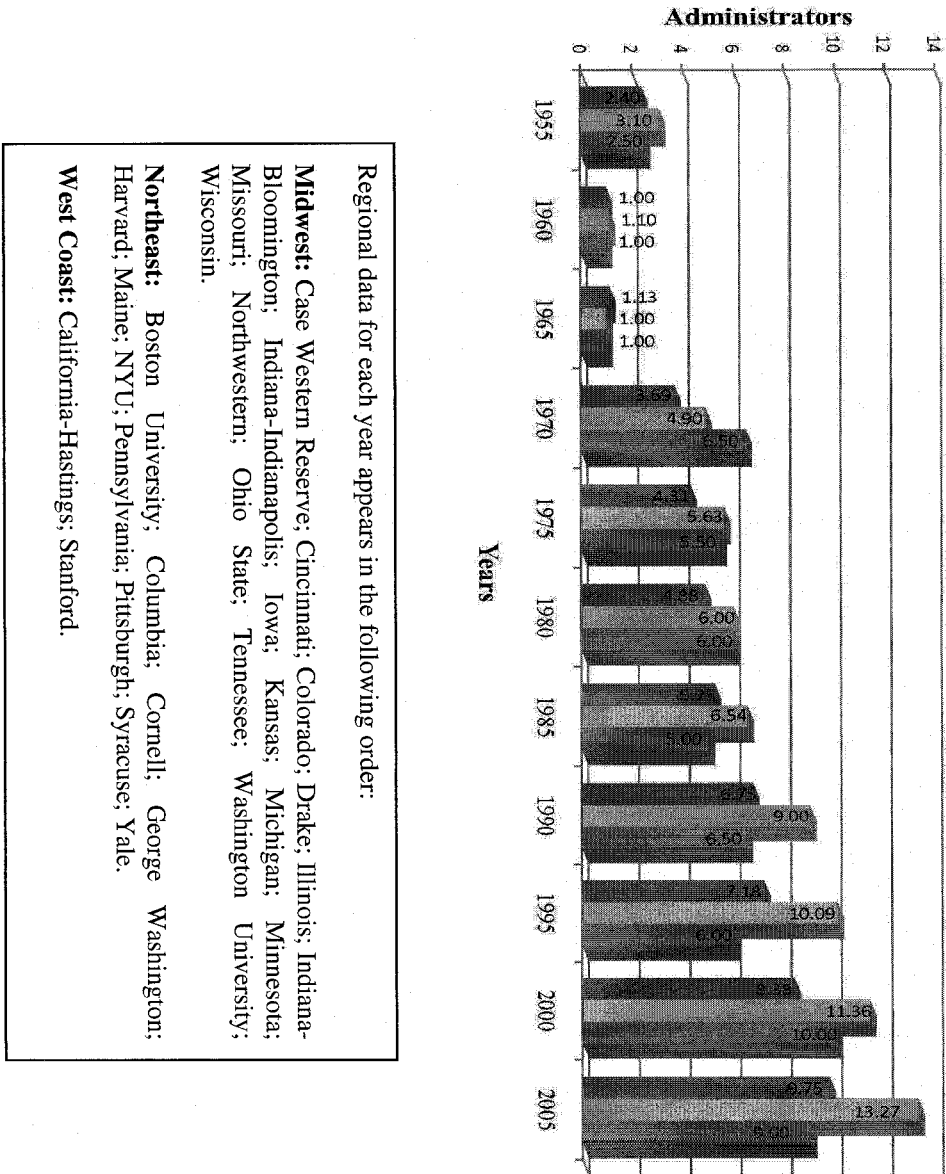
40. Data from 1955, 1960, and 1965 do not include University of Maine and Indiana University-Indianapolis. Data from 1970 does not include University of Maine.

CHART B
*Administrators (total)*⁴¹



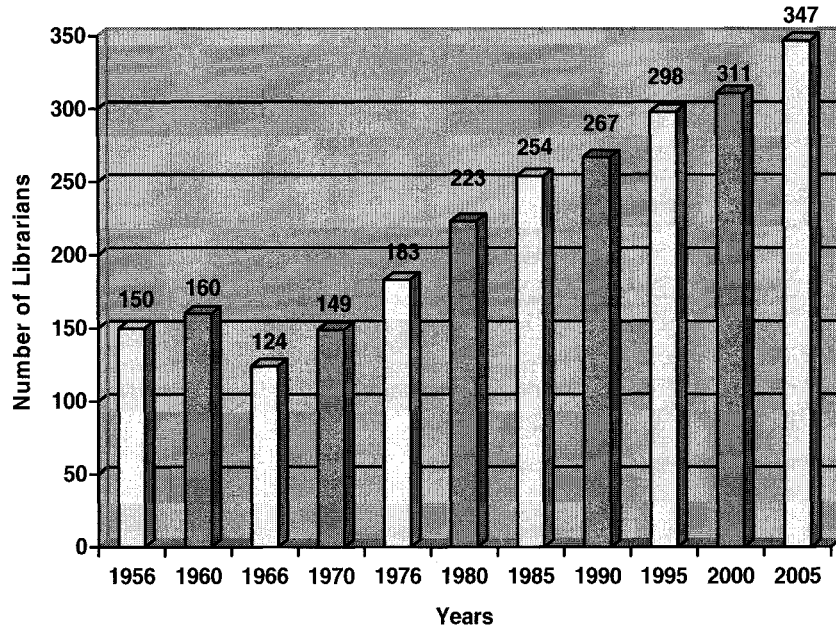
41. Data from 1955, 1960, and 1965 do not include University of Maine and Indiana University-Indianapolis. Data from 1970 does not include University of Maine.

CHART C
*Regional Average*⁴²



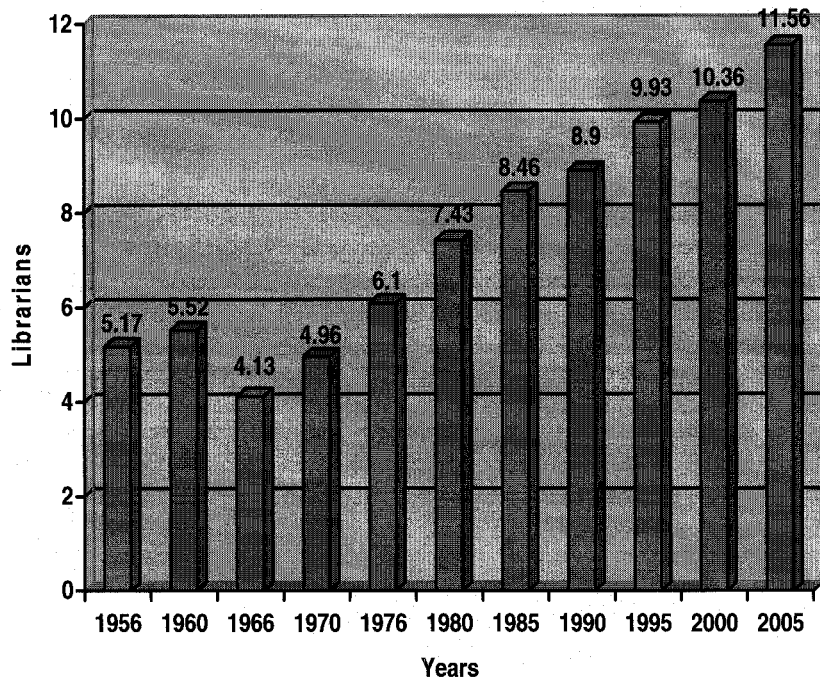
42. Data from 1955, 1960, and 1965 do not include University of Maine and Indiana University-Indianapolis. Data from 1970 does not include University of Maine.

CHART D
Librarians (total)⁴³



43. Data from 1956 and 1960 do not include University of Maine.

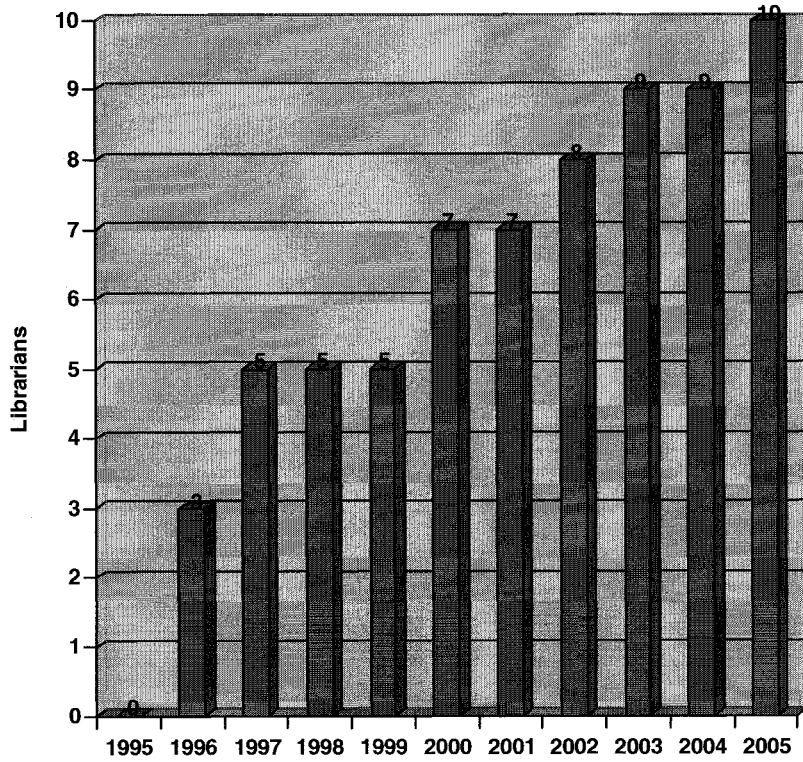
CHART E
*Librarians (average)*⁴⁴



44. Data from 1956 and 1960 do not include University of Maine.

CHART F

Librarians with Administrative and/or Information Titles (total)⁴⁵



45. This chart includes titles such as assistant or associate dean, computer or information resources.

CHART G

*Total Number J.D. Students
AALS Charter Member Schools*

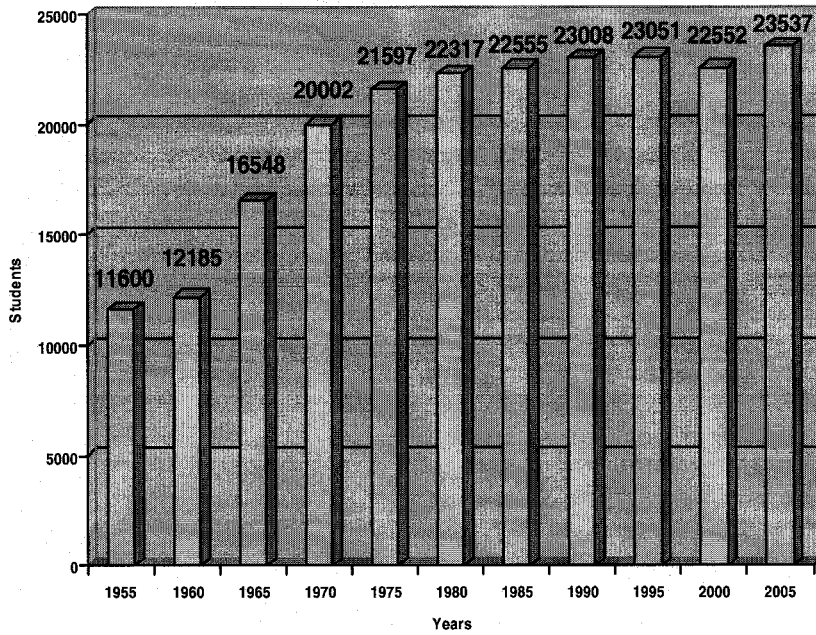


CHART H
*Total Number J.D. Students
All ABA Law Schools*

