ADMINISTRATION

Law school/central university relations: sleeping with the enemy
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34 *U Tol L Rev*, 2002, pp 147–156

There is a pervasive attitude among law school faculty that they are neither understood nor appreciated by central administration, and that the central university is robbing the law school blind. This sentiment finds expression in claims such as that the powers above perceive and treat the law school as a 'cash cow' or regard it as a 'mere vocational school.

In truth, these feelings, if perhaps somewhat exaggerated, are not entirely without justification. Many central administrators, themselves rising through the ranks of traditional doctoral programs in the liberal arts and sciences, do see the law faculty and professional schools in general as somewhat impure academically, if not outright inferior. Law schools on the whole rarely fare well in university resource deployment and allocation strategies. This presents a certain conundrum for the law school dean who, on the one hand, is looked upon by the faculty as their advocate and champion with university administrators, but who is also a member of and serves at the pleasure of that same central administration.

It is worth exploring the reasons why law school deans often find themselves on the horns of this dilemma in order to determine both the causes for the conflict and its inevitability. Make no mistake, some non-quantifiable but significant share of the culpability quite properly belongs with the central administration. By demanding excessive and ever-increasing resources from the law school, insisting on salary limitations based on comparisons with other schools and departments in the university rather than peer law schools, micro-managing law school decision-making, imposing irksome clearance hurdles in development, and so forth, senior administrators in every university at some times can deservedly earn the animosity of both the law school faculty and administration. In fairness, however, as law school deans, we must shoulder our fair share of the blame for the 'us against them' attitude of law school faculty towards the central university.

Senior university administrators, have to adopt a more global view of the academic enterprise and its needs than the law school dean is ordinarily required to indulge; just as the law school dean must be responsive to several different constituencies, and thus, has to have a broader outlook on the role and positioning of the law school than the typical faculty member. We often lament the faculty's inability to empathise with our plight in this respect, but then fall prey to the same myopia when judging central administrators.

One deleterious aspect of these over-generalisations about the central administration, its actions and attitudes, is that we run the risk of isolating the law faculty from the wider university. More troubling, they reinforce a perception that the law school's problems are not of its own making and, thus, beyond the ability of the law faculty to resolve. Understandably, the sense of lack of control or helplessness can encourage some law faculty to seek their professional gratification outside the building, whether through law practice, consulting, or other activities that rebound to the law school's benefit in only the most attenuated sense, if at all.

Hostile, adversarial, and distrustful attitudes between the law school and the central university rarely end up operating to the benefit of the law school or its long-term interests. There are several reasons for the tendency of law school administrators to deprecate their counterparts across campus. First, there is the frustration factor and the need to vent. Preparing and responding to reports and other paperwork from the central university can consume a great deal of the law school dean's and the administrative staff's most precious resource, time. When the dean unloads on faculty, individually or as a group, faculty often take it more seriously than intended, and this inevitably erodes their confidence in the efficiency and judgment of the senior leadership in the university. A second explanation for the dean's tendency to fan the flames of discontent is less charitable: it deflects responsibility for unpopular policies or the dean's own inability to deliver on a particular promise or assurance. The one tactic guaranteed to deflate financial support for the law school is to reinforce the mind-set that the school is being milked by central or even that the two are in competition. A third reason accounting for the dean's self-destructive behaviour is the unfortunately common, but less than flattering, quality we all exhibit from time to time of making ourselves feel better about ourselves by disparaging others. However, anyone who does or aspires to steward an institution, including a law school, must be sufficiently self-confident to avoid the urge to belittle superiors, or find another line of work.

Ultimately, a mutually supportive and constructive relationship with the central university is a crucial ingredient in the recipe for a successful deanship. This does not mean that there cannot be honest disagreement about particular issues, but at the end of the day the law school and the university are joined at the hip and must share a common set of goals and interests. It is hard to be a great law school if you are part of a lousy university. The reputation of one hinges critically on the perception of the other. Intuitively, most law school deans recognise this and seek out a good working relationship across the campus, understanding that the alternative will probably translate into less support for their school. Indeed, what law deans want most for their schools is to become

better, both in terms of the substantive quality of its programs and its image and prestige in both academic and professional circles. University administrators want the same thing, but, like it or not, the mission of training bright, young law students to be competent and ethical practitioners is only part, and at best a secondary part, of the university's broader mission to create and advance knowledge. Expectations of the relationship with and support from the central university have to be established in this context and then communicated effectively to the law school community.

So the author's advice to new deans is do not view your role as that of gladiator for the law school; the body on the floor of the Coliseum is most likely to be your own. Demagogery may play well in the dean search interview with faculty already inclined to feel under-appreciated and devalued, but you are only sowing the seeds for your future undoing. For sitting deans, it is not only important to inculcate a sensitive understanding of and appreciation for the broader role of the university as a whole, but also to publicly support it. In sum, be mindful of what you say about central administration except to a very, very small and trusted group of advisers, and remember that faithfulness to your institution sometimes means you have to sleep with the enemy.

CLINICAL LEGAL EDUCATION

Evaluating clinical law teaching — suggestions for law professors who have never used the clinical teaching method

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29 *N Ky L Rev*, 2002, pp 491–519

It is important to understand the goals of clinical teaching and to recognise that clinical teaching might look different from other law school teaching. A promotion or tenure review committee cannot use the same language, concepts or benchmarks when assessing clinical teaching as it uses in assessing many doctrinal courses. While the overall goal of assisting a law student in becoming a better legal thinker, planner and practitioner is the same, the specific teaching goals of each type of course can be quite different. This assumption should not go unexamined. Experienced professors should take the time to question and understand the value of new approaches. Unfortunately, there are few good models for evaluating law teaching generally.

All clinical teaching involves some form of experiential learning that can be described in a three-step process: 1) the student learns to formulate an action plan; 2) the student enacts that plan through a structured experience; and 3) the student reflects about the experience and modifies future action accordingly. The clinical process is thus a blueprint for professional growth. While not all clinical law professors use the same terms in describing what they do, most clinical law experiences are structured to take advantage of experiential learning and employ a variety of teaching methods.

Every clinical law professor requires students to engage in some type of planning process. Plans are developed by combining lawyering theories, practical information, and legal research. Clinical teachers have different approaches to the role of theory in the development of professional skills and values. Some clinicians assign materials that describe a particular theory of the skill or value early in the course and then require the students to emulate that theory. Typically, clinicians will require students to develop plans for some or all of the following skills: interviewing clients and/or witnesses, counselling clients, drafting pleadings, engaging in negotiation or mediation, preparing for a trial or hearing or developing alternative solutions to help the client. The focus of the planning will reflect the focus of the course. There are several methods to help students develop action plans. For example, some clinicians favour checklists, forms or protocols to ensure their students learn to think through the same issues in every case. The choice of approach is less important than the planning which is fostered, although the approach used should match the professor's teaching philosophy.

In any clinical course, the catalyst for learning is the experience component. Clinical professors make many choices when designing the experience component of the course. The experiences offered should allow the students to practise the skills or apply the values that are the focus of the course. While students will practise many skills and apply values that are peripheral to the focus skills and values, priority should be given to those experiences that are most likely to offer the student the opportunity to practise the focus skills and values. Whatever the focus, students should be required to experience challenging professional situations that require decision-making and the exercise of judgment.

The third step to good experiential learning is reflection upon the experience. Most clinical educators consider the reflection stage to provide the major source of learning. The professor should guide the student through a process of thinking about how well the action plan succeeded. The process demands that students integrate the theory, the experience and real-life events to learn how to build upon strengths and improve upon weaknesses. It is through reflection that clinical teachers instil a lifelong habit of professional self-development and growth.

Faculty who do not teach in clinics fail to understand some of the extrinsic demands of the clinical teacher. The traditional separation of teaching, service and scholarship as an evaluation device is often not a helpful construct when evaluating a clinical educator.