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LAW SCHOOL DEAN WANTED: A WOMAN FOR ALL REASONS

SUSAN HANLEY DUNCAN,* KAREN LOTT,** & CATHERINE PETTIS***

INTRODUCTION

UNEQUAL treatment of women in legal education still exists, whether that manifests itself in salaries, service assignments, or the implicit bias of colleagues or students. Challenges abound and can be demoralizing to women in the profession and those seeking to join “the Legal Academy.” Well-respected authors have documented these challenges for many years and likely will continue for many more.¹ I will let others describe the very real inequities that still exist. With this Article, I instead seek to join the dialogue by describing one of the bright points, the rise of women deans in the Legal Academy.

Increasing gender parity in deanships is a fairly recent phenomenon. Going back to May 1988, the spring before I started law school, the *New York Times* published an article titled, *THE LAW; Law School Dean Wanted: A Man for All Reasons*.² The author did not interview a single woman dean. Lucky for me, the University of Louisville appreciated that a woman could also perform the job, and my dean, Barbara Lewis, helped forge the way for future women. Statistics did improve by the time Herma Hill Kay wrote a 2002 article, *Women Law School Deans: A Different Breed, Or Just One of the Boys?*,³ chronicling the path of women deans. According to her re-

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1. See generally DEBORAH L. RHODE, ABA COMM'N ON WOMEN IN THE PROFESSION, *THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION* (2001); Janette Barnes, *Women and Entrance to the Legal Profession*, 23 J. LEGAL EDUC. 276 (1970); Meera E. Deo, *Looking Forward to Diversity in Legal Academia*, 29 BERKELEY J. GENDER L. & JUST. 352 (2014); Herma K. Hill, *Women Law School Deans: A Different Breed, Or Just One of the Boys?*, 14 YALE J.L. & FEMINISM 219 (2002); Christine Haight Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333 (1996); Ruth Bader Ginsburg, *Women's Work: The Place of Women in Law Schools*, 32 J. LEGAL EDUC. 272 (1982); Sheila McIntyre, *Gender Bias within the Law School: The Memo and Its Impact*, 2 CANADIAN J. WOMEN & L. 362 (1987); Laura M. Padilla, *A Gendered Update on Women Law Deans: Who, Where, Why, and Why Not?*, 15 AM. U. J. GENDER SOC. POLICY & L. 443 (2007); Robin West, *Women in the Legal Academy: A Brief History of Feminist Legal Theory*, 87 FORDHAM L. REV. 977 (2018).

2. Douglas Martin, *THE LAW; Law School Deans Wanted: A Man for All Reasons*, N.Y. TIMES (May 6, 1988), <https://www.nytimes.com/1988/05/06/us/the-law-law-school-dean-wanted-a-man-for-all-reasons.html> [<https://perma.cc/L3GW-8W6N>].

3. Hill, *supra* note 1.

(1083)

search, after the first woman dean in 1898, only fifty-seven more women became deans in ABA-accredited law schools from 1951 to January 1, 2003.⁴

While growth in the number of women deans was basically nonexistent for much of the twentieth century, there is now better news to report. Since the 1980s, the number of female deans has been on a modest, yet steady, rise.⁵ For example, in the decade between 1984 and 1994, the number of women deanships almost doubled, reaching a high of fourteen, and by 2006, that number had again doubled, which brought the total number of women deans to over thirty for the very first time.⁶

The growth trend during this period should not minimize that deanships for women of color were *and still are* greatly lagging. By 2003, there had been only five women deans of color ever.⁷ There is still clearly work to be done, but there has also been some growth since 2003. In 2019, the number of female deans of color has grown to four female deans who are Hispanic or Latino, twenty who are African-American, one who is Native-American, and three who are Asian/Pacific Islander.⁸

Today, just thirteen years after the number of female deans hit a high of thirty-one, eighty women deans lead our law schools.⁹ Further, in the past year alone, twenty-four of the forty-five deans who were hired were women, a number yet again indicating growth in the right direction.¹⁰ Equally exciting, a record number of schools hired women deans and many for the first time in their school's history.¹¹ We need to celebrate this great news!

These statistics compare favorably to other disciplines. For example, only 16% of medical school deans¹² and 24.5% of pharmacy school leaders¹³ are women. The relatively small number of women in administration is not proportionate to the increased female enrollment in medical school.¹⁴ Some suggest that “the lack of intentional effort to recruit and

4. *Id.* at 225 tbl.1.

5. *See* Padilla, *supra* note 1, at 443.

6. *Id.*

7. *Id.*

8. *Rosenblatt's Dean Database: Deans by Ethnicity*, MISS. C. SCH. L., <https://web.archive.org/web/20191025040153/https://law.mc.edu/deans/results.php?s=14> [permalink unavailable] (last visited Dec. 2, 2020).

9. *Id.*

10. *Id.*

11. *See id.*; *see also* Karen Sloan, *Meet the Record Setting Number of Incoming Women Law Deans*, LAW.COM (Apr. 3, 2019, 2:30 PM), <https://www.law.com/2019/04/03/meet-the-record-setting-number-of-incoming-women-law-deans/> [<https://perma.cc/97KK-MK4D>].

12. Amy Paturel, *Where are All the Women Deans?*, ASS'N AM. MED. C. (June 11, 2019), <https://www.aamc.org/news-insights/where-are-all-women-deans> [<https://perma.cc/6ESC-Z289>].

13. *See* JoLaine R. Draugalis et al., *The Status of Women in US Academic Pharmacy*, AM. J. PHARMACY EDUC., Dec. 2014, at 178.

14. *See* Paturel, *supra* note 12.

hire women for leadership positions and then support them” are barriers to women becoming deans.¹⁵

Within business schools, the Association to Advance Collegiate Schools of Business (AACSB) member schools have increased the percent of women at each faculty rank, with the largest increases being at the level of dean with 24% and assistant dean with 66% women.¹⁶ However, women are still underrepresented. Only a little more than 20% of women are department chairs.¹⁷ “The low number of female department chairs is significant because leadership often begins at the department chair level.”¹⁸

To keep the forward momentum going, we need to periodically review how women become deans and how they lead, what obstacles and challenges exist for women deans in particular, and how deans can help solve some of the inequities present in the Academy. To that end, this Article will explore:

- How women can position themselves to become deans;
- Whether males or females make better leaders;
- Unique challenges facing women deans and how women deans address these challenges; and
- Ways deans can help level the playing field for women in the Academy.

By exploring these various topics and describing some of my own personal experiences, I hope to inspire more women to become deans and accept other senior leadership positions. Not only will their talents and voices make the Academy a better place, their own lives will be enriched by the experience.

I. HOW WOMEN CAN POSITION THEMSELVES TO BECOME DEANS

Describing some of the steps women can take to position themselves for deanships begs the question of whether or not women want to be deans. Deans’ jobs require multiple skill sets and lots of energy. On any given day, a dean’s job starts in the very early morning and does not end until late in the evenings, and during that time the tasks can be widely divergent. One study listed 168 duties deans perform.¹⁹ When I interviewed for deanships two years ago, desired traits and experiences included, among others:

15. *Id.*

16. Pam Scholder Ellen et al., *The Business School’s Glass Ceiling*, BIZED (Mar. 1, 2019), <https://bized.aacsb.edu/articles/2019/march/the-business-schools-glass-ceiling> [<https://perma.cc/49DB-FRR2>].

17. *Id.*

18. *Id.*

19. Tim Sensing, *The Role of the Academic Dean*, 45 RESTORATION Q. 5, 6 (2003).

- Reputation as a respected legal scholar/educator with a commitment to students and an informed understanding of the importance of academic research;
- Demonstrated record of success in fundraising, alumni relations, and building active working partnerships in the legal, business, government, and public policy communities;
- Astute fiscal management acumen with experience in maximizing operational efficiencies;
- Entrepreneurial and innovative approach to contemporary course delivery methods and revenue-producing programs;
- Engaging communication skills, a transparent, inclusive, and motivational leadership style that is centered around easy accessibility to faculty, staff, and students;
- Advocacy for the diverse perspectives that shape the law and society;
- Proven ability to provide faculty and staff members with the necessary resources to enable their successful pursuit of quality teaching, research, scholarship, and support services;
- Collaborative style with other schools, colleges and the legal community to identify and pursue multi-disciplinary opportunities that serve the city, state, and region; and
- Knowledge of best practices to recruit and retain motivated students, provide optimum methods of academic support, and moderate the growth of tuition to ensure broad access.²⁰

Being able to keep so many balls in the air requires excellent time management, multitasking skills, and a lot of grit. The many outcomes expected from a modern law school dean leads to a much greater turnover in deanships than in the past. In fact, the average dean tenure at a school according to Dean Emeritus and Professor of Law Jim Rosenblatt's Deans Database now stands at 3.72 years.²¹ Albeit, some deans, including women deans, serve for many more years. For example, Susan Westerburg Prager has served as dean for 22 years, and Darby Dickerson is in her sixteenth year as dean.²²

Interestingly, in Padilla's 2006 article on female deans, she notes the average tenure for all deans was close to 4 years, but that women's tenure averaged 6.5 years.²³ She then questions whether the trend of women serving longer terms than the average would continue.²⁴ Today, based on the numbers provided in Dean Rosenblatt's database, the average tenure

20. Memorandum from the University of Louisville Brandeis School (Nov. 1, 2016) (on file with author); *see also* Padilla, *supra* note 1 (offering an excellent discussion of the roles of a dean).

21. *Rosenblatt's Dean Database*, *supra* note 8.

22. *Id.*

23. Padilla, *supra* note 1, at 475.

24. *See id.* at 475–76.

for *current* women deanships is 3.4 years.²⁵ This drop in current tenure length, though, could possibly be attributed to the recent, large increase in women deanships overall.²⁶ These numbers indicate that the average tenure for female deans is not disproportionately lower than their male counterparts, and in 2006, at least, the overall tenure was even higher than the average.²⁷ As we move forward in this era where more women deans are being hired, we should pay careful attention to the tenure length of female deans in light of the demanding nature of the job.

Understanding the incredible demands of the job, why would anyone want it?²⁸ The job appeals to individuals for many different reasons, but most deans enjoy the opportunities and even the challenges (or most of them). The role allows you to empower faculty, staff, and students to meet their goals and dreams. You find funds and raise resources that allow your law school to change the lives of people in your communities and beyond. You meet wonderful alumni and friends of the school. Implementing strategic plans energizes deans because they can creatively make a plan of action utilizing the many talents in the building to accomplish the collective goals of the law school. No day is the same, which is refreshing and crazy all at the same time.

Besides helping propel a school forward, being a dean also allows individuals to grow as people and leaders, and gain valuable experience. The dean's duties require multiple skill sets. Now in my eighth year of being a dean, I know I can read a budget faster and better, engage in more efficient and targeted fundraising, and handle personnel issues more confidently. Practice, along with failures and successes, helps me hone my abilities.

Some research already exists about the best way to become a law school dean.²⁹ To add and update that research, in April 2019, AccessLex Institute awarded the Association of American Law Schools (AALS) a

25. *Rosenblatt's Dean Database*, *supra* note 8.

26. In the past year, over half of the deans that were hired were female (twenty-four out of twenty-five). Thus, because there has been such an influx of female deans with tenures of less than one year, the overall average tenure length is lower than it would be if these brand-new deanships were not accounted for. *See id.*

27. *See* Padilla, *supra* note 1, at 475–76; *see also* *Rosenblatt's Dean Database*, *supra* note 8.

28. *See, e.g.*, R. Lawrence Dessem, *Top Ten Reasons to Be A Law School Dean*, 33 U. TOL. L. REV. 19 (2001).

29. *See, e.g.*, David A. Brennen, *Succeeding in the Candidate Pool: Resources Available at Association of American Law Schools for Persons Interested in Becoming A Law School Dean*, 31 SEATTLE U. L. REV. 791 (2008); Robert H. Jerry, II, *A Primer for the First-Time Dean Candidate*, 49 J. LEGAL EDUC. 564 (1999); Kevin R. Johnson, *Session 1: Deciding to Become A Dean*, 31 SEATTLE U. L. REV. 813 (2008); Robert Post, *Leadership in Educational Institutions: Reflections of A Law School Dean*, 69 STAN. L. REV. 1817 (2017); *see also* Dessem, *supra* note 28. *But see* R. Lawrence Dessem, *Maybe Deaning Is Not for You*, 39 U. TOL. L. REV. 261 (2008).

grant of \$375,000 over the next three years.³⁰ A large portion of the grant will be used to fund a “Study of the American Law School Dean,” exploring how law school deans are recruited and selected, career paths to the deanship, the leadership attributes most sought after in law school deans, the selection process, and the most pressing issues deans currently face.³¹ This research will greatly benefit those individuals considering applying to be a dean, and I encourage readers to watch for the AALS findings.

Hopefully, this research will also explore barriers that still exist to becoming a dean, which include structural and individual barriers. The pipeline continues to be one of the biggest obstacles.³² Women make up 39.9% of law school faculties.³³ Neither the ABA nor the AALS had readily available statistics about how many of these women have achieved tenure and the rank of full professor in law schools, but in higher education overall, women fill only 25% of tenured faculty roles.³⁴ Hopefully, as more women go to law school and enter the profession, the percentages will improve.³⁵ Although, as Renee Allen in *The “Pink Ghetto” Pipeline* notes, “The term ‘the higher the fewer’ has been created to recognize that as one looks at academic positions with more prestige, salary, or rank, there are fewer women than men occupying these positions even though women are earning more degrees than men.”³⁶ Thus, the traditional hiring pipeline is failing to alleviate the inequalities existent in tenured professor positions.

In addition to the pipeline problem, other barriers keep women from deanships. McKinsey and Company, a global management consulting firm, embarked on research in 2011 to understand how women contributed to the United States economy. As part of that research, they identified four broad categories of barriers facing women: structural obstacles,

30. *AccessLex Institute Awards Grant to AALS for Research and Support of Law Schools and Deans*, ASS’N AM. L. SCHOOLS (May 7, 2019), <https://www.aals.org/aals-newsroom/accesslex-institute-awards-grant-to-aals-2019/> [<https://perma.cc/3KGG-HYN7>].

31. *See id.*

32. Renee Nicole Allen et al., *The “Pink Ghetto” Pipeline: Challenges and Opportunities for Women in Legal Education*, 96 U. DET. MERCY L. REV. 525, 533–38 (2019).

33. *Legal Education at a Glance: 2019*, ASS’N AM. L. SCHOOLS, <https://www.aals.org/wp-content/uploads/2020/02/2019-Legal-Education-At-a-Glance.pdf> [<https://perma.cc/GHF7-XGM5>] (last visited Nov. 28, 2020).

34. *See* Allen et al., *supra* note 32, at 539.

35. In 2016, for the first time in U.S. history, women held over 50% of the seats at U.S. law schools. Elizabeth Olsen, *Women Make Up Majority of U.S. Law Students for the First Time*, N.Y. TIMES (Dec. 16, 2006), www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html [<https://perma.cc/T6HY-MKF3>]. At my own institution, the University of Mississippi, 2019 became the record year. For the first time in Ole Miss Law history, the incoming class was majority female at 53%. Katie Broten, *For the First Time Over Half of the Law School’s Incoming Class is Female*, DAILY MISSISSIPPIAN (Sept. 16, 2019), <https://thedmonline.com/for-the-first-time-most-of-the-law-schools-incoming-class-is-female/> [<https://perma.cc/D9DU-LJZP>].

36. Allen et al., *supra* note 32, at 539.

lifestyle issues, imbedded institutional mindsets, and imbedded individual mindsets.³⁷ A 2016 American Association of University Women report found similar barriers.³⁸ Likewise, in an even more recent Pew Research Center report, *Women and Leadership 2018*, the authors found that these same categories still hold women back from top leadership positions.³⁹ The Pew Research Center conducted a nationally representative online survey of 4,587 adults from June 19 to July 2, 2018.⁴⁰ Respondents identified the following structural barriers holding women back:

37. See Joanna Barsh & Lareina Yee, *Unlocking the Full Potential of Women in the U.S. Economy*, MCKINSEY & CO. (Apr. 1, 2011), <https://www.mckinsey.com/business-functions/organization/our-insights/unlocking-the-full-potential-of-women> [<https://perma.cc/Z9ZD-CP6D>].

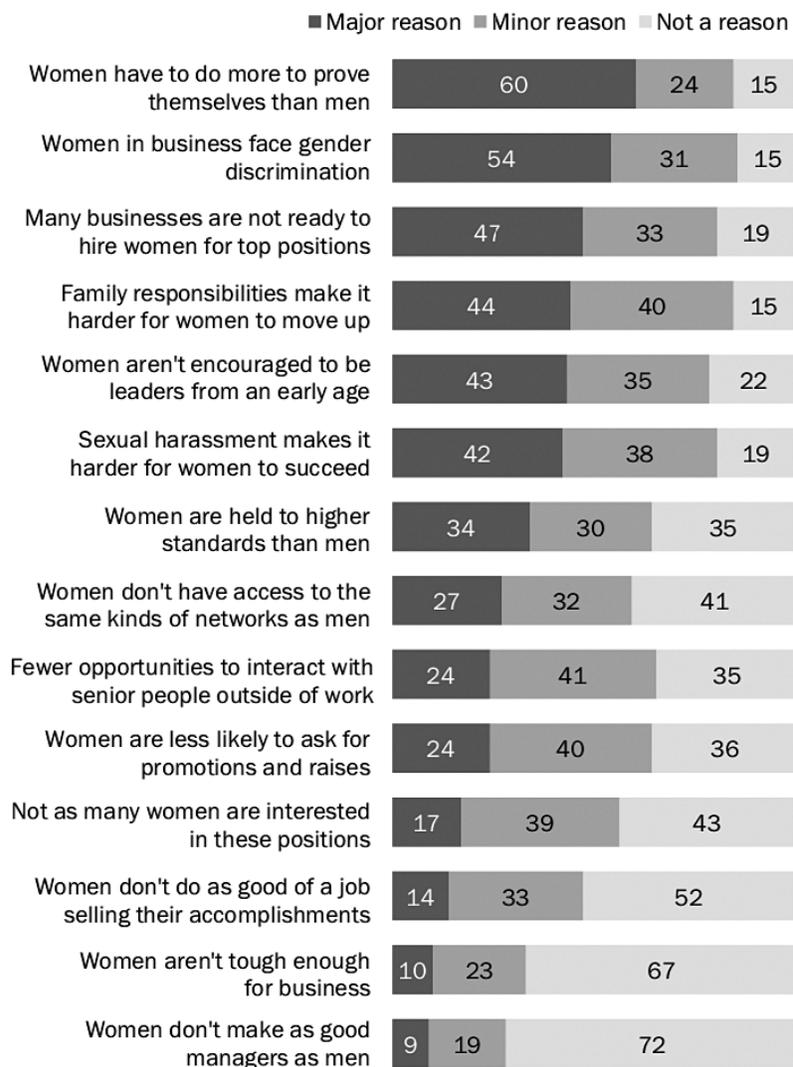
38. AM. ASS'N OF UNIV. WOMEN, BARRIERS AND BIAS: THE STATUS OF WOMEN IN LEADERSHIP 18–21 (2016), <https://www.ncgs.org/wp-content/uploads/2017/11/Barriers-and-Bias-The-Status-of-Women-in-Leadership.pdf> [<https://perma.cc/WU3W-B6P5>]. This report compiled by the AAUW identified several barriers to women in leadership including family/work–life balance choices, implicit biases, and a lack of effective mentors and networks. See *id.*

39. See JULIANA MEASCE HOROWITZ ET AL., PEW RES. CTR., WOMEN IN LEADERSHIP 2018: WIDE GENDER AND PARTY GAPS IN VIEWS ABOUT THE STATE OF FEMALE LEADERSHIP AND THE OBSTACLES WOMEN FACE (2018), <https://www.pewsocialtrends.org/2018/09/20/women-and-leadership-2018/> [<https://perma.cc/PS25-N7WP>].

40. *Id.*

Many Americans see structural barriers holding women back from top leadership positions in business

% saying each is a major reason, minor reason or not a reason why there aren't more women in top executive business positions



Note: Share of respondents who didn't offer an answer not shown.

Source: Survey of U.S. adults conducted June 19-July 2, 2018.

"Women and Leadership 2018"

PEW RESEARCH CENTER

These identified barriers resonate with not only women in business but women leaders in the legal academy. For example, women definitely do not have access to the same types of networks as men. “[N]etworking in the business world often occurs around activities that are typically considered ‘masculine,’ such as golf or hunting. Women with substantial family responsibilities may have limited time for building professional networks or socializing with colleagues outside of work.”⁴¹ In the Academy, you see similar segregating occurring with men who often promote other men for speaking and leadership opportunities. I even witness that men typically eat lunch with other men and do not reach out to their younger female colleagues.

One of the most recognized barriers negatively affecting women professionally across all industries and disciplines is motherhood. It is often assumed that a woman’s caregiving commitments are too time consuming for demanding jobs. One study showed new moms receive a decrease in pay by 4% with each child, while new fathers see a 6% increase in income.⁴²

Despite these very real barriers, women should not be discouraged from contemplating becoming a dean, and thus, I offer the following suggestions on how to best prepare for a deanship.⁴³ Although many potential paths exist for becoming a dean, being part of a law school faculty seems to be the most popular one. Only a very small handful of current female deans came from outside the Academy and those women usually came from the judiciary. Many current deans served as associate dean before becoming the dean.⁴⁴ Having served as an Associate Dean for Faculty Research and Development, I can attest firsthand how valuable this experience was in preparing me. This position allows many opportunities to be included in law school decisions and get a glimpse into the bigger picture. I learned more in my one year in this position than I ever knew as a rank and file faculty member.

I also suggest accepting leadership roles on campus. I chaired the Commission on the Status of Women. This position provided me the opportunity to manage a budget and accomplish university wide changes through collaborative efforts. Additionally, I reported directly to the president and talked often to the provost and the president about our strategic plan and various initiatives. The skills I developed and strengthened and

41. AM. ASS’N OF UNIV. WOMEN, *supra* note 38, at 21.

42. *Id.*

43. The following paragraphs containing recommendations are based on my own experiences as a female dean at both the University of Louisville Law School and the University of Mississippi Law School.

44. See A. Felecia Epps, *Lessons Learned on the Journey from Associate Dean of Academic Affairs to Dean*, 48 U. TOL. L. REV. 241 (2017) (explaining how being an associate dean prepared her for the role of dean); see also Elizabeth Rindskopf Parker, *The Role of Law Schools and Law School Leadership in a Changing World: On Being an Outside Dean—The University of the Pacific McGeorge School of Law Experience*, 29 PENN ST. INT’L L. REV. 121 (2010).

the relationships I formed helped me obtain the Interim Dean position. These experiences also elevated my candidacy when I went on the market because I could point to concrete examples of when I performed duties similar to those of a dean.

Interested women should look for other opportunities that mirror the dean's role. Hiring committees will want to explore the candidate's familiarity and experience with fundraising, managing people, innovating, and building consensus. Candidates will fare better if they can point to roles inside and outside the Academy that prepared them for the dean's job. Leading the Legal Writing Institute and cochairing our church's massive summer carnival provided me with concrete examples I could use in my interview and in my cover letter.

Not only do prior experiences help make a woman stand out but preparation for the interview may be the most important.⁴⁵ Even seemingly casual calls with the consulting firm or the search committee require preparation. The candidate should learn as much as she can about the institution. Many times scouring the websites can provide very important information about the law school and the university. A candidate should also ask the search committee for important documents including copies of strategic plans, self-studies, accreditation reports, budgets, and any other document that outlines the mission and vision of the institution. The candidate should outline the strengths, weaknesses, opportunities, and threats the institution faces. Checking those with people at the school can help prevent embarrassing or awkward exchanges.

The candidate should also schedule mock interviews to polish answers and identify holes. I approached interviews like an oral argument. I used a manila file folder and divided it into ten sections corresponding to themes I anticipated would be discussed during the interview. My folder included two or three bullet points for each of the following categories: About me, Culture, Resources, Scholarship, Curriculum, Leadership, Interdisciplinary, Fundraising, Budget, Diversity, Research, Alumni Relations, Management Style, Trends, Top Accomplishments, and My questions. Although I never had to look at it, knowing talking points were at my fingertips helped prepare me.

When practicing for the interview or discerning whether to enter the search, women should not hesitate to contact women already in the dean roles. I feel fairly certain that all women deans benefitted from mentorship and encouragement. They can provide an honest description of the good, the bad, and the ugly of being a dean. They most likely can share tips and lessons learned. Hearing from them and getting their insights often fine-tuned my thinking and positively impacted my responses.

45. See Jerry, II, *supra* note 29. This article provides excellent advice on how to prepare for a law school dean interview and helps readers anticipate the topic areas generally covered in those interviews.

Preparing also means not only getting to know the school and the search committee members but being up-to-speed with the current challenges and innovations happening in legal education. A candidate that does her homework will impress a committee. Signing up for higher education blogs and reading leading educational periodicals will differentiate a candidate from others. Do not forget to expand that knowledge to the legal professional generally. I found alumni on the committee often wanted my opinions on what was happening outside the Academy.

To that end, the candidate also meets with the university provost, president, and other senior leadership. The candidate needs to be familiar with the university goals and be able to discuss how the vision for the law school aligns with the university's vision and mission. I prepared specific questions for each leader I met to demonstrate I had knowledge about their particular area of the university. For example, while meeting with the Chief Financial Officer, I asked pointed financial questions about Responsibility Center Management (RCM) and historical budgeting models. I also inquired about reserve amounts in the university budget. The more specific your responses and questions to these leaders the better.

Bottom line: nothing replaces preparation. A candidate will impress the search committee and others with a deep base of knowledge about the law school, the university, legal education, and the legal profession. Even if you do not get the position, educating yourself about how other schools operate will enrich whatever path you eventually take.

II. DO WOMEN OR MEN MAKE THE BEST LEADERS?

At least one recent study from the *Harvard Business Review* suggests that women score higher than most men when evaluated for core leadership skills,⁴⁶ but does this mean women are actually better leaders than men? Conclusively answering that question may be impossible, and the current public perception is that neither men nor women make the “best leaders.” For example, a recent survey from the Pew Research Center suggests that the public does not consider gender dispositive of who makes the best leaders.⁴⁷ When asked about who makes the best leaders in politics and business, respondents noted that, although women and men lead differently, they did not believe either gender has a better approach.⁴⁸

This sentiment, however, did not always exist among the public. Early research on effective leadership often focused on the attributes strong leaders possessed.⁴⁹ Because the leaders consisted of mostly men, it is no

46. See Jack Zenger & Joseph Folkman, *Research: Women Score Higher Than Men in Most Research Skills*, HARVARD BUS. REV. (June 15, 2019), <https://hbr.org/2019/06/research-women-score-higher-than-men-in-most-leadership-skills> [<https://perma.cc/N53P-Z6F4>].

47. See generally HOROWITZ ET AL., *supra* note 39.

48. *Id.* at 45.

49. DEBORAH L. RHODE, WOMEN AND LEADERSHIP 12–13, 96 (2017).

surprise that the leadership attributes tended to be more masculine.⁵⁰ Even a psychological phenomenon exists that describes this bias called “Think Manager—Think Male” suggesting most people automatically associate males as leaders and leadership traits to be stereotypically masculine.⁵¹ This unconscious, implicit bias required women leaders to either conform to their male counterparts and adopt masculine traits or be discounted because more feminine traits were not viewed favorably.⁵² And even when women adopted the more masculine attributes, they still faced criticism as counter-stereotypical behavior is punished.⁵³ For example, assertiveness and ambition help men more than women in obtaining leadership positions.⁵⁴

Today’s research seems to focus less on these masculine traits and instead on transformational leadership with some studies revealing that women are particularly adept at this style.⁵⁵ First introduced by James MacGregor Burns in his research on political leaders, transformative leadership—unlike transactional leadership—focuses on leading by example and empowering others to fulfill the goals of the organization as well as their personal ambitions.⁵⁶ Transformational leaders spend time developing strong interpersonal relationships that lead to a climate of mutual trust between the leader and her followers.⁵⁷ Transformative leaders possess a high degree of emotional intelligence and view their role as coach or mentor committed to developing their staff by empowering them and

50. *See id.* at 98 (“[M]any traits traditionally associated with leadership in academia are masculine. Women thus confront a double bind and a double standard. They can appear too assertive or not assertive enough, and what is assertive in a man can be seen as ‘overbearing’ in a woman.” (footnote omitted)); *see also* MIMI WOLVERTON, *WOMEN AT THE TOP: WHAT WOMEN UNIVERSITY AND COLLEGE PRESIDENTS SAY ABOUT EFFECTIVE LEADERSHIP* 75 (2008).

51. *See The Double-Bind Dilemma for Women in Leadership: Damned if You Do, Doomed if You Don’t*, CATALYST (July 15, 2017), <https://www.catalyst.org/research/the-double-bind-dilemma-for-women-in-leadership-damned-if-you-do-doomed-if-you-dont/> [<https://perma.cc/M8XK-9WC2>]. *See generally* Virginia E. Schein, *Think Manager—Think Male: A Global Phenomenon?*, 17 J. ORGANIZATIONAL BEHAV. 33 (1996).

52. RHODE, *supra* note 49, at 98–99.

53. *See id.* at 60–61.

54. *See* HOROWITZ ET AL., *supra* note 39, at 45 (“Just as the public has very different views about what society values most in men and in women, the public sees some traits as being more beneficial for men than for women who aspire to leadership positions. More Americans see traits like ambition, decisiveness and assertiveness as helpful for men in both politics and business, while more say that physical attractiveness helps women than say it helps men. And the public sees being compassionate as more helpful for women than men in politics.”).

55. *See* RHODE, *supra* note 49, at 5; Crystal L. Hoyt, *Women, Men, and Leadership: Exploring the Gender Gap at the Top*, 4 SOC. & PERSONALITY PSYCHOL. COMPASS 488 (2010); *see also* Rochelle Sharpe, *As Leaders, Women Rule*, BLOOMBERG (Nov. 20, 2000, 12:00 AM), <https://www.bloomberg.com/news/articles/2000-11-19/as-leaders-women-rule> [<https://perma.cc/RF4C-BHZX>].

56. *See* JAMES MACGREGOR BURNS, *LEADERSHIP* 191 (1978).

57. *See id.*

celebrating positive contributions.⁵⁸ According to the Pew Research study (discussed above), women rank higher than men on traits more aligned with the transformational style.⁵⁹ For example, women rank higher than men for having qualities such as compassion, honesty, integrity, and the ability to compromise.⁶⁰

Other studies also find that women and men may bring different experiences and traits to their jobs. For example, in 2011, Susan McTiernan of Quinnipiac University and Patricia M. Flynn of Bentley University published the first study comparing the characteristics of male and female business school deans.⁶¹ The study revealed that parenthood remains a significant factor in career development. Male deans are more likely to be married and more likely to be parents compared to female deans.⁶² Mentorship was high among women deans, a “significant developmental difference.”⁶³ Additionally, women are more likely to serve as interim dean prior to becoming dean than men, suggesting “that women are more likely than their male colleagues to need to prove themselves in the position of interim dean.”⁶⁴ While masculine traits have long been associated with deans, the increased need for the business schools deans to have high emotional and social intelligence to relate to their students and faculty coupled with the need for a leader that “will check their egos at the door” indicate that feminine traits attributed to women such as empathy, collaboration, and nurturing are needed as changes are affecting the business world.⁶⁵

The jury might be out on who makes the best deans, but irrefutable evidence exists that women deans survive, thrive, and succeed in law schools. Some of them have gone on to even more senior leadership roles becoming presidents, provosts, and leaders of important legal organizations and institutions.

58. *See id.* at 191–92.

59. *See* HOROWITZ ET AL., *supra* note 39, at 35.

60. *See id.*

61. Susan McTiernan & Patricia M. Flynn, “*Perfect Storm*” on *The Horizon for Women Business School Deans?*, 10 ACAD. MGMT. LEARNING & EDUC. 323, 323–39 (2011).

62. *See id.* at 326 tbl.1.

63. *Id.* at 328.

64. *Id.*

65. *See generally id.* at 323–39.

CHART 1

ACADEMIA		
Name	Current Position	Former Position(s)
Michelle Anderson	President of Brooklyn College (2016–Present)	Dean at CUNY School of Law (2006–2016)
JoAnn Epps	Executive Vice-President and Provost at Temple University (2016–Present)	Dean at Temple Law School (2008–2016)
Phoebe Haddon	Chancellor of Rutgers University (2014–Present)	Dean at University of Maryland School of Law (2009–2014)
Wendy Hensel	Interim Provost and Senior Vice President for Academic Affairs at Georgia State University (2019–Present)	Dean at Georgia State University College of Law (2017–2019)
Lisa Kloppenberg	Interim Provost at Santa Clara University (2019–Present)	Dean at Santa Clara University School of Law (2013–2019) and Dean of University of Dayton School of Law (2001–2011)
Janet Levit	Provost and Executive Vice President for Academic Affairs at the University of Tulsa (2015–Present)	University of Tulsa College of Law Dean (2008–2015)
Liz Magill	Executive vice president and provost of the University of Virginia (Present)	Dean of Stanford Law School (2012–2019)
Joyce McConnell	President Colorado State University (2019–Present)	Previous Provost and Dean at West Virginia University College of Law (2008–2019)
Susan Poser	Provost and Vice Chancellor for Academic Affairs at the University of Illinois at Chicago (UIC) (2016–Present)	Dean at the University of Nebraska College of Law (2010–2016)
Susan Prager	Southwestern Law School (2013–Present)	Dean at UCLA School of Law (1982–1998); Provost of Dartmouth College (1999–2000); President of Occidental College (2006–2007); Executive Director and C.E.O. of the Association of American Law Schools
Nancy Rapoport	Professor of Law at University of Nevada School of Law (2018–Present)	Dean at University of Nebraska College of Law (1998 – 2000); Dean at University of Houston Law Center (2000–2006); Interim Dean at University of Nevada School of Law (2012–2013)

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CHART 1 CONT.

ACADEMIA		
Name	Current Position	Former Position(s)
Lauren Robel	Provost and Executive Vice President of Indiana University Bloomington (2012–Present)	Dean of IU Maurer School of Law (2003–2011)
Patricia Salkin	Provost of the Graduate and Professional Divisions of Touro College (2016–Present)	Dean at Touro College Law Center (2012–2016)

Below is just a sampling of some of the outstanding women deans who continue to lead in different capacities:

CHART 2

POLITICS and JUDICIARY		
Name	Current Position	Former Position(s)
Elena Kagan	United States Supreme Court Justice (2010–Present)	Dean at Harvard Law School (2003–2009)
Kristen Booth Glen	Retired; Judge for New York County Surrogate's Court(2006–2012)	Dean at CUNY School of Law (1995–2005); Judge in New York state courts (1981–1995)

CHART 3

LAW PRACTICE and INDUSTRY		
Name	Current Position	Former Position(s)
Judith Areen	Executive Director and CEO of AALS (2014–Present)	Dean at Georgetown University Law Center (1989–2004)
Betsy Levin	Retired; Executive Vice-President of AALS (1987–1992)	Dean at University of Colorado Law School (1981–1987)
Elizabeth Parker	Executive Director and CEO of the State Bar of California (2015–2017)	Dean at University of the Pacific, McGeorge School of Law (2002–2012)
Nancy Rogers	Professor and Director of the Law and Leadership Program at Ohio State University Moritz College of Law (2009–Present); Attorney General of Ohio (2008–2009)	Dean at Ohio State University Moritz College of Law (2001–2008)
Suellyn Scarnecchia	Professor at the University of Michigan (2012–Present); General Counsel and Vice President at the University of Michigan (2008–2012)	Dean at University of New Mexico School of Law (2003–2008)
Kathleen Sullivan	Partner at Quinn, Emanuel, Urquhart & Sullivan (first and only woman named partner at an Am Law 100 firm) (2005–Present)	University of Tulsa College of Law Dean (1999–2004)
Kellye Testy	President and CEO of the Law School Admission Council (2017–Present)	Dean at Seattle University School of Law (2004–2009); Dean at University of Washington School of Law (2009–2017)

III. CHALLENGES AND HOW WOMEN DEANS ADDRESS THESE CHALLENGES

To be fair, most challenges do not arise from being a woman but rather being a dean. The things that keep deans up at night—budget issues, personnel issues, student wellbeing, campus and law school flashpoints—do not discriminate between the genders. Being a woman dean does, however, result in some gender specific challenges. For instance, women often fall victim to the imposter syndrome, “feeling like an academic or professional fraud.”⁶⁶ With this syndrome, women tend to

66. Callie W. Edwards, *Overcoming Imposter Syndrome and Stereotype Threat: Reconceptualizing the Definition of a Scholar*, 18 TABOO: J. CULTURE & EDUC. 19 (2019) (“In their seminal work, Clance and Imes (1978) examined women specifically and asserted that ‘[d]espite outstanding academic and professional accomplishments, women who experience the imposter phenomenon persist in believing that they are really not bright and have fooled anyone who thinks otherwise.’” (alteration in original) (citation omitted)); see SHERYL SANDBERG, *LEAN IN: WOMEN, WORK, AND*

view their success as lucky and worry that they may not be ready for the next step up in their careers. While men forge ahead on potential, women hold back thinking they need more time and experiences before they advance.

Similarly, when women reach higher levels of leadership, they need to be coached on how to advocate for themselves and the organizations they lead. Research suggests women do not negotiate their salaries to the same degree as men and find it sometimes difficult to be “heard.”⁶⁷ In her best-selling book, *Lean In*, Facebook’s Chief Operating Officer Sheryl Sandberg suggests ways women can obtain their goals, including making sure you take a seat at the table and voice your opinions.⁶⁸

Other challenges for women arise not from within but from how others view a woman leader. This can be particularly problematic for women who may be the first woman to hold the position. For example, routinely older men commented on my appearance. They would say, “you do not look like any dean I have ever seen” or even more pointed, “you are the prettiest dean we have ever had.” Men have called me “honey” or “sweetheart” or ask repeatedly about my husband. Younger women endure even more of these inappropriate comments. I assume that these comments for the most part are innocent and just reflect a genuine surprise, but I doubt my male colleagues have experienced anything similar.

One of my favorite examples of the sexism that still pervades our profession involved my husband attending our first alumni events with me. My husband is six foot four inches tall and slightly balding, and I am five foot three inches tall. Historically, Kevin had more the “look” of a dean than I did. As people greeted us, multiple individuals asked Kevin how long he had been the dean—only for him to set the record straight.

In my personal experience, some, and definitely not all, male faculty members or other male leaders challenge and expect more from women deans. A senior administrator called me “aggressive” when I advocated for funds for the law school. I may be assertive, but I am not aggressive. This incident confirmed for me the real tightrope a woman must walk as a leader. Double standards still exist.⁶⁹ For example, students often evaluate women faculty and especially women faculty of color harsher than

THE WILL TO LEAD 29 (2013); Christyne J. Vachon, *Tiaras, Queen Bees, Impostors and the Board Room: Lean in & Women in Corporate Governance*, 9 J. BUS. & TECH. L. 279, 289 (2014) (explaining that both men and women experience impostor syndrome, but women are *more likely* to experience it and are more affected by it); *see also* Leslie P. Culver, *The Rise of Self Sidelining*, 39 WOMEN’S RTS. L. RPT. 173 (2018).

67. *See* Andreas Leibbrandt & John A. List, *Do Women Avoid Salary Negotiations? Evidence From a Large-Scale Natural Field Experiment*, 61 MGMT. SCI. 2016 (2015).

68. SANDBERG, *supra* note 66.

69. *See* JEAN LAU CHIN ET AL., WOMEN AND LEADERSHIP: TRANSFORMING VISIONS AND DIVERSE VOICES 13 (2007) (“[I]t also reflects the tendency to ‘feminize’ women leaders in ways that suggest weakness or to suggest incredulity when women behave as decisive and effective leaders.”).

white male professors.⁷⁰ Women faculty face more student confrontation from students, endure comments about their appearance, and must manage a presumption of incompetence.⁷¹ This phenomenon also exists in fields other than academia.⁷² Women routinely need to work harder than their male counterparts.⁷³

One should not think that only men can be unhelpful or try to sabotage a woman's career. Professor Deborah Borman argues that women often treat other women poorly.⁷⁴ She finds biological evidence that female animals compete viciously with other females to snare the male.⁷⁵ She asserts that this carries through with women leaders known as "queen bees" who fail to support and bring up women behind them.⁷⁶

Women should go into deanships with their eyes wide open. These challenges should not be viewed as insurmountable, but women should be aware that being a woman may add a different layer of challenges. Women need to network and find good mentors to help them navigate these potential pitfalls. The women law deans across this nation support each other and meet annually as a group. This sisterhood of women stands ready to assist those thinking of or new to the dean position.

IV. WHAT DEANS CAN DO TO HELP LEVEL THE PLAYING FIELD FOR WOMEN IN THE ACADEMY

Being a dean gives you a platform to make organizational changes.⁷⁷ Thus, one of the most important ways to address the many inequities outlined in the Call for Proposals for the Annual Norman J. Shachoy Symposium is to have a person in that decision-making role who understands the issues and how to address them. Many deans, both women and men, can and do help move the needle forward. Leaders have the ability to impact and change their organizations in innumerable ways.⁷⁸ In this Part, I outline concrete steps a dean can take to address gender inequities.

Obviously, hiring more women in tenure track positions will eventually help increase the pool of possible dean candidates.⁷⁹ Deans must

70. MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* 57 (2019).

71. *See id.* at 72–78.

72. McTiernan & Flynn, *supra* note 61, at 323–39.

73. *See RHODE*, *supra* note 49, at 12–13.

74. Deborah Borman, "You Should Smile More," *Academic Catcalling, and Women-on-Women Crimes*, 65 *VILL. L. REV.* 1065 (2020).

75. *Id.*

76. *Id.*

77. Unless noted otherwise, the following paragraphs containing recommendations are based on my own experiences as a dean at both the University of Louisville Law School and the University of Mississippi Law School.

78. *See CHIN ET AL.*, *supra* note 69, at xvii.

79. The pool for law professorships is dramatically changing, with 97% of the pool either having a PhD or a fellowship. Professor Sean M. Scott highlighted this difference at the Shachoy Symposium and has previously discussed how this hypo-

insist that hiring committees compile a broadly diverse list of potential hires. They should provide training for search committees that includes discussion of implicit bias and how to check and regulate those biases.⁸⁰

Deans should carefully monitor salaries and extra compensation annually to ensure their equitable distribution. Valid reasons could exist to explain a salary differential between similarly situated males and females, but deans must check those reasons. Deans need to educate themselves about the very real problem of gender pay gap and seek out advice on how to fix the issue.⁸¹ Often this requires a multistep evaluation to identify potential legitimate and non-legitimate causes of lower compensation.

In addition to monitoring compensation, deans can encourage and advocate for treating all faculty fairly and equitably no matter what subject they teach. Deans at many schools help change the status of clinicians and legal writing professors converting contract positions to tenure track. Likewise, deans have been instrumental in getting clinicians and legal writing professors voting rights and seats on committees, allowing them to attend faculty meetings and scholarly workshops, and many more rights.

These advances particularly help women because clinicians and legal writing professors overwhelmingly are female.⁸² Often, women are more likely than men to be legal writing teachers, law librarians, clinical instructors, bar prep instructors, and academic support instructors.⁸³ For example, in 2013, 70% of legal writing instructors were female, and men in the same position moved to tenure track more quickly.⁸⁴ Further, for these particular positions, job security requirements are often different from traditional doctrinal roles.⁸⁵ Because these positions are more skill-based,

credentialing might impact women. Similarly, at the Shachoy Symposium and in her own work, Professor Dara Purvis notes that women self-select out of leadership roles such as journal positions and clerkship even though they are selected for these positions at a greater percentage than men. She also notes that some male professors are scared to interact with female students because of the “Me Too” movement, which results in these women having fewer mentors and recommenders. Both of these phenomena could result in females being less marketable than their male counterparts.

80. See generally Susan R. Madsen & Maureen S. Andrade, *Unconscious Gender Bias: Implications for Women’s Leadership Development*, J. LEADERSHIP STUD., June 2018. This symposium article gives background on implicit biases in the workplace and offers programming suggestions to organizations aiming to combat implicit bias.

81. There have been recent high-profiled suits from the legal arena including a gender pay equity suit brought against the University of Texas Law School. See *Pay Equity Issues Attract State Laws & Lawsuits*, AM. B. ASS’N, <https://www.americanbar.org/news/abanews/aba-news-archives/2019/08/pay-equity-issues/> [https://perma.cc/G5YH-6LVB] (last visited Nov. 8, 2020); see also Kathryn Rubino, *Elite Law School Faces Gender Pay Gap Lawsuit*, ABOVE L. (Dec. 13, 2019, 5:30 PM), <https://abovethelaw.com/2019/12/elite-law-school-faces-gender-pay-gap-lawsuit/> [permalink unavailable].

82. See Allen et al., *supra* note 32, at 535–37.

83. See *id.* at 535–38.

84. *Id.* at 536.

85. See *id.* at 535–38.

instructors often receive less pay and more work, and are ultimately left with less time to pursue their own research and writing—activities crucial to receiving tenure.⁸⁶ Given this background, the dean’s role in ensuring equitable treatment of faculty is even more paramount.

One of the dean’s most important duties involves setting the work plans for individual faculty members. This is a key way in which deans can monitor faculty workload.⁸⁷ Many studies conclude that women often take on a disproportionate amount of service activities as compared to their male counterparts.⁸⁸ Committee assignments need to be fair and balanced and not routinely assigned to the “worker bees,” often times those being women. Some committees involve more work than others, and a dean should keep that in mind when making assignments. In addition, the committees should reflect a gender balance. For example, student affairs committees should not be all women while the research committee is all men.

The course schedule can also be a source of inequities. Deans should monitor which courses are taught by women and men to ensure women do not become segregated into teaching courses viewed as less intellectual or rigorous.⁸⁹ The actual time and day of course meetings need to be periodically reviewed to prevent unintended inequities.

Appointing women as associate deans helps assist women in their quest for future leadership positions. As mentioned in a previous Part, associate deanships often pave the way to future deanships. Allowing bright, talented women these opportunities will help them be competitive. Deans need to affirmatively ask women to fulfill these roles as often they do not self-nominate to the same degree as men do.⁹⁰

Administrative roles that include budget planning or fundraising initiatives also helps develop skill sets necessary to being a dean.⁹¹ Inviting

86. *See id.* at 538, 541–42.

87. The authors adopt KerryAnn O’Meara’s suggestion to make dashboards that delineate low, medium, and high service committees. Collecting data helps make service assignments transparent. *See* KerryAnn O’Meara, *Undoing the Can of Worms*, INSIDE HIGHER ED (June 27, 2018), <https://www.insidehighered.com/advice/2018/06/27/how-make-faculty-service-demands-more-equitable-opinion> [<https://perma.cc/Q86S-NC25>]; *see also* KerryAnn O’Meara, *The Hallway Ask*, INSIDE HIGHER ED (May 10, 2018), https://www.insidehighered.com/advice/2018/05/10/ensuring-equity-service-work-opinion?utm_source=inside+Higher+Ed&utm_campaign=24362e9c4e-DNU20180111&utm_medium=email&utm_term=0_1fcbc04421-24362e9c4e-198228137&mc_cid=24362e9c4e&mc_eid=0e307ffb34 [<https://perma.cc/9CR6-59DP>].

88. *See, e.g.*, Andrea A. Curcio & Mary A. Lynch, *Addressing Social Loafing on Faculty Committees*, 67 J. LEGAL EDUC. 1 (2017); McTiernan & Flynn, *supra* note 61, at 323–39.

89. *See* Allen et al., *supra* note 32, at 533–38.

90. *See generally* Christine L. Exley & Judd B. Kessler, *The Gender Gap in Self-Promotion*, (Nat’l Bureau of Econ. Res., Paper No. 26345, 2020).

91. *See* Darby Dickerson, *Finding the Goldilocks Zone: Negotiating Your First Employment Offer in Legal Academia*, J. LEGAL EDUC (forthcoming 2020). Dean Darby

women faculty to alumni visits and asking their help in structuring a budget gives women greater appreciation of the dean's role.

Besides involving them in law school matters, deans can also encourage women to get involved with university-wide activities so campus senior leadership gets to know them. For example, women should be encouraged to serve on faculty senate and accept leadership roles in the senate. Presidential commissions such as the Commission on the Status of Women and the Commission on Diversity and Racial Equality also provide avenues to develop critical skills and opportunities to spend valuable face time with central administration.

Deans themselves have a platform at the university level to advocate for initiatives that eliminate all barriers to women. Some of these might include advocating for:

- Requiring sexual harassment training for all employees;
- Providing necessary resources to enhance women's programs on campus;
- Establishing an on-site childcare facility;
- Developing more systematic procedures and guidelines for recruiting women for interim positions, special faculty positions, and traditionally male-dominated positions;
- Developing a systematic mentoring and career-development system; and
- Making sure policies and procedures are fairly and consistently administered across and within units.

The dean often nominates faculty and staff members for university and professional awards. Because women may not be as vocal in touting their accomplishments, a dean needs to perform thorough annual reviews so she knows what the women are doing. In my experience, men more often ask me to nominate them for an award, but I have to intentionally encourage female professors to apply.⁹² Nominations as well as merit-

Dickerson shares how her involvement in service and administrative posts prepared her for the dean position.

On a personal note, I have held significant administrative positions since my first day in the academy. Although I had to work very hard to ensure that my teaching and research were strong, the increasingly administrative assignments allowed me to develop leadership skills, help more students, enhance my schools' reputations in strategic areas, work with and learn from senior administrators, expose me to different areas of my law school and the university to see how they impact the mission and operation, and much more. It was these experiences, more than my teaching or research, that helped me to become a dean.

Id.

92. See RONAN CARBERY & CHRISTINE CROSS, HUMAN RESOURCE MANAGEMENT 194 (2d ed. 2019). The authors shared a case study involving male and female engineers at Google. The males asked for promotions typically one year before they were objectively ready while females asked for promotions one year after they were objectively ready. To remedy this, managers shared research with employees

raise criteria must be communicated in advance so everyone has a fair shot at receiving them. The criteria should be specific and measurable so individuals know how to fulfill them. Attention should also be given to ensure that not only research is valued but teaching, service, and diversity work are also considered for awards, honors, and raises.⁹³

The dean also can help change the climate, culture, and even the building (e.g., lactation rooms) to be more women-friendly. For example, deans should be conscious that early morning and late afternoon meetings may be less than ideal for working parents. Deans need to be attuned to who speaks at faculty meetings and make sure women's voices are heard. Deans should encourage speakers brought to the law school to reflect a diversity of gender, race, and ideologies. Finally, deans need to take the lead on setting clear policy for family leave and tenure clock stopping events.

Sometimes simple encouragement will make a huge difference in a women's career trajectory. I never considered a role in administration until my dean told me he thought I could excel in such a position. His belief in me allowed me to reconsider my career goals and pursue administrative posts. This encouragement should start with our students, as they will be the future deans.

CONCLUSION

The dramatic rise of women law deans should provide hope to those who seek gender equality in law schools. Not only does this mean women's career trajectories are improving but having women in these roles will likely help address the longstanding inequities. Women possess many transformative leadership qualities that help them effectively lead and even go onto more important positions. Although challenges and barriers exist, women should not be intimidated, and I encourage them to consider administrative roles. Being a dean is very rewarding and allows one to make a true difference in our law schools.

about young girls not volunteering answers even when they knew the correct answers and research that females do not speak up as much as males in meetings. Just sharing these research findings resulted in a spike of women applying for promotions.

93. See Curcio & Lynch, *supra* note 88, at 256–59 (suggesting committee release time as a reward for excellent committee service).