Women Law School Deans: A Different Breed, Or Just One of the Boys?

Herma Hill Kay

On July 1, the beginning date of any given academic year, a significant number of new law school deans will take office. Most of them will be entering into their first deanship. Virtually all of them are also professors of law, whose prior academic careers were characterized by outstanding scholarship and willingness to devote time to institutional matters, usually in the form of committee service. Almost none of them has had prior administrative experience, although some of them have previously been Associate Deans or Interim Deans. Many of them have never read a balance sheet or engaged in fund-raising. A small minority of them are women, and a miniscule number are members of racial or ethnic minority groups. It may be assumed that all believe or hope that they will be able to influence the direction and academic standing of their school in positive ways. Few have any concrete notion of the actual, day-to-day content of the job they have just assumed.

One experienced dean has claimed that "[t]he modern American law deanship is one of the most challenging, exciting, and influential academic jobs available." Challenging it certainly is. The American Bar Association Section on Legal Education and Admissions to the Bar (A.B.A. Section), which accredits U.S. law schools, has stated both that the dean is the school's

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1. See Jagdeep S. Bhandari, Nicholas P. Carfardi, & Matthew Marlin, Who Are These People? An Empirical Profile of the Nation's Law School Deans, 48 J. LEGAL EDUC. 329, 330 (1998) (reporting, based on an examination of the profiles of deans listed in the A.A.L.S. Directory of Law Teachers for 1986-87 and 1996-97, that in 1996-97 there were twenty-eight decanal appointments including eight interim appointments, while ten years earlier there had been twenty-five decanal appointments including five interim appointments). Recent numbers are similar. See A.B.A. Approved Law Schools/Dean's List, Office of the Consultant to the A.B.A. for Legal Education (2001-02) (listing twenty-six new decanal appointments, including eight interim appointments); id. (2002-03) (listing twenty-five new decanal appointments, including eight interim appointments) (copies on file with the author).


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institutional leader and that an essential element of the job—the determination of educational policy—must be carried out in a partnership with the faculty. Just how this responsibility for shared governance is to be discharged is left unstated. The Association of American Law Schools (A.A.L.S.), the scholarly membership society for law schools, has prepared a Manual for law deans, which characterizes the job as extraordinarily complex and offers general guidance to incumbents for discharging their duties. Each year, the A.B.A. Section offers a Dean’s Workshop, open only to deans, which features frank and confidential discussion of the challenges of the job. In 1980, concerned that the tenure of law school deans was growing shorter, two sympathetic observers undertook to identify the various roles that a dean must perform—somewhat in the spirit of “forewarned is forearmed”—in the hope of providing some advance preparation for candidates. Seven years later, Dean Paul Carrington of Duke University School of Law, noting that neither of the two authors had actually served as a law school dean, offered his view as a “wizened veteran” of the factors that motivated deans to leave office, explaining in detail that “the reason for the high turnover is that the rewards of the job are for many too meager in relation to the burdens.” One disenchanted faculty member has questioned whether a law school really needs a dean, advocating instead the sort of revolving chairpersonship common in many other academic departments.

The general question I wish to explore is the extent to which, if at all, women deans—because of their sex—experience and approach these challenges any differently than their male counterparts. In beginning a preliminary examination of that question, this paper will look at the past and present situation of women deans, the unique obstacles they face, and the opportunities that are open to them. In particular, I am interested in such questions as the following: Are women and men deans viewed differently by

3. See A.B.A. STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 205(b) (2001 Edition) (“A law school shall provide the dean with the authority and support needed to discharge the responsibilities of the position and those contemplated by the Standards.”).

4. Id., Standard 206 (“The allocation of authority between the dean and the law faculty is a matter for determination by each institution as long as both the dean and the faculty have a significant role in determining educational policy.”).


6. See Jeffrey O’Connell & Thomas O’Connell, The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual, 29 EMORY L.J. 605, 605 (1980) (reporting that the average term of a law school dean was four years). More recent data show a slight increase in these numbers. See Bhandari, Carfardi, & Marlin, supra note 1, at 345 (reporting that “the mean length of service in 1986-87 was just over five years.... [T]en years later [in 1996-97] the mean period of incumbency had increased to 5.3 years.”). The incumbency period of each woman dean who has completed her term of office is shown in Appendix I.


their faculty colleagues, the student body, their co-administrators, and their staff? How well do they relate to the school’s alumni? Are they effective as fund-raisers with similar groups of donors, or do they appeal to different constituencies? What are their working relationships with their superiors in the University administration, or (for the eighteen independent law schools) their governing boards? What characteristics, if any, distinguish their management style from that of their male colleagues? Are any of them identified as feminists? If so, how does that identification affect the way they go about their work? Are they viewed differently by women and men in their law school communities? Finally, how do these questions apply to the few deans who are women of color? In this paper, I will offer a preliminary analysis, based on the data I have so far collected, leaving a fuller discussion to the completion of my on-going study of women law professors.


The first woman law school dean in the United States, Ellen Spencer Mussey, presided over a proprietary law school in the District of Columbia that she and Emma Gillett co-founded in 1898 to provide “such a legal education for women as will enable them to practice the legal profession.”9 Mussey and Gillett, who founded the Washington College of Law, were practitioners who began their entry into legal education by offering a series of part-time courses to three women students in Mussey’s law office in 1896. At the time, none of the five local law schools, except Howard (Gillett’s alma mater), admitted women.10 Mussey became the founding dean of Washington College of Law, a post she held until 1913. She was followed by five other women deans, the last of whom was Helen Arthur Adair, who was named Acting Dean on January 15, 1943, three months before the school received A.B.A. approval. Adair continued to serve as acting dean until 1947, when the school was accepted for membership in the A.A.L.S., and Horatio R. Rogers became Dean. All subsequent deans at Washington College of Law have been men. In 1949, the school affiliated with American University.


10. Id. at 644-46. It seems surprising, given the fact that Gillett had graduated from Howard and that Mussey had been the daughter of abolitionists, that WCL excluded African-American students. Id. at 658 & n.255. Clark suggests that their decision to exclude African Americans was “objectionable but not that surprising” because they may have been “acting upon their primary ‘political identity’ or interest — the promotion of women’s rights.” Id. at 658-659. “In essence, by promoting the legal educational interests of white women, a cause with which Mussey and Gillett personally identified, they neglected the interests of African Americans, a cause with which they did not identify.” Id. at 659.
The first woman dean of an A.B.A.-approved law school was Miriam Theresa Rooney, the founding dean of Seton Hall University School of Law at the time it received A.B.A. approval in 1951.\(^{11}\) A 1942 graduate of George Washington University Law School, she also held a Ph.D. in philosophy from Catholic University, thus becoming one of the few women in the world to earn the equivalent of a canonical doctorate from a pontifical university. She was Associate Professor of Law and Librarian at Catholic University when Monsignor John McNulty, President of Seton Hall University, met with her in the summer of 1950 and invited her to become the founding dean of Seton Hall’s new law school. Dean Rooney served from 1951 until 1961, when she stepped down to become Research Professor.

As of August 1, 2002, there were 186 U.S. law schools that were approved by the A.B.A.: 180 schools are fully approved, and another six are provisionally approved.\(^{12}\) Women currently serve as deans or interim deans at 26 of the 180 fully approved schools and at one of the six provisionally approved schools.\(^{13}\) Two more women will take office during the 2002-03 academic year: one in October, the other on January 1, 2003.\(^{14}\)

As Table 1 shows, from 1951, when Dean Rooney became the first woman dean of an A.B.A. approved law school, to January 1, 2003, when Dean Suellyn Scarneccchia assumes her duties at the University of New Mexico, there have been a total of fifty-seven women appointed as deans of A.B.A. approved law schools, forty-nine at fully-approved schools and another eight at provisionally-approved schools.\(^{15}\) The discussion presented here is limited to those fifty-seven women deans, and excludes acting and interim deans. Their names, schools, and dates of service are listed in Appendix I.

During the three decades including and immediately following Dean Rooney’s appointment, from 1950 to 1980, exactly six more women became law school deans.\(^{16}\) Since all of these seven women were academics, it is not surprising that some of them were among the list of fourteen I have identified elsewhere as “early women law professors”: those who were full-time, tenured or tenure track law professors at A.B.A.-approved, A.A.L.S. member

\(^{11}\) First Woman Dean was at Seton Hall, 16 SYLLABUS 3 (A.B.A. Section on Legal Education and Admissions to the Bar, Mar. 1985).

\(^{12}\) See A.B.A. Approved Law Schools/Dean's List (2002-03), supra note 1.

\(^{13}\) Id.

\(^{14}\) Email from the Office of the Consultant to the A.B.A. for Legal Education to the author (September 9, 2002) (copy on file with the author).

\(^{15}\) Because four of these fifty-seven women have held deanships at two different schools, infra text at 224-25, and because nine of the schools have had more than one woman dean, a total of fifty-one schools have made sixty-one decanal appointments of women deans during the period discussed here. Infra tbl. 2.

\(^{16}\) Unless otherwise indicated, the source for the data presented here concerning women law deans is the A.A.L.S. DIRECTORY OF LAW TEACHERS (1922-2002).

schools between 1900 and 1959. Three deans came from this group of fourteen professors: Dean Rooney herself, Dean Dorothy Wright Nelson, who served as Dean at U.S.C. School of Law from 1969-80, and Dean Soia Mentschikoff, who left her faculty position at the University of Chicago Law School to become Dean at the University of Miami Law School in 1974. The other pre-1981 women deans all began their teaching careers after 1959. They are Dean Patricia Roberts Harris of Howard University, Dean Jean Camper Cahn, the co-founder of Antioch Law School, Dean Judith Younger of Syracuse, and Dean Judith Grant McKelvey of Golden Gate University in San Francisco.

Two of these four women had a very short tenure in office. Thus, Dean Harris joined the Howard University Law School faculty in 1961 and was named Dean there effective February 1, 1969. She holds the record for the shortest tenure among the women deans: she resigned her deanship within a month as a matter of principle because of a conflict with the University President, James M. Nabrit, Jr., who sought to undercut her authority by negotiating directly with law students engaged in a civil rights protest. Dean Younger’s term of office at Syracuse School of Law was also brief, lasting only one year from 1974 to 1975, and was also marked by lack of support from the University administration. Chancellor Melvin A. Eggers, whose tenure as head of Syracuse University lasted from 1971 to 1991, disagreed with several male law school deans over the appropriate level of funding for the law school. The leadership of the law school changed three times between 1971 and 1974, when Dean Younger took office. After her year in office, Dean Younger left Syracuse for Cornell, where she served as Deputy Dean and Professor of Law from 1975-78. Dean Jean Camper Cahn and her husband, Dean Edgar Cahn, were co-founders and co-deans of Antioch Law School, an institution staffed by faculty with titles of "Attorney-Professor," and characterized by a teaching methodology devoted entirely to clinical instruction. The school opened in 1972, was provisionally approved by the A.B.A. in 1973, and closed in 1988.
Dean McKelvey served at Golden Gate University Law School in San Francisco for a normal term of seven years from 1974 to 1981.

Four women among these first seven, Deans Nelson, Cahn, Mentschikoff and McKelvey, had overlapping periods of service during the mid-1970s until the early 1980s, when all four left office within a two-year period. Of the four, Dean Mentschikoff was the most prominent in national legal education circles, having served in 1974 as the first woman president of the A.A.L.S. Dean Nelson stepped down in 1980 to accept appointment to the U.S. Court of Appeals for the Ninth Circuit. Dean Cahn left office in the same year, and Dean McKelvey stepped down a year later. Dean Mentschikoff retired from her deanship in 1982, and died in 1984. None of the seven was immediately succeeded by another woman, although Professor Mary Doyle came from Arizona to the University of Miami to become its second woman dean in 1986.

II. WOMEN DEANS IN THE FINAL DECADES OF THE TWENTIETH CENTURY

A. Statistical Overview

As this brief introduction shows, women deans are a relatively new phenomenon. Thirty-two of these fifty-seven women were appointed within the last ten years. Four of them have held deanships at two different schools. Fourteen took office on or after January 1, 2000 and are currently in their first, second or third year as deans. Of the twenty-five women appointed prior to 1992, seventeen were appointed during the decade of the 1980s. Their length of service ranged from one month to eighteen years, with the longest-serving woman dean currently still in office. Like their male counterparts, the vast majority of women deans were law school professors at the time of their appointment. Only five of the fifty-seven came from outside the academic world: one had held public office as a state assistant attorney general and a deputy district attorney before becoming the executive director of a consortium of forty law firms providing pro bono legal services to needy communities; a second had topped off a career of public and government service in a variety of fields by serving as general counsel for a state university system; a third was a state court judge; and two had come from private practice.

Table 1 shows selected characteristics of these women deans. While there is no comparable listing of all male deans, two studies have examined a subset of deans. One surveyed deans holding office in A.B.A./A.A.L.S. schools in 1975, while another examined deans holding office in two academic years

separated by a ten-year period in the late 1980s and 1990s. Although both studies included women deans, the number of women in each was so small that the data reported in both are primarily about men. Where relevant, data from these two studies are compared with data presented here about women deans.

Table 1. Selected Characteristics of Women Deans by Date of Appointment

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<tbody>
<tr>
<td>Total Women Appointed</td>
<td>7</td>
<td>18</td>
<td>32</td>
<td>57</td>
</tr>
<tr>
<td>Internal Deans</td>
<td>3</td>
<td>9</td>
<td>13</td>
<td>26</td>
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<tr>
<td>External Deans</td>
<td>4</td>
<td>9</td>
<td>19</td>
<td>31</td>
</tr>
<tr>
<td>Graduate of School Where</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>8</td>
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<tr>
<td>Appointed</td>
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<tr>
<td>Graduate of 12</td>
<td>3</td>
<td>9</td>
<td>20</td>
<td>32</td>
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<tr>
<td>Producer Schools*</td>
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<tr>
<td>Prior Experience</td>
<td>3</td>
<td>4</td>
<td>15</td>
<td>22</td>
</tr>
<tr>
<td>as Associate Dean or</td>
<td></td>
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<tr>
<td>Interim Dean</td>
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<tr>
<td>Length of Service by</td>
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<tr>
<td>Years</td>
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<td></td>
</tr>
<tr>
<td>• Shortest</td>
<td>1 month</td>
<td>3</td>
<td>1</td>
<td>n/a</td>
</tr>
<tr>
<td>• Longest</td>
<td>11</td>
<td>18***</td>
<td>9***</td>
<td>n/a</td>
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<tr>
<td>• Average</td>
<td>7.5**</td>
<td>7.94</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Women of Color</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>6</td>
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</table>

* see infra note 28 ** excludes shortest *** still in office

Legal educators typically draw a distinction between internal deans, drawn from the school's own faculty, and external deans, drawn from another school's faculty or from outside the academic world. In practice, the distinction is essentially that between an insider who is familiar with the school and its problems and an outsider who is expected to bring a fresh approach and new leadership to institutional governance. As Table 1 shows, women deans are nearly evenly divided on this measure: twenty-six have been internal deans while thirty-one have been external deans. Only a few women deans, eight of

24. See Bhandari, Carfardi, & Marlin, supra note 1 (academic years 1986-87 and 1996-97).
25. Only two women were among the eighty-four deans who responded to the 1975 questionnaire. Abramson & Moss, supra note 23, at 10 (tbl. 1). Ninety-four percent of all deans in academic year 1986-87 were men, while ten years later ninety-one percent were men. Bhandari, Carfardi, & Marlin, supra note 1, at 337 (tbl. 2).
the fifty-seven, have graduated from the law school where they later became dean.

Less than half of the fifty-seven women deans have had prior administrative experience as associate deans either at the law school where they were appointed or at another school. As Table 1 shows, the number with this kind of experience has increased in the past twelve years. A few of these women have served as Interim Deans. Two have held Vice-Presidencies at their University, one for Academic Affairs, the other for Student Affairs. 26

Professor Richard K. Neumann's recent statistical study of women in legal education has shown that as one goes up the ranking order of law schools from bottom to top, the number of tenured and tenure-track women faculty becomes smaller. 27 The story is similar for women deans. Using Neumann's list of the twelve "producer schools," those schools that he deems likely to graduate a high proportion of law faculty members in the future, 28 the data show that only five such schools have ever had women deans, and only three have women deans today. They are (listed in order of date of appointment of a woman dean): Columbia, Duke, Georgetown, Berkeley, and Stanford. Each of these women deans was an internal candidate, a familiar pattern for male deans of elite schools. Duke is the only one of these five schools to have had two women deans—one of only nine schools with such a record—and is also one of only four schools where one woman has immediately followed another woman as dean. 29

Neumann's producer schools graduate a large number of deans as well as faculty. As Table 1 shows, thirty-two of the fifty-seven women deans have graduated from his twelve producer schools. Indeed, twenty-three of these women graduated from one of five schools: seven from Yale, six from

26. In 1975, only twelve out of eighty-four deans (14 percent) had held a deanship at another school before assuming the current position, while only six out of eighty-four deans (7 percent) had served as associate or assistant dean at another school. See Abramson & Moss, supra note 23, at 15 (tbs. 11 and 12) (the authors did not ask whether deans had served previously as associate or assistant deans at their own school). In 1986-87, 21 percent of all incumbent deans had been deans at another law school and nearly half (44.9 percent) had some administrative experience, while in 1996-97, the percentage of repeater deans had increased to 27.6 percent, and over half (57.1 percent) had previous administrative experience. Bhandari, Carfardi, & Marlin, supra note 1, at 343, 336 (tib. 2).

27. See Richard K. Neumann Jr., Women in Legal Education: What the Statistics Show, 50 J. LEG. ED. 313, 343 (2000) (showing that during the three academic years 1996-97, 1997-98, and 1998-99, the twelve producer schools had an average 22% tenured or tenure-track women faculty, while the other 170 schools had 27% such faculty).

28. Id. at 319, tbl. 4. The twelve producer schools shown in Table 4 are arranged in descending order by the four year average of the 1996-99 LSAT 75/25 percentile scores of their student bodies. The twelve are: Yale, Harvard, Chicago, NYU, Columbia, Stanford, Berkeley, Michigan, Duke, Georgetown, Virginia, and Pennsylvania.

29. See infra note 36 for the names of the schools with two or more women deans. The other three schools where one woman has followed another as dean are Denver, Georgia State, and North Carolina Central.
Women Law School Deans

Columbia, four from Michigan, and three each from Berkeley and Harvard.\textsuperscript{30} Bhandari, Carfardi and Marlin, using the law school rankings generated by \textit{U.S. News and World Report}, found that "\textit{[j]ust over 35 percent of all law deans in both 1986-87 and 1996-97 were graduates of law schools ranked 1-5, while close to half in both years graduated from the top 10 schools.}"\textsuperscript{31}

Table 1 also shows the dearth of women of color who have served as deans. Only one—Dean Marilyn Yarbrough of Tennessee—has held office as dean at a majority white law school. Two of the historically black law schools—Howard and North Carolina Central—have had women deans: indeed, both have had two. Today, women of color serve as deans only at North Carolina Central and the University of the District of Columbia. In the 1975 survey of all deans, three out of eighty-one deans reported themselves as members of minority groups: two African-Americans and one Hispanic-American.\textsuperscript{32}

Table 2 shows the average age at which these fifty-seven women became deans,\textsuperscript{33} as well as the average length of time that elapsed between the year of their graduation from law school and the year of their decanal appointments. Table 2 also shows the length of these women’s service as faculty members at any law school prior to their taking office as deans. For the five women deans who were not academics, Table 2 shows the length of their professional careers prior to the time they assumed the deanship.

\textsuperscript{30} Of the remaining nine women deans, two each came from Chicago, Duke, and Georgetown, while one each graduated from N.Y.U., Stanford and Virginia. Pennsylvania is the only one of Neumann’s twelve producer schools that has not yet graduated a woman dean.

\textsuperscript{31} Bhandari, Carfardi, & Marlin, \textit{supra} note 1, at 354.

\textsuperscript{32} Abramson & Moss, \textit{supra} note 23, at 11, tbl. 2. These three deans must have been men, since no women of color held office during 1975. The empirical profile of deans presented by Bhandari, Carfardi, & Marlin, \textit{supra} note 1, contains no data on race of deans.

\textsuperscript{33} Each decanal appointment is shown separately in Table 2. Since four of the fifty-seven women held two deanships, sixty-one decanal appointments are shown there.
Table 2. Age and Time to Decanal Appointment by Date of Appointment

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<tr>
<td></td>
<td>61</td>
<td>7</td>
<td>18</td>
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<td><strong>AGE AT APPOINTMENT</strong></td>
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<tr>
<td>Youngest</td>
<td>38</td>
<td>39</td>
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<tr>
<td>Oldest</td>
<td>59</td>
<td>53</td>
<td>60</td>
</tr>
<tr>
<td>Average</td>
<td>45</td>
<td>45</td>
<td>50</td>
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<tr>
<td><strong>YEARS SINCE LAW DEGREE</strong></td>
<td></td>
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<tr>
<td>Shortest</td>
<td>8</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>Longest</td>
<td>37</td>
<td>31</td>
<td>35</td>
</tr>
<tr>
<td>Average</td>
<td>16</td>
<td>17</td>
<td>23</td>
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<tr>
<td><strong>YEARS SINCE ACADEMIC POST</strong></td>
<td>[N=17]</td>
<td>[N=32]</td>
<td></td>
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<tr>
<td>(any school)</td>
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<tr>
<td>Shortest</td>
<td>2</td>
<td>5</td>
<td>7</td>
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<tr>
<td>Longest</td>
<td>23</td>
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<td>32</td>
</tr>
<tr>
<td>Average</td>
<td>8</td>
<td>11</td>
<td>17</td>
</tr>
<tr>
<td><strong>YEARS SINCE FIRST JOB</strong></td>
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<td></td>
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<tr>
<td>(non-academics)</td>
<td>[N=1]</td>
<td>[N=4]</td>
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<tr>
<td>Shortest</td>
<td>N/A</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>Longest</td>
<td>N/A</td>
<td>7</td>
<td>34</td>
</tr>
<tr>
<td>Average</td>
<td>N/A</td>
<td>7</td>
<td>25</td>
</tr>
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Table 2 shows an increase in the average age at which these women were appointed to their deanships from the first and second to the third periods identified there. The statistical profile of all deans similarly shows an increase in the mean ages of deans from those serving in academic year 1986-87 (50.3 years, with a range of 39-67) to those serving in 1996-97 (53.5 years, with a range of 41-74). Both on average and in the upper age ranges, women deans are slightly younger than male deans. Table 2 also shows increases from the first to the third periods both in the average time that elapsed between the dates that the women deans who were academics graduated from law school and the dates of their first faculty appointment and the date they took office. While in each case the rate of increase is greater between the second and third periods than between the first and second, the rate remains fairly constant during the

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34. Bhandari, Carfardi & Marlin, *supra* note 1, at 338.
third period and does not increase towards the end. By comparison, all but one of the
deans who responded to the Abramson and Moss 1975 survey had prior
teaching experience, a category equivalent to the women deans’ prior academic
appointments. Sixteen (19.5%) had taught for one to five years, while twenty-
six (31.7%) had taught for six to ten years, and forty (48.8%) had taught longer
than ten years.\textsuperscript{35}

Another common—if no longer entirely functional—distinction between
schools is whether they are private or public. Table 3 shows selected
characteristics of the fifty-seven women deans by whether the appointing
school is private or public. Because four of these women have held two
deanships, the total number of decanal appointments shown in Table 3, as in
Table 2, is sixty-one. And because nine schools have appointed more than one
woman dean—eight have appointed two while one has appointed three\textsuperscript{36}—the
total number of schools shown in Table 3 is fifty-one, of which twenty-seven
are private and twenty-four are public.\textsuperscript{37}

\textsuperscript{35} Abramson & Moss, \textit{supra} note 23, at 14.

\textsuperscript{36} Listed alphabetically, the eight schools are: Denver, Duke, Howard, Louisville, Miami, North
Carolina Central, Seton Hall, and Syracuse. Georgia State has had three women deans.

\textsuperscript{37} \textit{See A.B.A. — L.S.A.C. OFFICIAL GUIDE TO A.B.A.-APPROVED LAW SCHOOLS (2002 Edition)}
(indicating whether school is public or private under “Basics” for each school). Of the 184 A.B.A.-
approved law schools (omitting the Judge Advocate General’s School) in academic year 2001-2002, 105
are private and 79 are public. \textit{Id.}
Table 3. Selected Characteristics of Schools Appointing Women Deans

<table>
<thead>
<tr>
<th>Number of Appointments (61)</th>
<th>Number of Schools (51)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Private</td>
</tr>
<tr>
<td>Appointed one woman</td>
<td></td>
</tr>
<tr>
<td>Internal</td>
<td>21</td>
</tr>
<tr>
<td>External</td>
<td>10</td>
</tr>
<tr>
<td>Graduate of 12 producer schools*</td>
<td>11</td>
</tr>
<tr>
<td>Graduate of appointing school</td>
<td>14</td>
</tr>
<tr>
<td>Appointed two women</td>
<td></td>
</tr>
<tr>
<td>Internal</td>
<td>6</td>
</tr>
<tr>
<td>External</td>
<td>5</td>
</tr>
<tr>
<td>Graduate of 12 producer schools*</td>
<td>7</td>
</tr>
<tr>
<td>Graduate of appointing school</td>
<td>5</td>
</tr>
<tr>
<td>Appointed three women</td>
<td></td>
</tr>
<tr>
<td>Internal</td>
<td>3</td>
</tr>
<tr>
<td>External</td>
<td>0</td>
</tr>
<tr>
<td>Graduate of 12 producer schools</td>
<td>3</td>
</tr>
<tr>
<td>Graduate of appointing school</td>
<td>0</td>
</tr>
</tbody>
</table>

* see supra note 28

The law school deanship has proven to be a stepping stone for some male deans, who have gone on to become Provosts, Chancellors, or Presidents of their own or other schools. This pattern is just beginning to extend to women law deans. I am aware of only three women deans who have accepted university administrative posts after completing their deanships, and all have done so at other schools. Thus, Marilyn Yarbrough became Associate Provost at the University of North Carolina in 1994 after completing her deanship at Tennessee in 1991; Susan Westerburg Prager became Provost at Dartmouth in 1999 after her U.C.L.A. deanship; and Pamela Gann was installed in 1999 as President of Claremont McKenna College in California after completing her Duke deanship. Three currently serving deans also hold higher administrative posts at their own institutions concurrently with their law school deanship. Thus, Judith Areen is a Vice President at Georgetown University, Nina Appel is Interim Senior Vice President at Loyola, Chicago, and Mary Kay Kane is Chancellor at Hastings College of Law.

B. Women as Deans: The Inside Story

The statistical overview presented above would be misleading if it is understood as suggesting that the number of women deans has consistently
increased from 1950 to 2003. Instead, the number has varied considerably. In the early years, the number of women deans literally could be counted on the fingers of one hand. Thus, the terms of the first three women who were appointed as deans during the 1950s and 1960s—Miriam Rooney, Patricia Harris, and Dorothy Nelson—did not overlap at all. At the time of her appointment, each was the only woman dean of an A.B.A.-approved law school in the United States. Not until the early-to-mid 1970s did there exist what might be called a “group” of women deans. This remarkable occurrence was immediately celebrated by the fledgling A.A.L.S. Section on Women in Legal Education at a breakfast held during the Annual Meeting in San Francisco on December 28, 1974, which honored six women deans. The six honorees were Deans Dorothy Wright Nelson of the University of Southern California; Soia Mentschikoff, University of Miami; Judith Younger, Syracuse; Judith Grant McKelvey, Golden Gate; Jean Camper Cahn, Antioch; and Virginia Ann Church, who was Dean of Lewis University College of Law in Illinois, a non-A.B.A. approved law school. Of these six, Wright had been appointed in 1969, Cahn in 1972, and the remaining four in 1974. Writing ten years later, Professors Elyce H. Zenoff and Kathryn V. Lorio pointed out that “the number and percentage of women who are deans of a law school has decreased from five (3.2%) to three despite the substantial increase in the number of women full professors.”

The three women deans named by Zenoff and Lorio—Betsy Levin, Barbara Lewis, and Susan Westerburg Prager—were the first of six women appointed before 1985. Levin came in as dean at the University of Colorado in 1981, as McKelvey was leaving Golden Gate, and continued to serve until 1987. Lewis and Prager were both named to deanships in 1982. Barbara B. Lewis, who had started teaching as an Assistant Professor at Cumberland in 1974, moved to Oklahoma in 1975, and became Dean and Professor of Law at Louisville in 1982. Susan Westerburg Prager, who graduated from U.C.L.A. Law School in 1971, returned to the faculty after a year’s law practice in 1972, and became dean at her alma mater ten years later. She is one of only five women who have been both graduates and faculty members of the school where they became dean. The remaining three women who accepted deanships during the first half of the 1980s were Janet Johnson, who served at

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39. Id.

40. See Elyce H. Zenoff & Kathryn V. Lorio, What We Know, What We Think We Know, and What We Don’t Know About Women Law Professors, 25 ARIZ. L. REV. 869, 889 (1983) (naming the three current deans as Betsy Levin of Colorado, Barbara Lewis at the University of Louisville, and Susan Westerburg Prager of U.C.L.A.).

41. The other four are Deans Barbara A. Black of Columbia, Pamela Gann of Duke, Alice Bullock of Howard, and Patricia O’Hara of Notre Dame.
Pace University School of Law from 1983 to 1989, Gaynor Van Landingham, who came to Ohio Northern School of Law as Dean in 1984 and served until 1987, and Nina Appel, who began her record-setting tenure as Dean at Loyola, Chicago, in 1984 and remains in office today. Dean Prager, who served for seventeen years before stepping down in 1999, is the second longest serving woman dean. As noted earlier, Prager is also among a small group of women deans who have gone on to hold University administrative posts elsewhere following their deanships.

As Figure 1 shows, the number of women deans serving simultaneously did not exceed fourteen until well into the 1990s. While eleven more women deans took office between 1985 and 1989, three of the six appointed in the early 1980s had stepped down by 1989, and one of the eleven held office for only three years, leaving in 1988. For thirty years, from 1951 to 1981, the number of women deans holding office at the same time fluctuated, achieving a high of five women deans in 1975. For the next twenty-one years, the increase was more steadily upward, with only a few breaks, going from three in 1981 to twenty-seven as of 2002.

In 1989, Dean Marilyn Yarbrough of Tennessee decided that the women deans should have a retreat. She invited the women deans then in office, together with the two women then serving as President and Executive Director of the A.A.L.S., to join her. This event was the first formal weekend retreat attended by the women deans. Looking back, the significance of Dean Yarbrough’s retreat is clear. Prior to that time, there was scant evidence that the few women deans who held office contemporaneously had bonded together

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42. The retreat was held at author Alex Haley’s farm in Tennessee.
either socially or to achieve common goals. At most, some women deans had spontaneous dinners together at various deans’ meetings, and a few became friends. In the main, however, they were seen by others and perhaps even by themselves as exceptional women whose accomplishments were unique. By contrast, at the retreat, the women deans began to perceive themselves as a stable group. In addition to relaxing and networking, the women who participated laid plans to hold annual dinner meetings at one or another of the national conferences that most deans attended, either at the A.A.L.S. annual meeting in early January, or at the Dean’s Workshop usually held in connection with the A.B.A. mid-winter meeting in late January or early February. Over the years, these meetings led to the creation of a list of prospective women deanship candidates that was originally kept by Dean Judith Areen of Georgetown, and is currently maintained by the A.A.L.S. The most distinctive aspect of the annual dinner meetings is a frank and completely confidential around-the-table discussion of each woman dean’s high and low points of the year. A computer listserv also exists to facilitate communication among women deans, in addition to the more formal A.B.A. listserv for all deans.

While it has become relatively common for male deans to serve at more than one school, this practice has only recently been taken up by women deans. In 1997, Dean Teree Foster became the first female repeater dean by accepting her second deanship at DePaul after having served at West Virginia from 1993 until 1997. She was followed by three other women, all of whom spent two years at their first law school deanship, and then moved on to a second term at a different school. They are Deans Joan Mahoney, Western New England, 1994 to 1996, then Wayne State in 1998; Nell Newton, Denver, 1998 to 2000, then Connecticut in 2000; and Nancy Rapoport, Nebraska, 1998 to 2000, then Houston in 2000. Of these four, only Dean Foster has completed her second deanship, having stepped down at DePaul in 2001.

C. Experiencing the Deanship: A Gendered Story?

It should not be surprising that the same stereotypes that have hampered the movement of women into leadership positions in politics, business, and the professions generally have also played a part in reducing women’s representation in high level academic administration jobs both in colleges and universities as well as in legal education. The same doubts about the ability of women to perform as well as men in such positions lie closely beneath the surface, and not infrequently break through the silence: women may not be tough enough, rigorous enough, or sufficiently inspiring to be successful either at fund-raising or institutional leadership. Search committees may discount the ability of women with small children to handle such a time-consuming and stressful position. The burden of overcoming these stereotypes is a unique
obstacle faced by women, and particularly by women of color, who aspire to become law school deans.

Yet as Professor Deborah Rhode points out in her insightful introduction to the recent book she edited on women and leadership, many of the popular assumptions about women's willingness to seek positions of leadership and doubts about how the few women who attain such positions function as leaders are based on very thin evidence. The data that I have already collected suggest that while few, if any, of the early women deans set out to become deans, some of the women who took office more recently, particularly those who have sought successive deanships and those who have gone on to hold higher level college and university positions, see academic administration as an attractive career path.

Several of the first women deans, particularly the internal deans who came from within the school's faculty, appear to have been compromise candidates. Two examples will make the point. Thus, Professor J. Clay Smith, Jr., reports that while Professor Patricia Roberts Harris was among twenty-six persons considered by the Howard Faculty Search Committee as potential successors to Dean Clyde Ferguson, Jr., her name was neither one of the six that the Committee submitted to the Howard Law Faculty nor one of the four sent forward by the faculty to the President of the University. Nonetheless, she was appointed Dean by the Board of Trustees.

Dean Dorothy Wright Nelson had served first as Assistant Dean, then as Associate Dean under Dean Orrin B. Evans at U.S.C. between 1965-67. By the time he was forced to step down in 1967 because of ill health, she had already been required to perform his duties on many occasions. She was a natural candidate to be named U.S.C.'s Interim Dean. During the two-year search that followed, the faculty considered several prominent external male candidates, but were unable to fill the position. Dean Nelson told me that she was vacationing with her family in Newport Beach when she received a telephone call saying that President Norman Topping wanted to see her right away. When she arrived, she found the law faculty in his office. President Topping told her that he had met with the faculty and they had decided they would like her to take on the deanship. Topping later observed that "Dorothy got the job because she had the complete confidence of the faculty" noting that she "did an excellent job" and proudly (but incorrectly) remarking that he believed she was "the first woman dean at any American law school."
Women Law School Deans

More recent internal women deans have had similar experiences. Thus, Dean Barbara A. Black, who served from 1986 to 1991 as the first woman dean of one of the country's top law schools, had been a member of the Columbia faculty for less than two years when her colleagues asked her to succeed Benno C. Schmidt, Jr., as Dean. As she told me the story, the Columbia faculty had been trying to form a consensus through informal conversations in the halls once it became clear that Dean Schmidt would accept Yale's offer to become its President. As a member of the faculty, she was part of these conversations, but as she recounted, obviously she was not privy to all of it:

Curt Berger came in, and he said, "We've all been talking and trying to figure out whether there's anyone around whom we can form a consensus." Because the tradition here is that the Columbia faculty chooses the Dean... So Curt said this, and I'm nodding, because I think that I know who he is talking about. Curt is saying we have a person in mind, we think we know who would be a consensus choice. And I have a name in mind, because there is a person who (right in front of me) has been widely talked about. I had never heard a word about me as a possibility, and it had never entered my head. Why would it? I mean 18 months before, I was an untenured faculty member at Yale. This could not have possibly have been within my contemplation, and it wasn't. And Curt went on, and he said, "And the person is you." And I burst into hysterical laughter. I roared: I absolutely roared with laughter. Fell over laughing. Had to apologize to Curt, because, as you can imagine, it was terribly rude. I mean, it was really awful. But I thought it was the funniest thing I had ever heard. Well, there it was. So then Charles and I had a decision to make. And the answer was, it was rather like Benno's not being able to turn down the Presidency of Yale. Though he must have known that it had for him serious drawbacks. And that was exactly the situation I found myself in. 49

Dean Katharine Bartlett of Duke, who took office in mid-year on January 1, 2000, was persuaded by the University to accept the Duke deanship on about two weeks' notice after the process for identifying a successor to Dean Pamela Gann had failed to produce a consensus candidate. Dean Bartlett had served for two years as Senior Associate Dean for Academic Affairs from 1992 to 1994.

Of course, male faculty members who had at first disavowed any interest in the deanship have also succumbed to the pleas of their colleagues and/or university administrators to accept the position after decanal search efforts have proven unavailing. The shocked surprise recounted by Deans Nelson and Black, however, does not seem typical of male deans in similar circumstances,

many of whom must have been aware that their names were under discussion by their colleagues.

How do men and women carry out their decanal functions? In particular, do women deans have a more difficult time on the job? While most discussions among deans about the substance of their work are off the record, the University of Toledo Law School’s annual symposium on Leadership in Legal Education, which began in 2000, provides a valuable insight into the attitudes and activities of deans. The symposium was designed to “provide an opportunity for law school deans to share their ideas, plans, initiatives, successes, and failures for the edification of other current deans and those who will follow.” The first symposium carried essays by thirty-six deans, of whom four were women; the second symposium featured thirty-seven essays, of which five were written by women deans; and the third symposium had twenty-five essays, including one by a woman dean.

In the main, neither the content nor the style of these essays suggests that deaning is experienced differently by men and women. On the contrary, illustrations of similar reactions to similar situations regardless of gender abound in the essays, and several run counter to common stereotypes about the differences between male and female leaders. Thus, while women are commonly supposed to be more aware of the interpersonal aspects of their jobs, that assumption finds little support in these collections. Both female and male deans discuss the personal adjustments they made in experiencing the transformation from being a faculty member to becoming the institutional leader. Dean Nancy Rapoport graphically expresses this identity transformation as one that required her to go from being “one of ‘us’” to being “one of ‘them’” and warns about the perils confronting a dean who would either entirely reject or completely adopt the “us/them” distinction. Dean Jeffrey S. Lehman of Michigan eloquently describes his having contracted “decanal laryngitis” once he realized that “so many more people were paying attention to me, listening to me, and caring about what I sounded like;” and goes on to describe his efforts to develop a different “voice” as dean than the “true voice” he had used as a faculty member. Both essays are intensely personal and offer valuable insights about how to deal with the problem of distancing oneself from one’s former role, while learning how to function comfortably and effectively in one’s new role.

55. See Jeffrey S. Lehman, Desperately Seeking a Voice, 33 U. TOL. L. REV. 103 (2001) (reporting that he ultimately developed five new voices that became regular features of his life as a dean).
Both women and men deans offer advice to new deans on how to be successful at the job, and both provide ten-point lists of helpful observations. While the only deans who offer a sports analogy to the deanship are male, at least one female dean chose to begin her remarks about the various images of deaning by recalling a commercial that ran during Super Bowl Sunday in 2000. And although the only dean whose essay was cast in the form of a glowing tribute to another dean is a woman grateful for the support of her mentor, another woman dean, a few male deans spoke in praise of some of the male deans who had preceded them.

Many of the essays are devoted to the shared tasks of the deanship, such as fundraising, faculty development, student services, and relations with the university administration. Two of the repeater deans, one man and one woman, offered comparisons of their experiences at two different schools. Dean L. Kinvin Wroth of Vermont, formerly at Maine, compares and contrasts his experiences first at a public, then at a private school. Dean Nancy B. Rapoport of Houston, formerly at Nebraska, contrasts her experience as an internal Associate Dean for Student Affairs at a third school, Ohio State University, with her experiences as an external dean at both Nebraska and Houston. None of these essays has an obvious gendered component. One woman, Dean Colleen A. Khoury of Maine, relates that gender assumed greater importance early in her deanship than towards its end, and that it largely reflected mistaken expectations by the faculty and staff about her management style.

Two of the women deans may be classified as "feminists" based on their previous scholarship and teaching in such fields as Feminist Jurisprudence, Women and the Law, and Sex-Based Discrimination. One has completed an eight-year deanship and returned to teaching, while the other is currently in the third year of her deanship. Several others, although their teaching and scholarship were not in these fields, have been identified as placing a high priority on advancing the position of women in the legal profession. Whether these classifications and interests affected the management styles of these

62. Rapoport, supra note 54, at 705-06.
women deans or their effectiveness with their various constituent groups remains to be investigated.

III. CONCLUSION

It may be too soon for a comparative evaluation of the impact of women and men deans on their individual schools or on legal education in general. On the other hand, a better opportunity for such an evaluation may not present itself for some time. Professor Neumann predicts that "unless there are dramatic changes in the way law school deans are hired" the female percentage of deans may not equal the female percentage of professors "at any time in the foreseeable future." My own view is somewhat more optimistic. As Figure 1 shows, in academic year 2002-03, there are twenty-seven women deans holding office: the largest number ever to do so simultaneously. These women deans meet regularly and are actively encouraging other women to seek such posts. Many of them have had women Associate Deans. Their presence in office sets an example for the increasing number of women law students who now comprise over fifty percent of the J.D. student body in A.B.A.-approved law schools. The opportunity for mentoring exists and, if taken up, may be expected to have a positive impact on the numbers of women who aspire to deanships.

A variety of female decanal role models are available for potential successors to examine, and to accept, reject, or adapt to their own styles. Among the early group, the legendary Dean Soia Mentschikoff transformed Miami—if not to everyone’s liking, at least to everyone’s recognition. So deep was her influence that her presence can still be felt in the school today, nearly twenty years after her death. In contrast to Mentschikoff, Dean Dorothy Wright Nelson as portrayed by Dean Lisa Kloppenberg “was not authoritarian." Rather, Dean Nelson preferred to approach problems by having everyone sit around a table and talk things out, over refreshments if possible. Or, as Kloppenberg puts it, Nelson “emphasized collaboration and teamwork, forging alliances between people with common interests." She rates Nelson’s deanship as “an astounding success.” Among more recent deans, limiting the pool to those who have completed their deanships, both

64. Neumann, supra note 27, at 324 (emphasis in original) (additionally pointing out that “[i]f the female percentage of law school deans in 1999-2000 had been equal to the female percentage of full professors, 40 law schools would have had female deans. That is exactly twice the number of schools that actually did have female deans at the time.”).
65. Two more women are currently serving as Interim Deans. See Deans - Female, 2002-2003 (as of 8/1/02), Office of the Consultant to the A.B.A. for Legal Education (copy on file with the author).
66. Kloppenberg, supra note 59, at 100.
67. Interview with Judge Dorothy Nelson, supra note 46.
68. Kloppenberg, supra note 59, at 100.
69. Id. at 101.
Dean Pamela Gann of Duke and Dean Susan Westerburg Prager of U.C.L.A. are known as successful deans. Both went on to hold administrative positions at the college level.

Whether future women candidates will be successful remains to be seen. Still ahead is the analysis of how the more recent women deans are perceived by their various constituency groups—including the still-predominantly male faculty—and how effective they prove to be as deans. The data presented here indicate that the pattern of men following women as deans is the norm. As Table 3 shows, most of the schools that have had women deans have had only one.

I recognize that I have not yet completed my research about women deans, and that this paper brings to the subject more questions than answers. But I hope that what I have said will serve to begin a fruitful and on-going discussion that will inform the final product.
APPENDIX I

WOMEN DEANS AT ABA APPROVED LAW SCHOOLS

1. MIRIAM THERESA ROONEY (SETON HALL) 1951-61
2. PATRICIA ROBERTS HARRIS (HOWARD) 2/1/69-3/1/69
3. DOROTHY WRIGHT NELSON (USC) 1969-80
4. JEAN CAMPER CAHN (*ANTIOCH) (CO-DEAN) 1973-80
5. SOIA MENTSCHIKOFF (MIAMI) 1974-82
6. JUDITH GRANT McKELVEY (GOLDEN GATE) 1974-81
7. JUDITH YOUNGER (SYRACUSE) 1974-75
8. BETSY LEVIN (COLORADO) 1981-87
9. BARBARA B. LEWIS (LOUISVILLE) 1982-90
10. SUSAN WESTERBURG PRAGER (UCLA) 1982-99
11. JANET JOHNSON (PACE) 1983-89
12. NINA APPEL (LOYOLA, CHICAGO) 1984-
13. GAYNOR VAN LANDINGHAM (OHIO NORTHERN) 1984-87
14. ELIZABETH DEFEIS (SETON HALL) 1985-88
15. BARBARA A. BLACK (COLUMBIA) 1986-91
16. MARY DOYLE (MIAMI) 1986-94
17. MARJORIE FINE KNOWLES (GEORGIA STATE) 1986-91
18. JACQUELINE ALLEE (ST. THOMAS) 1987-93
19. MARILYN YARBROUGH (TENNESSEE) 1987-91
20. PAMELA GANN (DUKE) 1988-99
21. BARBARA ALDAVE (ST. MARY’S) 1989-98
22. JUDITH AREEN (GEORGETOWN) 1989-
23. KRISTINE STRACHAN (SAN DIEGO) 1989-97
24. JUDITH WEGNER (NORTH CAROLINA) 1989-99
25. MARY WRIGHT (NORTH CAROLINA CENTRAL) 1991-94
26. ELLEN RAUSEN JORDAN (UC DAVIS) 1/10/92-
    1/15/93
27. MARJORIE GIRTH (GEORGIA STATE) 1992-96
28. HERMA HILL KAY (UC BERKELEY) 1992-2000
29. TERE FOSTER
    (A) WEST VIRGINIA 1993-97
    (B) DePaul 1997-2001
30. MARY KAY KANE (HASTINGS) 1993-
31. JOAN MAHONEY
    (A) WESTERN NEW ENGLAND 1994-96
    (B) WAYNE STATE 1998-
32. LIZABETH MOODY (STETSON) 1994-98
33. JOAN G. WEXLER (BROOKLYN) 1994-
34. KRISTIN BOOTH GLEN (CUNY, QUEENS) 1995-
35. JANICE GRIFFITH (GEORGIA STATE) 1996-
36. ALICE BULLOCK (HOWARD) 1997-2002
37. KATHERINE BRODERICK (*DIST. OF COLUMBIA) 1998-
38. COLLEEN KHOURY (MAINE) 1998-
39. NELL NEWTON
(A) DENVER 1998-2000
(B) CONNECTICUT 2000-
40. NANCY RAPOPORT
(A) NEBRASKA 1998-2000
(B) HOUSTON LAW CENTER 2000-
41. JANICE L. MILLS (NORTH CAROLINA CENTRAL) 1999-
42. TONI MASSARO (ARIZONA) 1999-
43. PATRICIA O’HARA (NOTRE DAME) 1999-
44. KATHLEEN SULLIVAN (STANFORD) 1999-
45. PATRICIA WHITE (ARIZONA STATE) 1999-
46. KATHARINE T. BARTLETT (DUKE) 1/1/2000-
47. MARY ANN JONES (*WESTERN STATE) 2000-01
48. MARY RICKETSON (DENVER) 2000-
49. KAREN ROTHENBERG (MARYLAND) 2000-
50. LAURA ROTHSTEIN (LOUISVILLE) 2000-
51. LISA A. KLOPPENBERG (DAYTON) 2001-
52. NANCY ROGERS (OHIO STATE) 2001-
53. HANNAH ARTERIAN (SYRACUSE) 2002-
54. ELIZABETH RINDSKOPF PARKER (MCGEORGE) 2002-
55. EMILY A. SPIEGER (NORTHEASTERN) 2002-
56. HEIDI HURD (ILLINOIS) OCT. 1, 2002
57. SUELYN SCARNECCHIA (NEW MEXICO) JAN. 1, 2003

* Provisionally Approved