

## HAMILTON'S TAKE ON LEGAL WRITING FACULTY AND LAW SCHOOL LEADERSHIP

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One of my favorite musicals is one I have never seen. *Hamilton* maps many of my thoughts about what I have learned as a lawyering-skills-professor-turned-Associate-Dean and the unique opportunity I have had to impact professional status issues. Although I have not seen *Hamilton* performed live, I read the Chernow biography that inspired it, and I have memorized every song. And while being an Associate Dean does not require drafting a Constitution and hopefully it will not end in a duel, for a lawyering skills professor, being a dean provides an opportunity to be a small part of a revolution in leadership and a seat at the table in the room where it happens.

Alexander Hamilton and associate deans have more in common than you might think. In *Hamilton*, the protagonist leads at a time of great upheaval amidst competing opinions about who would lead the young country and what role the federal government would play. Similarly, accepting an administrative leadership role in the legal academy is an opportunity to take part in a law school's decision-making process as questions and challenges around legal writing professionals' status is evolving. It was once unheard of for someone teaching legal writing or any lawyering skills course to be deemed a professor, let alone an academic dean. Now, there is a growing group of law school Deans who began their academic careers as clinicians and legal writing or lawyering skills professors (collectively throughout "lawyering skills").

This trend not only provides opportunities for personal professional development but should also increase the overall effectiveness of law school administration. Many studies reveal that leadership on any level benefits from diversity—the Dean's suite is no different. Including diverse voices brings different experiences and perspectives to bear on the problem solving required for successful leadership. The voices of lawyering skills faculty have often been marginalized in law school leadership. Excluding the

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background and experiences of this group from the table is a significant loss to law school leadership. Further, offering this opportunity to lawyering skills professors can provide an unmatched opportunity for professional growth. This has been my experience.

### **Three Lessons I Learned as an Associate Dean as Told through Lin Manuel Miranda's *Hamilton***

#### **Lesson One: Prepare and Be Thoughtful About the Opportunity**

One thing I wish I had done before assuming an Associate Dean role was to be more thoughtful and strategic about how to “not throw away *my* shot.” Hamilton, a young orphan from the West Indies island of Nevis was given passage to the colonies in the mainland and offered an opportunity to study at King’s College, now Columbia University. Armed with the opportunities his education offered a poor young man like him, Hamilton refused to sit on the sidelines as talk of a burgeoning revolution surfaced. In one of the most popular songs in the musical, Hamilton exclaims, “I am just like my country; I’m young, scrappy, and hungry and *I am not throwing away my shot.*”

I have heard that two types of faculty accept positions as Associate Deans: one desires to eventually become a Law School Dean, and the other is a “good institutional citizen” willing to make the commitment for the benefit of the school-at-large. (For a number of reasons, some of which are based on false assumptions about my abilities, I found myself in the latter category. That is a story for another day.)

So, what do I mean about being strategic? The only strategic thinking I did about accepting the position was whether the commitment was timed well for my family and whether I had attained enough experience to make a real contribution. Three things I wish I had thought about were: Was the timing right for me professionally? How might the role assist or impede me in reaching other professional goals? Was I clear on what I hoped to accomplish in the role?

While those questions are relevant to anyone considering a transition to administration, I think they are particularly pertinent for lawyering skills professors thinking about whether taking on such a role will positively impact their individual professional status or that of their colleagues. Of course, it can only help, right? It’s a

promotion, isn't it? Whether it will result in positive movement depends on the context of the individual program or institution. If a school requires scholarship for promotion, administrative positions rarely offer much time to concentrate on scholarly projects. That is why tenure-track faculty rarely accept such appointments before they have obtained tenure.

Because an administrator's job is year-round, one has to be intentional about other things you want to accomplish. My schedule was immediately filled with meetings about budgets, surveys, adjunct hiring, compliance with ABA standards, admissions numbers, curriculum development, alumni events, and a multitude of other things it would take too long to describe here.

For lawyering skills faculty in 405(c)(3) programs or with lesser security, a professor still has to be thoughtful about what she can accomplish. Because being in a dean's office will steep her in the implementation of ABA standards to her school's program, she may gain better insight about how 405(c)(3) is applied at her school and whether there is room for improvement. On the other hand, it may take away time and attention from other things she could be involved in that her school values for promotion or she may personally value.

As an associate dean, I have taken advantage of the opportunity to work on programs and projects that are personally fulfilling, like programs to support first-generation students and to promote cultural competence across the curriculum. Maybe for you it would be commitments to regional or national academic or other professional communities, attaining tenure for your program, or launching a new program at the school. Either way, being intentional, thoughtful, and yes, strategic, on the front end would allow even the "good institutional citizen" to move the ball forward institutionally, personally and professionally.

### **Lesson Two: Yes, You Are in the Room Where it Happens**

In *Hamilton*, in the song "The Room Where it Happens," Aaron Burr's character laments that he was excluded from the back-room conversations wherein allegedly James Madison, Thomas Jefferson, and Hamilton made the deal of the century. Hamilton agreed the U.S. capitol would be located in the south in exchange for the southern leaders' capitulation to his ideas for the structuring of the branches of the federal government. A significant reason some

people consider taking on the role of Associate Dean is to have a seat at the table in the room where it happens--where vision is cast, where resources are allocated, where policies and procedures are determined, even if it is merely a policy determining who teaches at 8:00 a.m.

My tenure, no pun intended, as an Associate Dean has felt more like practicing law than any other time I've spent in academia. I've created and applied rules and policies, advised the law school like a client in matters related to the state bar, student discipline, regulatory compliance, and engaged in good, old-fashioned problem solving. I've been in the room where it happens, sometimes by broad policy strokes, other times incrementally by building or strengthening relationships with other members of the law school community.

For those who are thinking about using an administrative appointment to get in the room where decisions are made about faculty status, there are a number of considerations.

First, decision-making is diffuse. My meetings are not merely with law school faculty and administrators, but with many important constituents across the campus. Surprisingly, each has a different impact on the decisions schools make about faculty security of position.

Because the law school is part of a university at my institution, university-wide committees balance the law school's needs against the broader university's needs and decide whether to make expanded resources available. For example, even when a law school may want to advance the status of members of its faculty, tenure is generally awarded at the university level. Therefore, learning about the university's interest in clinicians and skills faculty and how it has applied policies in other schools within the university is crucial.

And of course, on the law school campus, there are competing interests. My position has given me access to important conversations about faculty titles, status, and security of position at both the law school and university levels. When discussions arose about the contraction or expansion of programs around campus, I could provide a first-hand perspective on the potential impact on the lawyering skills program. Often, the question isn't only about tenure status, but about teaching loads, equitable service requirements, hiring processes, promotion procedures, etc. Finally, I have often found that in quiet conversations with individual colleagues, I have been able to explain the personal impact of dual faculty status

policies. And, for me, that is progress. And it leads to my next point: don't ignore the impact of personal relationships.

### **Lesson Three: You'll Be Back**

Most deans return to the faculty after their commitment ends. In *Hamilton*, in the midst of revolution, King George's character sings to the colonies, "You'll be Back," reminding them that when the war is over, they will return to colonial rule by England—or so he thought. Perhaps this is the biggest stretch in my analogy, but as I begin my final year as Associate Dean, I am reminded that I'll be back. Not only will I return to students, but I will return to my colleagues as one of them—sort of. I will return to the faculty with no administrative title, no ex-officio committee assignments, and no more apparent authority. Two things stand out to me as I think about this: relationships and respect.

As many correctly assume, the administration has to make many difficult decisions. For every wonderful new program or opportunity created, there are often equally as many requests that are denied. That means having a difficult conversation with or involving colleagues. But through those difficult conversations, I have made or deepened relationships with a number of people in the community, particularly with other faculty and staff. Being intentional about maintaining relationships based on trust and respect for everyone's contribution has been key to any success I have had, and is equally important to my ability to return to the faculty.

Further, because these relationships are built on mutual respect and trust, I believe I will have an ongoing impact when questions arise about lawyering skills faculty status and other things that are important to me. Moreover, my hope is that these relationships will help me to avoid any rumors of a duel at dawn.