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## "The Right Dean at the Right Time"

Doris DelTosto Brogan, *Villanova University School of Law*



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## THE RIGHT DEAN AT THE RIGHT TIME

DORIS DELTOSTO BROGAN\*

THROUGHOUT its forty-four year history, Villanova School of Law has been blessed with the right dean at the right time. Founding Dean Harold Gill Reuschlein brought “a surplus of energy, a strong personality, charm and . . . an indomitable will”<sup>1</sup> to the task of creating a first-class law school against significant odds. Soon after his arrival, the upstart Villanova Law School had an enviable library, a new building and an outstanding faculty. It was quickly accredited by the American Association of Law Schools (AALS) and became the youngest and the first religiously-affiliated law school to be granted a chapter of the Order of the Coif.<sup>2</sup>

Dean J. Willard O’Brien assumed the deanship in 1972. Building on the accomplishments of the founding dean’s almost two decades at the helm, Dean O’Brien led the school through a period of spectacular change with a contrasting style of quiet, collegial leadership. With his steady hand, even temper, clear vision and dignified presence, Dean O’Brien guided the school through turbulent years of student unrest and unprecedented growth. He brought ethnic and gender diversity to the faculty, the Board of Consultors and the student body. He enlarged the role of the students and faculty in school governance, facilitated the expansion of the curriculum, increased financial aid and began institutional fund-raising in earnest to finance the law school’s future. Dean O’Brien stepped down, or rather, to use Dean Frankino’s words,<sup>3</sup> decided to be “elevated” to the position of full-time faculty member and Director of the Connelly Institute in 1983.

The law school turned to its third dean, John Murray. In his short two years, Dean Murray shook up Villanova with his powerful personality and his vision for what Villanova could be. Dean Murray turned to enhancing the school’s reputation for scholarship and, in a move that foreshadowed the institution’s future, he undertook computerization, primarily to support faculty scholarship. He also spearheaded the redrafting of the tenure policy.

When Dean Murray left in 1985, Villanova turned to a professor who had taught at the law school during the Reuschlein years—who had in fact been shanghaied to teach at Villanova from a law school that Dean Reuschlein had inspected (Dean Reuschlein knew talent when he saw it and

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1. HAROLD GILL REUSCHLEIN ET AL., *THE VILLANOVA UNIVERSITY SCHOOL OF LAW* 48-49 (1991).

2. *See id.*

3. *See* Donald W. Dowd, *The Frankino Style*, 43 *VILL. L. REV.* 13 (1998).

was never afraid to steal it). Interestingly, Steve Frankino came to Villanova for the first time in 1965 from Catholic University when he was recruited to teach, and the second time in 1986 again from Catholic University when he was recruited from the deanship there to assume the deanship at Villanova.

Steve came to an institution ready to take its place in the next tier of law schools. As he often said, "it was time for Villanova's reputation to catch up with its reality" and he set out to make it happen. A former dean at two law schools (Creighton University and Catholic University) and an important player in the American Bar Association (ABA) and the Association of American Law Schools, Steve brought a broad world view to the dean's chair. From his many accreditation trips he knew intimately what other schools were doing, what worked and what would fit with Villanova's character. Steve had a vision of what we could be and the determination to be sure we achieved it.

As Dean Henry H. Perritt said at the celebration dinner the law school hosted in Steve's honor: "Steve [was] a master at the art of leading a difficult institution—a university-based law school."<sup>4</sup>

Steve brought to this difficult task both an iron will and a light hand on the reins, applying each as the matter required. On some issues, about which he had strongly held beliefs and which he thought were crucial to the law school's future, he was not afraid to push hard even against some resistance. Among these were continuing and building upon Dean Murray's focus on faculty scholarship, particularly through implementation of a merit compensation policy; developing a comfort level with our Roman Catholic affiliation and building it in as an ethos<sup>5</sup> apparent in the fiber of the law school; enhancing the law school's physical environment both in terms of its usability as a laboratory for preparing tomorrow's legal professionals, and in terms of the aesthetics of the areas in which students spend significant parts of their lives; cultivating the growing international law program in recognition of the globalization of our culture; and freeing the faculty from mundane administrative tasks, while maintaining core faculty governance allowing faculty members to turn to the larger issues of legal education and to develop their own scholarly portfolios. Steve managed the law school with an administration that even the ABA inspection

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4. Dean Henry H. Perritt, Jr., Remarks at Villanova University School of Law (May 16, 1997). Dean Perritt, a faculty member at Villanova from 1981 to 1997, assumed the deanship at IIT/Chicago Kent Law School in July of 1997.

5. Steve used the term "ethos" frequently. *Merriam Webster's Dictionary* defines ethos as "the distinguishing character, sentiment, moral nature or guiding beliefs of a[n] . . . institution." MERRIAM WEBSTER'S COLLEGIATE DICTIONARY 393 (10th ed. 1993). Thus, this commitment did not threaten censorship or infringement of academic freedom. Instead, it implied institutionally embracing the law school's sponsoring institution without compromising, but rather enhancing, classroom dialogue, scholarship and the unfettered search for truth, which can be found through diverse voices—a concept which lies at the heart of the Augustinian Mission.

team described as lean, successfully maximizing resources available for teaching and scholarship.

One concrete example of Steve's approach was his insistence that in making decisions (be they hiring, curriculum or pedagogical) the faculty should wrestle with policy issues and develop a vision for the law school and not be distracted by the logistics of budget and implementation. According to Steve, it was up to the administration to implement the will of the faculty with respect to decisions in its sphere, and to do everything possible to make the necessary resources available. To be sure, there is no bright line between policy and implementation, and this management style caused its share of tension. But it lay at the core of Steve's approach to governance, and it was a point on which he would not yield. He wanted the faculty to dream and to plan with as much creativity and imagination as possible, and to do so without limitations.

Merit compensation was another contentious issue upon which Steve took an early and strong stand. He asked the faculty to adopt a policy that would hinge part of the yearly salary decision on performance in four areas: teaching, scholarship, service to the law school and service to the profession and the community. These four prongs were exactly those set out in the tenure policy already in place. Basing salary increases directly on performance, however, represented a new and controversial approach, especially in light of the emphasis placed on scholarship. As strongly as Steve felt about this change, he knew that the decision to adopt such a policy must not only be made by the faculty, but that the policy itself must come from and be designed exclusively by the faculty. He knew that along with curriculum, matters of faculty evaluation, development and hiring lay at the core of faculty governance. In 1989, the faculty adopted a merit compensation system designed by a faculty task force on which Steve did not even sit. It worked.<sup>6</sup> Faculty scholarship increased dramatically during Steve's tenure, a development which caught the attention of potential students, law school accreditors and Steve's nemesis, the pollsters, alike.

Steve was also a master of laissez-faire leadership. He knew when to just get out of the way and let ideas flow. Applying the principle that the faculty decides and the administration implements, he encouraged and supported student and faculty initiatives not only verbally, but financially as well. Again quoting Dean Perritt:

University-based law schools . . . are places where people must be able to think and speak freely. They are places where students learn to lead by being allowed to fail. They are places whose excellence in the end must come from faculty initiative. They are

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6. This was one of Steve's favorite phrases. Several of us suspect that he sometimes pulled it out when a situation that started out as a mess turned out fine, using those two words, delivered with his characteristic aplomb, to persuade us he had planned the whole thing. *That* didn't work.

also places where everyone, being human, needs encouragement.<sup>7</sup>

Steve understood this and, gave support and encouragement generously. When faced with interesting but untried proposals, his response was, "Great idea! Do it!" rather than, "It's never been done before. We don't have a form or a process for that request." He would ask: "How can I help?" He not only got out of the way of innovative ideas, he got behind them.

Steve's legacies to the school are many, but along with the enhancement of faculty scholarship, perhaps the most noteworthy are the establishment of the law school's leadership in information law and policy (an idea he got out of the way of *and* got behind, though he personally did not know a bit from a byte), and development of the law school's own technological resources and its state of the art library facility. Completed two years ago, the upper level of the library still represents the leading edge in information technology design. It is a place other schools still visit to model, and to marvel. Working closely with Dean William James and an architect who listened (oddly enough) to the users, Steve brought to completion a library which represents a crowning achievement in a deanship marked with many accomplishments.

Steve also supported and encouraged the growth of the law school's international law program. The Haifa Program, though ultimately suspended for logistical reasons unrelated to its academic value, represented another marriage of Villanova resources: our strength in international law, our leadership in information technology (which helped make the semester and summer programs work) and our commitment to embracing our mission. As Steve explained it, there was no better role for a Roman Catholic law school than to examine the interplay of law and religion in a democracy where religious law plays an integral part, and to do so at the birthplace of the three major western religions.

Project Bosnia, an outgrowth of the innovative Villanova Center for Information Law and Policy (VCILP), again blended Villanova's strengths in the integration of law and technology with its mission, in an effort to help restore the role of law to a war-ravaged area. VCILP itself came into being because Steve had the wisdom to get behind an exciting experiment and to let creativity take wing.

Steve was, thus, in many ways the right dean at the right time. He did what had to be done, made tough decisions, took strong positions and supported and encouraged the community. As an institution, we matured, grew and evolved. We may now be bridling at the rein a bit, but we are poised for the next chapter. Leadership has been passed to Dean Mark Sargent, who will build on the remarkable foundation laid by the first four deans and will lead the law school into the next century. All indications

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7. Dean Henry H. Perritt, Jr., *supra* note 4.

are that in its fifth leader, Villanova again has the right dean for the right time.

