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If we were to poll the individuals who have served as USC Law School faculty members during Scott Bice's twenty-year tenure as dean, we would likely discover a range of views about how well he has done the job. At the bottom end, some would rate him a "good" dean, and in the middle, many would rate him "great." The top-enders (and I am one of them) would say he has been better than great, perhaps invoking adjectives like "brilliant" or "stupendous." Of this much I am absolutely certain: He has been as good a dean as it would have been possible for anyone to have been.

I note this range of faculty views for two reasons. The first is to make clear that in my account of "faculty" views and sentiments on the matter of Scott Bice, I am not and do not claim to be an impartial observer. I have given a large chunk of my adult life to the ongoing project that is the USC Law School, coinciding, in large part, with Scott's deanship, and I have thoroughly enjoyed the ride. I served five years as Scott's Associate Dean for Academic Affairs, and more terms than I care to remember either as chairman or member of the Faculty Appointments Committee. On top of all of this, and more importantly, I have counted Scott among my closest friends for the past twenty-five years.

The second reason for noting the range of faculty views is to highlight the low end. I cannot think of many law school deans, active or retired, of whom the worst that faculty members might say is that they are or were good deans.

Since I have not actually polled former and present faculty members, I base my claims about how they would respond both on what a great many of them have told me over the years, and on two items of powerful circumstantial evidence.

Item #1: The faculty twice, and without known dissent, refused to let Scott quit, once at the end of his first ten years in office, and then again after he finished serving an additional five years at the faculty's request. The faculty, in short, deserves a large part of the credit for his near record-setting duration in office.

Item #2: This same faculty—which was once described by a visiting professor as "an asylum, in every sense of the word"—has for roughly the last three terms of Scott's office essentially declined to hold faculty meet-

ings other than at Scott's insistence. It has chosen instead to delegate to the Dean broad discretionary authority to make school policy decisions. Note particularly that this faculty decision was taken and periodically renewed under constitutional rules calling for the convening of a faculty meeting on any issue if one faculty member so requests.

These are extraordinary facts. Law faculties more typically yearn to dump their deans in order, at the least, to infuse their institutions with what is sometimes called "new blood." Moreover, law faculties typically relish faculty meetings, rituals that were designed in large part to facilitate the embarrassment or at least the supervision of deans.

What accounts for the USC law faculty's extraordinary regard for Scott?

Part of the answer lies in his many tangible accomplishments which have contributed so much to our collective lives. He has, for example, conducted not one, but three separate fundraising campaigns, resulting in the construction of a major addition to the law building, and *also* an almost twenty-fold increase in the size of the law school's endowment. This phenomenal augmentation of the institution's wealth has in turn helped us compete for and (at least sometimes) to retain against our competitors top faculty and students, the two most critical ingredients in the recipe for a great law school.

But while my colleagues and I greatly appreciate these and Scott's other accomplishments, the esteem in which he is held by faculty members comes in important measure from a deeper source. Faculty members know Scott from their years of personal contact and dealing with him. We know him, that is, from knowing *him*, more than from knowing his deeds, and our esteem is more a response to his talent and character than his accomplishments.

The main symptom of the faculty's regard for Scott is captured by one word: *Trust*. For twenty years, individually and in a variety of groups, and in many different contexts, faculty members have again and again found Scott worthy of their trust, and in consequence they have repeatedly given it to him. I have never known him to abuse the gift.

The faculty's trust in Scott has been based on its assessment of his talent and character. Two of his most salient characteristics are easy enough to describe: He is very smart and very honest. The third and most important is harder to capture in a word or phrase, but I would put it this way: He has conducted the deanship in a way that has consistently and substantially sustained and enhanced faculty self-image and morale. He

has done this by signaling through a host of different practices that faculty members are valuable, important people.

I joined the USC faculty in 1975, and Scott quickly became my closest intellectual colleague on the faculty. We were both teaching constitutional law, which was also the subject of both of our research and writing interests. Some years earlier we also both had clerked for Chief Justice Earl Warren on the U.S. Supreme Court. We obviously had a lot to talk about, and we spent a large part of the several years before he became dean doing just that. This experience left me frankly awed by Scott's intelligence. I had known folks who were analytically quick and incisive before, and I had also known folks who had remarkable instincts for seeing the complex questions that often underlie legal issues, but I had met very few who combined these talents to the extent he did.

These talents became publicly apparent when, shortly before he became dean, he published a now well-known article on rationality analysis in constitutional law, which became a classic treatment of the subject and is still excerpted in many casebooks.

Scott's intelligence is an important if incomplete explanation of the faculty's judgment that he is trustworthy. In contrast to the skeptical attitude some law faculties have about their deans' scholarly judgment, Scott's views on scholarship have always been regarded by the faculty as equally worthy of serious consideration as those of any other faculty member. This intellectual appraisal has been simultaneously a reflection and a cause of the faculty's respect for him.

Scott also has great practical intelligence, as illustrated by his very high batting average in forecasting the consequences of proposed policies. I remember, for example, his predictions that fundraising for a building expansion would not undermine other simultaneous fundraising efforts, and that merit scholarships would induce enrollment at USC by top law students who would otherwise go elsewhere. Both of these issues were quite uncertain and controversial at their times, and both times (and on many other occasions as well) Scott's forecasts were right on the money.

Although intelligence is a prerequisite for trustworthiness in a law school dean, it is no guaranty of it. Honesty is also required.

Scott simply does not lie—even in circumstances in which he could probably get away with it. In fact (and quite short of lying), one of Scott's rare weaknesses is that he is not great at making rhetorically inflationary speeches of the sort law deans are sometimes expected to make, for example, publicly doubling someone's standing as a scholar or a judge or what-

ever. While Scott has gotten much better over the years at this sort of puffing, he has never been very comfortable with it.

Honesty has another face as well, one that usually goes under the heading of "integrity." Integrity is a character description normally used to signify that a person's conduct is consistent with some set of creditable values or commitments, and is in this sense the product of neither corruption nor expediency. Integrity, in other words, is a kind of substantive honesty, or honesty to one's self.

The notion of Scott acting out of corruption or expediency is laughable, for I doubt that those who know him know anyone who is more principled and idealistic. This is not the place to expostulate on his political and jurisprudential commitments, other than to say that both his character and his conduct are securely anchored in a few basic values: honest dealing; fair play; respect for human dignity; freedom of belief and expression.

In fact, I well remember that the main concern some faculty members had when Scott was first appointed dean derived from his idealism: Some feared he might prove rigid and ideological. In this sense, much more remarkable than Scott's integrity as dean has been his humanity, his openness and his flexibility—which brings me to what in retrospect I think is the single most important characteristic of his deanship from the faculty's perspective, its remarkable uplifting effect on faculty morale and self-image.

This effect was produced not by any single or even any specific series of actions, but rather by the way he conducted his office in general, from the role he shared with Barbara as the institution's social leader through his role as its administrative and political leader.

Socially, for example, although faculty sometimes chnckled over the "classiness" of law school social events hosted by Scott and Barbara, faculty also came to understand that through the style with which the Bices conducted these events they were making a statement about what they thought this faculty deserved.

Administratively, once Scott became convinced that a change in what might loosely be called the "terms and conditions" of employment was really important to faculty members, he almost always became the faculty's ally in pressing for change. For example, pregnancy and child-rearing leaves were developed to accommodate the growing number of women on the faculty and changes in faculty values about the responsibility of men in rearing their children.

Politically, Scott has exercised leadership neither by commanding nor exhorting, but rather by soliciting, clarifying and focusing on the values that are shared by faculty members who might otherwise disagree.

I intend to be saying more here than that Scott is a good politician who has picked his fights carefully, and more also than that he has been exceedingly tolerant of those who disagreed with his views. Scott *has* been both a good politician and a tolerant leader, but both of these descriptions miss something that has been critical in his dealing with the faculty.

Notwithstanding their conciliatory or procedurally accommodating stances, good politicians and tolerant leaders usually believe or at least act as though they believe that they know what is “really right” for the institutions they lead. After all is said and done, the most tolerant leader may and often does decide to do it his or her own way. On occasions when the Law School has faced decisions implicating ideals of great importance to him, Scott has, by virtue of his ideals, “known” what is right for the institution, and has decided accordingly or at least pressed the faculty hard toward his point of view.

But these occasions have been very rare, and much, much more commonly Scott has acted on the belief that the question of what is right for the Law School is a function of what its stakeholders, often most importantly the faculty, believe. This a “robustly” democratic conception of governance because it sees democratic participation as more than, for example, a procedure for calculating preferences or preventing government abuse. Instead, it understands that *what is right is itself sometimes just that which results from an open and democratic process.*

Scott has executed his conception of leadership through a variety of methods and procedures, including rare institutional events like retreats, and more common (but still rare) ones like faculty meetings. His methodology has far more often involved smaller events, like meetings with faculty committees or with staff or faculty members individually. The important point is that Scott has always, personally or through his associate deans, monitored and paid close attention to faculty sentiment. For this reason, the relative formality and ritual of the procedures became less and less important.

The faculty came to trust Scott much more than if he were only a good politician or only a tolerant leader, because the sense his deanship created among faculty was not that they were easily manipulated or tolerated, but rather that they were important and valuable. In the end, what

has made Scott the great dean he has been has been chiefly his humanity, his openness and his flexibility.