

PANDEMIC LEADERSHIP

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“The impediment to action advances action. What stands in the way becomes the way.”¹

I have a story for you. It’s about a cross-country move to take on a first law school deanship amid a global pandemic. There is no shortage of literature about leadership outside the realm of academia. Indeed, there are a number of engaging books about leadership philosophies, styles, and guidance.² But those materials are not tailored specifically to leadership roles within legal academia. Moreover, there is little scholarly literature advising deans on how to lead a law school.³ Unsurprisingly, perhaps, there exists even less literature advising deans on how to lead a law school during a global pandemic.

My hope for this piece is to expand the body of scholarship advising deans on how to lead a law school. This Article offers my early thoughts—first year pandemic thoughts, to be exact—about the ways law school administrations can cultivate and maintain a strong culture focused on producing passionate and skilled

* Dean and Professor of Law, Willamette University College of Law. We do not accomplish big things in life alone and I have many people to thank for all of their working pulling off the herculean task of running a law school during a pandemic. Chief among them are the members of my administrative team (otherwise known as the best team a dean could ask for): Jeffrey Dobbins, Melody MacAlpine, Karen Sandrik, Laura Appleman, David Friedman, Ashley Stovin, Leah Straley, Phylis Myles, Tiffany Newton, Allison Bauer, and Cindy Cromwell. I also owe a huge thank you to Alex Carroll for his research and editorial support. I should also thank my two seven-year-old boys who, depending on the day, either keep me young or age me faster. The final thank you goes to my wife, Beth, whose patience, love, and support with me seems boundless.

1. MARCUS AURELIUS, *MEDITATIONS* bk. 5, § 20 at 60 (Gregory Hays Trans., Mod. Libr. Paperback ed. 2003) (c. 121–180).

2. *See, e.g.*, DANIEL COYLE, *THE CULTURE CODE*; JOHN STONESTREET & BRETT KUNKLE, *A PRACTICAL GUIDE TO CULTURE: HELPING THE NEXT GENERATION NAVIGATE TODAY’S WORLD* (David C. Cook, 2017); GREG BESNER & TONY HSIEH, *THE CULTURE QUOTIENT: TEN DIMENSIONS OF A HIGH-PERFORMANCE CULTURE* (Idea Press Publishing, 2020).

3. *See, e.g.*, Janice C. Griffith, *Symposium: Leadership in Legal Education Symposium IV: The Dean’s Role as a Member of the University’s Central Administration*, 35 U. TOL. L. REV. 79 (2003). To be sure, there are articles offering advice on how to become a dean. *See, e.g.*, Kevin R. Johnson, *COMMENTARY: Session 1: Deciding to Become a Dean*, 31 SEATTLE U. L. REV. 813 (2008); *How to Become a College Dean*, AM. U. SCH. OF EDUC. (June 24, 2019), <https://soeonline.american.edu/blog/how-to-become-a-college-dean>. There are likewise articles offering advice on what to do as dean, as well as reflections from deans about their deanships. *See, e.g.*, Robert Post, *Leadership in Educational Institutions: Reflections of a Law School Dean*, 69 STAN. L. REV. 1817 (2017); GEORGE JUSTICE, *HOW TO BE A DEAN* (Johns Hopkins Univ. Press 2019); JEFFREY L. BULLER, *THE ESSENTIAL ACADEMIC DEAN: A PRACTICAL GUIDE TO COLLEGE LEADERSHIP* (Jossey-Bass 1st ed. 2007).

lawyers. Part I tells the story of my transition from the University of Arkansas to Willamette University College of Law. Part II puts you firmly in the saddle of an administration tasked with learning to run a law school from scratch. Part III reflects on lessons learned from doing so.⁴

I.

What I'd heard is true: The Pacific Northwest is beautiful. I got a chance to confirm that during the interview process to be the twenty-second dean of the Willamette University College of Law. The College of Law is set across two beautiful buildings on the picturesque campus of Willamette University. Willamette, in turn, is located in Salem—Oregon's capital city. Salem is about an hour from everything, including the ocean, big city, and mountains—to name a few.

Nominated for the position on September 4, 2019, I interviewed for the position and visited campus as a finalist from November 2-4. Things moved quickly afterward. On Saturday evening of November 16, I was raking leaves in the backyard of our home in Fayetteville, Arkansas, when Willamette University President Steven Thorsett sent me an email requesting a call. I replied indicating that—obviously—I was available. We spoke an hour later, and he offered me the position.

Our entire family loaded up to make the post-offer visit to Salem on November 24. We planned to spend the week of Thanksgiving break exploring the city, learning more about the University and visiting elementary schools. My wife and two seven-year-old boys loved the area and a few days into our trip—at 6:23 pm PST on November 27, to be exact—I wrote to University President Steven Thorsett and told him, “You have yourself a dean!” I formally signed my letter on December 2, 2019.

Little did I know how quickly everything would change. Fast-forward to March 2020. On March 11, faculty at the University of Arkansas School of Law were told to prepare to move all courses remotely. Just one day later, faculty were told to move their courses to remote delivery, and students were prohibited from entering the law building. I taught a couple of remote classes to an empty classroom.⁵

4. Quick disclaimer: I have logged only a few months as dean. My reflections on leading a law school are therefore limited to my early tenure. With that said, I have had the privilege of serving as a leader—both inside and outside of academia—for nearly two decades. I have consistently drawn from these experiences during my first year as dean and leaned on them for guidance during what has been an unprecedented year. These reflections are my present contribution.

5. During my tenure at the University of Arkansas, I also served as the Head Coach of the Men's Hockey team from 2009-18. During the 2018-20 season, I served as the Program Director. In that capacity, I was lucky enough to have a role in coaching the 2019-20 men's hockey roster to a 32-4-0 overall record. The team was scheduled to begin competition at the National Tournament, held in Dallas, Texas, on March 19 as a bracketed #1 seed. Before the pandemic, I had hoped to bring my two boys to Dallas to see my final stint as a college hockey coach. The tournament was canceled on March 12. *ACHA Cancels 2020 National Championship Tournament*, ACHA NAT'LS (Mar. 12, 2020), http://pointstreaksites.com/view/achanationals/news/news_530093.

That next day, March 13, coincided with my signing the closing paperwork on our home in Arkansas alongside meeting the movers to coordinate final details. As the sun was going down that evening, one of the movers closed the door to his truck and casually asked me, “So, what do you think about this virus news? Seems like it could be a big deal.” As silly as it seems now, I offered a friendly reply to the tune of, “Perhaps this whole ‘virus thing’ will blow over.” The fact that I’m still waiting for that moment reflects just how little we—the public—really knew very little about COVID-19.⁶ We also had no concept of just how much it would come to change every facet of our daily lives⁷ alongside how law schools deliver legal education.⁸

When that last door to the moving truck closed and the sun went down, I turned my attention to moving my family into our furnished rental home—where we intended to reside until July. Things changed again days later when my two boys’ kindergarten classes were moved to remote delivery. Suddenly our small rental home, which seemed like a great place for family gatherings in the evening, held the prospect of simultaneously serving as a place to homeschool two kindergarteners and help run two law schools. That was not going to work.

With a coincidentally scheduled closing date scheduled for March 20 for on our home in Salem, my wife and I hastily decided to pack her car to the brim and for her to make the 30+ hour journey to Salem with our boys.⁹ I would stay behind to finish teaching and join her a few weeks later. She left Fayetteville on March 18 and arrived safely in Salem on March 20—even passing our moving truck on the highway in the final hour of the drive.

Meanwhile, back in Fayetteville, classes resumed—remotely—during the week of March 23. I continued to teach my courses from inside the building and from an empty classroom. I found my ability to teach inside a classroom grounding

6. Andrew Joseph, Helen Branswell & Elizabeth Cooney, *Seven Months Later, What We Know About COVID-19—and the Pressing Questions that Remain*, STAT (Aug. 17, 2020), <https://www.statnews.com/2020/08/17/what-we-now-know-about-covid19-and-what-questions-remain-to-be-answered/> (Listing seven “things we have learned, and some of the pressing questions we still need answered,” about COVID-19).

7. *Most Americans say Coronavirus Outbreak Has Impacted Their Lives*, PEW RSCH. CTR. (Mar. 30, 2020), <https://www.pewsocialtrends.org/2020/03/30/most-americans-say-coronavirus-outbreak-has-impacted-their-lives/>.

8. Gabriel Kuris, *The Impact of the Coronavirus on Legal Education*, U.S. NEWS (Aug. 24, 2020), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/the-impact-of-the-coronavirus-on-legal-education#:~:text=The%20COVID%2D19%20pandemic%20is,%2C%20applicants%2C%20students%20and%20graduates.&text=Accordingly%2C%20applicants%20should%20expect%20to,session%20and%20other%20campus%20events.>

9. This was not an easy decision to make. Remember, at the time, the country was panic-buying toilet paper alongside other basic supplies, and the public still had very little understanding of the virus. Marc Fisher, *Flushing Out the True Cause of the Global Toilet Paper Shortage Amid Coronavirus Pandemic*, THE WASHINGTON POST (Apr. 7, 2020, 11:38 AM), https://www.washingtonpost.com/national/coronavirus-toilet-paper-shortage-panic/2020/04/07/1fd30e92-75b5-11ea-87da-77a8136c1a6d_story.html. We pre-packed all of her food so that she did not need to purchase any. She bought gas using disposable gloves and skipped public restrooms in favor of roadside stops. I am still in awe of how she pulled this off with two six-year-olds who just had their worlds turned upside-down.

both for me and the students. I continued to use the whiteboard, video clips, and audio clips. Or, stated differently, I continued to rely on many of the same teaching techniques I would ordinarily rely on during a residential class. Moreover, I called on students, worked to facilitate classroom dialogue, and stayed after class to visit with students and answer questions. The transition, though abrupt, was working.

But then the building closed to everyone on March 20—the same day that my wife and kids arrived in Salem. Meanwhile, states were adopting various “shelter-in-place” mandates threatening the prospect of interstate travel.¹⁰ For some states, there was even talk of bringing in the National Guard to prohibit out-of-state travelers from entering the state.¹¹ Amid this situation that seemed to change by the hour, March 20 also marked the start of spring break for both the University of Arkansas and for Willamette University. It occurred to me that I had a limited window to remove our remaining belongings from of our furnished rental and make a beeline to Salem myself.

I acted. On March 23, I added a hitch to my car and picked up a U-Haul trailer the next day. I loaded my car by the end of the day and, on March 25, left Fayetteville. After spending more than a decade at the University of Arkansas teaching 1,474 students across thirty-eight courses, it was not exactly the send-off I had imagined. But as they say: “Life is what happens to you while you’re busy making other plans.”¹²

I quickly learned no playbook existed for traveling during a global pandemic.¹³ Like my wife, I packed my own food, wore disposable gloves while getting gas, avoided rest stops and navigated a host of roadside signs that read, “Stay home, save lives.” It was, in short, a surreal experience. But after driving for three straight days, with stops in Kearney, Nebraska, and Clearfield, Utah, I arrived in Salem late on the night of Friday, March 27. At 6 am PST the following Monday, I was back teaching at the University of Arkansas—from Salem, Oregon.

As March shifted to April, the chief goal for the early part of my tenure was as clear as it was daunting: learn how to run a law school from scratch. For its part, Willamette—like Arkansas and schools across the country—moved to remote instruction during the spring 2020 semester. It did so against a deep historical and

10. See Karen Schwartz, *Driving and Travel Restrictions Across the United States*, N.Y. TIMES, <https://www.nytimes.com/2020/04/10/travel/coronavirus-us-travel-driving-restrictions.html> (last updated May 5, 2020) (Noting that the 48 contiguous states had put in “differing rules for travel” and offering a “comprehensive guide” to those rules).

11. Dylan Gresik, *National Guard Activated to Combat Coronavirus Spread in Six States, More to Follow*, MIL. TIMES (Mar. 13, 2020), <https://www.militarytimes.com/news/coronavirus/2020/03/13/national-guard-activated-to-combat-coronavirus-spread-in-six-states-more-to-follow/> (Explaining that, as of March 13, 2020, the governors of Florida, Iowa, Louisiana, New York, Rhode Island, and Washington had collectively deployed approximately 400 National Guard personal to help implement their respective states’ COVID-19 responses).

12. JOHN LENNON, *BEAUTIFUL BOY (DARLING BOY)* (Geffen Records 1980).

13. Fortunately, the CDC now offers guidance on interstate travel during the COVID-19 pandemic. *Travel during the COVID-19 Pandemic*, CDC.GOV, https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Ftravelers%2Ftravel-in-the-us.html (last updated Oct. 21, 2020).

proud 100+ year backdrop of high-touch mentor-focused *residential* education. Teaching by Zoom, in other words, was antithetical to the Willamette educational ethos. The prospect of providing a remote education appeared even more daunting considering the fact that students lacked a stable environment to learn. The pandemic turned the lives of students and faculty upside down. Law school, in the most normal of times, is a stressful experience.¹⁴ By mid-April, times were anything but normal.¹⁵

Law students and faculty members—like everyone—feared for their health and the health of their families. Third-year students nationwide began learning that their in-person graduation ceremonies were cancelled or postponed.¹⁶ Soon after, they began hearing rumors that the bar exam itself might be cancelled.¹⁷ Students lost their summer associate positions.¹⁸ Everyone—faculty included, frankly—panicked at the prospect of administering final exams remotely.¹⁹ Meanwhile, institutions across the country began facing the prospect of budget cuts,²⁰ and neither Arkansas nor Willamette were immune.²¹

14. Matthew Jenkin, *Legally Drained: Why Are Stress Levels Rising Among Law Students?*, THE GUARDIAN, <https://www.theguardian.com/law/2019/nov/19/legally-drained-why-are-stress-levels-rising-among-law-students> (last modified Nov. 20, 2019, 6:22 AM) (“It’s no secret that the legal profession can often be a high-pressure working environment; lawyers are the second most stressed professionals in the country.”).

15. See Tucker Reals, Audrey Mcnamara, Justin Carissimo, Joe Pawlikowski, *Coronavirus Updates From April 29, 2020*, CBS NEWS: LIVE UPDATES, <https://www.cbsnews.com/live-updates/coronavirus-live-updates-2020-04-29/> (last updated Apr. 30, 2020, 4:23 PM) (Providing that the COVID-19 death toll had topped 60,000 as of April 29, 2020, eclipsing the number of lives lost in the Vietnam War).

16. Karen Sloan, *Graduation in Your PJs? Law School Commencements Go Virtual*, LAW.COM (May 7, 2020, 1:05 PM), <https://www.law.com/2020/05/07/graduation-in-your-pjs-law-school-commencements-go-virtual/>.

17. Bernard Hibbitts, *ABA House Calls on State Bar Admission Authorities to Cancel Unsafe In-Person Bar Exams During COVID Pandemic*, JURIST.ORG (Aug. 4, 2020, 2:16 PM), <https://www.jurist.org/news/2020/08/aba-house-calls-on-state-bar-admission-authorities-to-cancel-unsafe-in-person-bar-exams-during-covid-pandemic/> (Explaining that, on August 4, 2020, the American Bar Association House of Delegates approved a resolution that urged bar admission authorities to cancel any in-person bar examination during the COVID-19 pandemic).

18. *How will the coronavirus affect summer associate positions and clerkships?*, JD ADVISING, <https://www.jdadvising.com/how-will-the-coronavirus-affect-summer-associate-positions-and-clerkships/> (last updated Apr. 8, 2020) (“Due to the coronavirus (COVID-19) pandemic, many law firms and courts are closing their doors at the moment. This leaves students who have accepted a summer associate position or clerkship uncertain about their summer plans.”).

19. Karen Sloan, *A Little Less Pressure with Law School Final Exams Amid COVID-19*, LAW.COM (Apr. 29, 2020, 11:43 AM), <https://www.law.com/2020/04/29/a-little-less-pressure-with-law-school-final-exams-amid-covid-19/> (Noting that, although pass/fail grades reduced some of the stress associated with final exams, law professors wrestled with finding a way to prevent students from cheating on exams administered online).

20. Karen Sloan, *Law Schools Hit by Financial Fallout from COVID-19*, LAW.COM (Apr. 23, 2020, 1:54 PM), <https://www.law.com/2020/04/23/law-schools-hit-by-financial-fallout-from-covid-19/> (“The University of California system, the University of Arizona, Harvard University and the University of Michigan are projecting massive budget shortfalls, and law schools are feeling the impact.”).

21. Max Brantley, *The University of Arkansas Prepares for Budget Hits*, ARK. TIMES (Apr. 6, 2020, 5:04 PM), <https://arktimes.com/arkansas-blog/2020/04/06/the-university-of-arkansas->

Suffice it to say that April 2020 was not an ideal time to be in the business of providing a legal education. And each passing day confirmed the general fear that things were not going back to “normal” anytime soon. Although my start date with Willamette was scheduled for July 1, I quickly realized that I needed to get to know the institution *ASAP* if I planned to have any credibility as a first-year dean amid a global pandemic. Leadership transitions quite reasonably inspire anxiety even under the best of circumstances,²² which again, these were not. Suddenly, the time between March and July was a time not to relax and reflect—as I had planned—but rather, to press, listen and learn about all of the College of Law’s stakeholders. The fall semester was quickly approaching.

II.

In many ways, trying to convey the uncertainty that April 2020 brought to higher education, and law schools with it is a fool’s errand. Indeed, the wide-ranging journey of these past several months has, in addition to the novel coronavirus, included historic wildfires,²³ the “barpocalypse,”²⁴ social unrest,²⁵ and more.²⁶

Let me take you back to the chief goal: figuring out how to run a law school from scratch. Although there is certainly much still to be learned about COVID, we knew next to nothing in April 2020. Nevertheless, COVID raised a number of

prepares-for-budget-hits; Rachel Alexander, *Willamette University Plans for In-Person Fall Classes, with Pay Cuts for Faculty and Staff*, SALEM REP. (May 15, 2020), <https://www.salemreporter.com/posts/2389/willamette-university-plans-for-in-person-fall-classes-with-pay-cuts-for-faculty-and-staff>.

22. See Jock Purtle, *How to Keep Employees Motivated During a Leadership Transition*, HR DAILY ADVISOR (Sept. 26, 2018), <https://hrdailyadvisor.blr.com/2018/09/26/how-to-keep-employees-motivated-during-a-leadership-transition/> (Explaining that “[a] leadership transition can be both an exhilarating and a terrifying time” for members of an organization).

23. Zach Urness, *Oregon’s 2020 Wildfire Season Set Records for Destruction. It Could Be Just the Beginning*, STATESMAN J., <https://www.statesmanjournal.com/story/news/2020/10/30/climate-change-oregon-wildfires-2020/6056170002/> (last updated Oct. 31, 2020) (Listing Oregon’s 2020 fire season as the second most destructive on record, with over 1.07 million acres burned).

24. Jeff John Roberts, *It’s Not Easy Being an Aspiring Lawyer Taking the Bar Exams During a Pandemic*, FORTUNE (July 12, 2020, 8:30 PM), <https://fortune.com/2020/07/12/taking-the-bar-exams-during-covid-lawyers-law-students-us-coronavirus-pandemic/>.

25. See, e.g., Alex Altman, *Why the Killing of George Floyd Sparked an American Uprising*, TIME (June 4, 2020, 6:49 AM), <https://time.com/5847967/george-floyd-protests-trump/>; 2 *Officers Shot in Louisville Protests Over Breonna Taylor Charging Decision*, N.Y. TIMES, <https://www.nytimes.com/2020/09/23/us/breonna-taylor-decision-verdict.html>. (last updated Sept. 30 2020).

26. Consider also that 2020 has featured arguably the most consequential presidential election of our time. See, e.g., Edward-Isaac Dove, *Why 2020 is the Most Consequential Election Ever*, THE ATLANTIC: MASTHEAD (May 17, 2019) <https://www.theatlantic.com/membership/archive/2019/05/why-2020-most-consequential-election-ever/589732/>; Domenico Montanaro, *The Most Consequential Election of a Lifetime (And This Time They Mean It)*, NPR.ORG (Nov. 2, 2020, 5:00 AM), <https://www.npr.org/2020/11/02/930077437/the-most-consequential-election-in-a-lifetime-and-this-time-they-mean-it>.

questions about how we were going to deliver a legal education the coming fall.²⁷ We were not alone; institutions across the country were considering questions like: (1) whether to start the semester on time;²⁸ (2) whether to start the semester residentially, by distance, or a hybrid of the two;²⁹ (3) how to redefine what “attendance” means in a hybrid-delivery environment;³⁰ and (4) how to draw distinctions between 1Ls and upper-level students³¹—among so many other questions.³²

For our part, we began to kick around an inordinate number of scenarios including staying full remote for the fall semester, bringing students back behind plexiglass, putting the professor behind plexiglass while students wore face masks, and starting classes a little earlier or even compressing a few more classes into the early part of the semester in hopes of getting closer to done before disruptions set in.

The little we *did* know about COVID is that any form of residential learning that would occur in the fall would require “social distancing”—the idea that students would have to maintain six feet of physical distancing between one

27. See Willamette University, *Willamette Law Reopening Plans for 2020/21*, YOUTUBE (Aug. 13, 2020), <https://www.youtube.com/watch?v=YdT46uoJze4>.

28. See Anthony Seldon, *Why Delaying Term Starts Until January is a Bad Idea*, THE WORLD UNIV. RANKINGS (Apr. 8, 2020), <https://www.timeshighereducation.com/blog/why-delaying-term-starts-until-january-bad-idea>.

29. See e.g., *Yale Law School COVID-19 Information*, YALE L. SCH., <https://law.yale.edu/yls-today/media-inquiries/office-public-affairs/yale-law-school-covid-19-information> (last visited Nov. 5, 2020) (hybrid); *Cornell University and Cornell Law School COVID-19 Resources and Plans for Reopening*, CORNELL L. SCH., <https://www.lawschool.cornell.edu/COVID-19/COVID-19.cfm> (last visited Nov. 5, 2020) (hybrid). See generally *Here's Our List of Colleges' Reopening Models*, THE CHRON. OF HIGHER EDUC., https://www.chronicle.com/article/Here-s-a-List-of-Colleges-/248626?cid=reg_wall_signup&bc_nonce=96cjl1b5ex0cxrsywlalm5 (last updated Oct. 1, 2020) (providing a summary of over the reopening plans of over nearly 3,000 higher-ed intuitions).

30. See Anaya Kamenetz, *School Attendance In The COVID Era: What Counts As 'Present'?*, NPR.ORG (Sept. 24, 2020, 6:00 AM), <https://www.npr.org/2020/09/24/909638343/school-attendance-in-the-covid-era-what-counts-as-present>.

31. For example, the University of South Carolina School of Law staggered its class schedule so that first-year students had in-person classes in the morning (while upper-level students attended classes remotely), and the upper-level students had in-person classes in the afternoon (while first-year students attended classes remotely). Bill Cresenzo, *Law Schools Adjusting to New Era of COVID-19*, S.C. LAWS. WKLY. (Sept. 1, 2020), <https://sclawyersweekly.com/news/2020/09/01/law-schools-adjusting-to-new-era-of-covid-19/>.

32. In June 2020, Boston College of Law noted that COVID would likely impact the way it would deliver a legal education to its fall-2020 students:

[Complying with COVID related public health requirements] will likely mean a modified academic calendar; significant density limits on campus and social distancing in classrooms, offices and public spaces; a substantial number of online courses; online learning options in all courses for those who are unable or unwilling to be physically present; masks and other PPE requirements; frequent deep cleanings of facilities; a reliance on virtual meetings and online events; and limiting staffing on campus to what is needed to support the very best academic learning environment.

Vincent Rougeau, *Dean Campus Update: 06.05.20*, BOS COLL. OF L., (June 5, 2020), <https://www.bc.edu/content/bc-web/schools/law/sites/coronavirus-updates/dean-campus-update-06-05.html>.

another in order to reduce close contact between students.³³ Doing so, the argument went, would reduce community spread of the virus. Socially distant classroom seating would, of course, reduce ordinarily available classroom seats. But how many? My Deans' Manual failed to say.

Accordingly, in April, my first act as Dean was to go to the law school—my second ever visit—with my newly appointed Associate Dean for Academic Affairs and remeasure every law school classroom in a manner that incorporated social distancing.³⁴ It was sobering to see a classroom that ordinarily held 150 students reduced to thirty-three students. Multiplying similar figures across the entirety of the two buildings at Willamette alongside general concerns about building census, we immediately knew we had a logistical nightmare on our hands.

Very quickly, though, we came around to the idea of two scenarios, both of which called for reducing our community into cohorts.³⁵ The first scenario we dubbed the “class cohort” approach; the second we called the “grad year cohort.” Both scenarios shared a common approach to the 1L year and regardless of graduation year, both scenarios relied on dividing students into individualized cohorts in numbers designed to match public health guidance. Those cohorts would govern when a particular student took a class residentially or remotely.

Within the first year, both scenarios called for separating 1Ls into their own cohort and we anticipated that they would be in the building on M-W-F. Within the 1L class, students would be divided into A, B, and C cohorts. So, when the A cohort as physically in the building for class, the B and C cohorts would take class synchronously by distance.

For upper-level students, the class cohort approach focused on retaining as much of the current schedule as possible but splitting enrollment in each specific class along public health guidance. For example, a class with an enrollment of sixty students might split into three cohorts and blocks of twenty students would be assigned to A, B, and C days. So, when A students were physically in class, students assigned to B and C cohorts would attend remotely (when B is in class, A and C attend remotely and so on).

By contrast, the “grad year” cohort for upper-level students focused on treating the 2Ls separately from the 3Ls. In this more disruptive scenario, 2Ls would be offered a limited “track” of classes to enroll in and, from there, their classes within that track would be divided along attendance lines that respect public health guidance (again, e.g., twenty students at a time physically in class with the balance attending remotely). The draft required schedule was also

33. The CDC defines “social distancing” or “physical distancing” as “keeping a safe space between yourself and other people who are not from your household.” *Social Distancing*, CDC.GOV, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> (last updated July 15, 2020). The CDC advises that, to practice social distancing, a person should “stay at least 6 feet (about 2 arms’ length) from other people . . . in both indoor and outdoor spaces.” *Id.* Over half a year later, the concept of “social distancing” is a routine part of daily life. During the early days of pandemic, however, it was a new addition to regular lexicon.

34. Other than my callback interview, this was only my second time in the building.

35. Angela Dewan, *Want to Join My Bubble? This is What Your Future Social Life Could Look Like*, CNN HEALTH, <https://www.cnn.com/2020/04/29/health/coronavirus-social-bubbles-intl/index.html> (last updated Apr. 29, 2020).

designed to help students enroll in otherwise high-enrollment or required courses, namely Professional Responsibility, Evidence, Criminal Procedure, Trusts & Estates, and a class that students would pick from a predetermined list of three seminar courses. That would leave the 3Ls who would begin the semester wholly remotely to reduce the total number of students in the building at any one time.

Armed with our two approaches, we launched the first of what became several rounds of community listening sessions for our students, faculty, and staff. Through those productive discussions, the graduation year cohort plan began to fall apart. In particular, we realized just how difficult it would be to separate second and third-year students from one another in large enrollment classes. Separation by graduate year, we realized, would also likely require our upper-level students to re-register all of their classes; a likely unpopular ask from a new administration given that students picked their schedules months ago.³⁶ For those reasons, that second idea, separating the first-year students from the upper-level students, began to gain traction.

Amid the question of how we might invite students back to campus were a few other large-scale competing questions. Chief among them was whether we would require faculty, staff, and students to return to campus.³⁷ And if so, whether we would require a community-member to provide documented medical evidence in order to remain at home during the fall semester.³⁸ Of course, we also knew that a number of other issues related to health protocols could impact our approach (e.g., proper entry/exit of the building, proper entry/exit into classrooms, testing protocols, how many faculty/staff in the building at any one time).

36. More generally, we also became concerned that more significantly disruptive plans would be likely to draw a lot of criticism and take a lot of explaining. In the end, we could also seek to justify our decisions for public health reasons, but only if we could really make the case that those benefits justified the significant reregistration and limitation of choice that would have to happen. Of course, we were also going to have to come up with a way of managing the 3L class at the same time that also manages social distancing. Without doing so, it seemed that only placing the 1L and 2L class into cohorts left a fairly large hole in the boat so to speak. Again, the graduation year cohort failed to lift off.

37. Some universities provided faculty with certain accommodations to assist with the transition back to campus. *See, e.g., University Guidance for Faculty and Staff During COVID-19*, UNIV. OF S.D., <https://www.usd.edu/covid19/university-guidance-for-faculty-and-staff-during-covid-19> (last visited Nov. 5, 2020). The University of South Carolina, for example, provides its faculty with the following guidance:

For faculty, [we may] consider requests to convert limited numbers of classes to ONLINE (not remote) modules as needed on a per-semester basis to meet approved accommodation requests or ease burdens on space/capacity, remembering that offering face-to-face instruction is an essential function of faculty workload for those assigned to teach in that modality. Such conversions must not substantially limit overall student choice in accomplishing an all in-person schedule.

Id.; *see also* Arlene S. Kanter, *Can Faculty Be Forced Back On Campus?*, CHRON. HIGHER EDUC., (June 15, 2020), <https://www.chronicle.com/article/Can-Faculty-Be-Forced-Back-on/248981>.

38. The University of New Hampshire, among other higher-ed institutions, required its faculty members to verify their health conditions in order to receive an ADA reasonable accommodation. *COVID-19 Temporary Reasonable Accommodation Process*, UNIV. OF N.H., <https://www.unh.edu/affirmativeaction/covid-19-temporary-reasonable-accommodation-process> (last visited Nov. 5, 2020); *see also* Off. for Accessibility and Gender Equal., *COVID-19*, UNIV. OF FLA. <https://ada.ufl.edu/covid-19/> (last visited Nov. 5, 2020).

And, as April shifted to May, there was no indication from the ABA that, unlike the spring, law schools would be permitted to engage in remote instruction for the fall.³⁹ So, at least in May, we were still constrained by the ordinary one-third limit on distance offerings.⁴⁰ By the middle of May, a new set of challenges presented themselves. To begin, regional and national concerns surfaced about the prospect of state bar examiners administering an in-person bar exam. Although we expressed concerns to our Board of Bar Examiners during weekly meetings about the prospect of virus spread during an in-person bar, it seemed clear that a July exam would go forward. Willamette was particularly concerned about the logistics associated with a socially distant bar exam given that we were scheduled to offer our building as an exam location.

Against the backdrop of planning for a socially distant in-person bar, we saw our students and particularly our recent graduates face an increasing number of competing personal challenges. For instance, we saw our graduates contend with the challenges associated with balancing bar study and home-schooling; unlike other years, kids were not in school through mid-June and no options existed for camps or other childcare. That left many graduates to consider whether to defer the bar and therefore contend with the associated financial cost of deferring employment. Moreover, financial aid was not much of a help unless students had a verifiable change in budget, and we saw many students get denied other private bar loan applications.

As Willamette gradually became more involved in the July bar exam conversations, plans for fall reopening persisted with the more formal adoption of the class cohort approach. The next draft of that approach governed when a student could enroll in a class residentially or remotely.⁴¹ Our chief goals were to (a) limit the number of people in the building at any one time, (b) limit our in-building community interactions, and (c) limit the crossover between groups of people to the degree possible, while (d) maximize the residential delivery of classes within the constraints of our building and classrooms. We optimistically hoped that this

39. See Stephanie Francis Ward, *Expanded Online Law School Classes Could Continue Under Plan Endorsed By ABA Legal Ed Council*, ABA J. (May 15, 2020, 4:45 PM), <https://www.abajournal.com/news/article/ABA-Legal-Ed-approves-motion-for-rule-change-regarding-short-term-emergencies-nixes-request-to-suspend-bar-pass-standard>.

40. Ultimately, the ABA did reserve and delete its limitation on distance learning for the fall 2020 semester. See 2020-2021 STANDARDS & RULES OF PROC. FOR APPROVAL OF LAW SCHS. § 306 (Am. Bar Ass'n. 2020) [hereinafter STANDARD 306].

41. In the class cohort approach, ILs were setup to be in the building solely on M-W-F and not regularly interacting with upper class students. Within the IL class, they were to be divided into A, B, and C cohorts that more-or-less matched their LRW sections. So, when the A cohort was physically in the building for class, cohorts B and C were taking class synchronously by distance. Where possible, students were to remain in the same classroom and the same seats all day to minimize the crossing of social "bubbles."

In order to avoid large-scale reregistration, we also adopted upper-level cohorts along the lines of a "class cohort" approach. This approach focused on retaining as much of the current schedule as possible but, where necessary, was designed to split enrollment in each specific class into groups that would comply with public health guidance. That also entailed adjusting the start times for some classes in an effort to provide more time between classes for transition and, where necessary, cleaning, but we tried not to disrupt the underlying relationship between classes in a way that might create conflicts for already-registered students.

plan simultaneously offered our community a semblance of structure in order to facilitate timely planning for the fall semester while balancing the need for us to be nimble in response to changing public health and University guidance. And, although we were moving toward a plan designed to be rolled out to our students (both current and incoming),⁴² we were not quite there yet. A second round of listening early-May listening sessions across faculty, staff, and students saw our community coalesce around the class cohort approach.

With that approach adopted, the question turned to how best to execute the class cohort approach.⁴³ After all, having a plan is one thing but executing it is an entirely different matter, particularly given that, by that point, the ABA had not yet announced whether it would take a different approach to distance learning limitations.⁴⁴ Now, the Department of Education, which recognizes the ABA Section on Law School Accreditation,⁴⁵ began—even before COVID—consideration of removing the focus from seat time to learning objectives.⁴⁶ Whether the pandemic would accelerate that thinking (or not) was an open question.⁴⁷

We thought it unlikely that DOE would issue guidance that would cause the ABA to change the standards on distance learning. First, as a practical matter, it seemed unlikely that the ABA could immediately implement DOE guidance in such a short timeframe. Second, the very fact that DOE was continuing to consider changes to distance learning underscored our skepticism that law school standards would change to a degree that would impact our fall thinking. We thought instead that the ABA would simply extend its spring 2020 emergency declaration that removed caps on the number of distance learning credits students could earn

42. Stephanie Francis Ward, *If Law Schools Can't Offer In-Person Classes This Fall, What Will They Do Instead?*, ABA J. (May 7, 2020, 11:59 AM), <https://www.abajournal.com/web/article/if-law-schools-cant-offer-in-person-classes-this-fall-what-will-they-do-instead>.

43. There was certainly no shortage of opinions on how to approach the question of reopening. See, e.g., Uri Alon, Ron Milo & Eran Yashiv, *10-4: How to Reopen the Economy by Exploiting the Coronavirus's Weak Spot*, N.Y. TIMES (May 11, 2020), <https://www.nytimes.com/2020/05/11/opinion/coronavirus-reopen.html?referringSource=articleShare>; Phillip Stokes, *UT Faculty Member Recovering From COVID-19 Has Advice for Task Force*, KNOX NEWS (May 6, 2020, 7:42 AM), https://www.knoxnews.com/story/opinion/2020/05/06/ut-faculty-member-recovering-covid-19-has-advice-task-force/3082153001/?utm_source=Iterable&utm_medium=email&utm_campaign=campaign_1215499&cid=nwsltrtn&source=ams&sourceId=5095070; Stan Yoshinobu, *The Case Against Reopening*, CHRON. HIGHER EDUC. (May 14, 2020), <https://www.chronicle.com/article/the-case-against-reopening/>.

44. See STANDARD 306, *supra* note 40.

45. “The Section’s Council is recognized by the U.S. Department of Education (DOE) as the national accrediting agency for programs leading to the J.D. In this function, the Council and the Section are independent of the ABA, as required by DOE regulations.” *Legal Education and Admissions to the Bar*, AM. BAR ASS’N, https://www.americanbar.org/groups/legal_education/ (last visited Nov. 2, 2020).

46. The thinking being that it does not matter how long a student is physically sitting in class; rather, what matters is what the student is learning.

47. *Coronavirus Public Health Emergency Underscores Need for Department of Education’s Proposed Distance Learning Rules*, U.S. DEP’T OF EDUC. (Apr. 1, 2020), https://www.ed.gov/news/press-releases/coronavirus-public-health-emergency-underscores-need-department-educations-proposed-distance-learning-rules_

toward their JD.⁴⁸ There was, moreover, an argument running around in deans' circles nationwide that that declaration had no expiration date and therefore it permitted unlimited distance learning for the fall 2020 semester. But with a re-accreditation site visit not far down the road—2021–2022 academic year to be exact—we viewed that as dangerous thinking. We therefore assumed that no change to the standards was forthcoming; we could always expand the credits we offered to students but, we reasoned, it would be harder to go in the other direction.

Meanwhile, as questions of regulatory compliance increased in complexity, so too did the question of how accreditation standards would intersect with public health guidance. In particular, the month of May saw the phrase “contact-tracer” enter the lexicon.⁴⁹ Those early conversations called for everyone who came in contact with a person who tests positive to quarantine. That caused us to contemplate a flexible attendance policy for students but, of course, the more flexible the attendance policy, the higher likelihood that suddenly a sick student who attended a course remotely might inadvertently take a class taught by distance. That is, to be clear, we might for regulatory purposes inadvertently permit a residential class to be counted as a distance class even though it was our intent was for it to be residentially offered. This was a particular concern that given, at the time, we thought it would not take much for a single positive test to cause a portion of our community to have to quarantine or isolate.

And, while that conversation bubbled up, the Oregon Higher Education Commission issued its Phased Reopening Plan. The detailed and logistically complex document offered guidance, by phase, on students, staff, vulnerable populations, the role of face coverings, small group interactions, large group interactions, and dining halls—among many other categories.⁵⁰

The prospect of relying on the class cohort approach to reopen the College of Law seemingly grew uncertain as we faced dramatically increased logistical complexity. As an administrative team, we therefore paused to reassess our strategy and, as such, reconsidered the overall role of upcoming faculty service loads for the coming year. Rather than assigning faculty and staff to typical service committees, we lightened those traditional loads in favor of launching a Reopening Task Force. The Task Force was constructed throughout the month of May and broadly charged with organizing our approach to the fall semester in a nimble manner that, based on public health guidance, would enable us to move seamlessly

48. Legal Educ. and Admission to the Bar, *Managing Director's Guidance Memo*, AM. BAR. ASS'N (Feb. 2020), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/20-feb-guidance-on-disasters-and-emergencies.pdf.

49. “Contact tracing is the process of tracking down an individual who has had an infectious disease and the people that person has potentially been in contact with.” *COVID-19 Contact Tracing*, UC DAVIS HEALTH, <https://health.ucdavis.edu/coronavirus/covid-19-transmission/contact-tracing.html> (last updated Oct. 27, 2020); see also Holly Yan, *Contract Tracing 101: How It Works, Who Could Get Hired, and Why It's So Critical In Fighting Coronavirus Now*, CNN HEALTH, <https://www.cnn.com/2020/04/27/health/contact-tracing-explainer-coronavirus/index.html> (last updated May 15, 2020, 3:04 PM).

50. See Higher Educ. Coordinating Comm'n, *COVID-19 Resources for Oregon Higher Educ. Partners*, OREGON.GOV, <https://www.oregon.gov/highered/about/Pages/COVID19.aspx> (last visited Nov. 5, 2020).

between full residential instruction to full remote—and to everything in between. It was divided along five arms, each of which had its own independent charge: Space Planning, Curriculum & Execution Logistics, Teaching & Best Practices for the Remote Classroom, Library Services, and Student Community & Best Practices.

The Task Force immediately recognized that planning challenges were immense.⁵¹ From all facets of student life, to arranging our spaces to allow for appropriate distancing, to developing cleaning protocols for each and space of our building, this was a giant undertaking. And, as the Task Force began navigating the details associated with opening in a cohort-based residential capacity, it understood the simultaneous need to plan for the possibility of pivoting back to remote teaching and learning if our state and region saw a sudden resurgence in COVID-19 cases. The Task Force therefore needed to develop the details of our approach to the fall semester in a manner that would enable a seamless move between public health phases.

The guiding principle of our planning was to limit the number of people on campus to the best of our ability. True, some people would need to be on campus, or want to work from their office, and with the permission of deans, directors and department heads, we thought some of these arrangements might be approved so long as people were maintaining a distance, using face coverings, especially when physical distancing is not possible, and frequently washing hands. The most important point, we realized, was to convey that no matter what plans and guidelines emerge, the primary feature will be flexibility: the flexibility to adapt to a rapidly evolving situation and the flexibility to keep students, staff and faculty safe.

Whether it's reconfigured floorplans, staggered shifts and workdays, new health and safety processes, or continued working from home, we sought to develop a flexible plan built to simultaneously prioritize student learning alongside supporting the community's health and well-being.

The Task Force was set to formally launch on June 3, but the world changed—again—the week prior. On May 25, 2020, Minneapolis police killed George Floyd, a forty-six-year-old Black man, while arresting him for allegedly passing a counterfeit bill.⁵² Floyd's killing was one of many in a long line of police killings of Black men in our country.⁵³ But unlike society's response to some

51. We were hardly alone in facing this realization. See Emily Bazelon, *What Will College Be Like In The Fall?*, N.Y. TIMES, <https://www.nytimes.com/2020/06/03/magazine/covid-college-fall.html> (last updated June 25, 2020).

52. Chris Graves, *The Killing of George Floyd: What We Know*, MPR NEWS (June 1, 2020, 10:50 AM), <https://www.mprnews.org/story/2020/06/01/the-killing-of-george-floyd-what-we-know>. Days earlier, the University also faced a rough of layoffs and furloughs. Any Task Force efforts would therefore be supported by, well, fewer resources. Rachel Alexander, *Willamette University Lays Off 37 Employees, Furloughs 80*, SALEM REP. (May 22, 2020, 10:00 AM), <https://www.salemreporter.com/posts/2419/willamette-university-lays-off-37-employees-furloughs-80>.

53. Oliver Laughland, *US Police Have a History Of Violence Against Black People. Will It Ever Stop?*, THE GUARDIAN (June 4, 2020, 9:28 AM), <https://www.theguardian.com/us-news/2020/jun/04/american-police-violence-against-black-people>.

deeply concerning deaths of Black men at the hands of the police, Floyd's death in many ways appeared to be the last straw for much of our country.⁵⁴ Historic protests broke out across the country, and Portland, which is under an hour from Willamette, became the hub for racial justice protests.⁵⁵

Frankly, our community, like the nation, was angry. Angry about George Floyd, to be sure, but also for the deaths of Ahmaud Arbery, and Breonna Taylor. On June 3, I sat down to update our community about the state of our fall planning efforts, but the note took a bit of a detour. In part, the note read:

I sat down to draft you a simple note to you with the sole goal of updating you on our fall semester reopening efforts. And I'll get to that. But before doing so, I could not help but pause and reflect for a moment. The last few weeks of being apart from one another have been challenging, and now as our country's anger, frustration, and pain from the atrocity of racial injustice has come into full view—most recently underscored by the killings of George Floyd, Ahmaud Arbery, and Breonna Taylor—we are perhaps feeling our separation from one another even more than before.

The reality is, though we seek to provide equity in our community, the inequalities of the world remind us that there are those who are feeling this pain more acutely than others, and we must—we will—surround them with love, allow them space to grieve, and stand firmly in our commitment to strengthen the rule of law alongside our overarching desire to do our part to be better—for them, for our school, and for our nation.

And we all have a part. As a school that cares deeply about the value of community, we commit ourselves to inclusion and challenging ourselves and our students to the idea of social responsibility—service in action. That cultural foundation provides us with a strong platform on which to focus not only on this moment and our emotional response, but also what it takes to change our society for the better. I am beyond confident that we as an institution are committed to—and up for—that task.

Upon reflection after sending that note alongside issuing my own statement condemning our country's history of systemic racism,⁵⁶ I decided I was not doing enough. Against my better judgment, I also decided to teach a fall semester course.⁵⁷ Titled "Police Discretion," the seminar sought to analyze the role of

54. See Curtis Bunn & Nick Charles, *George Floyd's Death Was the 'Last Straw' for the Black Community*, AOL.COM (May 30, 2020), <https://www.aol.com/george-floyds-death-last-straw-155500974.html>.

55. Emily Johnson, *100 Photos to Remind You That Protests Have Roiled Portland for 100 Days*, USA TODAY, <https://www.usatoday.com/story/news/nation/2020/09/05/portland-protests-black-lives-matter-photos-100-days/5715772002/> (last updated Sept. 6, 2020).

56. Brian Gallini (@briangallini), TWITTER (June 3, 2020, 11:51 AM), <https://twitter.com/briangallini/status/1268223883322126336>; see also Jade Aguilar et al., *Antiracism Statements*, WILLAMETTE UNIV., <https://willamette.edu/offices/diversity/antiracism/index.html> (last visited Nov. 6, 2020).

57. See generally *Police Discretion*, WILLAMETTE UNIV., <https://willamette.edu/law/internal/students/osa/pdf/20fa/fa20-first-assignments-syllabus/police-discretion-syllabus.pdf>.

police discretion in the criminal justice system.⁵⁸ It's one thing to talk to the talk, I reasoned, but another to walk it. Teaching in the first semester of the first year of a pandemic deanship seemed to set an example that, ideally, spoke for itself, about the importance Willamette would place on offering a timely curriculum designed to take on hard issues.

Meanwhile, our Reopening Task Force launched that same day, June 3, as national skepticism persisted about law schools' reopening efforts.⁵⁹ The Task Force was charged with completing its work by July 10. Along the way, it faced—in no particular order—public safety concerns, particularly in light of what many believe are problematic HVAC issues in the main law building. Our community was specifically worried about packing people into classrooms without an HVAC system designed to appropriately move airflow. Our faculty, like faculty across the country, were likewise concerned with the potential HR consequences associated with wanting to teach remotely. Moreover, the Task Force itself was concerned about who would enforce policies around masks and distancing, even assuming consensus could be reached on how best to draft those policies.⁶⁰

In an effort to tackle these and related issues, the Task Force, in partnership with the Administration, surveyed upper-level students, first-year students, faculty, and staff in order to assess their relative concerns about a safe return to campus. The data from those surveys would become extraordinarily helpful and serve as an integral part of what became our “Three Lane Approach,” the name we gave to our reopening plan.

But before we could make the data actionable, something else happened. On June 12, the Supreme Court of Washington issued an order granting diploma privilege and temporarily modifying admission and practice rules.⁶¹ June 12 was a Friday and, that weekend, the Oregon law deans poured hours into what became a jointly filed request to the Oregon Supreme Court to grant a one-time diploma

58. *Id.* The salient portion of the course description provided as follows:

In no other profession does discretion increase as you go lower down on the hierarchical chain of command. For example, beat cops make an inordinate number of split-second decisions without judicial oversight. Is the Supreme Court correct that discretion is a necessity in light of the day-to-day realities of criminal investigations? Is it therefore correct to relax the warrant rules because beat cops in particular must necessarily take swift action predicated upon their on-the-spot observations? Or, is it true that police discretion—left unchecked by the judiciary—allows for racial prejudice on the street and perjury on the witness stand? We will explore these and numerous other related questions in the context of, among other topics, traffic stops, use of force, interrogations, and suppression hearings.

59. Josh Blackman, *A Typical University Day In the COVID-19 Era*, VOLOKH CONSPIRACY (May 22, 2020, 8:01 AM), <https://reason.com/volokh/2020/05/22/what-would-in-person-classes-look-like-in-the-fall/>.

60. The Task Force was likewise appropriately concerned with the accreditation consequences of any decisions made that would alter the delivery of our curriculum. Fortunately, the ABA permitted law schools to apply for a semester or full year variance from the ordinarily applicable distance education standards. *See* STANDARD 306, *supra* note 40. Willamette applied and received a full-year variance.

61. Supreme Ct. of Wash. No. 25700-B-630 (June 12, 2020), <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Order%20Granting%20Diploma%20Privilege%20061220.pdf#search=diploma%20privilege>.

privilege to the 2020 graduates from Oregon law schools.⁶² We filed the request late in the evening of June 15 and, days later, learned abruptly about a June 29 “public meeting” convened by the Oregon Supreme Court.⁶³ I do not recall sleeping much in the lead-up to preparing for the hearing but, by a 4-3 margin, the court granted the deans’ request. In doing so, Oregon became the third state to grant diploma privilege to the 2020 graduating class (Utah and Washington being the other two).⁶⁴

But back to reopening—again.⁶⁵ To its credit, the Task Force sent recommendations to the administration in early July. Within the first week of July, we had the core of our Three-Lane approach. Finally launched on July 13, our so-called Three-Lane approach sought, in lane one, to offer residential instruction to the degree permissible by public health guidance. If we reached a place where COVID precluded residential instruction, then we would pivot to lane two where the building would remain open, but all classes would be offered remotely. Finally,

62. Letter from Marcilynn A. Burke et al. to Chief Justice Walters & Justices of the Or. Supreme Ct., DIPLOMA PRIVILEGE REQUEST, 3–4 (June 15, 2020), https://willamette.edu/law/pdf/osa/or-law-deans-diploma-privilege-request-06_15_20_original1.pdf [hereinafter DIPLOMA PRIVILEGE REQUEST]; see also Paul Caron, *Oregon Law School Deans Request Emergency Diploma Privilege For All Students Registered for July Bar Exam*, TAXPROF BLOG (June 22, 2020), https://taxprof.typepad.com/taxprof_blog/2020/06/oregon-law-school-deans-request-emergency-diploma-privilege-for-all-students-registered-for-july-bar.html.

63. Media Release, Or. Supreme Ct., Notice of Public Meeting, (June 25, 2020), <https://www.courts.oregon.gov/news/Lists/ArticleNews/Attachments/1273/9023fc25635e634fa888c1763bbb745d-Bar%20Exam%20Public%20Meeting%20Press%20Release.pdf>.

64. Supreme Ct. of Or., No. 20-012 (June, 30 2020) https://www.osbar.org/_docs/resources/SCO20-012Order2020BarExam.pdf; see, e.g., Paul Caron, *Oregon is the Third State to Offer Diploma Privilege to 2020 Law Graduates (All In-State Law Schools, Out-of-State Law Schools With 86%+ Bar Pass Rate)*, TAXPROF BLOG (July 1, 2020), https://taxprof.typepad.com/taxprof_blog/2020/07/oregon-is-third-state-to-offer-diploma-privilege-to-2020-law-graduates-all-in-state-law-schools-out-.html; Stephanie Francis Ward, *Oregon is Third State to Grant Diploma Privilege, While Tennessee Cancels Its July UBE*, ABA J. (June 30, 2020, 10:40 AM), <https://www.abajournal.com/news/article/third-state-agrees-to-temporary-diploma-privilege-with-some-restrictions>; Joe Patrice, *Oregon Adopts Diploma Privilege*, ABOVE THE L. (June 30, 2020, 1:42 PM), <https://abovethelaw.com/2020/06/oregon-adopts-diploma-privilege/>.

Of course, not everyone was excited. Oregonian Ed. Bd., *Editorial: No Bar Exam No Problem—Except For the Public*, THE OREGONIAN, <https://www.oregonlive.com/opinion/2020/07/editorial-no-bar-exam-no-problem-except-for-the-public.html> (last updated July 1, 2020). The deans declined to respond; supportive responses emerged on their own. See, e.g., *AG Rosenblum Statement on “Oregon Emergency Diploma Privilege” for 2020 Oregon Law School Graduates*, OR. DEP’T OF JUST. (July 6, 2020), <https://www.doj.state.or.us/media-home/news-media-releases/ag-rosenblum-statement-on-oregon-emergency-diploma-privilege-for-2020-oregon-law-school-graduates/>; Darleen Ortega, *Opinion: Reassessing Value of Bar Exam Is Long Overdue*, THE OREGONIAN (July 5, 2020), <https://www.oregonlive.com/opinion/2020/07/opinion-reassessing-value-of-bar-exam-is-long-overdue.html>; Joe Patrice, *Veteran State Court Judge Rips Bar Exam, Says Test ‘Does not Function to Protect the Public’*, ABOVE THE L. (July 8, 2020, 11:18 AM), <https://abovethelaw.com/2020/07/veteran-state-court-judge-rips-bar-exam-says-test-does-not-function-to-protect-the-public/>.

65. Amidst the intensive nature of our planning efforts, I formally “started” as dean at Willamette, though I had been working since April. Willamette Univ., *Brian Gallini – Dean of the College of Law*, YOUTUBE (July 2, 2020), <https://www.youtube.com/watch?v=gYEL-fqqJ4E>.

in lane three, we contemplated a scenario whereby the classes would occur remotely, and the building would be closed.

We built the Three-Lane approach on a handful of core principles. First, for courses offered in person, all students were able to choose to participate remotely in any class. Students could be “present” remotely, we decided, but an attendance policy would still apply. Recordings were made available for every class. Second, we recognized that students have different needs in terms of both learning and public health, and no single solution would perfectly address every student’s needs. We committed to do our best to provide options and maximize the opportunity for safe learning in this environment.

Relatedly, and third, we committed to work on technology, course design, and content in order to make both hybrid and fully online courses effective tools for learning and skill-building. Fourth, for all those present in the building—whether for courses or in order to use the space for studying or otherwise—public health guidance would require the use of masks and social distancing when in spaces shared by others. Fifth, we encouraged the community to accept the likelihood that we would need to go fully remote at some point, for some period of time, during the semester. But given the resource that our building offered for students seeking quiet study space and a place for socialization, we committed to keep the building open under whatever limitations we might face pursuant to social distancing requirements.

In the first-year space, those collective principles translated into making hybrid in-person instruction for those desiring it. That is, given the importance of developing a sense of the law school classroom and the community that develops in it, we planned to use a hybrid learning format for our 1L courses. All students were assigned to one section/set of faculty, then to a cohort within that section. Each cohort would meet in person for half of all class meetings (alternating weekly), except for those who prefer remote participation, who will be able to choose to be remote all the time.

By comparison, because our 2L and 3L students were more familiar with law school instruction (not to mention each other), and because it would be much more difficult to create socially distant cohorts of students when (unlike 1Ls) they are not all taking a common curriculum, we placed more emphasis on distance learning in upper-level courses. Specifically, we decided to offer courses with an enrollment above twenty-seven wholly remotely.

Now, because smaller classes did not present the same difficulties of assigning cohorts of classes, and because the ease of discussion may be more fully realized in person, we anticipated that some instructors may prefer in-person instruction in smaller 2L/3L classes. Although logistical and public health considerations would favor staying remote, we reasoned, we permitted individual professors to petition the administration to ask to present these courses in person. Even in the limited instances where lower enrollment courses occurred in person, we required the availability of a remote attendance option.

Collectively, we announced our plans in a press release published on July 27.⁶⁶ We also detailed our plans into a publicly available document⁶⁷ and recorded an explanatory podcast.⁶⁸ We likewise recorded a reopening video, which we asked each member of our community to watch prior to commencement of the fall semester.⁶⁹ In each of these communications, we sought to convey an upbeat, energetic, and positive tone. After all, we aspired to be a national leader in the reopening space.

III.

Nearly fifteen months have now passed since I watched the sun set over my family's moving truck outside of our Fayetteville home. Since then, I have had the privilege of serving as Willamette's dean. And as someone who has been in the trenches on a daily basis, I can confidently say that the pandemic has presented overwhelmingly complex barriers to providing access to and delivering a legal education. I have to believe that the role of the dean in these uncertain times calls for the skills of a visionary, a strategist, a tactician, a cheerleader, an optimist, a pragmatist, a communicator, a negotiator, and an accountant. The position at once calls for stability and flexibility, firmness, and compassion. Wearing so many hats can be a tall order, particularly given the steady influx of daily emails. But I cannot imagine a better time to make a difference in the lives of my school, students, and broader university community. For that reason, I feel fortunate to have the opportunity to serve during this unique period.

In this final part, I hope to simultaneously give back a bit and pay it forward by sharing a few reflections gleaned from my limited time leading during this historic period. In Subsection A, I talk briefly about the importance of approaching leadership from a place of a firm experiential foundation. You can only do that, I argue, by saying "yes" to opportunities, even if you're unsure where they might lead. In Subsection B, I offer a few thoughts on the role and importance of establishing a culture that strengthens that leadership foundation. Finally, in Subsection C, I conclude by discussing the importance of having a syllabus that drives institutional goal setting and builds on the foundation of leadership by accomplishing those goals. Let me close this introductory paragraph by emphasizing that this Part will be brief; after all, I'm new and anticipate checking back in during the months and years ahead—hopefully post-COVID—with further thoughts that help contribute to a richer body of scholarship that focuses on leadership.

66. Sarah Bello, *Staying Connected*, WILLAMETTE UNIV. (July 27, 2020), <https://willamette.edu/news/library/2020/07/law-school-reopening-plans.html>.

67. WUCL Summer Plan for Fall 2020, Willamette Univ. L. 2–4 (July 13, 2020), <https://willamette.edu/law/internal/students/osa/pdf/wucl-fall-reopening-plan.pdf>.

68. Willamette Univ., *College of Law Reopening Plans for 2020/21*, YOUTUBE (July 24, 2020), https://www.youtube.com/watch?v=nGEsN9sqniw&feature=emb_title.

69. *Id.*

A. *Build the Foundation by Saying Yes.*

On June 12, 2005, Steve Jobs gave the commencement address to Stanford University's graduating class.⁷⁰ Jobs gave the graduates extraordinary advice. He advised them, for instance, that "the only way to do great work is to love what you do. If you haven't found it yet, keep looking. Don't settle."⁷¹ He moreover reminded the class, "Your time is limited, so don't waste it living someone else's life. Don't be trapped by dogma—which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice."⁷² Most saliently for purposes of this piece, though, he told the graduates:

[Y]ou can't connect the dots looking forward; *you can only connect them looking backward*. So you have to trust that the dots will somehow connect in your future.⁷³

I smile when I think about how Jobs closed his remarks, telling the graduates: "Stay Hungry. Stay Foolish."⁷⁴

I have found Jobs's comment about connecting the dots to be *overwhelmingly* accurate. Let me explain by offering an illustrative example from my own life. In 2006, I was one month into a two-year fellowship serving as an Abraham L. Freedman Fellow & Lecturer in Law at Temple University School of Law.⁷⁵ Before entering that program,⁷⁶ I was finishing a judicial clerkship with the Honorable Richard A. Griffin, U.S. Court of Appeals for the Sixth Circuit, in Traverse City, Michigan, where I also had the opportunity serve as a volunteer head coach for a local high school hockey team.⁷⁷ On a whim, as I was transitioning to Philadelphia, I applied to serve as an assistant coach for the University of Pennsylvania Men's College Hockey team. I got the job, in my late twenties, found myself teaching in a fantastic law school and coaching hockey at the collegiate level.

70. Michael Peña, *Steve Jobs to 2005 Graduates: 'Stay Hungry, Stay Foolish'*, STANFORD NEWS (June 12, 2005), <https://news.stanford.edu/news/2005/june15/grad-061505.html>.

71. *'You've Got to Find What You Love,' Jobs Says*, STANFORD NEWS (June 14, 2005), <https://news.stanford.edu/2005/06/14/jobs-061505/>. [hereinafter *Jobs Commencement Speech*] (statements of Steve Jobs).

72. *Id.*

73. *Id.* (emphasis added).

74. *Id.*

75. I turned down a position with a prestigious law firm to take the fellowship position and was elated, although I confess that I did not even make enough money as a fellow to earn taxable income. But that's a story for another day.

76. I admit that I was profoundly sad that Temple elected to end the program last year. Temple L. Rev., *The Honorable Abraham L. Freedman Fellowship Program*, BEASLEY SCH. OF L., <https://www.templelawreview.org/the-honorable-abraham-l-freedman-fellowship-program/>. (last visited Nov. 6, 2020).

77. *Home of the Traverse City N. Stars*, GRAND TRAVERSE HOCKY ASS'N, <https://www.tchockey.com/> (last visited Nov. 6, 2020).

That certainly seemed like enough. Well, until coaching a game on a Saturday night in October. We were on the road and got blown out. Again.⁷⁸ After the game, the head coach at the time had what might charitably be called a post-game meltdown in front of the players in the locker room. The next morning, I called a close friend and mentor and confessed that I was thinking about stepping away from hockey; I remember saying that I was not sure staying in the culture of the UPenn program was good for my personal development. Then a call came on the other line. The voice told me that the head coach had been relieved and asked whether I would consider becoming the Interim Head Coach to finish the season. With practice scheduled for 6 am the next morning, I had just hours to consider the opportunity. I took only two, called back, and said *yes*.

I got on the ice that next morning as the Head Coach for the University of Pennsylvania. I was twenty-eight and I can now safely admit that, although I had coached for four years previously and played the game all my life, I had no idea what I was doing. I got my first win as a head coach on October 27, 2006, and went on to coach the team through the 2007-08 season, as I completed my fellowship at Temple. I learned an extraordinary amount about myself, including just how much coaching translates into the law classroom.

I was lucky enough to receive a tenure-track offer from the University of Arkansas-Fayetteville in 2008. My wife and I moved to Fayetteville, and I began teaching at the University of Arkansas that fall. I went to a few of the Men's Hockey team's games that season, but otherwise paid little attention to the program. When the head coach was fired at the end of the 2008-09 season, I got another call that ended in me saying *yes*. Sound familiar? In fall 2009, I took over a team that was on alcohol probation and had never experienced a winning season.⁷⁹

What does coaching men's hockey at the collegiate level for eleven seasons across two universities have to do with leading amid a global pandemic, historic wildfires, unprecedented social unrest of system racism, and one of the most consequential presidential elections in recent memory? At the time I was coaching, I had no idea. But again, you can only connect the dots looking backward.⁸⁰

In hindsight, I now realize that I did not wake up one morning suddenly equipped with the skills necessary to lead a law school under the circumstances of March 2020. To the contrary, I quietly built a leadership track record on the ice that helped me in ways I could not appreciate in real time.⁸¹ Inherent in building

78. After that loss, we found ourselves 1-7-0 overall and had been outscored during that time by a cumulative 47-13 margin.

79. I went on to coach at the University of Arkansas for nine seasons. During that time, we were fortunate to recruit more than three hundred players across nine seasons, many of whom were first-generation college students or international students. My rosters amassed more than two-hundred wins in nine seasons; five consecutive regular season conference titles, five conference playoff titles, three trips to the South Regional, three trips to Nationals. I was even lucky enough to win SECHC Coach of the Year during the 2013-14 season.

80. See *Jobs Commencement Speech*, *supra* note 71.

81. I should pause to hastily add that I was also fortunate during my time at the University of Arkansas to serve in multiple administrative leadership positions while teaching more than 1,000 students. Those experiences undoubtedly inform my leadership philosophy. By discussing my

that track record, I realize now, meant further development and focus on individual leadership traits like grit, resilience, responding to failure, handling confrontation, developing a holistic equitable lens, managing risk in decision-making, and being present—to name a few critically important leadership skills that I now rely on daily.

To summarize, I sharpened my leadership ability by saying yes. To be sure, there's more to it than that, but in a world where many people preach that we need to learn how to say no, have boundaries, or take on less, I believe the opposite. Say yes and, in doing so, remember what Steve Jobs said: “the only way to do great work is to love what you do. If you haven't found it yet, keep looking. Don't settle.”

B. *Culture Over Everything.*

I am a strong believer that organizational culture matters more than anything else. Or, stated differently, institutions are better postured to face—and overcome—adversity when they are supported by a strong cultural framework. As Henry Ford once said, “Coming together is a beginning; keeping together is progress; working together is success.”⁸² Now, it's one thing to talk about the importance of culture and quite another to articulate how to *build* culture. After all, if the pandemic has taught me anything, it's that having a plan and executing that plan are two dramatically different things.⁸³

Thus, in this brief subsection, I offer my own thoughts on how to *build* culture. Specifically, I will offer six guiding principles that have served me well during my tenure as coach, professor, and Dean. Those principles are: (1) develop a personal philosophy; (2) listen to everyone; (3) identify feedback loops; (4) draft the vision; (5) get feedback; and (6) execute and repeat the process.

Step 1: Develop a Personal Philosophy

In my view, the first step in culture-building actually begins with developing a personal philosophy. That takes time. Michael Gervais has, in a series of articles, written persuasively about the importance of developing a personal philosophy alongside how an individual goes about doing so.⁸⁴ In part, Gervais argues that

coaching experience, though, I hope only to offer an illustrative example of how accurate I have found Jobs's remarks; by no means, though, do I mean to diminish my prior experience in the classroom and in administrative positions. The considerable role of that experience deserves an article of its own.

82. Henry Ford, Founder, Ford Motor Company (b.1863-d.1947).

83. Or as Morpheus put it: “There is a difference between knowing the path and walking the path.” *THE MATRIX* (Warner Bros. 1999).

84. Michael Gervais, *Living In Alignment With Your Personal Philosophy*, FINDING MASTERY (Feb. 12, 2018), <https://findingmastery.net/living-in-alignment-with-your-personal-philosophy/>; Terry Rice, *Daily Rituals That Lead to High Performance in Business and Life*, ENTREPRENEUR (Apr. 3, 2019), <https://www.entrepreneur.com/article/331628>; Michael Gervais, *Articulate Your Personal Philosophy and Live by It*, HARV. BUS. REV. (May 14, 2019) <https://hbr.org/tip/2019/05/articulate-your-personal-philosophy-and-live-by-it>.

developing a personal philosophy can help restore confidence when we experience a setback.⁸⁵ In that moment, committing to a personal philosophy helps to remind us what's important and helps to return our focus to why we do what we do.⁸⁶

I am likewise a firm believer in the importance of establishing a personal philosophy. Developing a personal philosophy has been no easy task. To the contrary, it has taken a considerable amount of reflective thought. I believe, however, that it was time well spent. My personal leadership philosophy, which I share below, is at the forefront of everything I do as a leader:

I will . . .

1. approach each day with the goal of providing positive, authentic, poised, and energetic leadership that exemplifies a careful balance between quiet confidence and thoughtful empathy;
2. own my mistakes and reflect on them; they will refine rather than define me;
3. remember that the opportunity to lead is a privilege that will pass quickly;
4. be present in each moment.

At the core of that philosophy is the role and importance of developing an intentional service-based mindset and checking my ego at the door.⁸⁷ My philosophy begins with a strongly held belief that it is my responsibility to maximize each of my teammates' contributions to the team as a whole. I accomplish that goal best by helping each individual stakeholder understand how they can assist with institutional growth, while assuring them that the institution can help them accomplish their own academic and/or professional goals.

Step 2: Listen to Everyone (no really, everyone)

With a philosophy established, Step 2 is determining how best to implement it alongside establishing a strong culture. In my opinion, that question is easily answered in one word: listen. Like so many of my other thoughts, encouraging

85. Michael Gervais, *Living In Alignment With Your Personal Philosophy*, FINDING MASTERY (Feb. 12, 2018), <https://findingmastery.net/living-in-alignment-with-your-personal-philosophy/>.

86. Pete Carroll, head coach of the Seattle Seahawks, is also a firm believer in the importance of establishing a leadership philosophy. In 2017, during the annual Postback conference in Seattle, Carroll asked the audience how many among them could recite their personal philosophy in twenty-five words or less—a task he stressed was important for both individuals and organizations alike to be able to clearly articulate. Carroll put it like this:

If you want to be really good at something, and you want to perform at a high level, and you want to effect those people around you to also perform at a really high level . . . then wouldn't it help if they understood—those who work around you—understood what it is you feel is important, what are the things you believe in, what are the things that makes up your philosophy, which is really the collection of things you believe in? And wouldn't it help if when they represent you or they speak for you when you are not in the room or they act upon big decisions, that they knew exactly where you were coming from? Of course!

John Cook, *Leadership lessons from Pete Carroll: Develop a personal philosophy, and preach it to your team*, GEEK WIRE July 22, 2017, 8:30 AM), <https://www.geekwire.com/2017/leadership-lessons-pete-carroll-develop-personal-philosophy-preach-team/>.

87. See RYAN HOLIDAY, *EGO IS THE ENEMY* (Portfolio 2016).

leaders to listen is hardly new or novel.⁸⁸ But listening, in my view, means listening to *everyone* at every level—from the institution’s president/chancellor on down. This holistic approach to listening helps combat the natural tendency for leaders to listen more to the loudest voice in the room.

For my part, I meet with anyone and everyone. And by everyone, I mean everyone. There is no one who does not deserve my time, whether a student, staff member, faculty member, alumnus, or central university colleague. It’s critical to convey that absolutely *every member* of the community is valuable and their viewpoint and professional contribution matters. To be sure, it’s a time-consuming process to convey that message, but it’s an outstanding investment of time. I am sure to conclude all of my meetings by emphasizing that I am just an email away.

Step 3: Identify “Feedback Loops”

With philosophy in hand and a listening-first approach adopted, what’s next? Step three is identifying what I call “feedback loops.” In my experience, the more meetings you’re in and the more listening you do, the more you hear commonality in feedback—both positive and negative. There is a propensity, I think, to gravitate to the negative feedback, but let me caution against that. Feedback loops are useful for identifying both what the institution is doing well and where it needs to improve. What the institution does well, in turn, matters for purposes of external marketing efforts, alumni relations, development, and even in talking on behalf of students to prospective employers. When we overly focus solely on institutional shortcomings, we easily miss the positive facets of institutional achievements. Asking stakeholders what the institution does well also helps orient people to focus on the positive and foster an optimistic cultural narrative.

Of course, institutions *always* can and should improve, and as a leader, I certainly hear plenty about where and what we need to improve. But feedback loops help me maintain focus and remind me that no one administrative leader can take on *every* stakeholder concern. That said, if there is unanimity on a particular concern, then the community just did the important work for you on what and how to prioritize within what could be—and likely is—quite a long to-do list.

Step 4: Draft the Vision

Feedback loops also help with constructing a draft vision. Once armed with a handful of positive and negative narratives, the fourth step is to construct both a short and long-term vision. I would define “short-term” as the upcoming academic year plus the one to follow; in other words, the next twelve to twenty-four months.

88. See, e.g., Brigitte Hyacinth, *Listening Is the Most Important Skill a Leader Can Have*, LINKEDIN (Jan. 22, 2019), <https://www.linkedin.com/pulse/listening-most-important-skill-leader-can-have-brigitte-hyacinth>; Cyndi Sax, *Listening Is the Secret Weapon of Good Leaders*, ASS’N FOR TALENT DEV. (April 5, 2018), <https://www.td.org/insights/listening-is-the-secret-weapon-of-good-leaders>; Glenn Llopis, *6 Ways Effective Listening Can Make You A Better Leader*, FORBES (May 20, 2013, 9:45 AM), <https://www.forbes.com/sites/glennllopis/2013/05/20/6-effective-ways-listening-can-make-you-a-better-leader/?sh=45b4868c1756>.

By contrast, I would define a “long term” vision as one that extends across the next three to five years.

In allocating priorities across those temporal metrics, an inordinate number of issues compete for attention. Selecting which priorities are “short term” and which are “long term” merits extraordinary thought.

After all, to name but a few issues, there might (will) be competing concerns emerging from central campus, admissions, career services, development, alumni relations, communications and marketing, curriculum, faculty/staff hiring, student affairs, the library, and/or IT. Overlaying all of those well-meaning concerns is the very real role that budget constraints play in the resource-constrained reality of today’s higher-ed institutions. Or, stated more directly, financial constraints may, as a practical matter, force the reorganization of stakeholder priorities in less preferable way than would occur in a more budget-friendly environment. An optimally drafted vision should be calibrated to foresee and withstand external events like, for instance, an accreditation visit.

Step 5: Get (a lot of) Feedback

With a vision drafted, the fifth step is a critical one: Solicit extensive feedback on your drafted vision. Stakeholders quite appropriately want to be part of the process, and leaders should construct a process to solicit their feedback. After all, incorporating feedback from stakeholders enhances buy-in and gets one step closer to constructing a shared vision. Feedback can take a variety of forms, including in-person via town hall or other listening session, by email, by small group meetings across departments or stakeholder groups, or via one-on-one conversations.

Regardless of the chosen format, a few warnings deserve mention. First, be prepared to receive comments that you have already thought of and baked into the proposed vision. When this occurs, resist the urge to respond defensively and simply thank the contributor. Second, be prepared to receive conflicting feedback—sometimes sharply conflicting feedback. Reconciling that feedback will call for close decisions and be prepared to own your decision alongside the supporting rationale. Third, bring a thick skin to any listening session because you’ll be challenged, sometimes strongly. Welcome strong challenges. They are healthy. Often your strongest critics become your greatest allies. That said, not everyone will support your vision despite your best efforts to include everyone at every stage. That too is ok. It is neither a reflection of the strength of your vision nor commentary on the approach to its construction. Consensus, after all, does not mean unanimity—or quality, for that matter.

Step 6: Execute and Repeat Steps 1–5

Now it’s time to execute a vision built on a process that valued institutional stakeholders at each incremental stage. Step six means charging each facet of the institution with a role to facilitate their contribution to the execution of your drafted vision. After all, no leader can take on executing the entirety of a vision alone. As you consider doing so, consider assisting each department within the school identify how it contribute to the institutional vision, how it will accomplish doing

so, and how it will assess its success. The goal here is to empower each incremental piece of the school in a manner that simultaneously provides meaningful guidance and accountability.

Just as you set a timetable for those whom you've charged with responsibility for completing discrete charges that are critical for institutional success, you should do the same. That is, I recommend identifying a deadline for you to report back to the community on progress toward the short and long-term vision.⁸⁹ After your reporting your successes, return to step two (and collect \$200).⁹⁰

C. *Agenda as Compass.*

Equipped with a solid foundation in the importance of culture-building, the task becomes to develop an agenda or syllabus that guides and drives institutional progress throughout the academic year. The agenda should have a range of big picture projects that are focused and assessable, and appeal to a broad range of institutional stakeholders. That is, every member of the school should be able to see where their role fits into accomplishing at least one big picture project. In many ways, I view this syllabus as a byproduct of the vision and culture-building discussed in Sections III(A)–(B).

I cannot overemphasize the importance of having an agenda for the academic year. Understandably, leaders tend to default to focusing on the minutia of an institution's day-to-day demands. Deans are not immune from this tendency. Hyper-focusing on the daily demands of running an institution, I have discovered, often precludes proactive improvement and progression.

One helpful way to maintain perspective is to develop an agenda that acts as an institutional compass that constantly points toward intuitional improvement. In doing so, I find it necessary to critically distinguish between reactive and proactive tasks. Almost any task in a law school's daily life *can* fall into either category but, in my experience, most default into the reactive pile.

Given the hectic daily environment of running a law school, this makes sense. In any given week, for instance, law schools might need to resolve a social media dispute between students, or an emergency related to a student or faculty member's mental or physical health. These are not abstract illustrative examples; in just my first few months on the job, I've already had an ambulance on campus to assist with a workplace injury and assisted the police in locating a distressed student.

Less dramatic, but still daily necessities, are the things that simply must happen across the law school to keep the trains running on time. At any given time, for instance, Admissions needs to recruit next year's class, while Career Services needs to focus on getting jobs for this year's graduating class. Meanwhile, Student

89. After months of listening sessions across a wide range of stakeholders, we recently rolled out what we call our "Signature Strengths" initiative. *College of Law*, WILLAMETTE UNIV., <https://willamette.edu/law/about/index.html> (last visited Nov. 7, 2020). The initiative seeks to update our school mission, elevator pitch, and foster an inclusive approach to featuring all of our institutional expertise in the building.

90. In the popular boardgame, Monopoly, a player collects \$200 each time his or her token lands on or passes over "GO." *Monopoly Game Rules*, ULTRA BD. GAMES, <https://www.ultraboardgames.com/monopoly/game-rules.php> (last visited Nov. 7, 2020).

Affairs has to schedule exams. Librarians have to staff the reference desk. You get the idea.

These important tasks might not make the headlines, but they are critical nonetheless. Viewed in this light, it is no wonder why, as dean, it is often difficult to focus on planning where the institution wants to go and figuring out how to reach that destination. My advice: Don't discount the former. Lewis Carroll once said, "If you don't know where you are going, any road will get you there." I think he's right.

Thus, amidst those daily responsibilities, having an agenda—or compass—for the academic year can be a critical tool for maintaining at least one eye on institutional improvement. The agenda should aim for achievable progress. After all, the hope is to both move the institution forward in a progressive manner while building momentum. Putting fifty things on an agenda and accomplishing five will advance the institution, but it will do little for morale. The agenda need only to formulate a plan to eat the elephant one bite at a time—not all at once.

Once you feel comfortable with your institution-wide agenda, consider creating an agenda for each facet of the community. Establishing sub-agendas, I submit, helps push back the ever-rising tide of reactive decision-making across departments. I strongly suggest helping each facet of the institution—admissions,⁹¹ development, bar passage,⁹² alumni relations, student success, career services, faculty, you get it—develop independent, discrete agendas that serve as micro-compasses to drive the accomplishment of proactive goals amid the daily demands of reactive operations. Just as we give our students a syllabus to help guide them through our courses, so too should we give the same to those whom we serve. Sub-agendas help provide that guidance, while creating stability, energy, and most importantly, shared ownership over shaping the institution's future.

To be sure, stakeholders of an institution need to work together to keep the lights on and doors open. Teaching and serving students, after all, is a full-time and relentlessly demanding responsibility. But students are best served by planning not only for today, but also for tomorrow. Equipped with a solid agenda, a dean can maximize institutional resources to best serve today's students while simultaneously taking steps to increase those resource's to better serve tomorrow's students. This agenda is your compass. The agenda's constant focus—i.e., true North—is on the ultimate aim of the institution: Producing passionate and skilled lawyers.

91. For instance, at Willamette, we set a goal to provide more direct access to a legal education in a manner that provides transparency at the matriculation and scholarship level. Our efforts along those lines include adopting the GRE as an alternative admission metric. *Willamette Law accepting GRE for applicants*, WILLAMETTE UNIV. (Apr. 6, 2020), <https://willamette.edu/news/library/2020/04/law-accepting-applicants-gre.html>. We are also proud to have recently launched a 4+3 direct admit relationship with University of Alaska Southeast. *Willamette Law Launches Degree Pathway With University of Alaska Southeast*, WILLAMETTE UNIV. (Oct. 10, 2020), <https://willamette.edu/news/library/2020/10/uas-willamette-law-4+3-direct-admission-program.html>.

92. In the bar passage space, for instance, we set a goal to join the national conversation around diploma privilege and proudly became one of only three states to secure diploma privilege for the 2020 graduating class. See Joe Patrice, *Oregon Adopts Diploma Privilege*, ABOVE THE L. (June 30, 2020, 1:42 PM), <https://abovethelaw.com/2020/06/oregon-adopts-diploma-privilege/?rf=1>; see also DIPLOMA PRIVILEGE REQUEST, *supra* note 69.

CONCLUSION

Let me offer an assortment of closing comments that may assist in the everyday trenches of institutional leadership. First, know that culture has no destination; rather, a strong culture is supported by a strong vision. Leaders must then tend to the health of the institution's culture on a daily basis in the same manner a gardener might check for weeds on a similar timeline. Second, consider getting out of the way after doing the work to stand up a vision and empowering the community to contribute to its own success. In other words, consider leading from the side rather than from the front following the construction and launch of the institution's vision.

Third, always remember that you set the example and, accordingly, it's up to you to set and consistently maintain the example that you want others to follow. On this point, for me, that's about always approaching the challenge du jour with energy and positivity (and a little swagger), and a mindset to give people the benefit of the doubt. Finally, when in doubt, remember being calm is contagious, as is taking ownership over mistakes and showing vulnerability. On that latter point, showing vulnerability and fallibility instills comfort in others that they too can make mistakes. Inasmuch as those traits are contagious, remember that so too is crazy and that you, as leader, have a choice over which mindset to adopt as you address the challenges of the day (or hour).