



DATE DOWNLOADED: Thu Oct 6 17:07:23 2022

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Bluebook 21st ed.

Jerry L. Anderson, *Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey*, 53 U. TOL. L. REV. 251 (2022).

ALWD 7th ed.

Jerry L. Anderson, *Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey*, 53 U. Tol. L. Rev. 251 (2022).

APA 7th ed.

Anderson, J. L. (2022). *Sailing the stormy seas: what learned about deaning from captain aubrey*. *University of Toledo Law Review*, 53(2), 251-268.

Chicago 17th ed.

Jerry L. Anderson, "Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey," *University of Toledo Law Review* 53, no. 2 (Spring 2022): 251-268

McGill Guide 9th ed.

Jerry L. Anderson, "Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey" (2022) 53:2 U Tol L Rev 251.

AGLC 4th ed.

Jerry L. Anderson, 'Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey' (2022) 53(2) *University of Toledo Law Review* 251

MLA 9th ed.

Anderson, Jerry L. "Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey." *University of Toledo Law Review*, vol. 53, no. 2, Spring 2022, pp. 251-268. HeinOnline.

OSCOLA 4th ed.

Jerry L. Anderson, 'Sailing the Stormy Seas: What I Learned about Deaning from Captain Aubrey' (2022) 53 U Tol L Rev 251

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

ARTICLES

SAILING THE STORMY SEAS: WHAT I LEARNED ABOUT DEANING FROM CAPTAIN AUBREY

*Jerry L. Anderson**

"I'm not afraid of storms, for I'm learning how to sail my ship." – Louisa May Alcott¹

When I assumed the deanship several years ago, I quickly recognized that management is a "thing." The dean's job, or "deaning" as I refer to it, is all about project planning, budgeting, personnel issues, and running effective meetings. It's about navigating a variety of constituencies, making tough decisions, and having sometimes difficult conversations. How do you manage and inspire your staff? How do you deal with underperforming staff or faculty? How do you delegate effectively? All of those things require tools that my decades of experience in the classroom did not adequately prepare me for.

Nevertheless, I confess I have little interest in the "Management" section of the bookstore. The idea of spending my limited free time perusing a cozy volume on organizational leadership leaves me cold.² Deaning is stressful and for me, at least, settling down with a good novel is a source of almost essential bibliotherapy.³

* Dean and Richard M. and Anita Calkins Distinguished Professor of Law, Drake University Law School. I became Dean at Drake in 2016 after serving on the faculty for 25 years. I would like to thank Carlie McCleary (Drake Law '22) for her helpful research assistance and Susan Anderson for her remarkable editing skill and support. I would also like to thank David McGonigle, Kevin Birzer, and Todd Birzer for introducing me to Captain Aubrey. This article also benefited from the insightful comments of Michael Zigler, who also took me sailing for the first time.

1. LOUISA MAY ALCOTT, *LITTLE WOMEN* 439 (Valerie Alderson ed., Oxford Univ. Press 1994) (1868).

2. An exception I can recommend is JAMES A. AUTRY, *THE SERVANT LEADER: HOW TO BUILD A CREATIVE TEAM, DEVELOP GREAT MORALE, & IMPROVE BOTTOM-LINE PERFORMANCE* (2001). Autry's book affirmed something that I hoped was true – that you can be a good person while also being a good manager – and he provides some helpful language and techniques that allow you to be empathetic while continuing to further your organizational goals.

3. There is an amazing amount of support, both scientific and anecdotal, for the therapeutic value of reading fiction. See, e.g., Grainne McKenna et al., *Patients' and Providers' Perspectives on Bibliotherapy in Primary Care*, 17 *CLINICAL PSYCH. & PSYCHOTHERAPY* 497 (2010). The stress caused by the recent pandemic inspired a return to my favorite comfort literature – the works of P.G. Wodehouse, described as "full of human decency, happy endings, low stakes, and the sort of immaculate plotting that suggests an ordered cosmos." Katy Waldman, *Two Paths for the Comic Novel (and the Funniest Books to Read in Quarantine)*, *NEW YORKER*: PAGE-TURNER (Apr. 27, 2020),

Luckily, I found that it's possible to gain important management insights while reading good literature.⁴ I suppose this should not be surprising; we like to read fiction partly because it contributes to personal growth. We identify with the characters and use their journeys as a way of gaining perspective on our own lives. Literature has the power to put you into a variety of experiences, so that you can practice your reactions and model behavior, much like a flight-training simulator helps prepare a pilot to fly.⁵

In this essay, I want to recommend this “management training through fiction” approach to others and to give you some examples of the deanship lessons I’ve learned from one of my favorite fictional characters – Captain Jack Aubrey.

If I am ever stranded on a desert island (or even in Concourse C at O’Hare) and could choose the works of only one author to bring with me, I believe I would select Patrick O’Brian. Over the course of twenty novels, O’Brian traced the adventures of Captain Aubrey and his faithful ship’s surgeon, Stephen Maturin, as they sailed the seas for the British navy in the early 1800s.⁶ There are many things to celebrate about this incredible oeuvre. I appreciate the history, the humor, and – what seems to me to be rare in literature – the focus on a deep, complex, and enduring male friendship. American historian Richard Snow has called the series:

[T]he best historical novels ever written On every page Mr. O’Brian reminds us with subtle artistry of the most important of all historical lessons: that times change but people don’t, that the griefs and follies and victories of the men and women who were here before us are in fact the maps of our own lives.⁷

O’Brian is compared most frequently to his own literary idol, Jane Austen⁸ – in fact, *The Guardian* finds that the droll humor of the novels, along with the skewering of the pompous, makes the novels read like “Jane Austen at sea.”⁹

I did not realize that, in addition to humor, history, and human interest, I was also getting a short course in management. Even as the captain of the smallest ship he commanded, the brig *HMS Sophie*, Aubrey needed to manage a crew of about

<https://www.newyorker.com/books/page-turner/two-paths-for-the-comic-novel-and-the-funniest-books-to-read-in-quarantine>.

4. Although I’m focusing on fiction here, some classic nonfiction also lends itself to this “leadership through literature” approach. During the pandemic, for example, I was strongly drawn to Marcus Aurelius’s *Meditations* on Stoic philosophy. His views on how to deal with events beyond one’s control seemed, unfortunately, very apropos.

5. See Allan W. Vestal, “A River to My People... ” *Notes from My Fifth Year as Dean*, 37 U. TOL. L. REV. 179, 179 (2005) (noting that “the keys to great human challenges can be found in great literature.”).

6. I will refer to this series hereafter as the “Aubrey-Maturin series,” as it is commonly known.

7. Richard Snow, *An Author I’d Walk the Plank For*, N.Y. TIMES: BOOK REV., Jan. 6, 1991 (§ 7), at 1.

8. See generally James R. Simmons, Jr., *Did Willoughby Join the Navy? Patrick O’Brian’s Thirty-Year Homage to Jane Austen*, 26 PERSUASIONS 170 (2004).

9. Lucy Eyre, *Why Patrick O’Brian is Jane Austen at Sea*, GUARDIAN: CULTURE, <https://www.theguardian.com/books/2014/nov/28/why-patrick-obrian-is-jane-austen-at-sea> (last modified Feb. 22, 2018).

90 sailors.¹⁰ Eventually he captains a ship-of-the-line with 74 guns and over 600 men.¹¹ Regardless of the ship, Aubrey is usually able to turn his crew into an effective, efficient fighting force. In so doing, he demonstrated that achieving your objectives depends not only on knowing how to sail a ship or fight a battle; it also depends, more importantly, on knowing how to manage the incredible variety of human beings – from landlubbers to able seamen, from loblolly boys to first lieutenants – vital to making the enterprise work.

I would like to share a few things I've learned from Captain Aubrey. However, let me emphasize that I do not mean to suggest that I have succeeded in actually doing these things – only that I aspire to! Let's set sail, so to speak, on this voyage of discovery.

I. BEATING TO DIVISIONS: LESSONS IN ORGANIZATION

*“The idea is that every man shall know exactly where to go in action – in an emergency” said Jack. “It would never do if they had to stand pondering.”*¹²

The reader of the Aubrey-Maturin series quickly discovers the incredible complexities inherent in sailing a fighting ship. Even the slightest change in the setting of the sails involves a team of sailors working together in a choreography worthy of the Bolshoi Ballet. To get the ship ready to “Raise the Blue Peter” and sail out of port requires a flurry of orchestrated activity, from repairing the sails, to laying in provisions, to polishing the brass and repainting the gunwales. To get the ship ready for battle, every single person involved in firing the cannons must be in their place and know their roles, from the lowly powder boy to the gunner, while the sailors continue to sail with precision, and the Marines get ready for closer combat.

Every Sunday, and on other special occasions, the officer of the watch gives the order to “beat to divisions” and this confusing mass of humanity forms up in closely regulated order.¹³ Every unit reports to a Lieutenant, who in turn reports to the Captain on the condition of his unit. The Captain then goes “round the ship,” inspecting everything, from the shine on the Marines’ uniform buttons to the coppers in the galley. The ceremony serves in part to remind everyone of their roles and the importance of each. It also reinforces the accountability of all for the success of the enterprise.

Taking on a deanship for the first time feels a little like jumping onto a ship-of-the-line and being told you’re in charge. You see people everywhere doing things: pulling on ropes, raising sails, weighing anchors, and running out cannons.

10. See PATRICK O'BRIAN, *MASTER AND COMMANDER* 134 (Norton ed., 1990).

11. See generally PATRICK O'BRIAN, *THE IONIAN MISSION* (Norton ed., 1992); PATRICK O'BRIAN, *THE COMMODORE* (Norton ed., 1992); PATRICK O'BRIAN, *21: THE FINAL UNFINISHED VOYAGE OF JACK AUBREY* (Norton ed., 2010) (Aubrey commands three ships of this size: *HMS Worcester*, *HMS Bellona*, and his last command, the *HMS Suffolk*).

12. *MASTER AND COMMANDER*, *supra* note 10, at 136.

13. See *THE IONIAN MISSION*, *supra* note 11, at 134-36; PATRICK O'BRIAN, *HMS SURPRISE* 116-123 (Norton ed., 1991); PATRICK O'BRIAN, *THE HUNDRED DAYS* 125-28 (Norton ed., 1992) (for good descriptions of this ceremony).

You must take immediate control of the complex operation to somehow ensure that all this activity is done in harmony and will result in propelling your ship toward its destination.

In the law school, of course, instead of gunnery and Marines, we have “divisions” like Admissions, Career Development, Student Services, and Academic Affairs. But the principle remains the same: you somehow need to make sure that everyone on your ship knows and performs their role, and that everyone is pulling the oars (or setting the sails) in the same direction. As Captain, your job is to set the course, make the necessary decisions, give the necessary directives, and make sure that you have a good group of lieutenants to execute them.

In real terms, this means you need to have regular periodic meetings with your senior administrative staff who report to you. You need to understand enough of each of their functions to determine whether the staff is executing properly. Captain Aubrey doesn’t need to personally fire the cannons or repair the sails, but he has to understand how those tasks are done and to recognize when they are done right. Your orders should pass down the chain of command so that each division director has the responsibility and authority to ensure that his or her staff is performing up to snuff. You set clear expectations and the division directors understand their responsibility for ensuring that those expectations are met.

Everyone on board needs to know where the ship is headed. In other words, everyone needs a clear sense of what the law school’s goals are and how their duties contribute to the forward motion of the ship toward those objectives. Regular meetings in which the administrative staff discuss the initiatives they are taking to make progress on those goals will help ensure that you don’t have one group raising the sails while another group is dropping the anchor.

At Drake Law, we use a Continuous Improvement Plan (“CIP”) spreadsheet to accomplish this. The CIP lists our current initiatives, organized according to how they contribute to our broader goals. Each initiative is assigned to a particular administrator, with a clear expectation regarding completion date. At least once a month, we use the administrative staff meeting to go over the CIP to identify progress toward, and any impediments to, completion of the initiatives assigned. This is not exactly “beating to divisions,” but it has the same intent.

The CIP also includes metrics to assess our progress toward our goals. On a ship, the sailors regularly throw a lead line to measure depth (“soundings”) and a log line to measure speed, which is then reported to the Captain and entered in the ship’s log. For a law school, the metrics might include entering class statistics (class size, quality indicators, diversity); outcomes (bar passage, job placement); faculty productivity; and staff satisfaction. Regular reporting of performance on these metrics will give everyone a sense of where progress is being made and where more effort is needed.

A good captain soon learns the importance of clear, decisive orders. Shall we go after the prize or abandon the chase? Shall we try to navigate the dangerous straits or go the long way around? Shall we engage the enemy or try to outrun them? Or, in law school terms, do we open up the waitlist or hold the line? Do we hire a new staff member or reorganize to cover those duties while we save budget dollars? Do we switch to new exam software?

In all of these cases, which occur every day in the life of a dean, making a decision in a timely manner is often as important as the decision itself. The worst thing in a sailing ship is a captain who can't make decisions or who flips from one course to another at the drop of a hat. Indecision affects the whole crew, and a ship without a clear course is soon adrift, with flapping sails, subject to the whims of the wind and the waves.

This is not to say that the captain makes decisions in isolation. Clearly, the captain needs a lot of input, from the views in the crow's nest to the depth sounding to the carpenter's report on the amount of water in the well. And many decisions, from the day's menu to the actual steering of the ship by the helmsman, need to be delegated. But in the end, the captain is responsible for making sure that the top-level decisions have been made and communicated to ensure that everyone knows the course that has been set.

The Royal Navy did not have a concept akin to faculty governance, of course, which means that the captain of the law school ship does not set the course alone. Nevertheless, the faculty want to know that someone has their hand on the wheel and is checking the compass. They want to be engaged and consulted, but they also want leadership. That means they want the dean's office to approach important strategic discussions with guidance, information, and recommendations. In other words, faculty governance does not mean they want a captain with no clear ideas on where the ship should be headed. Knowing when and how to lead faculty discussions on important issues of strategic goalsetting is one of the hardest jobs of the dean. Although many purely administrative decisions (staff allocation or building repairs, e.g.) can and should be made without faculty input, strategic decision-making must involve faculty. Although this means you cede some control, faculty very much want and need to be part of charting the overall direction of the ship. Moreover, if things do not turn out exactly as you hoped, the faculty will be more supportive if you took the time and effort to get faculty "buy in," which generally means they played a part in making the decision.

The captain also has to deal with those above him¹⁴ in the chain of command: The Admiral (or as we call her, the Provost), as well as the First Lord of the Admiralty itself (in academic terms, the President). Aubrey's dealings with these superior officers will sound very familiar: lobbying to acquire additional resources (everything from additional crew to additional supplies); ensuring the promotion of deserving officers; trying to change/influence unwelcome directives; and regular reporting of results. Again, Aubrey provides a model in terms of these dealings:

- honesty is paramount – credibility can be easily lost and not easily regained;
- take responsibility for missteps, give others praise for victories;
- advocate for resources or decisions by emphasizing how it will help the overall mission of the enterprise, not just your particular ship's self-interest.

14. I am using the masculine pronoun for the captain throughout this essay, because Captain Aubrey and I are both male, but please read inclusively.

When the Navy beats to divisions, the chain of command becomes very distinct. Each unit reports to a petty officer or midshipman, who then reports to a lieutenant, who then reports to the Captain. Retaining respect for the chain of command is not just a military thing, it's an academic thing, too. If a staff person in Admissions wants to complain to you, asking her to talk first with her supervisor ensures that the Admissions Director does not feel undermined. And, of course, it's more efficient; the more issues that can be taken care of before they reach your office, the better. Nevertheless, you also have to ensure that there is space and opportunity for staff to register complaints about their supervisors, so that any problems in management of those units can be addressed.

II. IMPROVING MORALE

*"[A] happy ship is your only good fighting ship."*¹⁵

The importance of morale in any organization is difficult to overstate. You can accomplish far more with a faculty and staff who feel motivated to bring their best efforts to the table every day, as opposed to a group who feel uncommitted to the mission, doing their bare minimum to avoid termination. When financial resources are stretched, however, your options to motivate your team with monetary incentives will be limited. Moreover, money alone will never create a lasting, deep esprit de corps, especially when gale force winds start blowing. Morale always affects the operation of the ship, but never more than when the captain has to ask the crew to perform extraordinary feats, as we did in the recent pandemic.

Numerous studies support what Captain Aubrey knew intuitively – that low morale significantly affects performance and productivity.¹⁶ A particularly costly result of low morale is employee turnover. Many factors affect morale and not all of these are in your control. For example, the uncertainty of financial health at many universities, exacerbated by the pandemic, surely affected morale due to concerns about job insecurity or pay cuts. However, some studies suggest that intrinsic motives, such as being challenged by your work, may be a bigger factor than extrinsic motives such as compensation.¹⁷ Importantly, scholars point to top-down managerial styles and lack of communication as key problems for morale, as those things destroy the "all on the same team" mentality and lead to distrust or even disrespect.¹⁸

15. MASTER AND COMMANDER, *supra* note 10, at 108.

16. See, e.g., Henry Sauermann & Wesley Cohen, *What Makes Them Tick? Employee Motives and Firm Innovation*, 56 MGMT. SCI. 2134-53 (2010); CHUNGSUP LEE ET AL., UNIV. OF ILL., OFF. OF RECREATION & PARK RES., *LOW STAFF MORALE & BURNOUT, CAUSES AND POSSIBLE SOLUTIONS*, 1-11 (2012); Zeynep Ton & Robert S. Huckman, *Managing the Impact of Employee Turnover on Performance: The Role of Process Conformance*, 19 ORG. SCI. 56-68 (2008).

17. Sauermann & Cohen, *supra* note 16, at 2135-38.

18. Sauermann & Cohen, *supra* note 16, at 2149-51; CHUNGSUP, *supra* note 16, at 6-9; Zeynep & Robert, *supra* note 16, at 63-67.

Captain Aubrey notes on many occasions the importance of having a “happy ship.” By that he did not mean that everyone will always be happy, in the sense of having light duties and double rations of grog. Instead, in his view a “happy ship” meant that everyone is working together to create an atmosphere of mutual trust, with all hands feeling that they are contributing in a positive way to the success of the voyage.

Aubrey almost always succeeds in creating loyalty and positive cooperation in his commands. His relationship with his crew is characterized by respect and admiration, rather than friendship. Captain Aubrey commands respect, not because he is a harsh disciplinarian, but because he models the high expectations he places on others. He knows how to use a sextant, even though he doesn't need to. He regularly climbs the rigging to get a view, even though he doesn't need to. He follows the rules he expects his crew to follow and leads by example.

In the case of a law dean, that may mean being a good teacher and a good scholar, or for a dean from outside the academy, it means showing an understanding of what it takes to teach well and produce good scholarship. It certainly means showing everyone, whether below or above you in the chain of command, the type of respect that you seek for yourself. It means not asking your “crew” (i.e., staff/faculty) to work harder than you do yourself. It means putting the needs of the crew above your own. It means making tough decisions and owning them, taking the blame for failures and giving credit to others for success.

Although Aubrey is not a “flogging captain,” he does deal out severe punishment when called for.¹⁹ In the same way, having a “happy ship” does not mean that you hand out only roses and gold stars. Morale plummets quickly when there is a failure to deal with shirkers, either on the faculty or the staff, who are not measuring up to the standards set, which then leaves others to take up the slack.

Of course, deans do not have the option of pulling out the cat o' nine tails to deal with substandard performance by tenured faculty. Similarly, Aubrey does not use the lash with his senior officers. Yet, he manages to get the best out of them by setting high expectations and ensuring they receive praise for doing good work. Because the officers respect Aubrey, they want to earn his respect as well.

Although a broader range of options is available for underperforming staff, the harshest sanctions (such as termination) should be used only in cases of severe malfeasance or after repeated attempts to correct the deficiencies through periodic reviews with suggestions for improvement. These can be tough conversations, but starting by asking the employee to evaluate themselves and identify obstacles to success can often set the tone for improvement. Sometimes it may also be a matter of shifting the staff member to a task better suited to their strengths – Captain Aubrey sometimes had an inept sailor who made a great assistant in the sick bay, for example.²⁰ Ultimately, however, it is important to take action of some kind when someone is underperforming and to ensure that, consistent with personnel privacy restrictions, the rest of the crew knows that the issue is being addressed.

19. PATRICK O'BRIAN, *TREASON'S HARBOUR* 249-50 (Norton ed., 1983) (describing Aubrey's lack of zeal for flogging).

20. PATRICK O'BRIAN, *DESOLATION ISLAND* 166 (Norton ed., 1991) (stowaway Michael Herapath becomes Maturin's assistant).

The even-handed, fair application of high expectations typically energizes the remaining staff.

One of the hardest things about being at the head of any organization, whether it's the law school or a ship in the Royal Navy, are the boundaries between you and the rest of the crew that must be maintained. Captain Aubrey will never be seen carousing with the first mates on shore leave, and even his occasional visits to dinner with the other officers in the gunroom are formal affairs long on protocol. He never discusses his opinions on his subordinate officers, even with Stephen, his closest confidant "who was, after all, one of their number."²¹ Even though I have developed close friendships with many of my fellow faculty with whom I've taught for twenty-five years, those relationships changed somewhat, of necessity, when I became dean. For that reason, I've found the companionship of the other deans at my university, as well as my fellow law deans across the country, to be a welcome way to develop relationships among those who have similar challenges and concerns. The joy Captain Aubrey gets in meeting another ship at sea and sharing dinner with his fellow captains evokes that same sense of relieving his isolation by communing with others who truly empathize with his burdens.

Yet, despite the distance, Captain Aubrey develops close relationships with his senior leadership. He knows everyone's name, he visits them in sick bay, he demonstrates concern for their welfare. At the gunroom dinners, he joins them in toasts and song. He advocates for them with senior command, making sure they get their fair share of prize money.²² In so doing, he develops "leadership capital," which he can draw on in times of struggle.²³

Most importantly, perhaps, a Captain can create a positive atmosphere by empowering her crew. Although the Captain must take responsibility for the ultimate decisions, the crew must feel that their input is sought and valued, and that the Captain trusts them with the "conn"²⁴ of the ship. Supporting initiatives generated by the staff will inspire others to be creative and innovative. On the other hand, a Captain who is constantly second-guessing or micro-managing the crew will leave them feeling undervalued and less motivated to take the initiative.

Having the humility to recognize that others have greater expertise on certain issues, such as admissions or technology, will lead you to truly value their opinions. Listening carefully to the ideas of your lieutenants not only empowers them but it also leads to better decision making. A leadership article put it well: "Engaged leaders do not listen simply to please or appease followers, but to gain valuable insights and information that advance the organization's mission."²⁵

21. PATRICK O'BRIAN, *BLUE AT THE MIZZEN* 162 (Norton ed., 2000) (1999).

22. See generally Francis Deak & Philip C. Jessup, *Early Prize Court Procedure*, 82 PENN. L. REV. 677 (1934) (At that time, the crew of a naval ship that captured an enemy ship was entitled to a reward (a "prize") of a percentage of the value of the ship and cargo captured. Britain even had a special court, called the Prize Court, set up to adjudicate disputes over the awarding and distribution of prizes.).

23. David M. Durst et al., *Mastering Leadership Reflexes: A Case Study of Captain Aubrey in Master and Commander, Utilizing Russell West's Reflex Leadership Theory*, 11 LEADERSHIP ADVANCE ONLINE 1, 7 (2007).

24. The "conn" of the ship refers to the person who directs the navigation of the vessel.

25. Durst, *supra* note 23 at 6.

Creating a positive atmosphere results not from one particular thing, but from many small things. For example, knowing the names of all the staff and what they do, and saying hello when you see them in the halls. Making sure you give credit, in public, for good ideas or superior execution. Stopping by to say “thank you” to those responsible for the success of an initiative or event. These are small things, easy to overlook when your to-do list is overflowing, as it always is. Nevertheless, the time is clearly well-spent – when you sail into battle, as you inevitably will, and you look around at the crew you are relying on, you want to be sailing on a “happy ship.” Plus, it makes it much more fun to go to work every day!

III. SELF-CARE, FOR YOU AND THE CREW: SWIMMING, CONCERTOS, AND EATING BEFORE BATTLE

*After a particularly difficult, severe and abstract passage the last movement ended with a triumphant summing-up and resolution that they could both play at first sight and that they repeated again and again; and the grave happiness of the music was still with Captain Aubrey when he walked on to his quarterdeck in the bright morning.*²⁶

Captain Aubrey models self-care, in many respects. Even though he works very hard to ensure the ship is constantly in shipshape condition, he also takes care of his own physical and spiritual health. He takes an extended turn on the quarterdeck every day and swims around the ship when conditions permit. He enjoys daily dinners, with wine and good conversation, with his constant friend, Dr. Stephen Maturin.

Most significantly, he regularly enjoys playing his violin in duets with Maturin's cello. Clearly, the love of music, which drew the two friends together in the first place, continues to be a cornerstone of their relationship. The music is consistently portrayed as a balm, an instrument of spiritual healing, which takes Aubrey and Maturin away from their troubles and renews their spirits.

Aubrey also understands that his crew needs time to enjoy themselves – whether through shore leave or dances on deck during the dog-watch.²⁷ He believes strongly in the power of ritual – every Sunday Aubrey “rigs” church and reads the Articles of War, with all the solemnity of a preacher reading the Lord's Prayer.²⁸ And, above all, when battles are imminent, Aubrey always ensures that the crew is well-fed as they approach the enemy. This always strikes me as amazing; the enemy ship is in sight – shouldn't the crew be running around getting ready? Instead, they are below decks tucking into an extra portion of salted beef.

“Eat before battle” sticks in my mind as a good metaphor for ensuring that everyone on board the law school ship is nourished, physically and spiritually, before heading into the semester and periodically throughout. Everyone on the

26. THE IONIAN MISSION, *supra* note 13, at 49.

27. The ship's day is divided into four-hour periods called “watches,” except that the watch from 4-8 p.m. is divided into two-hour “dog” watches so that each watch crew can eat dinner and relax a little thereafter.

28. See, e.g., THE HUNDRED DAYS, *supra* note 13, at 128-29.

staff should know that taking vacation time is not only permissible but is strongly encouraged. I make a point to announce to my staff that I may not read their emails in the evening or on weekends, and that I certainly do not expect them to read mine after hours. Periodic rest and relaxation will result in a more efficient, energetic staff the rest of the year. Although that's an obvious truth, Americans (including me) sometimes need to be reminded of it, especially in the digital age. If Captain Aubrey can enjoy a Corelli sonata on the eve of a possibly life-ending battle, surely I can take some time for a bike ride or a concert, despite the never-ending to-do list on my desk and in my mind.

For many staff, the feeling of being "on the same team" may be the most rewarding part of the job; with academic salaries being what they are, those intangible qualities take on even more importance. The occasional picnic or potluck, the birthday celebrations, the baby showers, are more than just "fun" – they provide a sense of community – again, building leadership capital you may need to draw on during the battle, when times get tough and everyone has to put forth extraordinary effort.

IV. FOTHERING A SAIL: DEALING WITH CRISES

"You have power over your mind, not outside events. Realize this, and you will find strength." – Marcus Aurelius, Meditations

If you think being a dean is hard, try sailing a ship after it has struck an iceberg in the southern Atlantic, near Antarctica.²⁹ Captain Aubrey, recently wounded in battle, is faced with a rudderless, leaking ship, ready to sink. Somehow, by fothering a sail (using sailcloth run under the ship to plug the leak), pumping day and night, and devising new ways of trying to steer without a rudder, the ship manages to make it to the relative safety of an island. This is but one example of the constant challenges, sometimes expected but often not, Captain Aubrey faced on every voyage.

Similarly, every dean will deal with a crisis, sooner or later, and perhaps often. The COVID-19 pandemic provides the latest, most striking example, but you are pretty much guaranteed to have something come up around every bend in the river. My own examples include widespread exam software crashing during the first 1L exam and dealing with racial tension exacerbated by an ugly incident across campus. Most deans cannot avoid crises caused by the usual vagaries of rankings, bar passage, and student misconduct. And of course, some truly tragic cases deans have dealt with across the country make these examples pale in comparison. Recently, our entire law school was deeply affected by the sudden death of a very popular staff member, which called for community healing.

What lessons can we draw from the Captain Aubrey's response to a crisis? First, I find it useful to recognize the spirit of stoicism embodied in the quote from Marcus Aurelius above and practiced by Captain Aubrey. He wastes no time or energy complaining about how bad things are or what a terrible hand you've been

29. DESOLATION ISLAND, *supra* note 20, at 269-91.

dealt. The only focus is on what can be done to make things better. And when you've done what you can, you accept the situation and make the best of it.

Here's a great example, when Jack and Stephen are in a lifeboat after their ship has sunk, with no help in sight, no water, no food, and sailors dying in the baking sun:

A little after moonrise Stephen woke. Extreme hunger had brought on cramps in his midriff again and he held his breath to let them pass: Jack was still sitting there, the tiller under his knee, the sheet in his hand, as though he had never moved, as though he were as immovable as the Rock of Gibraltar and as unaffected by hunger, thirst, fatigue, or despondency.³⁰

I am not suggesting you have to be the Rock of Gibraltar, necessarily, and we all have emotions we may show in private, but in a crisis the law school crew values an unflappable leader.

Before I became a dean, I laughed at what I saw as "administrator-speak," such as using the word "challenges" to describe what most people would call "problems." But the distinction turns out to be important. When a key employee quits in the middle of the semester or you're dealing with a curveball like the coronavirus, thinking of the issues you are working through as challenges puts you in a more positive mindset. I like to do crossword puzzles or hike up a mountain because they are challenges, not problems. After all, how much fun would it be to captain a ship if every day were a blue-sky day with gentle breezes? What fun would kayaking be without some rapids to maneuver?

The Louisa May Alcott quote at the beginning of this essay is framed and on my desk.³¹ "I am not afraid of storms," she says, "for I am learning to sail my ship." The challenges will come, but if you embrace them as an opportunity to navigate you will not only be more effective, you'll be happier. There will be those days when the sun is shining, the sails are singing, and you are borne along by the trade winds and a following sea. Enjoy those days, savor them. But you also need to learn how to enjoy (or at least tolerate) the times when the wind is foul and you are navigating through dangerous shoals with close-reefed topsails.

It does help to understand that crises come with the territory – in fact, that they present opportunities for you to exercise your leadership skills in new ways, as Alcott recognized. This is, after all, what we get paid for. A ship that never deals with a crisis could be sailed by any old landlubber.

It is fascinating to see how ships in Aubrey's era were in an almost constant state of reconstruction. Spars would break loose, masts would get shot down, sails would need repair, cannonballs would rip holes in the hull. Carpenters were literally rebuilding the ship as it sailed. Institutions, likewise, are constant works in progress. You will take hits, whether it's a low bar pass rate or damaging publicity; you will need to make the necessary repairs and sail on.

30. PATRICK O'BRIAN, *THE FORTUNE OF WAR* 78 (HarperCollins ed., 2003) (1979).

31. My thanks to Bill Hennan, long-time Assistant Dean at Drake Law, who gave this to me as a present on my first day on the job.

The second thing I learned from how Aubrey deals with crises is his openness to creative solutions. In that way, dealing with the impacts of the coronavirus have not been that much different from dealing with hitting an iceberg in the South Atlantic. We have had to get creative and focus on how to achieve our mission in other ways. If you lose your rudder, can you learn to steer the ship with only sails and an anchor? Similar resourceful thinking helped us to survive the pandemic: How do you teach classes, hold meetings, create engaging activities, and advise students without actually going on campus? You have to be open to innovation, ways to accomplish the mission in a whole new way.

Third, don't take criticism personally. Most of the time, the complaint is directed at you as officeholder, not as a person; in other words, whoever holds the dean's job would feel the heat. Even when it does seem personal, viewing criticism as an attack on your integrity or competence will not be productive. You can often defuse the situation by focusing on the issues and possible solutions, rather than taking the bait and making it personal.

In navigating the crisis, you can't afford to let negativity get you down. After striking the iceberg, Captain Aubrey deals with a group of sailors who, convinced the ship is about to sink, want to abandon it and head off in small boats to try to reach the nearest land. Aubrey deals with the dissenters not with anger, but with understanding – presenting his plan to save the ship and urging those to stay who believe in him. In the end, some do leave, but the committed band who remain get the job done.

When tough decisions must be made, rarely will everyone be happy; a group of naysayers seems inevitable. Those who complain the loudest don't like the options on offer, but often have no better ideas. Leadership in those moments consists of calmly explaining why the course was chosen, empathizing with those impacted, but not deviating from the necessary course of action in the face of negative comment. We know that, in real life, not every foundering ship will reach a safe harbor, even with the best decisions. But the job of the dean is to make the best decisions she can, based on the best information available at the time.

Finally, be present. There are plenty of times when the dean serves as the ceremonial embodiment of the Law School: at Commencement, at Orientation, at the annual banquet. For me, suiting up in cap and gown for commencement must be akin to how Captain Aubrey feels when donning his dress uniform (with the Nile medal) for special naval ceremonies. As the representative of the institution, your presence at everything from orientation to a faculty symposium to the SBA ice cream social gives the imprimatur of official sanction to the event, which the organizers notice and appreciate.

Unfortunately, the other side of the coin is showing up in times of crisis. In any battle, the Captain has to be seen on the quarterdeck and his presence alone will have a calming effect on the crew. The same thing is true in times of law school crisis. I did not sign up for the deanship to be a pastor, but gathering the staff and faculty together to share our grief at the sudden passing of a colleague and friend was essential. Holding a student forum to address concerns over our COVID-19 plans was no fun, but again, essential. In many cases, it doesn't matter exactly what you say: Aubrey is not known for the rousing battle speech. Instead,

it matters that you show leadership and that everyone in the school knows that you are at the helm with your hand on the wheel.

V. FORWARD MOMENTUM: AVOIDING THE DOLDRUMS

*"Ain't he ever been turned round and round in the barky – never no wind, week after week – nor no rain except for ten miles away, and water running cruel short, green and stinking; and that goddam sun beating down so mortal strong the tar drips off the rigging and the seams open wide as a coach-house door?"*³²

In several of the Aubrey-Maturin novels, the ship encounters the doldrums. In this dreaded area around the equator, the convergence of tropical trade winds along with the rising air caused by solar heat results in very little surface breeze to fill the sails. As a result, ships can be becalmed for weeks, usually in intense heat with no rain. The effect is both physically and psychologically taxing. Coleridge, in the *Rime of the Ancient Mariner*, describes the doldrums thus:

Day after day, day after day,
We stuck, nor breath nor motion;
As idle as a painted ship
Upon a painted ocean.³³

Interestingly, many endeavors also depend on forward motion. For example, in music, good singers develop kinesthetic movements to keep breath flow and air pressure moving to sustain tonal quality. Everyone who's ridden a bike knows that you can't maintain control unless you're moving.³⁴ Whether we're talking about a river or the economy, if you're not moving forward, you're stagnating.

An organization can easily be caught in the doldrums as well. Sometimes, in fighting the daily battles and pursuing the same routines, we can lose all sense of momentum and energy. People are coming to work but go about their jobs with little enthusiasm; some, often those with the most talent and drive, may start to look for positions elsewhere. Some staff may not feel challenged by their work or may not believe that their skills are being properly utilized. Stagnation can be horrible for morale and productivity.

Without forward motion, there can be a sense that the enterprise is drifting aimlessly, and workers with time to brood can turn to petty battles instead of teamwork:

[T]he slight, obscure, often conflicting little currents that wafted fronds of seaweed, forward and aft, also turned her, almost perceptibly, so that at four bells she would be heading south and at six bells due north. The dog-watches, ordinarily times of

32. BLUE AT THE MIZZEN, *supra* note 21, at 221-22.

33. SAMUEL TAYLOR COLERIDGE, THE POETICAL WORKS OF S.T. COLERIDGE, THE RIME OF THE ANCIENT MARINER (Henry Nelson Coleridge ed., London: W. Pickering, 1834).

34. Albert Einstein, in fact, compared life to riding a bike: "To keep your balance, you must keep moving."

cheerfulness, dancing and music, in calm, reasonably temperate waters, were now given over to weary gasping, low-voiced nattering quarrel, and unseemly nakedness.³⁵

Hopefully things won't get *that* bad, but there is no doubt that the doldrums should be avoided. Here are a couple of possible ways to maintain forward motion:

- Use the Continuous Improvement Plan approach, noted above. The plan includes goals that everyone is working toward (improving the quality and diversity of the incoming class, e.g.), as well as initiatives to achieve those goals, assigned to specific staff members. When one initiative is accomplished, it is celebrated, and then new initiatives are substituted, so there is a constant sense of pulling the oars toward a destination, and the periodic generation of new ideas gives staff a constant sense of purpose and motion.
- Develop new programs. Every year, we try to have at least one new special event or initiative. For example, two years ago we created a symposium and dinner to celebrate the 150th anniversary of the *Clark v. Board of Directors* decision, which desegregated Iowa schools eighty-six years before *Brown v. Board of Education*. Last year, we hosted a Festschrift to honor the founding Director of our Agricultural Law program, who was retiring, and we had an exhibit, program, and reception to celebrate the 100th anniversary of the 19th Amendment. This year, we will celebrate the 50th anniversary of our clinic. Many of these are ideas put forward by staff members, which we quickly embrace as a team and then set to work to accomplish. Although I sometimes worry about overburdening the staff, I have found so far that they would rather be pulling on the oars and accomplishing something they can be proud of, than be stuck in the doldrums.
- Polish the brass. The sailors often use the doldrums as a good opportunity to accomplish tasks like repainting the outside of the ship or making repairs. In a law school, there are always tasks that seem to get pushed to the bottom of the list when things are busy but can continue to give everyone a sense of accomplishment when things are slow. Can we use the summer, for example, to update the alumni database or reorganize the file system? Is this a good opportunity to have a staff retreat to discuss how to improve communication or efficiency?
- Take some risks. In virtually every book, Captain Aubrey shows a willingness to take calculated risks. Not all of them pay off, but many of them do, spectacularly. In *Master and Commander*, he decides to take on a much larger Spanish frigate by engaging in some very daring maneuvers, which bring off an amazing victory. Similar examples in other books indicate that bold visions often provide inspiration for everyone involved in the enterprise. Of course, there is fine line between risk-taking and

35. BLUE AT THE MIZZEN, *supra* note 21, at 227.

recklessness. But a leader who is creative, optimistic, and positive about new initiatives will succeed more often than not, while a leader who is constantly afraid of taking risks and who consistently nixes new ideas because they may not succeed will soon have the organization wallowing in the doldrums. For example, we recently initiated a new Masters of Jurisprudence degree and a new diversity recruitment program. Both were based on research showing the potential for success, but both also involved risks and depended on a significant initial investment of resources. So far, both of these ventures have succeeded, leading me to believe that taking the risk was the right thing to do.

Inevitably, your forward motion will not always be at fourteen knots with a following sea; we know that the academic year naturally ebbs and flows like the tide. Nevertheless, when you sense that a natural lull has turned into stagnation, it might be time to fight the doldrums.

VI. MENTORSHIP: ADMIRAL NELSON AND THOMAS PULLINGS

*"[I]n a pause [Admiral Nelson] leant over with such a smile and said, 'Never mind manoeuvres, always go at 'em.' I shall never forget it . . . And was it another man, any other man, you would cry out 'oh, what pitiful stuff' and dismiss it as mere enthusiasm; but with him you feel your bosom glow . . ."*³⁶

Captain Aubrey greatly admires Lord Horatio Nelson, Vice-Admiral of the Navy, with whom he served as a Lieutenant during the famous Battle of the Nile. Nelson was renowned for his courage and audacious tactics, which completely surprised the French in the Nile victory. He died in 1805, during the Battle of Trafalgar, one of England's greatest naval victories.

Aubrey clearly tries to emulate Nelson's use of bold and surprising maneuvers, his knack for inspiring his men, and his courage in battle. He even tries to remember how Nelson handled himself during gunroom dinners, down to copying how he asks for salt to be passed. When he is wounded and has to use his left hand to write his wife, he remembers a similar injury to Lord Nelson and how he handled it.³⁷ In other words, Aubrey uses Nelson as a role model and although his time with Nelson was short, he clearly values every bit of advice and education he got during that experience.

Deans need both role models and mentors as well.³⁸ By the time you take on a deanship, you will have seen examples, probably both good and not-so-good, of leaders in that role or similar roles. Of course, you will have your personal stamp on how you handle the job, but recognizing good leadership in others and trying to learn from their techniques just makes sense.

36. MASTER AND COMMANDER, *supra* note 10, at 130-31.

37. FORTUNE OF WAR, *supra* note 30, at 71-90.

38. I will not mention all my mentors, for fear of leaving out someone, but let me thank former Drake Law Dean David Walker for providing career-long mentorship and encouragement along my path.

Most deans and former deans are very happy to take on the role of a mentor, if you reach out. Having someone to talk things through with can be crucially important, especially since many issues can't be discussed with faculty or even with your associate deans or other administrators. There are some things – from budget issues to how to handle a disgruntled alum – that only another law school dean can fully understand.

This coin has two sides, of course. Just as you benefit from mentors, it is also important to fill that role for those coming behind you. Captain Aubrey spends a lot of time developing talent in his ships – making sure that his Lieutenants are provided with ample opportunities and encouragement to work their way up the naval list. Thomas Pullings and William Babbington, in particular, rise up the ranks due in large part to the experience and training they receive from Aubrey, who affirmatively seeks to help them along the career path. Significantly, both of these mentees help their mentor in crucial ways later on, illustrating the two-way nature of these relationships.

It is sometimes hard to think about your staff as being on a continually developing career arc, rather than as permanent fixtures. Of course, you want to retain good people, but you have to recognize that the natural progression of excellent staff may lead them to other places (other ships), if there are insufficient opportunities for development where they are. By not only recognizing, but also actively assisting, that natural progression, you can have a more positive relationship with your staff. They will realize you care about them as people, rather than just as cogs in the machinery. Happily, the things that will help their careers usually will also help your operation.

For staff, this means ensuring that you pay attention to annual reviews and use them as an opportunity for conversations about ways to develop the skills necessary for career advancement. It means looking for ways to promote or otherwise reward good staff and being open to thinking about new roles. We have had many examples of staff who have progressed to different roles in the law school, because they showed the acumen and willingness to learn new skills.

You will inevitably encounter faculty who want to become deans. Mentoring those faculty may mean not only having conversations about the best pathways to those jobs, but also looking for ways you can help them develop their dean-ish skills and resume. For example, can you include the would-be dean in fundraising visits when it's appropriate, or create a leadership position that suits their interests and your needs?

Even in my short time as a dean, I have found mentoring, both as mentor and mentee, to be very rewarding. The life of a dean is always filled with challenges, so having a relationship with the sole purpose of assisting another person sometimes seems like an oasis of goodwill in a desert of less gratifying interactions. As with most forms of service to others, the benefits you gain from mentoring, psychic and otherwise, will more than compensate for the time expended.

VII. CONCLUSION

It is frequently considered remarkable that law professors enter the classroom trained in law, but not in teaching. Similarly, many deans instantly become managers without the slightest experience or training in management. While I will not suggest that literature can take the place of a degree in business administration, it is nice to know that many of the skills you need as a dean can be gleaned from the pages of a rollicking good novel. You may have your own candidates for good fictional managers, which I would love to hear about.

A final thought: while Captain Aubrey was the steward of the ship he commanded, he wasn't the owner. You are appointed to a post, you take care of the ship, you hope to improve it and the crew, you complete your missions, but in the end you pass it on to a new captain. The crew constantly changes, but the ship – hopefully – sails on. To me, it is a solemn thing to recognize that the vessel with which I am entrusted has been sailing for 150 years and will sail on long after I've served my last tour of duty.

Happy sailing everyone!

