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HAVE FUN WITH STRATEGIC PLANNING

*Kellye Y. Testy**

STRATEGIC planning. Just say the words and law deans and faculty start to shudder: poster-sized post-it notes falling off the wall; multi-colored lists no one can decipher the next day; endless power-point slides being read word-for-every-last-word; mushy talk of mission and values; yet another round of debate on whether scholarship and teaching can live peacefully together; and those small-group discussion slogs that seem to just rehash old institutional politics.

Painful? Often so. And yet, we all must do it. The easy reason we must engage in strategic planning is that the ABA “makes us” for accreditation. The standards now require not only a self-study¹ in preparation for a site visit, but also a number of other planning and assessment efforts.² Additionally, it is common for external board members—many of whom work in business where strategic planning is a regular part of operations—to expect the dean to have a strategic plan. One of the first questions deans are asked upon beginning their service is, “What is your vision and plan for the law school?” A new dean can defer that answer for a short time while getting to know the institution, but both internal and external constituents quickly look to the dean for leadership on a strategic plan.³

More importantly, whether demanded by the ABA or by our boards, strategic planning is critical for institutional success. The transformational forces of technological innovation and global competition continue to put more pressure on American law schools to perform better, faster, and cheaper. In this competitive environment, advancement—indeed, perhaps survival for some schools—demands that we identify who we are, where we are going, how we plan to get there, and how we will know whether we have arrived. In short, we must engage in strategic planning. The good news is that it is very much within reach to do so successfully. The secret is to H-A-V-E F-U-N.

* Toni Rembe Endowed Dean of Law, , University of Washington School of Law.

1. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard 204 (2015-16).

2. *Id.* at Standards 204(b)-(f), 202(a) & (d), and 315. Prior Standard 203, which explicitly called for schools to engage in strategic planning and assessment, has been eliminated, although planning and assessment continue to be required as part of compliance with several other Standards, most notably 202, 204 and 315.

3. This window of listening and learning is getting ever shorter for leaders. Often the dean has no more than the first one-hundred days to establish confidence in his or her leadership, all the while balancing the tension between having a vision for the school that is distinct enough to be exciting and yet familiar enough to fit with the culture and traditions of the school.

HOW TO “HAVE FUN” WITH STRATEGIC PLANNING

My experience with strategic planning at institutions that I have either led or advised has helped me to see what is likely to work well for many law schools and their deans. I recognize that there is a large literature, mostly from the business context, on strategic planning.⁴ If you have time to read all of that and translate it to the law school context, good for you. Call me and we can talk about it, because it is a subject I love to discuss. If you do not have the time or inclination for that literature, then here are seven simple steps to make sure you are successful as you have fun with strategic planning.

1. *Give Me an H. Hands on and High Priority.*

The first step is to make sure that you understand that you will need to be personally involved in this process and communicate to all constituents that planning is a high priority for you and the institution. Show genuine enthusiasm about the process. Make clear that planning is not only important but is also fun; and it is all the more fun because it is important. Model for the rest of the community how to engage with the process of planning.

In terms of what that process will look like, there is no one-size-fits-all approach. Find out what has worked for your school in the past and what has not. In my experience, it is not necessary to hire an outside consultant; indeed, that can be a mistake because it is often difficult to find the right fit for the school. One dean I knew hired an outside consultant at a school that had never used one in the past. The dean then spent a lot of the planning sessions outside the room on his cell phone. That dean's tenure was rocky from that moment forward. Planning is at the heart of institutional identity, so it is important for the process to fit the institution. That fit is especially important if you want the process to be trusted to change the institution. Change is hard; it needs to get off on the right foot.

If you are uncomfortable leading planning yourself, then look for someone familiar with legal education and experienced in planning within the shared-governance model of higher education.⁵ The shared-governance model makes planning in higher education very different than in the business context. Be leery of any high-priced expert, but especially one who does not have experience from within legal education or at least higher education generally. I usually like to lead the planning processes myself, because it demonstrates my personal investment in planning and is a phenomenal learning opportunity. If you are

4. A review of this vast literature is beyond the scope of this short Essay. For a web link with a wide number of basic resources, including the *Strategic Planning for Dummies* book, see *Books on Strategy and Planning*, ONSTRATEGY.COM, <http://onstrategyhq.com/resources/books> (last visited Apr. 20, 2015).

5. The Association of American Law Schools (“AALS”) has a resource corps of people who can assist deans and schools with planning and with other institutional needs and challenges. To get a recommendation for an experienced legal educator who can assist you, contact the Executive Director of AALS. See AM. ASS'N L. SChs., www.aals.org (last visited Apr. 20, 2015).

uncomfortable doing so for whatever reason, however, consider having a trusted member of one of your boards or of the faculty serve as the lead, or call upon another respected leader in legal education to assist you. Above all, make sure that you trust that leader to work closely with you so that it is clear that your hands are on the wheel and you are making this process a high priority for the school and your leadership.

2. *Give Me an A. Align Ideas with Funding.*

One of the steps most often missed in effective planning is aligning the ideas the process generates with a business plan that will support the execution of the ideas. Many a great idea has fallen on this sword. Put differently: no money, no mission. Make sure that your plan also includes a financial one. That is not to say that each part of the plan must be one that is constrained by current resources. Instead, each part of the plan needs to have not only an expense side, but also a revenue side. Revenue might come from reallocation of existing funds or development of new funds, but there must be revenue generated to support any idea that has an expense component.

Further, even when plans consider revenue, a common mistake is to neglect the difference between gross and net revenue. There are many ideas that will generate revenue—but will they generate a profit? That is, will there be enough revenue to cover expenses, including indirect ones? As an example, consider one of the common current answers to shortfalls in J.D. tuition—starting an LL.M. program. Many plans project tuition revenue and the expense of faculty to teach the program, but what of the other expenses, including the costs of web development and marketing the program; providing advising and assistance to the students, many of whom may not have English as a first language; acquiring library materials and providing research support for the students' work; providing the students' career services, registrar, student life, and alumni relations; and what of the tax on all revenue the university demands for central services like branding, security, and parking?

Good plans must have good financial analysis, including thorough revenue and expense projections to support them. This step will also help you make sure your plan is actually a strategic one. A plan that seeks to do everything too often ends up doing nothing. By encouraging ambitious thinking and then grounding those ideas in sound financial planning, you will also help make your plan less a list of wishful thinking or “to-dos” and more of an inspiration and blueprint for the future.

3. *Give Me a V. Viewpoint Diversity is Critical.*

I often say it is no surprise that hierarchy has persisted as a popular organizing mechanism—it is very efficient and thus very tempting. But short-term efficiency in planning does not beget long-term success. Dissent suppressed in the service of getting a plan done will only last so long; and it will appear again at stressful times, when you can least afford it. It is better to foster an

inclusive environment that can respect diverse viewpoints on the front end than to obscure differences for efficiency's sake.

That is not to say we can seek consensus or debate things too long, especially in this competitive environment that demands one be both nimble and quick. Yes, there are those few unreasonable souls who think that their voice of one can hold back the rest of the institution; but people of reasonable mind can live with not carrying the day as long as they have a fair opportunity to express their view and attempt to persuade others. Thus, an open and inclusive process is not only more respectful of individual dignity; it is also more likely to be one that results in a good plan for the long haul. In the context of shared governance that is the hallmark of the academy, a successful plan will need to be respected, not only by the dean and external constituents, but also by the faculty, who will bear the lion's share of responsibility for executing the academic mission, and their educational partners, the staff and librarians.

4. *Give Me an E. Engage all Key Stakeholders ... at the Right Time.*

While viewpoint diversity and an inclusive process are critical to a successful plan, that does not mean the process need be one that takes several years and includes, as my grandma used to say, "a dog from every town." Many planning processes have never launched successfully due to the difficulty of simply finding time for a too-large group to even meet. Inclusion and diversity are not the enemies of productivity, even though some will assert that they are in order to avoid them.

A process can be both inclusive and efficient by organizing it so that all critical stakeholders are involved, but at the right time. Not everyone needs to be involved at each step. Rather, there are some constituents better suited for earlier work and some better suited for later reactions and refinement. There is, again, no single approach to this issue, and local knowledge will matter immensely in getting the right sequence set. In my experience, it is often most helpful to begin by having a fairly small drafting committee that is both representative enough to have diverse viewpoints but small enough to actually get work done. That group also needs to adopt a non-defensive approach to its work from the outset, so that it is willing to refine and revise as it receives reactions and suggestions from other constituents.

To be specific here, one model might have a strategic planning committee that the dean, as an administrator and faculty member, co-chairs with a board leader. That committee might contain around a dozen persons, with the other ten persons drawn from leading faculty, staff, librarians, students, alumni, and friends. It would be important for the committee to meet with key constituents before drafting to gain knowledge for the first draft, and again after drafting to get reactions. Some of those constituents might have formal processes of plan adoption that need to be built into the timeline. The formation of the plan becomes an iterative—but efficient—process that involves all stakeholders and does not bog-down the process with too many cooks in the kitchen at the outset. Moreover, it is not one that privileges just one group of stakeholders, and it can

become an outstanding learning opportunity for stakeholders to learn more about each other's sometimes differing perspectives on the school and its future.

5. *Give Me an F. Find Leverage Points for Communication.*

It is not enough in this world of fast-paced communication and robust competition to just accomplish an important milestone. An institution also needs to communicate that accomplishment to its multiple audiences. A core dimension of effective planning is finding leverage points for effective institutional communication during the process. For instance, it may be noteworthy to communicate to both internal and external constituents the launch of the process and who is serving on the drafting committee. Likewise, it may be noteworthy to communicate key opportunities for input along the way and key platforms of the plan as they are developed.

This communication not only serves to provide an important opportunity for the school to reinforce its branding and advance its visibility, but it also provides a market test of the plan itself. Communication invites responsive communication, thus fostering a conversation about the plan. That communication, in turn, becomes part of the planning process itself, driving refinements of the plan and helping to assess its impact. Find as many leverage points as possible for communicating your institution's mission, vision, and accomplishments to make the most of your planning process.

6. *Give Me a U. Understand Who's Doing What.*

For a plan to be successful, each key part needs a champion. And that champion most often cannot be the dean, whose job is forty miles wide and an inch deep. Rather, each key part needs a lieutenant who is responsible for advancing that part of the plan and monitoring its progress. What the dean needs to do is to make sure he or she has clearly delegated responsibility for each part of the plan and that everyone knows to whom that responsibility is assigned. In this way, the plan will not only be incorporated into the operational structure of the law school, it will also ensure a wide swath of the community has ownership over the success of the plan.

7. *Give Me an N. Never Put it on a Shelf.*

The most important part of strategic planning is the planning, not the plan. Do not put the plan on a shelf and pat yourself on the back that the brochure looks so pretty. Consider not having a brochure—put a summary of the plan on a whiteboard with an eraser nearby. Make it a living document, pretty or not. Have it on your desk and look at it at least once per week. Make sure it is in the hands of your leadership team and guiding them. Have your administrative leaders and faculty members incorporate it into their annual reviews. Make sure your board has an executive summary of the plan and that your report to the board always includes an update on progress on the plan.

In short, do not have a plan on the shelf and a separate process of running the law school. Run the law school in direct and constant reference to the plan. If you are not doing that, your plan is not what you need because actions usually speak louder than words. That said, reference to the plan does not mean obedience to the plan; plans are best when alive and shedding their skin from time to time. In some ways, the best plans can even be ones that begin with things you do not end up doing, as long as they inspire you to find the things you should be doing. Make it great, make it hum. Think of your strategic planning process as the opportunity to answer the question—what are the right next steps for us to take to serve our students and our world?

What could be more fun than that?