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LAWYER AS PRESIDENTS—A RISING TREND IN HIGHER EDUCATION

*Timothy Fisher**

MAY IT PLEASE THE CAMPUS: LAWYERS LEADING IN HIGHER EDUCATION

Patricia E. Salkin, JD, PhD
Touro University Press, 2021

Universities and colleges are increasingly turning to lawyers as their Presidents. This is a long-term trend but has accelerated in the last decade or so.¹ There are good reasons for this, as explained in a new book by Dr. Patricia Salkin, the Provost and previously Dean of the School of Law at Touro University.

As Salkin emphasizes, a president in higher education needs to be a “multidisciplinarian” to grapple with the increasing pressures on institutions of higher education.² Those include, among others, shifting government positions on support and control of higher education and rapid changes in technology.³

Salkin’s premise is that lawyers are especially well situated to bring the problem-solving skills needed to handle these dynamics.⁴ Lawyers, she points out, are more culturally agile, given their history of forming confidential and trusting relations with a wide range of clients. Lawyers are adept at communicating positions to a diverse range of audiences, from juries to impatient judges to frustrated clients. Their professional roles have generally entailed handling problems beyond the immediate ability of clients; and, as a result, they have likely dealt with a wide range of risks and crises. They also have needed to

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¹ PATRICIA E. SALKIN, *LAWYERS LEADING IN HIGHER EDUCATION* 7 (2021).

² *Id.* at 2.

³ *Id.*

⁴ *Id.*

be flexible in dealing with clients from a range of personal and political orientations.

Salkin matches these experiences with the great range of skills needed to lead a college or university.⁵ Her list is daunting: “financial acuity, cultural competency, technological deftness, crisis management, entrepreneurial mindset, political savviness, empathy and respect, multi-genre communication skills, high emotional intelligence, and agility.”⁶ She goes on to provide detailed explanations for how legal training develops each of these.⁷

The existing literature regarding leadership and lawyers supports Salkin’s premise in many ways. She draws on the work of multiple authors, including seminal works by Clark Kerr & Marian Gade,⁸ Deborah Rhode,⁹ and Kelly Field.¹⁰ She builds on their observations about the academy, leadership and lawyers, but Salkin’s book is the first to combine those in one study. Along the way, she also presents a good mix of quotes and examples to match her data, altogether amply supporting her premise.

The book features an impressive empirical study of lawyer presidents of colleges and universities, cross referencing multiple variables.¹¹ By doing so, Salkin highlights the most salient and instructive elements of the trends she studies. High on that list, not surprisingly, is the increased incidence of lawyers as higher education presidents over recent decades.¹² Her charts demonstrate how widely this trend applies, by type of school (religious, public, private), geography and Carnegie classification.¹³

At the same time, Salkin examines the demographics of the lawyers who take these jobs, including educational background, race

⁵ *Id.* at 26.

⁶ *Id.*

⁷ *Id.* at 27-32.

⁸ *Id.* at 23; Kerr, Clark & Marian L. Gade, *The Many Lives of Academic Presidents*, WASHINGTON D.C.: ASSOCIATION OF GOVERNING BOARDS OF UNIVERSITIES AND COLLEGES, (1986), <https://files.eric.ed.gov/fulltext/ED267704.pdf>.

⁹ SALKIN, *supra* note 1, at 192, 194; DEBORAH L. RHODE, *LAWYERS AS LEADERS* (New York: Oxford Univ. Press 2013).

¹⁰ SALKIN, *supra* note 1, at 14-15; KELLY FIELD, "THE SUCCESSFUL PRESIDENT OF TOMORROW: THE FIVE SKILLS FUTURE LEADERS WILL NEED" (Chronical Higher Educ. 2019).

¹¹ SALKIN, *supra* note 1, Chapter 4, at 91-153.

¹² SALKIN, *supra* note 1, at 11-14.

¹³ SALKIN, *supra* note 1, at 78-79.

and sex.¹⁴ Salkin's granular approach bolsters her findings in multiple dimensions. A few demographics are particularly worth mentioning. The lawyers who become university or college presidents are more likely to have another advanced degree beyond the JD, more likely to have been in government service, and more likely to have prior experience in academia. On reflection, each of these makes intuitive sense, nonetheless Salkin's charts are a powerful demonstration of the backgrounds most useful for lawyer leaders and most likely to appeal to the institutions that chooses them.

The depth of empirical work underlying Salkin's book is demonstrated also by 100-plus pages of appendices, listing among them every lawyer president of an American college or university since the 1700s,¹⁵ broken out by categories such as religious and HBCU schools, and the president's sex and the law school they attended.¹⁶ This data, coupled with an exhaustive bibliography of literature from throughout the field, can serve as a foundation for future work in the field.

As the first major work on the subject, Salkin covers the ground well. As one would expect in a new exploration, her work also leads to new questions. A particularly fruitful area of inquiry might focus on crisis management. The book contends that legal training has helped lawyer presidents avoid and defuse crisis situations.¹⁷ She suggests that lawyers may be more used to persuading rather than to ordering people to agree, but does this hold true in comparison to all other backgrounds, or mostly just to business leaders? A more detailed comparison of how lawyer and non-lawyer presidents have handled (and in some cases provoked) crises would be a welcome addition to the field, and helpful guidance for presidents and their boards alike.

There is a storm on the horizon of higher education in America. Demographic contraction, resistance to continued tuition increases, constrained public funding, and wage pressures from faculty and staff all combine to present a deep challenge for sustainability in higher education in the coming years. Boards of trustees may be tempted to look to private sector experience in restructuring companies as a model for their schools. Salkin's book addresses the risks of top-down corporate leadership styles, while offering much food for thought about

¹⁴ SALKIN, *supra* note 1, at 95, 151 and 154, respectively.

¹⁵ SALKIN, *supra* note 1, App. 1, 2.

¹⁶ SALKIN, *supra* note 1, App. 5, 6, 3 and 9, respectively.

¹⁷ SALKIN, *supra* note 1, at 15.

the range of skills and awareness needed for success in higher education leadership.

May It Please the Campus will be of significant value to boards of trustees, search committees, search firms, and even candidates, in the way it highlights the skills a president needs and how to find them in candidates. Salkin has provided a valuable addition to the literature, and an especially helpful guide to those exploring leadership roles or participating in selection of leaders in our country's colleges and universities.