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Patricia E. Salkin Touro Law School, psalkin@tourolaw.edu

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Government Lawyers May Be Prime Candidates for College and University Presidencies

By Patricia E. Salkin

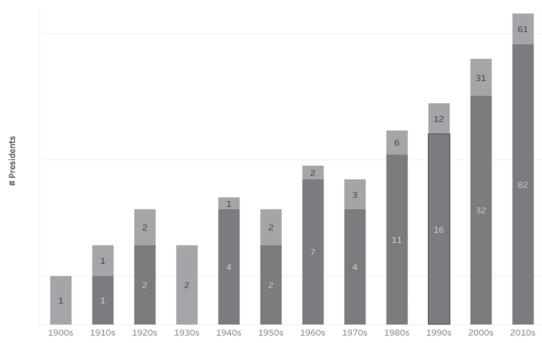
Introduction

There are many pathways to the college and university presidency for lawyers, but one strong commonality in the background of the modern lawyer president is experience in government. This is not surprising, given the shared skill set required for successful government lawyers and successful campus presidents. In a recent 360 study of qualitative skills possessed by non-traditional campus presidents, one president with government experience commented that "[l]eadership in a public university involves recognizing and honoring the legitimate concerns of multiple constituencies. . . .And that's very much the same as any kind of public leadership." Another lawyer president with government experience in that study concluded that his law degree plus his background in the public and private sectors were helpful in his current campus role, as the institution had its share of legal and financial issues. All of the presidents with prior government experience, " . . . agreed their success hinged on having previous exposure to public policy and service work."

With roughly 4,000 institutions of higher education in the United States, there is a body of literature on leadership in higher education and presidents have been studied and critiqued by biographers and by scholars. Yet, up until now, there has been scarce attention to the documented trend of more and more lawyers assuming the campus leadership position.⁴

Former Government Lawyers Constitute a Significant Cohort of College Presidents

Even more interesting are the varied backgrounds and career paths that lead from the courtroom to the boardroom. The chart below illustrates that just as the number of lawyer presidents has increased, the number of lawyers with government experience has doubled. The blue bar indicates that the lawyer presidents have had prior government experience. The orange bar represents the number of lawyer presidents without prior government experience.



Government experience comes in a variety of forms. Some lawyer presidents have completed military service as JAG officers and other commissioned appointments; some clerked for a federal or state judge; others were prosecutors; and the majority worked in the executive and legislative branches—including appointments at the U.S. Department of Justice, the U.S. Department of Education, the White House, counsel to legislative committees, the offices of state attorneys general, and as chiefs of staff or advisors to key elected officials and local government officials.

In some instances, elected officials who are lawyers have been tapped for campus presidencies. For example, in contemporary times, four former state governors were selected to lead campuses. In 1985, Raymond P. Shafer, former governor of Pennsylvania (1967-1971), was appointed as the 18th president of Allegheny College.⁵ A former member (and chair from 1972-1981) of the college Board of Trustees, he was familiar with the college and had a track record as an experienced administrator. The board reached out to Shafer, asking him to serve as interim president while a national search was launched for a new president, and in 1986 the board named him as president nunc pro tunc. Shafer was a district attorney, a member of the Pennsylvania State Senate, and lieutenant governor prior to being governor. Following his work at the state level, Shafer was appointed by President Nixon to chair the National Commission on Marijuana and Drug Abuse (1971-74), and in 1971 he was also appointed a chairman and chief executive officer of the Teleprompter Corporation.⁷ He served as counselor to Vice President Nelson Rockefeller from 1975-77, and from 1982-1991 he chaired the National Committee on United States-China Relations.⁸ Among the many things he is credited for at Allegheny College was his ability to raise funds exceeding a \$20 million goal by \$3 million and setting a record annual fund year.9

The University of Oklahoma selected David Boren, former Oklahoma governor, as their president in 1994, where he served for 24 years. His tenure did not end the way presidents hope for, as in 2019, he relinquished his affiliation with the university following a Title IX investigation involving allegations by former students during his time as president. A special counsel was assigned to oversee the investigation, which resulted in a decision not to seek indictments.

Former two-term Connecticut Governor Dannel P. Malloy was appointed as the 13th chancellor of the University of Maine in 2019. In addition, he served as mayor of Stamford, Connecticut for 14 years, having served on the Stamford Board of Finance for 10 years. Malloy worked as an assistant district attorney in Brooklyn, New York before returning to Connecticut to practice law.

Most recently, in 2021, former Alaska governor Sean Parnell was appointed as chancellor of the University of Alaska-Anchorage.¹⁶ While he was governor, Sean Parnell had been a strong proponent of higher education in Alaska.¹⁷ Prior to this appointment, Parnell was practicing law in the Anchorage office of Holland & Hart. He was elected to two terms in the Alaska House of Representatives (1992 through 1996) and was then elected to the Alaska Senate (1996-2000).¹⁸ In 2006, he was elected

lieutenant governor and served as governor of Alaska from 2009 to $2014.^{19}$

Other National Campus Lawyer Leaders with Prior Government Experience

The examples are many. Mitchell E. Daniels Jr., the former lawyer governor of Indiana, was tapped to lead Purdue University in 2012.²⁰ Cathy Cox was the president of Young Harris College, and the recently appointed president of Georgia College and State University, after she served as Georgia secretary of state and ran unsuccessfully for governor.²¹ Janet Napolitano, governor of Arizona and head of Homeland Security, became president of the University of California System in 2013.²² Paul McNulty, who was appointed by President Bush as deputy attorney general, is the president of Grove City College;²³ and Glenn McConnell served as president of the College of Charleston after serving as lieutenant governor of South Carolina.²⁴ When former New Mexico Attorney General Hector Balderas completed his second term in office on December 31, 2022, he assumed the presidency of Northern New Mexico College.²⁵ With no prior academic experience, Balderas had a distinguished career in public service that included two terms as the New Mexico State auditor, more than two years in the New Mexico House of Representatives and service as an assistant district attorney for Bernalillo County.²⁶

Many New York Higher Education Lawyer Leaders Tout Prior Government Experience

It should not come as a surprise that many New York public and private colleges and universities have selected lawyers, and specifically lawyers with government experience, to lead campuses. The examples below, while not capturing every lawyer president with government law experience to ever serve a New York institution of higher education, is meant to provide illustrative evidence of the desirability of this background for campus leaders.

Experience in the Nation's Capital

In July 2022, Mark Gearan rejoined Hobart and William Smith Colleges as the 30th president of Hobart and the 19th president of William Smith College. For 18 years from 1999-2017. Gearan william Smith Colleges for 18 years from 1999-2017. Gearan served as director of the Peace Corps, having been appointed to that post by President Bill Clinton in 1995. During his successful tenure at the Peace Corps, he was credited with igniting more interest in the volunteer service, growing the corps from 6,700 volunteers to 10,000 volunteers, improving management operations, and strengthening the agency's ties to thousands of former volunteers.

Corps, Gearan held a variety of positions in government including White House communications director and White House deputy chief of staff for President Clinton.³¹ Gearan is a veteran of the political campaign trail, serving as the vice president campaign manager for the 1992 Clinton/Gore campaign and as headquarters press secretary for Michael Dukakis's 1988 presidential campaign. Gearan worked on the Hill as chief of staff for Representative Berkley Bell of Iowa, and he was an intern for Congressman Robert Drinan, S.J.³² President Gearan also served as executive director of the Democratic Governors Association between 1989 and 1992.³³

Karol Mason was appointed as the first woman and first minority president of John Jay College of Criminal Justice in 2017;³⁴ she brought her government lawyer experience to the office. Following a clerkship and becoming a partner at Alston & Bird, Mason was appointed deputy associate attorney general in 2009.³⁵ At the U.S. Department of Justice she oversaw the Office of Justice Programs, the Office of Violence Against Women, the Office of Community Oriented Policing Services, Community Relations Services, and the Tax Division.³⁶ She oversaw an annual budget of more than \$4 billion dedicated to supporting state, local, and tribal criminal justice agencies; an array of juvenile justice programs; a wide range of research, evaluation, and statistical efforts; and comprehensive services for crime victims.³⁷ She also led and managed a workforce of approximately 1,275 people, of which 720 were federal employees, and the remainder were contractors and fellows.³⁸

The current president of Pace University, Marvin Krislov, clerked for Judge Marilyn Hall Patel of the U.S. District Court for the Northern District of California in San Francisco. He then found a career in government for 10 years at the U.S. Attorney's Office, the Department of Justice (where he focused on Civil Rights), associate counsel for the White House, and then acting solicitor and deputy solicitor for national operations at the U.S. Department of Labor. Prior to joining Pace University, Krislov was president of Oberlin College.

When Jamienne Studley was appointed as the sixth president of Skidmore College in 1999, she had previously served as acting general counsel to the U.S. Department of Education.³⁹ Among the positions in education Studley has maintained following her tenure at Skidmore are: chair of NACIQI (USDOE), deputy undersecretary at the USDOE, and CEO of the Western Senior College and University Commission.⁴⁰

Prior to his appointment as president of the University at Albany, H. Patrick Swygert worked in Washington, D.C. for Rep. Charles Rangel.⁴¹ He joined Temple Uni-

versity Law School, where he taught and served as acting dean before leaving to work as counsel to the U.S. Civil Service Commission. 42 Swygert clerked for Chief Judge William H. Hastie of the U.S. Court of Appeals for the Third Circuit, and he also served as a special assistant district attorney. 43 Swygert left New York to become president of Howard University. 44

New York State-Level Experience

James Baldwin was first appointed acting president, and then later as the third president of Excelsior College. ⁴⁵ Prior to that he was executive vice president of the college. ⁴⁶ Prior to joining Excelsior College, Baldwin worked in state government as executive deputy secretary of state, and as chief of staff and acting deputy commissioner for higher education in the New York State Education Department. Baldwin also was the CEO and district superintendent for Questar III BOCES. ⁴⁷

Current SUNY Chancellor, lawyer John B. King, Jr., has experience in both state (New York) and federal government prior to assuming the top position at SUNY in December 2022. 48 From 2011 to 2015, Chancellor King served as the first African American and Puerto Rican education commissioner for the State of New York. 49 He left New York in 2015 to become deputy secretary of education in the Obama administration, and a year later was appointed as the U.S. Secretary of Education. 50 King attempted an unsuccessful primary bid for governor of Maryland before joining SUNY. 51

Prior to assuming the presidency of Hartwick College in August 2022, Darren Reisberg had, among other things, served as the governor-appointed chair of the Illinois State Board of Education, which is responsible for overseeing policy for over 850 school districts.⁵²

George M. Philip, the second lawyer president at the University at Albany, assumed the role in 2009 after having served as interim president since 2007.⁵³ Prior to his appointment, Philip was the executive director of the New York State Teachers' Retirement System.⁵⁴

Local Government Experience

When Joanie Mahoney was appointed as the fifth president of SUNY's College of Environmental Science and Forestry (ESF) in November 2020, she became the first woman to lead the college.⁵⁵ Mahoney served as an assistant district attorney in the Onondaga County District Attorney's Office and immediately prior to joining ESF, Mahoney served on the Syracuse Common Council (2000-2002) and as the Onondaga County Executive for 11 years (where she was also the first woman to hold that position).⁵⁶ She also serves as chairperson of the New York

State Thruway Authority, and was a trustee of the New York Power Authority.⁵⁷

The long-serving president of Hunter College, Jennifer Raab, who recently announced her retirement at the end of the academic year in June 2023,⁵⁸ served as chair of the New York City Landmarks Commission from 1994 to 2001 prior to joining the CUNY school.⁵⁹ Like a growing number of lawyer presidents, Raab did not have employment experience in higher education prior to her appointment. In addition to her government experience, Raab was a litigator at two highly respected New York City law firms—Cravath, Swaine & Moore, and Paul, Weiss, Rifkind, Wharton & Garrison.⁶⁰

What Is It About Government Experience That Prepares Lawyers To Lead?

While lawyers may enter public service at different times in their careers, as well as at different points of entry and levels of government, successful government lawyers possess basic leadership qualities, traits, and experiences that transfer well into the higher education space. For example, government lawyers must often confront media headlines and crises which require strategic, thoughtful, and appropriate responses in a relatively short amount of time. So too, the college president must be prepared for the unexpected. Recent higher education headlines about admissions scandals, ⁶¹ historical ties to slavery, ⁶² allegations of racism, ⁶³ rising incidents of antisemitism, ⁶⁴ clashes over free speech and hate speech, ⁶⁵ concerns over campus safety, ⁶⁶ and other improprieties, must all be swiftly addressed by the campus leader.

Additionally, just as government officials must provide answers and information to the public, college presidents must be excellent timely communicators for their constituents—a body that includes students, faculty, staff, alumni, parents, and donors, as well as the general public. Attorneys are trained in oral advocacy and communication skills from the very start of law school, and they hone these skills throughout their careers. In both government and higher education, the most important communications statements are typically vetted by attorneys who review them for accuracy, truthfulness, and potential unintended consequences. This training and innate awareness on the part of the lawyer president can make all the difference when managing crisis communications, especially in situations that can have positive or negative long-term ramifications for the institution.

With a reputation for being creative problem-solvers, government lawyers often operate in the space of the unknown. They learn to draw on precedent, consider multi-level potential, consider positive and negative rami-

fications, and abide by the rule of law when making recommendations and decisions. Their analytical skills play a key role in their successes. Likewise, campus presidents must be able to view unexpected challenges critically through multiple lenses, and to quickly make informed and reasoned decisions based on full analysis of facts and data.

Effective government lawyers also possess excellent management skills, as they often supervise direct reports and teams. To accomplish tasks within short timeframes, they must possess excellent interpersonal skills and be able to motivate their colleagues. Similarly, campus presidents manage direct reports and must handle delicate relationships with faculty and boards, as well as with students, staff, donors, and community leaders.

Lawyers who work in government must perfect the art of compromise. Rarely is the original draft of a piece of legislation or proposed rulemaking the same as the version that gets adopted, thanks to input—both solicited and not—from a wide variety of stakeholders who often disagree. College presidents experience something similar. They must work with various campus and community stakeholders to develop and refine policies and procedures that will appeal to all parts of the campus community. While peaceful protests are expected in halls of statehouses, peaceful protests on campus are more apt to make the national news. Knowing when and how to compromise is an essential leadership skill.

Simply understanding how government works is of great value to campus leaders. After all, they must navigate the world of public funding at all levels of government to successfully deliver needed resources to their schools for capital and programmatic priorities. Yet, equally if not even more important, is their ability to advocate for the individual campus's role in the higher education space. Public policy and public budget decisions can have a tremendous impact on the sustainable health of individual institutions and on higher education in general. Presidents with government backgrounds may have an advantage when developing strategies targeted at the policy and public sectors.

Given the similarities in general leadership skills required for both government lawyers and for campus presidents, the fact that many of the lawyers appointed to the presidency have government experience is not a surprise. For example, former Hawaii Attorney General David M. Louie, in writing about leadership in the public service, reflected on his experience as a newly appointed attorney general. For He commented on how he quickly had to be proficient in many areas of law as he also became, "the chief executive for the largest law firm in the state, with 185 deputies, 750 employees and a \$70 million annual

budget."⁶⁸ He posited, "[w]hile there are many similarities and common themes about leadership in all sectors, government institutions in the United States are markedly different from private business institutions in terms of motivations, politics, processes, constituencies, special interests and being affected by the media."⁶⁹

Public sector leaders are quite often evaluated on what appears to be ambiguous scales, when it comes to whether they are "doing the right thing" or representing their constituents correctly on a host of issues for which they may have responsibility. This varies greatly from the private sector—where most large businesses today are driven by the dictates of the market and their stock prices, which place a premium on short-term metrics like quarterly earnings and profits. Business leaders must justify their decision making through the lens of profitability. The same transfer of the same trans

Governments, however, must pay attention to money and balanced budgets, the functions undertaken by government being varied and complex so that making money is not the main factor.⁷³ Policy issues, political initiatives, regulations, and social problems that affect the public and different constituencies are important factors that leaders must understand and navigate."⁷⁴ In speaking about this topic, Louie further notes, "[g]overnment institutions are ultimately subject to politics and democracy, a process that requires the consent of the governed in regular elections. Most business institutions are governed by owners, either directly or through corporate elections and boards of directors, but they are not subject to the same type of political processes that affect government."⁷⁵

In the press announcements about the appointment of former government lawyers to lead the campus, many of the traits discussed in this chapter were specifically mentioned. For example, the University of Maine System Board of Trustees chair commented about Dannell Malloy, "[a]s governor he delivered reforms and structural changes to state government that were not always popular, and certainly not expedient, but that advanced the long-term interest of his state and its citizens." This was followed by a statement from the chancellor that acknowledged the system needed a president who could address needed reforms, as he said, "[t]he Strategic Priorities the Board adopted . . . and the selection of Dan Malloy as our next chancellor are clear indications of the Board's resolve to expedite our One University reforms."

Conclusion

Lawyers who possess experience in the public sector gain important insights and develop and/or strengthen key leadership skills that are transferrable not only to other types of work in the legal profession, but which are desirable and translatable skills for those who choose to pursue a pathway in higher education leadership. While some high profile former elected officials have been appointed as college and university presidents, the vast majority of lawyers who are serving or have served as campus presidents have experienced government as appointed staff at the local, state or federal levels, and in all three branches. Indeed some government lawyers move right into a presidency from public service, but many pursue career opportunities in academia or higher education administration to gain additional experience before seeking to lead the campus. Other lawyers find a pathway into a career in higher education leadership by first serving as a volunteer on college and university boards of trustees. The points of entry are varied but they each offer opportunities for government lawyers to use their knowledge and skills for a higher calling in another arena.

Patricia E. Salkin, PhD, is senior vice president for academic affairs and provost of the Graduate and Professional Divisions of Touro University as well as a professor of law. She is the former dean of the Jacob D. Fuchsberg Law Center of Touro University and prior to that served as associate dean and director of the Government Law Center of Albany Law School, where she was the Raymond & Ella Smith Distinguished Professor of Law. Salkin is a past chair of the Municipal Law Section and a founding member and past chair of the NYSBA Committee on Attorneys in Public Service.

Parts of this article are excerpted from the author's book, *May It Please the Campus: Lawyers Leading Higher Education* (Touro University Press, Dec. 2022), and her article, "Why Government Lawyers Are Appealing Candidates for College and University Presidencies," *State and Local Law News*, vol. 43. No. 3 at 8 (Spring 2020). For additional information about lawyers serving as college and university presidents visit: https://LawyersLeadingHigherEd.com.

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