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Neil Fulton

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Ten Questions for Unconventional Dean Candidates

NEIL FULTON*

Entering a decanal search is a daunting prospect. Any candidate, facing a long process to get a hard job, should ask themselves some key questions before undertaking the process.

This is particularly so for "unconventional" candidates. By that, I mean any candidate not moving from tenured faculty or law school administration to a deanship. There is tremendous diversity among a group defined exclusively by what they are not (current law faculty or administration) as opposed to what they are (any variety of other legal professional backgrounds). But, as an unconventional candidate, both the search process and the job of being a dean hold different challenges. An unconventional candidate does not start as a member of the legal academic community. It is fair to say that they do not "know what they are getting into" in the same way as traditional candidates. They, therefore, face threshold questions that are a little more numerous and pressing.

Thinking back on my experience as an unconventional decanal candidate,⁴ there are questions that I believe candidates must ask before tossing their hat into the decanal search ring. Conveniently, those questions fit into a top ten list.⁵

^{*} Neil Fulton is the 14th Dean of University of South Dakota School of Law. Prior to becoming dean, he was in private practice, chief of staff to Governor M. Michael Rounds, and Federal Public Defender for North and South Dakota. The author wishes to think everyone who advised him as an unconventional dean candidate and particularly his wife Molly who was the most patient sounding board and confidant imaginable.

^{1.} Peter Keane, *Interloper in the Fields of Academe*, 35 U. Tol. L. REV. 119 (2003); *See e.g.*, John D. Hutson, From *Admiral to Dean*, 35 U. Tol. L. REV. 101 (2003) (noting he is a non-traditional dean as he became dean following retirement from the Navy).

^{2.} See, e.g., Willis Whichard, From a Warm Bench to Hot Seat: The Transition from Judging to Deaning, 36 U. Tol. L. REV. 221, 222-23 (2004) (noting both the ability to "work[] on one case at a time until it is finished" as an appellate judge, "an amenity not permitted to the law school dean" and that "most of an appellate judge's work is performed behind closed doors" while "most of the dean's work . . . takes place in the open"); Hutson, supra note 1, at 107 (noting from experience as a former Navy JAG officer that "[a] commander is given the authority and responsibility to lead" but "[a] dean isn't given the same clear authority" as "authority and responsibility are often separated"); Peter Keane, supra note 1, at 122 (claiming that "[t]he job of a law professor is the worst possible training ground for being a dean").

^{3.} See Keane, supra note 1, at 119; See also Whichard, supra note 2, at 221.

^{4.} My background had been private practice, state government service, and indigent defense. I had no connection to the legal academy when I applied to be dean.

^{5.} A "top ten" has been good enough for great thinkers like Moses, David Letterman, and in the context of decanal literature R. Lawrence Dessem. *See*, e.g., R. Lawrence Dessem, *Top Ten Reasons to Be a Law School Dean*, 33 U. Tol. L. Rev. 19 (2001) [hereinafter Dessem, Top Ten]; R. Lawrence

1. Are you sure?

72

Make sure you want the job before you apply. Maybe that question seems obvious, but there may be any number of people or reasons pushing you to consider applying to be dean beyond burning desire. These can include prestige, outside pressure (particularly from "political" actors in the judiciary and bar leadership), a sense of obligation (particularly to an alma mater), doing something different, and the like. It is easier than one might initially think to become an accidental or uncommitted decanal candidate. This is particularly true as an unconventional candidate when there may be a push for "an outsider" or "a fresh set of eyes" for your school.

But make no mistake, if you are going to enter a dean search, you must want to be the chief operations officer of a law school.⁸ That is the job. It comes with a wealth of opportunities and rewards, but also a host of challenges and headaches. Make sure that in the pit of your stomach you want both before entering a search. Finding the off-ramp can get increasingly harder once the search begins. Ask yourself (and some people who care about you and know you well) "do I really want to do this?" Ask one final time before hitting "send" on your application.

2. WHY?

Any decanal candidate should ask themselves this question. It is uniquely important for unconventional candidates.

Applying for a deanship may be viewed as simply the next career step for law professors or law school administrators. They are already engaged in scholarship, teaching, and law school and university governance to a significant degree, depending on the size and structure of their institution. So asking "why" be a dean may be as simple as "because that's what's next" for them.

For outside candidates, these are all new and somewhat foreign things. Unconventional candidates may have some teaching, scholarship, or

Dessem, *Ten Things Deans Can Do with Students*, 35 U. Tol. L. Rev. 45 (2003) [hereinafter Dessem, Do with Students]; R. Lawrence Dessem, *Maybe Deaning is Not for You*, 39 U. Tol. L. Rev. 261 (2008) [hereinafter [Dessem, Deaning Not for You].

^{6.} See Dessem, Deaning Not for You, supra note 5, at 268 (explaining candidates should consider their "interests, temperament, and personal goals" along with "alternatives to deaning").

^{7.} See Dessem, Top Ten, supra note 5, at 19.

^{8.} Or CEO. Depending on the size, structure, and needs of your school it may be either or both of those. My predecessor, Tom Geu, and I have debated this question among ourselves. *See* Thomas Geu, *The Law School Dean Game: "What's it Like to Be a Law School Dean?"*, 50 U. Tol. L. Rev. 281, 284, 295 (2019). The point is, the job you are considering is running a law school—nothing less, perhaps nothing more.

^{9.} See George W. Prigge, Just What Does a Dean Do - The Collective Wisdom of Many Law Deans, 39 U. Tol. L. Rev. 361, 363 (2008).

^{10.} See id. at 362.

administrative experience, but the transition to a deanship will be much less linear than it is for more traditional candidates.

Being able to answer why you want to be a dean in compelling fashion is critical for an unconventional candidate. It needs to be clear to you and everyone you encounter in the search why you want to do the job. If not, you will not be a successful candidate, or, even worse, you will get the job but not be fully prepared to undertake the work.

Before entering a decanal search ask yourself why you want the job.¹¹ Recognize that you will need to explain "why" succinctly and powerfully to a variety of law school constituencies who will want different things from you.¹² A successful dean must be able to hear, balance, and respond to all the demands on the school in a way that preserves relationships with these constituents—even when saying no.¹³ Doing that requires clarity of purpose, which is your "why" as dean. So, once you confirm that you want the job, think long and hard about why, and then continue to refine that purpose and your ability to articulate it.

3. Do you know who we are?

As an unconventional candidate your understanding of the legal academy, to the degree it exists, is not as deep as a traditional candidate. There will be large gaps in your knowledge of vocabulary and culture. You will very much be like a visitor to a foreign land where you do not speak the language and lack meaningful relationships in the local population. Like any tourist, this may be more apparent to the locals than it is to you. The risk of unintentionally transgressing social mores of which you are unaware is heightened and can be fatal to your candidacy.

It is imperative that you take the time to try and understand the legal academy generally, the institution you are applying to specifically, and that you demonstrate a genuine interest in hearing how the people at that institution view themselves.¹⁷ As dean, you are inevitably the public face of your institution for most people.¹⁸ You will be the advocate, cheerleader,

^{11.} See Dessem, Top Ten, supra note 5, at 19.

^{12.} See generally Prigge, supra note 9, at 362, 364-66 (describing the different, often competing, demands of the various constituencies most law school deans face).

^{13.} See id. at 367.

^{14.} See, e.g., id. at 362 (noting that while some deans have non-traditional backgrounds, most have been a faculty member and as such are already familiar with the faculty constituency).

^{15.} See, e.g., id.

^{16.} See id.

^{17.} See E. Thomas Sullivan, Decanal Leadership: Managing Relationships, 31 U. Tol. L. Rev. 749, 750 (2000); see also Dessem, Deaning Not for You, supra note 5, at 262.

^{18.} Jeffrey O'Connell & Thomas E. O'Connell, *The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual*, 29 EMORY L.J. 605, 605-06 (1980).

chief marketer, and public defender of your institution's identity and values.¹⁹ It is therefore critical that you know how your institution sees itself. What does the faculty think is unique about the school? What are students looking for and what do they think makes their school appealing? How do alumni see the school?

As you begin a search, and continually throughout it, you need to do increasingly more intense homework to know how these groups define the identity of the school. Additionally, you need to be genuinely curious. Insincere "interest" will be obvious and worse than honest ignorance. This is particularly true for unconventional candidates who lack the base knowledge of a traditional candidate to draw on for general answers to recurring questions and who may face heightened skepticism.

Inevitably, you will know some people in the legal academy. Hopefully you know people at the institution to which you are applying. Talk to them about the structure, outlook, and operation of the legal academy generally and the school you are applying to specifically. In my personal experience, current deans are a supportive and encouraging group, so reach out to them with questions. Work to learn how the community you are trying to enter sees itself; doing so before you enter a search is best, but learning this during your search is absolutely necessary.

4. What is so special about you?

It can become easy to think that as an unconventional candidate you are somehow flawed or less "good" than a traditional candidate. The reality is that you are just different, however. It is also a reality that you bring strengths to the search that traditional candidates do not. Identify what those strengths are and think about how they align with your school's needs and opportunities. Are you an experienced practitioner? That may give you a leg up in boosting experiential offerings. Have you worked in government relations or in a legislative process? At a public university this can be not only an invaluable contact for the law school, but also the larger university. Have you been visible and active in bar activities? This can improve your school's profile with employers and help bridge gaps between your school and the practice community.

These examples are strengths of practical experience, but you will have general personality traits that are strengths, too. You may have high emotional intelligence. Systems thinking and organization may come readily to you. Perhaps you have boundless energy and curiosity. It is doubtless that you have many personality strengths. Take the time to specifically identify

74

^{19.} See Prigge, supra note 9, at 363, 368.

^{20.} See Dessem, Deaning Not for You, supra note 5, at 263.

what they are, and engage a rough ranking of them. You will then be able to consider how your general traits and experience operate to your advantage, and by extension the advantage of your school, in particular ways.²¹

You will constantly be selling yourself during a decanal search. Think about what you have to sell before you enter the process.²² If you do, you will provide a compelling sales pitch about who you are, what makes you unique, and how you fit into a successful future for the law school you are applying to.

5. WHAT IS YOUR PROBLEM?

Just like everyone has strengths as a candidate, everyone has weaknesses. That is a reality—there are no perfect candidates. After accepting that reality, the hard work as you enter a search is to identify your personal weaknesses.²³ These will be both your "general" weaknesses and ones that are particular to the search you are entering.

Each of us has personal traits and experiences, or lack of experience, which are problematic in a variety of settings. If you have not taken a personality survey or leadership profile, that is an excellent investment of time and energy as you discern an application. That information will give you a better picture of yourself and how you will need to improve to be an effective dean. Talk to friends and mentors, both professional and personal, about what parts of your personality are problematic or weak. Being a dean requires your full range of skills, so you need to evaluate yourself comprehensively to see which skills may be wanting.²⁴

Once you have done a general assessment of yourself, it is crucial to look at yourself in the context of the institution you are applying to.²⁵ Your personality or experience may be particularly problematic in light of the structure or issues of that institution.²⁶ General traits will manifest differently through that particular lens, so make sure to work from the general down to the specific.

Remember, no decanal candidate is perfect. You are not alone. But, the best candidates will think carefully about their own weaknesses, consider how those weaknesses play out for the school, and formulate a plan to

^{21.} See Blake D. Morant, Reflections of a Novice: Four Tenets for a New Dean, 40 U. Tol. L. Rev. 385, 391-92 (2009).

^{22.} See id. at 391 ("The dean should be continually reflective and appreciate the personal strengths and weaknesses that she brings to the job.").

^{23.} See id. at 391-92.

^{24.} See id.

^{25.} See Dessem, Deaning Not for You, supra note 5, at 261-62.

^{26.} See id

ameliorate that combination.²⁷ Do so at the start of the decanal search process.

6. IS IT THE RIGHT TIME AND PLACE?

76

Even the most talented among us is not the answer to every question. To succeed as a dean, you need to be the right person, in the right place, at the right time.²⁸

The challenges and opportunities facing any institution will be unique to that school at that time.²⁹ There will be times when an unconventional candidate is exactly what the school wants and needs.³⁰ There will be times where it is most certainly not.³¹

A school may align with your skills and vision at the time you apply.³² But the same school may not be a match for you at a different time.³³ You need to carefully evaluate the institution you are considering to decide if you believe that you can successfully work together at that time.³⁴ If you do not believe that, you should not apply.

If you do not fit with the time and place of the school you are considering, you likely will not make it through the search.³⁵ If you somehow do make it through the search, you are almost certainly relegating yourself to an unsuccessful, or at least exceptionally difficult, deanship.

"Fit" is critical for any decanal candidate.³⁶ It can be particularly makeor-break for unconventional candidates, because their "outsider" status can make fitting in less comfortable or easy (at least initially). Many unconventional deans are at their alma mater or a school in a geographic area in which they have worked, providing a more built in connection.³⁷ But not all fit that profile. What is important is that you have a meaningful connection or way to connect with the place and people.³⁸ Are you someone who can thrive in the culture of that institution and that community? Is it a place that

^{27.} See generally Morant, supra note 21, at 391-92 ("Knowledge of one's own strengths and weaknesses encourages a more individualized perspective on problem-solving, assists in developing effective strategies for leadership, and keeps a new dean grounded.").

^{28.} Dessem, Deaning Not for You, supra note 5, at 261.

^{29.} Id. at 262.

^{30.} Id. at 261-62.

^{31.} See id.

^{32.} See id. at 262.

^{33.} Dessem, Deaning Not for You, supra note 5, at 262.

^{34.} See id. at 261-62.

^{35.} Id. at 262.

^{36.} Id. at 261.

^{37.} See, e.g., Whichard, supra note 2, at 221 (noting that a retired North Carolina Supreme Court judge accepted position as dean of Campbell Law school in Raleigh and one hour from his house).

^{38.} See generally Prigge, supra note 9, at 364-65, 367 (explaining the importance of building relationships with the various constituents).

you will be comfortable living? Is it a place that will be comfortable with you? If the fit feels wrong, be willing to say "no."

It is also important to ask if this is the right time for you personally.³⁹ Whatever you are doing professionally at the time you apply, you will be making a significant break from that to become dean.⁴⁰ Make sure that you are at a time in your life personally and professionally to make this change.⁴¹ More importantly, make sure that you are at a time in your life where you are choosing to move towards being a dean, not just choosing to move away from what you are doing. Entering a dean search is not a good solution to an unhappy professional situation or stalled career. Sometimes lawyers say they will "retire and teach" or step into the "easier" life of the academy.⁴² Wrong. There is no pot of easy gold at the end of the dean search rainbow. Make sure that you are moving towards being a dean and not moving away from something else.

7. IS YOUR CREW ON BOARD FOR THE VOYAGE?

Whoever is important in your life (spouse, partner, children, friends) will be part of the search process and deanship with you.⁴³ You must make sure up front that they are prepared and on board.

A dean search takes time.⁴⁴ That time may look quiet to people outside the search, but it will not be quiet for you. There will be considerable time spent updating your curriculum vitae, assembling supporting materials, securing references, drafting supporting statements, and participating in several rounds of interviews. As a nontraditional candidate this will take more time. Having never gone through an academic search process before, you will be building more of these items from scratch and starting from a smaller knowledge base.

I spent more than six months actively discerning and preparing for the dean search before I submitted my application. The entire process took more than a year before I was chosen and announced. While holding down my day job, I was reading everything I could get my hands on about the law school and the work of being a dean. I was talking to people who might have input

^{39.} Dessem, Deaning Not for You, supra note 5, at 261.

^{40.} See id. at 264.

^{41.} See id. at 261, 264

^{42.} See, e.g., Whichard, supra note 2, at 222 (explaining retirement preceded his becoming a law school dean).

^{43.} See Richard L. Aynes, Stone Soup: Thoughts on Balancing a Deanship and Family Life After Twelve Years as Dean, 39 U. Tol. L. REV. 221, 222 (2008).

^{44.} See Dessem, Deaning Not for You, supra note 5, at 262.

[Vol. 46]

on the search. I was identifying my vision, preparing my job talk, and running through interview questions. 45

The important people in your life will be important to your participation in a search, and it will be stressful for them too. Two stressful scenarios await at the end of the search: Failure or success. If you are not chosen in a search, you will be wrestling with not getting something you wanted and worked hard for. If you are the type of professional who seriously considers and pursues a decanal search, you are probably not the type who readily accepts failure. 46 Your family and friends will be there in the aftermath as you respond. It will affect them. But what if you succeed? Chances are high that you will be moving, uprooting your family, and trying to establish yourself in a new community. This will take place while you undertake a job that almost certainly places more demands on your time, energy, and emotions than most jobs you have previously held. If the people in your life are committed, they will be a tremendous resource for you and this challenge will be something you work through together.⁴⁷ Without that level of shared commitment, however, taking on a deanship can be something that ruins your personal relationships.⁴⁸ That is not a recipe for success or happiness. So, make sure that the people around you are prepared and engaged with what is coming before you begin.

8. What is your vision?

Developing a vision for an organization is inevitably a collaborative process involving everyone in and surrounding it.⁴⁹ At a law school, that will include university administration, faculty, staff, students, alumni, and the different governing and funding entities of your school, depending on whether it is a public or private institution.⁵⁰ The reality is that each of these groups must have input on your vision for the school.⁵¹ The reality is also that none of them will, nor can they, simply give you a vision for the school; you will have to assemble it.⁵² That is in no small part because these groups will often have very different and sometimes competing visions for the

^{45.} My wife had, graciously and patiently, asked me possible interview questions and helped critique my answers so many times that she jokingly said she would like to participate in an interview just to see how she would do. The exact number of times she ran through them fell somewhere between "fully prepared" and "justifiable homicide."

^{46.} See generally Dessem, Deaning Not for You, supra note 5, at 265 (claiming "[m]ost deans have 'Type A' personalities").

^{47.} See Aynes, supra note 43, at 229-231.

^{48.} *Id.* at 223.

^{49.} Morant, *supra* note 21, at 386.

^{50.} Id.

^{51.} *Id*.

^{52.} See id.

school. A burden and opportunity of being dean will be that you get to hear the preferences of each of these groups and try to assemble a coherent and sustainable vision for the school.⁵³

Your vision will evolve and change over time as the needs and opportunities of your institution evolve. Nonetheless, during the search you must have a vision for the school that you can forcefully articulate along with a vision of how you will involve all the interested parties in its evolution and implementation.

Although you do not work alone as dean, in the end, most constituents will look to you to articulate the direction of your school and the means to get there.⁵⁴ It will not do to simply say, "whatever you guys think." Instead, it is better to say, "I believe that these are our challenges, opportunities, and these are my initial thoughts of how to address them," and then ask for feedback and input. People look to the dean for leadership, not simply management.⁵⁵ At the heart of your leadership must be your vision for what the law school is and what it can become.⁵⁶

9. WHERE DOES THE TIME GO?

Are you going to teach? How will you raise funds? When do you plan to conduct classroom visits and professional development planning sessions with faculty? Are you attending the pro bono golf fundraiser? Can you speak at the local bar association? Do you plan to go to the homecoming football game, and can some important alumni sit with you? All of these are questions you will be asked shortly after becoming dean.

Your task list as dean includes everything. What you can accomplish as dean is less than everything.⁵⁷ So, the math problem reduces quickly to a finite supply of time divided by near infinite demands for time.⁵⁸ Every group will think that their demand on your time is the most important.⁵⁹ You will also feel like almost every demand is the most and least important at the same time. The good news is that you are sort of right—everything is important, but you decide what is most important to you.⁶⁰ If you do not choose what to do with your time and set priorities, events and people around you will impose

⁵³ *Id*

^{54.} See Dessem, Deaning Not for You, supra note 5, at 266.

^{55.} Sullivan, *supra* note 17, at 749; O'Connell & O'Connell, *supra* note 18, at 624.

^{56.} See Sullivan, supra note 17, at 749; John L. Carroll, Value-Based Deaning, 40 U. Tol. L. Rev. 327, 331 (2009).

^{57.} Dessem, Deaning Not for You, *supra* note 5, at 265.

^{58.} See Timothy J. Heinsz, Deaning Today: A Worthwhile Endeavor - If You Have the Time, 31 U. Tol. L. Rev. 615 (2000).

^{59.} See generally Prigge, supra note 9, at 362, 364-67 (describing the different, often competing, demands of the various constituencies most law school deans face).

^{60.} See Heinsz, supra note 58, at 617.

[Vol. 46]

priorities on you. Not choosing is the worst choice of all, as you will lose control and simply move from crisis to crisis.

Almost nothing is as important as how you will budget your time. This is particularly so for an unconventional candidate because many of the demands on your time will be new. You likely have not previously needed a block of time for scholarship; having time available to perform meaningful scholarship will be very different than your experience of drafting legal documents. Likewise, making time available for teaching will be a new concept. This is to say nothing of the new reality that you are probably on several university committees, have mentorship and supervision responsibilities for faculty, have the opportunity to mentor students, and are the primary contact point for alumni and fundraising efforts.⁶¹

There is no single or perfect balance. What is perfect and necessary, however, is that you have considered how you intend to balance your time, can explain how you do so, and why you think it is important to strike the balance that you do. Recognize again that within this allocation of time, you must leave time for yourself and for the people in your life. If you are not leaving time to be a healthy dean, you cannot be a successful dean.

10. DO YOU KNOW WHAT YOU DO NOT KNOW?

Any decanal candidate has a lot to learn. But this question is one of the most important technical questions for unconventional candidates to ask themselves. ⁶⁴ As an unconventional candidate you likely will not plug all the gaps in your knowledge during the search process. But, you can do two things. First, you can start to identify a lot of the gaps. By that, I mean you can start to identify the things you do not know and likely will not know through the search process itself. Beware, too, of the things you do not yet know that you do not know. They exist.

Second, you can acknowledge the things you do not yet know. Acknowledging holes, but outlining a plan to start identifying and filling them, will go a long way. It gives you a plan to enter the institution and likely plays better with a search committee than a know-it-all attitude.

It is important to try and ascertain as many of both the answers to "known unknowns" and the existence of "unknown unknowns" as you can during the

^{61.} See generally Prigge, supra note 9, at 363, 365, 368 (describing what deans do when dealing with the various constituencies).

^{62.} See Morant, supra note 21, at 392.

^{63.} See id.

^{64.} I believe the existential questions of "am I sure" and "why" as well of the relationship questions of "is my crew in for the voyage" are more fundamental prior to entering the search. See supra Part 1, 2, and 7. This question becomes predominant once that decision is made. Answers to it can then help inform your answers to other questions.

81

2020] TEN QUESTIONS

search process. Inevitably, some will escape you. However, working to close gaps steadily as you enter and participate in the search process will help you both as a candidate and in your first days as dean. That is particularly so because once you become dean there will be new challenges that, by definition, were not knowable during the search process. And, you will never again have the level of uninterrupted time to ponder these issues that you have during the search. Finding and working on closing as many gaps as possible during the search and in your first days as dean is therefore imperative.⁶⁵

EXTRA CREDIT: CAN YOU ENJOY THE PROCESS?

During the search that brought me to University of South Dakota School of Law my wife observed that I would not be the same at the end of it regardless of the outcome. The process of thinking critically about myself, my strengths and weaknesses, my values, and how I would try to lead in another context would stretch me and change me in an irreversible way. It did. And that was great, regardless of the outcome.

Ask yourself (maybe tell yourself): Can I step back from the search process just a little and truly enjoy it for the growth experience that it is? Hopefully, you answer "yes." Discerning if you want to be a decanal candidate and going through a search will push you to think, grow, and network in entirely new and exciting ways. If you are chosen, you will have a broad new work universe in which to apply your talents and develop new ones. If you are not chosen, you will nonetheless have developed new skills and sharpened your existing skills in ways that will make you better at whatever you are doing currently and whatever you choose to do next. Through a search you will meet fascinating people, learn a great deal about yourself, and form new intellectual interests and connections.

As much as I now enjoy and am enriched by being dean, the search process itself was formative and I enjoyed it immensely. If you can answer "yes" to the question of whether you can step back and enjoy the process, you will be a better and more fulfilled candidate regardless of the results.

CONCLUSION

The decision to be a decanal candidate is momentous and transformative. Perhaps, it is a bit like choosing to run for public office. It should not be undertaken lightly. The challenge of making that decision is more complex for an unconventional candidate. It is imperative to ask, deeply ponder, and

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11

^{65.} Dean Martin Brinkley of the University of North Carolina School of Law, a fellow "unconventional" dean, counseled me that nothing was more important than identifying and shoring up your holes as soon as possible lest they be exploited and render your deanship a failure before it starts. That is sound advice.

clearly answer these important questions in your mind before you begin. If your answers point you towards being a candidate, good for you and best of luck. You are going to be great.