Law Schools & Leadership in a VUCA World

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2000: *Bush v. Gore*

2001: Sept. 11/War on Terror

2002: Beltway Sniper Attacks/SARS/Homeland Security Act


2004: Facebook/Indian Ocean Tsunami/Abu Ghraib/Bush Re-elected

2005: Hurricanes Dennis, Katrina, Rita & Wilma/C.J. Roberts

2006: W. Va. Mine Disaster/Mumbai Bombings/Twitter
2007: Virginia Tech Massacre/Financial Aid Scandals/Subprime Mortgage Crisis

2008: Great Recession/Obama Elected

2009: H1N1 Swine Flu Pandemic/Sotomayor Appointed

2010: Haitian Earthquake/Deepwater Horizon/Obamacare

2011: Law School U.S. News Scandals/NY Times Article about Law School “Scams”/Class Actions Against Law Schools About Job Stats

2012: Hurricane Sandy/Sandy Hook Massacre/Aurora Theater Shooting/Arab Spring/Occupy Movement/Trayvon Martin

2013: Obama 2nd Term/Windsor/Boston Marathon Bombing
2014: Ebola/ISIS/Crimea Invasion/Michael Brown Murder

2015: Charleston Shooting/European Migrant Crisis/Obergefell

2016: Zika/Pulse Nightclub Massacre/Guns on Campus in Texas, Missouri, etc. /U.S. Presidential Election

2017: Hurricanes Harvey, Irma & Maria/Las Vegas Massacre/Three Law Schools Announce Closings/#MeToo Movement

2018: Parkland Massacre/U.S. Withdrawal from Iranian Nuclear Deal/GDPR

2019: Hong Kong Protests/Climate Change Walkout/Mueller Report/El Paso Walmart Shooting/Varsity Blues Scandal

Legal Education: Current Challenges and Threats

- COVID-19 pandemic
  - Challenges to our delivery model; price point; finances/expenses; curriculum; facilities; flexibility; and tech-savviness

- Structural racism
  - Challenges to the foundations of law/rule of law; curriculum; admissions and scholarship policies; student/faculty/staff/decanal demographics; pipelines (or lack thereof)

- Value proposition
  - Cost v. opportunity; keeping pace with change in society and the legal profession

- Pace of innovation
  - Fear of being first; accreditation standards; resources availability; faculty reluctance; loss or absence of junior faculty; institutional inertia
  - Other professions providing traditional legal services

- Financial status and model
- Continuing influence of U.S. News
- Castes
  - Valuing people and ideas based on status and rankings

- Licensure model
- Climate change
  - Programs disrupted due to hurricanes, floods, fires, etc.

- Wellness
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How much do you know about the situation?

**Complexity**

Many difficult-to-understand and interconnected variables make individuals feel overwhelmed and confused.

- Fuzzy
- Predictable

**Volatility**

The nature, speed, volume and magnitude of change is not predictable, causing consistent turbulence.

- Easily Understood
- Unpredictable

**Ambiguity**

Lack of clarity on the causes behind what’s happening leads to frustration and an abundance of “unknown unknowns”

- Fuzzy
- May be predicted

**Uncertainty**

Lack of predictability in issues and events make it difficult to see future outcomes or make decisions.

- May be understood
- Unpredictable

How well can you predict the outcome of your actions?
The COVID World: VUCA on Steroids
HOW WELL CAN YOU PREDICT THE OUTCOMES OF YOUR ACTIONS?

VOLATILE
Approaches
- Understand processes and ways of knowing in disciplines
- Experience resilience when process takes unexpected turns(s)
- Plan process in chunks while keeping in mind the bigger picture
- Apply ways to respond rapidly to change
- Experience resourcefulness in the face of unpredictability
- Become principled to anchor self
- Learn how to stay in the present
- See failure as feedback for improvement

UNCERTAIN
Approaches
- Become knowledgeable through persistent research
- Interpret information
- Examine assumptions and perspectives
- Be flexible and willing to change assumptions when faced with new knowledge
- Learn how to plan a range of approaches to learning and be willing to change when something does not seem to work
- Be clear about the outcomes or goals set
- Evaluate approaches while trying them (through metacognition strategies)

COMPLEX
Approaches
- Collaborate to network thinking around complexity
- Develop expertise in own learning
- Break down projects into manageable chunks
- Listen to other perspectives to reframe problems through other viewpoints
- Gain insight through fresh questions
- Invest self in creating good questions
- Be open to diverse approaches in collaborative work

AMBIGUOUS
Approaches
- Treat the situation like a science experiment
- Design pilots and prototypes and learn from them to inform future iterations
- Draw upon the cyclical nature of inquiry learning
- Seek out clear direction
- Help your team synchronise efforts
- Trust self and others
- Trust the process of learning

HOW MUCH DO YOU KNOW ABOUT YOUR SITUATION?
Leading Through VUCA

Be Direct in complex situations
Transparency in information communicated and received will gain mutual trust and collaborative efforts.

Be Understandable in ambiguous situations
Clarity in purpose, direction, and responsibilities will empower others.

Be Reliable in volatile situations
Follow through on what is said and agreed to will accelerate positive momentum.

Be Trustworthy in uncertain situations
Invest in people, keep teams engaged, involve partners, seek to understand, speak to be understood, act with respect always.

Philosophy | Values

© Jon Mertz, 2014
Lawyers Are Well-Positioned to Lead in a VUCA World

- Trained to ask hard questions, and to keep asking them.
- Trained to find the essence of the problem.
- Trained to use multiple perspectives to understand and solve problems.
- Trained to analyze and cope with fact gaps and ambiguity.
- Trained to meet deadlines.
- Trained to understand agreements and honor commitments.
- Trained to communicate clearly and concisely.
- Trained to be life-long learners.
Law School VUCA²

Values
Visualize

Understanding
Undaunted

Communication
Collaboration

Adaptability
Anticipation
Values & Visualizing the Future

- Living by core values before, during, and after a crisis
  - Ensure core values have been defined and are re-evaluated regularly
  - Align resources with values
  - During periods of turbulence, change the “how” but not the “what”
- Wellness as an institutional and personal value
- Thinking beyond the crisis
  - How do we position our schools and the legal profession for a post-pandemic world?
    - Proactive, not reactive
    - Avoid “hazard fixation”
  - Laser focus on strategic priorities
    - But, open to adjustments to thrive
  - Listening and inviting input
    - We need many perspectives and intelligences to solve tough issues

Ideas for Student Leadership Growth:

- Foundations for Practice
- Innovation Labs
- Student Focus Groups & Advisory Boards
- Student Members on Strategic Planning Committees
- Student Wellness Committees/Liaisons
Understanding & Undeterred

- Crisis can illuminate differences and similarities we typically ignore
- Diversity, Equity & Inclusion/Antiracism
- Grit and Growth Mindset
- Understanding the Change Curve
  - Modulating Change/Crisis or Change Fatigue

Ideas for Student Leadership Growth:
- RAs on Social Justice Research Projects
- Antiracism Components of Core Courses
- Student Members of Committees Leading Antiracism Audits
- Concentrations or Interdisciplinary Certificates in Critical Race & Gender Studies or DEI
- Grit and Growth Mindset Training in the Curriculum
- Courses in Neuroscience & The Law
THE KÜBLER-ROSS CHANGE CURVE

Time

Morale and Confidence

Shock
Surprise or shock at the event

Denial
Disbelief; looking for evidence that it isn’t true

Frustration
Recognition that things are different; sometimes angry

Depression
Low mood; lacking in energy

Decision
Learning how to work in the new situation; feeling more positive

Integration
Changes integrated; a renewed individual

Create Alignment
Maximize Communication
Spark Motivation
Develop Capability
Share Knowledge

Initial engagement with a new situation
Communication & Collaboration

✧ Communicating clearly, frequently, and honestly
  ✧ Sharing the limits of your knowledge and authority
  ✧ Acknowledging information overload
✧ We can do more together
✧ Reach across disciplines (social work, public health, psychology, urban planning & public administration, business, etc.)

Ideas for Student Leadership Growth:
- Interdisciplinary Certificates
- Cross-Discipline Collaboration in Clinics
- Shared Classes (with other Law Schools)
- Emphasis on Civil Discourse (including speaking truth to power)
- Emphasis on Legal Writing & Legal Communication
- Team-Based Learning/Group Work
- Leadership Training for Student Leaders
- Mentor Programs
Adaptability & Anticipation

- Seeing opportunity in crisis: What works and what does not? What comes next?
  - Traditional Curriculum?
  - Traditional Grading?
  - Bar Examination?
  - 100% Residential Education?
  - 100% On-site Workforce?

- Integrating soft skills such as:
  - Anticipation
  - Life-long learning/curiosity
  - Emotional self-regulation/equanimit/ownership
  - Encouraging creativity

- Scrapping “Because that’s the way it’s done”

- Listening to the New Generation

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Ideas for Student Leadership Growth:

- Clinics and Externships
- Simulations (with fluid facts)
- Pilot & Pop-up Programs
- Pro Bono Programs/Opportunities
- More Leadership Development Courses
- More Courses and Programs in Innovation & Technology
- Leadership Programs via Zoom Summer Training “Success Network”
The greatest danger in times of turbulence is not the turbulence; it is to act with yesterday's logic.

— Peter Drucker
Selected Sources

✧ Am. Psychol. Assn., Leadership During a Pandemic (May 19, 2020) (YouTube; Sandra L. Shullman segment).


✧ Rajarshi Ghosh, Strategies in the VUCA World (available on SSRN).

✧ Dhiraj Jain, Leadership in the VUCA World – A Glimpse into a Few Learnings (available on SSRN)
Selected Sources


✧ vuca-world.org