



Day 1 • Session 1

Reflections on the Challenges Facing Legal Education

Law schools, now more than ever, need to prepare their students to be active, engaged, ethical leaders and difference-makers from the moment they graduate. This session addresses current issues as well as future opportunities for law schools as they strive to achieve this goal.

Darby Dickerson

Dean and Professor of Law at UIC John Marshall Law School, President of the Association of American Law Schools

Leadership Lessons from the Challenges of 2020

This session explores the leadership challenges that arose in the wake of the 2020 COVID-19 pandemic and the widespread protests following the killing of an unarmed Black man, George Floyd. Lawyers have been key players in both crises, as politicians, general counsel, and leaders of protest movements, law firms, bar associations, and law enforcement agencies. Their successes and failures hold broader lessons for the profession generally.

Deborah L. Rhode

Ernest W. McFarland Professor of Law at Stanford Law School, director of the Stanford Center on the Legal Profession, and director of Stanford's Program in Law and Social Entrepreneurship.

Leah Teague: With that, let me begin our sessions by introducing our first two incredible speakers. It is my honor and it's our privilege to introduce two individuals that in legal education really need no introduction. They are both individuals who are among the most influential people in legal education, without a doubt. Dean Darby Dickerson is the Dean of the UIC John Marshall Law School, and she is currently [00:00:30] serving as the President of the Association of American Law Schools. With the heavy demands on her time, we just feel so fortunate that Dean Dickerson is able to join us, and she'll be sharing her thoughts on the challenges that are facing the legal profession. My admiration for Dean Dickerson began

during her time in Texas, and so I have long been an admirer, and my respect for her dedication to the legal profession and to our law students grows just exponentially each time I [00:01:00] have a new encounter with her. So, we greatly appreciate her service to our profession and her time with us today.

Dean Dickerson will be followed by Deborah Rhode. Deborah Rhode is the Ernest W. McFarland Professor of Law at Stanford Law School, but that is only one of her many titles and accolades. There are even awards that are given out every year, and they're named after her. She is just an amazing individual. And before I had the privilege of working with her to create [00:01:30] the AALS Section on Leadership, I certainly knew of her for her many endeavors. She's been a strong voice, a leading voice in areas of promoting pro bono service, ethics, equal justice initiatives within the legal education. So we all know of her and appreciate just her creativity, her tenacity, and her dedication to making this profession better.

Her presentation today is based [00:02:00] upon an article that she has written for publication in the special leadership issue of the Baylor Law Review. It will be published, as Stephen indicated, as part of this special symposium. But a draft of her paper is available to you today as a link through the schedule on our website. So with that, Dean Dickerson and Professor Rhode, I invite you to share your remarks, and then we'll be followed by a Q&A session.

Darby Dickerson: [00:02:30] Good afternoon, everyone. It's great to be here with you today. I want to start by thanking Baylor Law School for hosting this conference, for the Section on Leadership for being a part of this. Leah and Stephen, thank you for inviting me and for all the work you and your team have put into this. I know how important it is to thank the sponsors, so sponsors, thank you very much. This is an important discussion to have. And thanks to everyone participating, because this is a discussion we need to have. What I'd like to spend a few minutes discussing with you today [00:03:00] is law schools and leadership in a VUCA world.

I was appointed Associate Dean at Stetson Law in 2000, and ever since then I've had the word "dean" as part of my title. And as I was starting to think about this presentation and what I wanted to talk about, I started thinking back about everything that's happened in the legal academy, at my own law schools, [00:03:30] in the United States, and around the world, things that had impacted many times how I've had to react as an individual and as a dean on behalf of my law school, things that have impacted my campus community and the legal profession. You got to see some of those fly by you and see how many things there have been. And these are just a few from each of those 20 years.

And then [00:04:00] I started thinking, you know, even those major events don't really capture what we deal about on a daily basis on our local campuses, so I thought of another list, of many of the challenges that I've had to face as a dean and I know that many other deans have to face. These are more the day in and day out challenges. Probably many of you are sitting there shaking your head, thinking, yep, [00:04:30] I've had to deal with a lot of those as well, as part of my job at a law school.

And then I turned to the question I was actually asked to address, which are what are some of the current challenges and threats facing legal education today? Let me start by saying that I think that our field is strong. It's as strong as it's been in the last decade, as we have come out of the last Great Recession, [00:05:00] but we still do have a wide variety of challenges and threats that we need to be aware of, think through, and address. First and foremost are the COVID-19 pandemic, which has really challenged and threatened almost everything about our existence. How we deliver our curriculum, the price point, is fully online worth the same as fully residential? We've had to expend a lot [00:05:30] of money, many of us, retrofitting our campuses. Some of us have suffered declines in enrollment or budget cuts because of state legislative funding models or university funding models and how much universities have lost through things like hospitals or dorms that trickle down to us.

What we're covering in the curriculum has been challenged. Our facilities, many of us aren't in our facilities right now, yet we're having to keep the lights [00:06:00] on, if you will, and some of us are having to pay mortgages. And also just how flexible and tech savvy we are. And structural racism. This really goes to challenge the foundations of law and the rule of law. Again, it challenges our curriculum, what we teach and how we teach it. Who we bring into our law schools and who we award our financial aid and scholarships to. Who we are, again, putting in positions of leadership, and are [00:06:30] we really making our best efforts to diversify the legal profession.

Some other challenges and trends that have been around for a longer period of time, the value proposition. Not only cost versus the opportunity that students have when they graduate versus the debt that they're accumulating, but just keeping up with the change in society and the legal profession. Are we training yesterday's lawyers or lawyers who are truly ready for tomorrow? The pace of [00:07:00] innovation has been criticized. Many law schools fear being the first to do anything. We do have accreditation standards, and even though they have been pared back and changed over recent years, many people still think that they hold back innovation.

Many of us, again, have to fight for resources. We don't have enough resources to do everything that we need to do, much less we want to do. There's often faculty reluctance to change, for a variety of reasons. [00:07:30] Because of the Great Recession, many law schools didn't hire new faculty bringing the more current experience from the profession and that new blood. And then there's the fact that our universities are really bureaucracies, so there's a lot of institutional inertia that we have to cut through. We're also threatened by other professions who are starting to cut into our work. I know what I did as a new lawyer in Dallas [00:08:00] would be very different than a new lawyer in Dallas is doing today, because most of what I did is done by AI or is being outsourced somewhere, and we have to keep that in mind.

I think we all know that there are financial status and model challenges. There's the continuing influence of US news, which challenges and threatens us in so many ways. One that you might not think about a lot is what I call castes. This is one of my three words from my presidential year, where the theme is the power [00:08:30] of words. I think a lot of times we reject really superior innovative ideas because of who says them. We value the elite, so if it's not an elite institution kicking it off, or someone who's a tenured full professor, often at an elite institution, we don't pay attention to it. We wait to see what the elite schools are going to do, and then follow them.

Our licensure model, which has [00:09:00] been under attack for many years, has really been challenged with the pandemic and the remote exams and the failure of that technology in many situations. Another one that, again, you might not tie to law schools, but it's climate change. I've been a dean in Florida, in Texas, and in Chicago, and in every one of them there have been the impact of climate change on the operation of my law school. All of the hurricanes in Florida. In Texas we had [00:09:30] dust storms and tornadoes and sometimes flash floods. And then in Chicago, among other things, we had a polar vortex that shut down our operations for several days. And then there's the challenge of law schools and the legal profession of wellness. So, that's something that we need to be thinking of, mental health issues, holistic training, [00:10:00] and more.

As I was thinking about all of these coming at us so quickly from so many directions, I thought that the concept of VUCA made a lot of sense. VUCA is an acronym drawn from the leadership theories of Warren Bennis and Burt Nanus of the University of Southern California. It was adopted in the 1990s by the US military to describe and respond to [00:10:30] the much more complicated post-Cold War world order. It's been applied as a strategic leadership theory in a variety of organizations and fields, and it really serves as a practical code for awareness and

preparedness for an organization to meet both current and future challenges.

VUCA stands for volatility, uncertainty, complexity, and ambiguity. This slide just gives you a graphic to [00:11:00] get this in your mind about what low versus high means in these four categories. Chopping up VUCA, taking it a little bit out of order, using VUCA you can tell on one axis, how predictable are the outcomes of your actions? If you take action A, do you know how it's going to turn out or not? And on the other axis, how much information do you know? Do you have enough information [00:11:30] that you're comfortable making the decision, or is there a lot of uncertainty and ambiguity and you just have to do the best you can?

And now we have COVID. We have the COVID world, meaning not only the pandemic but how this pandemic has changed the world. And that's what we as lawyers, as law professors, as leaders in higher education have to respond to. Not just the current pandemic but how the pandemic has changed [00:12:00] the world. And it's really VUCA on steroids. Every axis is just off the grid. Many in leadership theory have spent time thinking about how do we for each of the quadrants, what leadership approaches, what tactics and strategies can we use to make it through that challenge?

This slide, which I'm going to make my slides available, has some very specific techniques. But one I found that [00:12:30] really brought this home for me is the simpler one. Be direct in complex situations, be understandable in ambiguous situations, be reliable in volatile situations, and be trustworthy in uncertain situations. This really led me to believe that as lawyers, we are very well-positioned to be leaders in a VUCA world, because of our training. [00:13:00] I'm applying this broadly. Not every individual fits into this model, but the way we train students, the things we focus on, can get us to, again, having the high potential for leadership. We're trained to ask hard questions and to keep asking them, to be persistent.

We're trained to find the essence of the problem, to break it down into its subparts, take it apart and put it back together again. We're trained to use multiple perspectives. We're like, be [00:13:30] the plaintiff in this situation, you be the defendant, and then swap. And we're trained problem solvers, as Leah said in the introduction. We're trained to analyze and cope with fact gaps and ambiguity. That happens in every case that I'm aware of, whether it's on the litigation side or the transaction side. We're trained to meet deadlines and to understand the consequences if we don't. We're trained to understand agreements and honor commitments. We're trained to communicate clearly and concisely. [00:14:00] We're trained to be life-long learners.

Many of the leadership theorists who talk about VUCA then go on to use the VUCA acronym to come up with strategies, again, to deal with the corresponding VUCA graph. You meet a certain letter with the new words. And you know, I'm a lawyer, so I wanted to double it. This is VUCA-squared [00:14:30] for law schools. What leadership traits and characteristics can we focus on to navigate through volatility? I would say core values and visualizing the future. Uncertainty, I think we can meet that with understanding and being undaunted. Complexity, clear communication and collaboration. And meet ambiguity with adaptability [00:15:00] and anticipation.

Let me talk a little bit about the VUCA-squared for law schools, and also, in the charts I've put some ideas we could think about to advance student leadership growth in these letters. First, when we're in a volatile situation, I think it's important to come back to our core values. I remember early in the pandemic hearing Risa Goluboff of University of Virginia say [00:15:30] one of the first things she did was think about the core values of her institution and how to make sure they were continuing during this very challenging period. We need to have those core values, we need to reevaluate them, we need to make sure we're aligning the resources with the value. And when there's turbulence, we don't change them just to change them. Instead, we figure how we can continue to live by them, even though that might look [00:16:00] different than when we're in periods of calm.

I really cannot overemphasize how much I believe that institutions and individuals should have wellness as a personal value. If leaders aren't well themselves, if they don't take care of themselves, sustain themselves, they can't give back what they need to, particularly in times of crisis. And I think we really have to avoid hazard fixation. When I was in Lubbock, I took lessons to learn how to ride a motorcycle, and I was not [00:16:30] very good at it, and so I never bought a motorcycle. But one of my problems was I wanted to fixate on the object. And sure enough, when I looked at it too hard, what happened? I hid it. We've got to look beyond the crisis. Yes, we have to deal with the crisis when it's going on, but we can't forget to plan for after the crisis and figure out how we can maintain, again, an institution that reflects our core values.

In terms of ideas for student leadership and growth, I really think that the Institute [00:17:00] for Advancement of the American Legal System has done some great work, in terms of the foundation for practice surveys and publications. And making sure our faculty are aware of those, and integrating them and teaching students about the different values and skills and pieces of knowledge that students need to be successful as new lawyers is important. I also think that we should test out innovation labs, whether it's a class or an extracurricular activity, or even on a pop-up

basis. And I was really glad to see that a lot of law schools [00:17:30] are doing things like that. We need to involve our students in conversations about strategic planning and wellness, and whenever there is a crisis like the COVID pandemic and the fight against structural racism, as we create boards and advisory groups and committees, we need to make sure that we're including students in those processes.

In terms of meeting the uncertainty of a crisis, as we learned through this crisis, [00:18:00] crisis can really illuminate both differences and similarities. The digital divide, for example, has really become apparent. Who is really essential for our work and just making our lives... Sorry, I was distracted there for a minute. Making our lives function on a day-to-day basis is really something that has come to light here. We need to have more training in diversity equity inclusion. [00:18:30] We need to become anti-racist.

In terms of being undeterred, we need to have that resilience to meet the uncertainty. We need to be able to try things, test them out, and if it doesn't work, not get discouraged. What do we do? We try something else. We don't simply quit. So teaching our students about grit and growth mindset are incredibly important, and I'm glad to know that many schools are starting to integrate those concepts into the curriculum.

Some of the ideas [00:19:00] for student leadership growth include involving them in projects related to DEI and anti-racism, having concentrations that are interdisciplinary in nature and that focus on diversity initiatives, critical race and gender studies, integrating both neuroscience and grit and growth mindset concepts into our curriculum. One thing to remember, though, is the change [00:19:30] curve. We've got to modulate change, or our institutions and the people in them are going to suffer from fatigue. And when I saw this graph, I really thought, wow, this looks like what we've been going through with this pandemic, and it also looks like the model of dealing with grief, doesn't it? There's shock, denial, frustration, depression. Then we are starting to come out of it. We experiment, we try things, we see what works. We figure out how to [00:20:00] build on that, to tweak things. And then ultimately we take what works during the crisis and integrate it into life as we know it going forward.

In terms of meeting complexity, we need to communicate clearly, frequently, and honestly. We need to share the limits of our knowledge and our authority. I think a lot of students in particular, some faculty, think deans have power to do a lot more than we do, and if we're in a university, we're [00:20:30] middle management. We're in between. I like to think of that as the ambassador role. But we do have limits on our authority, and we need to acknowledge that.

We also need to acknowledge that as much as we need to communicate regularly, some people are going to tune us out, because of information flow. We need to think about how to reach those people who stop reading our emails every week and get them the information and support that they need. And we also need to collaborate. Again, to overcome complexity, you need a lot of brains. A lot [00:21:00] of brains are more important than one brain, so we need to reach across the disciplines. And we need to listen too to everyone, our students, our staff, people who because of this caste system we've set up in American legal education, sometimes their voices are not really a part of the conversation.

Leadership growth, again, interdisciplinary work, shared classes with other law schools. That's something that we could do more of, especially now that we're mastering Zoom. An [00:21:30] emphasis on civil discourse, but also teaching students how to speak truth to power respectfully. Sometimes we treat too much deference to those in positions of authority. Clear writing, clear communication, team-based work are all great ideas. In addition, more courses on law and leadership and more mentor programs.

And finally, the A. How do we fight through and meet ambiguity? By being adaptable [00:22:00] and being able to anticipate what's coming up next. These two A's really indicate that we need to see the opportunity in crisis. What worked, what didn't work during the crisis? And evaluate what was and wasn't working before, and what can we take from each meshed together and write our new chapter? In terms of law schools, we need to think about our curriculum. Our grading has now been called into question. Everyone in a heartbeat switched to pass-fail. [00:22:30] Why can't we do something like that on a different basis? Again, we've already talked about the licensing and the modality of offering classes.

In terms of skills we should be teaching, I really think anticipation is an undervalued skill, learning how to see those next steps, learning to be proactive and to take them instead of waiting to be told or just waiting to be completely reactive. And [00:23:00] of course, we need to scrap the phrase, "because that's the way it's always been done." We need to invite our students into the conversation.

In terms for the ideas for student leadership growth, the two I want to point out are simulations, but having fluid fact patterns. Sometimes we use these canned problems, but that's not the way it is in the real world. It's very fluid and ambiguous. We need to allow them to exercise these adaptability and anticipation muscles. And also, [00:23:30] pilot and pop-up programs. Again, showing your institution and the members of your institution that it's okay to experiment, to try things. Often the best way to get buy-in on something that's going to bring potentially great change is to

say, "Let's pilot and see if it works. We won't approve it forevermore. We will take it and look at it." And just to do things on a pop-up basis as well. For example, a pop-up clinic to help people suffering from different aspects of the pandemic.

And then I'll [00:24:00] leave you with a final quote from business guru Peter Drucker: "The greatest danger in times of turbulence is not the turbulence; it is to act with yesterday's logic." Again, a reminder that we need to invite in the different and new voices, not only of those who have been shut out from the academy or we haven't listened to, but most importantly our students, the new generation. So thank you very much for hearing my comments on law schools' leadership in a VUCA world.

Stephen Rispoli: [00:24:30] Thank you, Dean Dickerson. Now turning it over to Professor Rhode.

Deborah Rhode: You see my screen?

Stephen Rispoli: [00:25:00] Yes, we can.

Deborah Rhode: Alright, then. Thank you all so much for being here today, and let me also add an even more heartfelt thanks to Leah Teague, who is, as many of you know, not only the organizer of this conference but one of the founding mothers of the field of law and leadership. She was a person who recognized that it was time for the AALS to recognize the importance of this field, [00:25:30] and she prodded others, myself included, into joining her in helping that happen. She did a lot of the heavy lifting that made it possible. So we're all in her debt, and I'm grateful for this one public occasion to express our collective gratitude.

This conference, of course, could not have arrived at a more timely moment. At no time in recent history has the need for leadership education been [00:26:00] so apparent and its absence so catastrophic. Failures of-

Stephen Rispoli: I'm sorry, Deborah. Can I interrupt for just one second? The screen that we're seeing is showing the Zoom link. I'm not sure that it's showing your PowerPoint.

Deborah Rhode: Well, that's what I asked earlier.

Stephen Rispoli: Yeah, sorry.

Deborah Rhode: It says I'm screen sharing.

Stephen Rispoli: Yes, but I believe it's sharing that window, the Zoom calendar links. If you click the Share Screen at the bottom, there's an option to which [00:26:30] one you want to share.

Deborah Rhode: Okay. The bottom of... All right, let's go back. Share Screen. You all have it, you know, so you could put it up there if... Okay, here we go. Let's try that.

Stephen Rispoli: There we go.

Deborah Rhode: Do you see it now?

Stephen Rispoli: Yes.

Deborah Rhode: All right. [00:27:00] Well, you missed the very attractive picture of Leah, so I'll just give you that opportunity. But now on to a less attractive picture, which captures our moment. Failures of leadership during this crisis have placed millions of lives and livelihoods at risk in this country and in other nations around the world. And the leadership missteps in the months following the horrendous police killing of George Floyd helps fuel some of the [00:27:30] most sustained and widespread social protest in American history. Even before the tumultuous spring of 2020, two-thirds of the public thought that the nation had a leadership crisis, and the performance of leaders in the pandemic and in the unrest following that suggests why.

Lawyers have been key players in both crises, as politicians and leaders of protest movements, [00:28:00] law firms, bar associations, corporations, law enforcement agencies, judges. They've all been at the center of crisis management. And the lessons that they and the public have generally learned have implications for lawyers in other leadership contexts. I've written about these in the article that Leah mentioned, and I also have a supplement to my leadership casebook, which came out just a few [00:28:30] months after the third edition of the casebook. I realized it was already out of date. The publisher, Aspen Wolters Kluwer, has agreed to make that available to any law professor, not just users of the book. It's accessible on their website, and it has notes and problems and media suggestions about these recent challenges for leadership.

Because time is short and our circumstances [00:29:00] here are endlessly complex, I'm just going to focus on the COVID-19 pandemic and let others speak to some of the challenges raised by the Black Lives Matter protests. "Make no mistake," said the director general of the World Health Organization in 2020, "the greatest threat we face now is not the virus itself, but the lack of leadership and solidarity at the global and national levels." Many experts have noted that [00:29:30] this is not the worst

health threat the world has faced by any means, in terms of death or contagiousness. The problem is that so many countries have done such a poor job of handling it.

And while the scope and intensity of the pandemic have been unprecedented, the crises are not themselves unpredictable. The screen shows some of the many kinds of disasters, economic, national security, and humanitarian crises, that cross national boundaries. [00:30:00] And many of these crises are at least partly attributable to human action and inaction at leadership levels. I too agree with Darby that the military's term VUCA captures our current situation, and not just in legal education. There's an extensive body of literature about what's necessary for leadership during such crises, and some of it's summarized in my article. And although none of the strategies are unique to these circumstances, [00:30:30] their absence during disasters has particularly catastrophic consequences for individuals and organizations.

So what can we learn? The first is that leaders need to seek facts and guidance from a broad array of constituencies, including not only those with relevant scientific and financial expertise, but also those affected by the crisis on the front lines. The only way to avoid groupthink and blind spots [00:31:00] is to ensure that representatives with diverse backgrounds and expertise are at the table when major decisions are made. Lawyers need to have or to create systems before, during, and after crises for gathering data, planning responses, and managing risks. And they need a defensible evidence-based process for balancing trade-offs between short- and long-term outcomes, and incommensurable values involving health, safety, and financial consequences.

[00:31:30] Leaders also must show by their action that they value differing opinions, and they won't shoot the messenger bearing bad tidings. For their own political survival, as well as the literal survival of others, no leader should be metaphorically socially distancing themselves from those who tell them what they would prefer not to hear. Many American leaders, of course, have failed miserably along these dimensions. Donald Trump's personal motivations, misstatements, [00:32:00] and missteps have been chronicled in such dispiriting detail elsewhere that I'm not going to discuss more of them here, although we can in the Q&A period if anyone has the stomach for it.

But I think what's more surprising and more disheartening is the number of federal and state officials, including lawyers, who put politics before public health and engaged in turf battles over whose agenda mattered most. For example, [00:32:30] Georgia's governor and former practicing lawyer, Brian Kemp, filed a lawsuit challenging Atlanta Mayor Keisha Lance Bottom's orders mandating masks and suggesting that restaurants

should consider closing their indoor dining rooms. Bottoms responded to Kemp on Twitter, noting his lack of apparent reading skills, since he was suing Atlanta over recommended guidelines.

[00:33:00] Florida Governor Ron DeSantis, also a lawyer, pushed for early reopening of beaches and nonessential establishments like tattoo parlors, despite rising COVID cases, and he also refused to require masks. "We're going to trust people to make good decisions," he said, in the face of overwhelming evidence that many people were not. The DeSantis administration also fired a scientist in the Health Department who claimed that the decision resulted from a [00:33:30] refusal to fudge the numbers supporting the governor's reopening plans.

Crisis management experts often distinguish between what former Defense Secretary Donald Rumsfeld labeled known unknowns and known unknowns. The first category involves disasters that can be anticipated, although their exact location, scale, and timing cannot. Those include hurricanes, wildfires, flooding, airplane crashes. The second category [00:34:00] involves black swans, the truly rare events that don't follow predictable patterns and may have far-reaching impact. COVID-19 was one of those. And particularly for these crises, leaders can't simply address the disasters immediately before them in their own jurisdictions. They need to build and support transnational institutions and collaborative initiatives.

The Trump administration has done precisely the opposite. It's attempted [00:34:30] to withdraw from the World Health Organization at exactly the moment when the international community needs that institution most. Experts worry that this will encourage other nations to follow suit and impair the United States' ability to attract international warnings and support when crises surface outside its borders. Even more disastrous, of course, was the failure by the Trump administration to act quickly and decisively and orchestrate collaborative responses within the US.

[00:35:00] This left the most vulnerable individual states without essential resources, such as tests and protective equipment, and led to a bidding war that forced up the prices of these resources and channeled them to the richest bidders, not necessarily the places that needed them most.

A counterexample of effective leadership is South Korea, which had its first case of COVID on the same day as the US and then mounted a far more effective response involving mask production [00:35:30] and drive-through access to tests, contact tracing, and public cooperation with social distancing rules. A few months into the pandemic, South Korea had experienced 85 fatalities. The US had that many per hour.

Other failures in the US include refusal to defer to health experts, prioritizing economic recovery over health, and radically underestimating the tragic costs of rising infection [00:36:00] and death rates. Even as these death rates climbed and many jurisdictions lacked the resources and capacity to quickly process tests, President Trump was minimizing the risk. He told reporters that 99% of the cases are totally harmless; many involved young people whose sniffles would heal within a day. That chart illustrates the numbers of Americans who had more than sniffles.

Finally, [00:36:30] delivering a clear and consistent and compassionate message is critical, and leaders need to practice the behavior they preach. Holding events that lack social distance and masks, and patronizing businesses such as hair salons that are closed to the general public sends the wrong message. And except for those hair salon violations, it's perhaps no coincidence that female world leaders have performed better on almost all of the dimensions [00:37:00] than their male counterparts. An overview this past summer found that countries headed by women suffered six times fewer confirmed deaths from COVID than countries with governments led by men, and that the worst performing countries around the world all had authoritarian men in control.

I don't want to essentialize or oversimplify here, and my article and course materials talk about the complexities of making gender generalizations [00:37:30] from such small samples of women leaders, particularly given the extra confidence that women have to display to become world leaders. But I think there are lessons about leadership style that can be drawn from the uniformly outstanding response of global female leaders, in listening to experts, prioritizing health, and displaying compassion.

Finally, I want to close by talking specifically about some of the leadership lessons from the pandemic [00:38:00] that could affect, and should affect, legal workplaces and legal education. For lawyers leading organizations affected by the shutdown, one takeaway is the importance of embracing new technologies and of reducing unnecessary travel and office face time. Lawyers learned during the past few months that they could be equally effective working remotely with flexible schedules. And despite challenging home situations, child care responsibilities, [00:38:30] and social isolation, many individuals found compensating physical and psychological wellbeing from eliminating stressful travel and rigid work hours.

But not all the evidence was positive. One large study found that the average workday was about an hour longer and that although workers had more flexibility to address caretaking needs during the day, they were also expected to be constantly accessible and to allow job [00:39:00] obligations to bleed into evening hours. And because, of course, women

shoulder a disproportionate share of the caretaking responsibilities, they pay a price in the world outside it. And that disparity increased during the pandemic, as women assumed the vast majority of social distancing obligations. In that cartoon, homeschooling would be the second job. Yet many male leaders and male partners remained [00:39:30] oblivious to the disparity, and according to one study, half of fathers assisting with remote learning thought that they were doing most of the instruction. One in 33 mothers agreed.

In the aftermath of the pandemic, the new normal should not incorporate these longer workdays and heightened expectations of constant accessibility. These norms have already been toxic for lawyers, who suffer disproportionate rates of mental health challenges and substance abuse, [00:40:00] due in part to work-life conflicts. Lawyers in both the public and private sector need to do more to lessen these disproportionate burdens, and it's in everyone's interest for them to do so. Workplaces with more humane schedules reap the benefits in higher morale, retention and gender equity, and lower turnover and stress-related impairments. Leaders in the profession need to act on what we know.

On a more unequivocally positive note, many [00:40:30] leaders during the pandemic and the social protests following the death of George Floyd also saw the importance of increased pro bono commitments. Many increased their pro bono hourly expectations, focused on those hardest hit. Some states created pro bono networks to coordinate efforts, and some firms made substantial new financial contributions. [00:41:00] We hope that those commitments will persist after the worst of the pandemic subsides, but we know that huge needs remain.

One final hopeful byproduct of this nation's recent tragic experience with leadership failures is that they may prod law schools finally to take the lead in recognizing that leadership education has to be more central in the curricula and extracurricular activities. [00:41:30] Lawyers lead. Law schools inevitably produce lawyers, and it's time that we all did so more intentionally, informed by the best available research, case studies, simulations, curricular and extracurricular initiatives. And despite the recent progress that Leah and Stephen mentioned earlier, most law schools still lack a leadership course, and many lack extracurricular initiatives that [00:42:00] are truly meaningful.

On websites and ceremonial occasions, deans always celebrate their mission to educate lawyers, but many schools are falling short in institutionalizing that commitment in practice. The pandemic and Black Lives Matter protests are a wake-up call to all of us to better prepare lawyer leaders to respond to natural disasters, manmade crises, and structural racism. Legal education can and must [00:42:30] do better, and I

thank all of you for showing up to help us figure out how and enlist others in that effort.

Leah Teague: Thank you, Deborah, and thank you both. We have time for, I think, one quick question. If you are talking to legal law schools that aren't doing anything, this is almost overwhelming, and we know that that's one of the issues. So what advice do you have [00:43:00] to law students that need to get started somewhere, and then can we talk about how law firms? Again, they have such pressures and there's so much going on that they have to deal with, and now we are also. It's like your cartoon, of let's toss one more thing in there on top of everything else we're asking our young associates to do. One piece of advice, one small step that we recommend that law firms and lawyers might take. I toss that to both of you in offering [00:43:30] your closing remarks.

Darby Dickerson: Well, I'll jump in with law schools and say start small. Just take it bite by bite. One thing that we started this year as part of the pandemic, but it's working out well enough I think that we'll keep it going, is called success network. We divided our entering first year class into groups of 10, matched them with staff members who had JD, and picked a variety of topics, like [00:44:00] grit and growth mindset as one of them, and have a bit of a lesson plan and a discussion on it. It takes about an hour to run the session. We share the lesson plan, so no more than an hour prep. The students don't have to do much reading in advance, so they come and they're eager. So that's an example of something that you could do very easily as a first step. But I think it is important to integrate a lot of these concepts in, to introduce students to them, as Deborah said, more formally.

Leah Teague: And I love [00:44:30] just the vast amount of information in your VUCA-squared, and we're going to build on that. So for those of us who have programs, thank you for adding that. That's a richness there that we're going to dive into and see what we can do with that.

Darby Dickerson: My pleasure.

Deborah Rhode: What I would say is first, be better informed about your culture. I'm reminded, back in the day when I wanted to encourage the [00:45:00] law schools in AALS to do more around pro bono work, and all the deans said, "Oh, we're already doing so much. We have such great programs." I got together a commission to actually see if it was true. They published a really pretty devastating report on what law schools were actually doing. They measured the hours, they talked to people. The collective shame that followed that report led to the creation of the AALS Section [00:45:30] on Pro Bono and Public Interest Activities, which helped to spur law schools

to do it better. And now there are prizes and incentives and bells and whistles. Stephen has been really involved with that section.

So that's the kind of start we need, and I remember speaking to a group of law firm leaders once on the subject of diversity and inclusion issues, and I gave a lot of statistics and stories. A woman [00:46:00] came up to me afterwards. I was at a big bar meeting and ballroom full of people, and she said, "You know, thank you so much for raising these issues, which are so important and really describe all the challenges I'm facing in my firm. But I have to tell you, I was sitting next to the managing partner, who leaned over to me during the presentation and said, 'Aren't you glad we don't have any of those problems at our firm?'"

So that's [00:46:30] where we are. I think a lot of firms and law schools mean well. Their hearts are in the right place, they're committed to producing leaders, but they're not really very well-informed about the gap between their principles and their practices. They need to do cultural audits. They need to talk to other people. They need to get out of their own comfort zone and their bubble and break down the information silos that prevent them [00:47:00] and other members of the administration from having an accurate sense of where the gaps in their preparation, mentoring, wellness programs are. And with better information, we're a can-do profession. I think we could do so much better. And I think this kind of conference is a little prod for all of us to begin that process.

Leah Teague:

So much work for all of us to do, and so many opportunities for us to make a difference. Thank you [00:47:30] to Darby, to Dean Dickerson, and to Professor Rhode. Thank you so much for joining us. A lesson that I've learned, my trusty laptop, 15 minutes before it's airtime, though, we have a problem, and I want to thank all the people you don't see behind the scenes who are making this happen, including scrambling to find me an office with a computer, with a camera, and with audio, in five minutes. I'm so appreciative of our great team, but that's what it takes. It takes all of us working together, and so with that, [00:48:00] thank you and we'll have just a short recess as we can bring our new panels on. And again, thank you so much, Darby and Deborah. We look forward to working with you in the future.