



Monday, Sept. 14, 2020

Leadership Development Learning Outcomes and How to Implement Them

Many law schools are still implementing and revising their learning outcomes as required by ABA Standard 302. Learning outcomes for law schools should be developed in light of the best data available related to competencies expected by clients and legal employers. Panelists discuss the latest research related to competencies needed at graduation to succeed in the legal profession and then describe a process for developing learning outcomes for leadership development programming. This panel also discusses best practices for measuring outcomes after implementation.

Moderated by:

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Panelists:

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Natalie Runyon

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Elizabeth Fraley: Well, good afternoon, everyone. Welcome to this afternoon's final session. We've got a wonderful panel discussion for you on leadership development learning outcomes, and importantly, how to implement them. Because we want to take advantage of this time slot, I will again keep our introductions short so that you can hear from our panelists. But naturally their bios are on the Baylor Law website. [00:00:30] I'm professor Liz Fraley, I'm at Baylor Law. Joining us as our moderator is Neil Hamilton. He's the Holloran Professor of Law and the co-director of the Holloran Center for Ethical Leadership and the Professions at the University of St. Thomas Law School. He lives and breathes these leadership outcomes

every day in our university setting. Sara Berman is the Director of Programming for Academic and Bar Success with [00:01:00] AccessLex. She really takes it to the next level as we're trying to transition these students into becoming licensed attorneys. Then last but not least, we have Natalie Runyon. She is the Director of Enterprise Content, but importantly, Talent, Culture and Inclusion at Thomson Reuters. Welcome everyone. Neil, I'll turn it over to you.

Neil Hamilton: Well, thank you very much Liz. I'm going to [00:01:30] start our panel by sharing a screen with a few brief introductory remarks and then I'll turn it over to Natalie. We're just going to walk through [00:02:00] some preliminary remarks here to set the stage for what we know about learning outcomes. Back in 2014, the ABA changed the accreditation standards to require each law school to establish learning outcomes.

The first question is, what is it? What is a learning outcome? Well, the first step in defining learning outcomes is to look at the capacity, skills, values that a law graduate [00:02:30] needs to serve clients, legal employers, and the legal system. A good learning outcome will clearly state the expected knowledge, skills, competencies, attitudes that a student is expected to acquire so that the needs are met. It's going to use an active verb to describe this capacity, skill or value. It's going to be measurable, with performance indicators. It's going to be stated so there can be a sequence of activities or actions over time that enable [00:03:00] the student to achieve the learning outcome. So, that gives you a sense of what it is we're talking about.

Natalie is going to explore the most recent data on what we know about these capacities and skills that clients and employer needs. I'll briefly explain leadership development learning outcomes that law schools have adopted. Sarah will discuss leadership of self. In particular, ownership over continuous professional development. Elizabeth [00:03:30] will explain how the Baylor Practice Court curriculum fosters a number of these sub-competencies. Let me turn it over to Natalie at this point. I'll stop sharing here.

Natalie Runyon: Excellent. Thank you Neil for that introduction. Let me just share my screen here, bear with me. Can you guys see my screen?

Neil Hamilton: Yes.

Natalie Runyon: [00:04:00] Wonderful. Hi everyone. It's a pleasure to be with you here today and talking about one of my favorite topics, which is leadership development. I am a Certified Leadership Coach. I got my certification about 12 years ago and it's one of my favorite topics and has been instrumental in both my own personal journey, as a professional and as a

human being and also [00:04:30] in a professional context too. I'm really excited to be here with you today to share with you a little bit of information about the Delta Model.

Let me give you some background about how the Delta Model came to be. In April of 2018, I went to an innovation conference and [00:05:00] the second day of that conference was a modified design thinking exercise. For those of the attendees who were interested in focusing on the next gen legal talent and skills that were necessary for excellent lawyering in the 21st century. None of the attendees knew each other that day but... Excuse me one second. [00:05:30] Sorry, you never expect...I have unemployed six- and ten-year-old coworkers, sometimes I get interrupted unnecessarily. Pardon me.

Anyway, we did not know each other and we went through a modified design thinking exercise to essentially develop a very skeleton version of what later [00:06:00] came to be named as the Delta Model. We were interested enough in that topic to remain committed, that we were interested in pursuing it further as a working group after that. Over the next six to eight months or so we continued to meet and conduct what I'm going to share with you today, which are insights [00:06:30] from the research that we committed. Let me first give you some context that we were dealing with, because we had to start out at the 30,000-foot view and then continuously drill down.

At that point, the great recession had been about 10 years. Over that 10-year period we had seen substantial changes in the nature of legal services, in evolving and changing. [00:07:00] What were some of those changes? Well, we knew that the shift of power, buying power, had shifted from the sell side to the buy side. The law firms selling their service and that buying power had shifted to the clients. We knew that.

We also know that the pace of change had been accelerating over the last 10 years, and it's very likely to do so over the next 10 years, even in some ways [00:07:30] that we cannot foresee. We definitely tried to think in the context of how can we develop something that is relevant today, but that can remain adaptable for tomorrow. Another thing that we played around with is that, over the last decade, there had been a rise in big data and data and technology was [00:08:00] influencing how lawyering was getting done. With unstructured data, artificial intelligence was creating new opportunities to analyze silo data sets in order to gain insights into new ways.

Certainly with the rise of artificial intelligence, we also started noticing [00:08:30] that there was an increasing demand in emotional intelligence because of that shift. Buying power had gone from the sell side to the buy

side, from the law firms to the clients. The clients were demanding better relationship management and better outcomes from their outside counsel. We understood this to be very important and wanted to make sure that it was reflected in the model. When I'm talking about emotional [00:09:00] intelligence, I'm really talking about it as a key competency for an overall leadership skillset. Emotional intelligence, there's traditionally two pieces to it. One is there's a self-awareness or self-regulation component, which is about organizing and managing oneself. Then there's also a social awareness component using empathy, which is really the ability to build awareness of emotions of the people around you for effective relationship [00:09:30] building and resolving interpersonal conflict as it arises.

Over the last decade, emotional intelligence had increased in importance, and so the expectations for how outside counsel was relating to their clients also shifted. We saw lawyers moving from being traditionally as counselors to trusted advisors with emotional intelligence increasingly [00:10:00] becoming even more important. When we started to look at the models that were already out there, in the time from that one day conference where the initial concept of the Delta Model was conceived, and as we continued to pursue it as a potential research project, we wanted to go back and reflect on what were the other models that had come before, because we did [00:10:30] not want to reinvent the wheel. We were not interested in doing anything that had already been done. We wanted to build upon what had already been out there.

We felt that we saw a gap because there wasn't any model that we had come across that contained that human element, that relationship component. Or how we like to refer it as the human side of lawyering. As we looked at those models, here's a couple of examples [00:11:00] of what we came across. We came across the I-shaped Model, which is essentially the legal knowledge and skills that is primarily taught in law school and is absolutely the foundation for essential lawyering. Then about seven or eight years ago, around 2013 and 2014, we saw a new model introduced and it was called the T-shaped lawyer.

The T-shaped lawyer [00:11:30] took the I-shaped lawyer and added a horizontal T on top of it. The base of the T, the vertical component, was absolutely the essential part of what you learn in law school, the essential goals, skills and knowledge. But on the horizontal part of the T, there were some of these other competencies that were coming in that were impacting lawyers. Things that we're impacting how lawyering gets done, data, technology, project management, design thinking, [00:12:00] and data analytics. But again there was still that missing component, which was the human element.

That's where we felt the Delta Model really started to fill in the gap. This is what we essentially came out with in the couple of months after that one-day conference. Where you have the base of the T, is essentially what you learn in law school and absolutely remains the core foundation of [00:12:30] great lawyering. To reflect the T-shaped, because again we did not want to reinvent the wheel, we wanted to build upon what was already out there. We knew that data and technology and some of the other essential components were going to continue to be important as well. We wanted to make sure that that was reflected in the model.

We added that third side, which is essentially what we call the personal effectiveness skills. That's where we brought in the human side [00:13:00] of lawyering to include things like emotional intelligence, entrepreneurial mindset, relationship management, character, and communication. Which are all essential qualities or attributes that you'll find in describing leadership development. We needed the Delta Model to really reflect...the mathematical symbol for change is called the Delta. That's [00:13:30] why we decided to choose the Delta Model, because again, we wanted something that would also evolve with time as well.

Let me give you a little bit of what happened and some of the insights that were gleaned as we pursued the research phases over the course of six or eight months. We basically had a three iterative validation phases of the model. The first one was the time from when we left that [00:14:00] conference to December 2018. Essentially, we wanted to consult with other thought leaders, other experts who had previously done research in the legal and talent and skill space and we wanted to make sure that they did not feel that we were reinventing the wheel. Because again, we did not want to waste efforts and duplicate [00:14:30] something that had already been done. We went to people like Bill Henderson at Indiana Law School, Alli Gerkman, and Jae Um, thought leaders who talk a lot in this space and we asked them the question, is this something that is worth pursuing? We didn't get a yes all the time, but we didn't get a no either. We took that as the go ahead.

Once we did that and the people that we [00:15:00] consulted, previous experts, said "This will be worthwhile to pursue." We decided to say, "Okay, we're going to take the essential part of the Delta Model. Look at all of the competencies that reflected as part of the base, the legal skills and knowledge, what you learned in law school." The right hand side, which is what we wound up calling business and operations, but in Delta 1.0 was called process and technology. Then the right hand side, which was [00:15:30] called personal effectiveness skills.

We went to in-house council, and we went to hiring managers of lawyers of law school and said, "What are the key essential skills and

competencies that lawyers need in their first year of practice?" We went through and asked them to rank the top 10 competencies across all three sides of the Delta Model. We found out some really interesting things. [00:16:00] When we asked those questions, like I said, they were asked to rank the top 10 competencies. Based on the interviews, 50% of the top 10 competencies were actually on that left hand side, the personal effectiveness skills of the Delta Model. We were really surprised by that. We thought that there would definitely be some aspects to... Our hypothesis was that there would be some reflection of top 10 competencies on the left hand side, but nowhere near 50%.

[00:16:30] We came up with a Delta Model 1.0, which you saw in this slide, and we attached some different competencies and we evolved that. In phase three, we created a survey instrument as a mechanism to gather a larger number of insights from in-house counsel and managers of [00:17:00] early career legal talent and also those who were responsible for hiring early career legal talent.

What you saw was the culmination of the Delta Model 2.0. This is what the Delta Model looks like now. The other thing that was interesting, is we saw some shifts from phase two to phase three in some of the top competencies across both the left hand side and the [00:17:30] right hand side. This slide pretty much shows what those shifts were. On the left hand side, these were the top three competencies on the personal effectiveness side that came out of the interviews, which was phase two. We had the top three personal effectiveness skills, and based on the interviews was 92% said that relationship management was a top competency, 83% said communication was a top competency [00:18:00] and 75% said emotional intelligence was a top competency.

Move to the third phase of the research using the survey instrument, and we had quite a big shift in two of those three. Emotional intelligence still remained in the top three, but entrepreneurial mindset and character were increasing in importance according to the attributes. You'll see [00:18:30] all of those top five competencies reflected in the Delta Model 2.0. Our hypothesis for why relationship management dropped out between phase two into phase three, is because when you think about emotional intelligence, I mentioned those two different pieces of it, which is the self-management, the self-awareness part and the social awareness part, really in the form of empathy.

If you think about the emotional intelligence and [00:19:00] that social awareness part, there's an element of relationship management, so that was our hypothesis and why relationship management dropped out of the top three. But as we see, emotional intelligence moved from three into two from phases two to three. I wanted to leave you with this. What is the

Delta Model on personal effectiveness have to do with leadership? I love this quote by Daniel Goldman, who is the author [00:19:30] of the bestselling book on Emotional Intelligence. He said, "Exceptional leaders distinguish themselves because of superior self-leadership."

We know that emotional intelligence starts with self. Building awareness of yourself and your ability to manage your own emotions and how you respond to your own emotions with regard to that awareness. Then if we think about it, self-leadership is really about [00:20:00] managing and observing oneself. When we talk about emotional intelligence intersecting with self-leadership, it really comes down to these qualities.

We have five characteristics of emotional intelligence on the left-hand side and then we have the top 10 qualities of self-leadership on the right-hand side of the slide here. I would argue that, if you think about the self-awareness and the self-regulation [00:20:30] characteristics of emotional intelligence, when it comes to self-leadership, you'll see three qualities there that have self-honesty, self-compassion and self-discipline. I think that focus on the self is absolutely a common theme in both the emotional intelligence as well as self-leadership. When it comes to internal motivation, I would argue that inner faith and also accountability. Accountability to do what [00:21:00] you say and say what you do. That those are essential pieces of internal motivation as one of the characteristics of emotional intelligence.

Then finally with empathy in that social skill piece of emotional intelligence, when it comes to relationship management, when it comes back to great lawyering and what clients are demanding of lawyers, there's a certain amount of curiosity, and asking questions, and really understanding the other person's perspective [00:21:30] when you're in good relationship management skills. There's also an element of humility. So, you're walking into that situation where you may not know all of the answers, because you're really trying to understand the issue from the other person's perspective. From the client's perspective. There's courage in admitting that in some cases you may not have the answers, but that the best relationship between outside counsel and the client is when [00:22:00] you can co-create the right solution.

Then finally, assertiveness I think is sometimes in relationship management. The client may not be right, so you have to be willing to push back assertively, but in a diplomatic way. I just wanted to leave you with that, because that's where I think these elements of emotional intelligence, [00:22:30] self-leadership as reflected in the Delta Model really come down to leadership development, so if we can start to embed self-leadership in that leadership development muscle in law school, we're going to better prepare future lawyers for success and the ability to really

adapt to changing markets. Because, like I said before at the very beginning, the next 10 years of change is very [00:23:00] likely to be more aggressive than what it has been the previous 10 years. In some ways we may not be able to foresee those changes and some of those outcomes. We need to make sure that we are training our future lawyers to be adaptable in that way at the same time. I'm going to turn it back over to Neil to introduce us to the next speaker. Thank you.

Neil Hamilton:

Thank you Natalie. [00:23:30] I think Natalie, if you'll... There we go. I'm going to share a screen here and just quickly go through some thoughts on... Just a second here. Go through some thoughts on [00:24:00] learning outcomes at different schools. You're going to see here that my presentation builds on Natalie's and that essentially there are a number of on ramps into ultimate leadership learning outcome. I think that's the thing to keep in mind. So that all of those competencies Natalie was mentioning, the personal effectiveness competencies and the business knowledge competencies, like a foundational for an ultimate leadership [00:24:30] learning outcome. As of July 2020, we had 186 out of 194 schools had posted learning outcomes. Thirteen of those have included leadership as an institutional outcome. There's your list of schools with an institutional learning outcome. Presumably what should happen now is that these schools would work together to move forward on how to learn how to do this, to engage [00:25:00] our students. An institutional learning outcome means that the law school will develop curriculum and assessment that foster each student's growth.

Unlike the elective curriculum in leadership, which is going to draw what I call the choir students really interested in that type of learning outcome. When you go institutional, you're going to be required and have the whole spectrum of students. Many of you are familiar with the competency models that larger firms and departments have been developing for years. [00:25:30] Normally those models identify stages of development for each of the competencies that the firm or department is assessing. At the Holloran Center, we've developed stage models that build on the firm model. The bottom of what you're looking at would be a firm model. Beginning practicing lawyer, early practicing lawyer, skilled lawyer, mastery level. This was [00:26:00] actually said during the Dean's Panel that leadership learning would be career long. But we just should work backwards then, because their students are going to be a novice learner, intermediate learner. A competent learner, we think would be a graduate and would match up with the beginning practicing lawyer.

Giving you an example that Sarah is going to be discussing leadership of self-directed learning. Natalie also touched on this. [00:26:30] We've developed a stage model alignment model on that outcome. I know this is going to be small print, but I'll just quickly go through the left-side of this.

Basically, a student trying to understand what are the sub-competencies of self-directed learning, self-regulated learning or ownership, would see that [00:27:00] we're defining four sub-competencies. The student has to self-assess and identify strengths and areas for growth. Obviously, he has to understand them, the whole map, in order to do that. Articulates goals and follows a plan, a written plan. Acquires and learns from experience and then reflects on and applies the lessons learned. You can see then across from left to right, we describe what would a novice learner [00:27:30] be doing, what could we observe for a novice learner, what could you observe for an intermediate learner, what could we observe for a competent learner, what could we observe for an exceptional learner.

Holloran Center has these models now for I think 10 of the major learning outcomes, including teamwork and others that were in Natalie's presentation. What's the benefit of having a stage model? It's the same benefit that the firms and the law departments see. But [00:28:00] from the standpoint of the learner... A student by definition, a new entrant, doesn't know what they don't know. By developing these models, you're actually showing the new entrant, "Well, here you can self-assess on this model. Here's where you are." Actually at this point I'm doing a lot of coaching. I can observe where they are on this model and give them feedback on whether they've accurately described where they are. Then the student [00:28:30] can come up with a plan to move to a later stage. Obviously, faculty and staff need these models to get some consensus of what we actually mean when we talk about EQ or teamwork or other of these learning outcomes, so that we have agreement among us. It helps us decide how to change the curriculum to help the students.

A law [00:29:00] school with a leadership learning outcome would over time, develop a coordinated, sequenced progression of curricular modules that would move the student forward, on self-direction in this case, toward the competent learner. Now leadership outcome, in particular, is among the most complex. I'm going to be very brief here because it gets a little complex. But what I want you to visualize is, a leadership outcome is going to be building [00:29:30] off a number of intermediate outcomes and basic outcomes. Here's what it would look like.

You'd start with the foundational values, commitments into which all new entrants of a profession have to acculturate and that's ownership over your own development and internalize deep responsibility to the person served, in our case clients. Then you move to foundational building blocks. This would be, in the Delta Model, the bottom. Technical competencies, thinking like a lawyer, [00:30:00] seeks feedback, reflection, self-awareness, growth mindset. Next stage, basic relational building blocks. Strong client service, active listening, respect, teamwork. Cultural competency we put into basic relational. Then compound competencies.

Now we're getting into the practical application like negotiation, ADR, good judgment, client counseling, team leadership. Team leadership I put there.

Then finally, we get complex compound [00:30:30] competencies. Now we're getting leadership and influence of organizations and communities. From my experience, the ultimate here would be an integrated effective lawyer. My experiences with the students, and nearly all they have job experience at team leadership level. They're just trying to figure out how could they lead a student organization? How could they lead a volunteer organization? It's basically about teams. So, my focus has been almost totally on where are they at this stage, [00:31:00] not so much where they'll be 20 or 30 years from now. This model then suggests that 1L curriculum would be focused on the basics in that model I just showed you and that leadership would be an upper level complex compound competency. That's what it would look like over the curriculum. Let me hand it off then to Sarah. I think she's going to talk about [00:31:30] self-directed learning and ownership. Sarah, I'll give it to you.

Sara Berman: Thank you, Neil. We okay?

Neil Hamilton: Yes.

Sara Berman: Thank you Neil and thank you to everyone at Baylor. Very, very, very exciting afternoon. Before I transition into the self-directed learning outcome and that model of leadership as it affects the bar exam, I want to make a couple of [00:32:00] observations about licensing generally in the bar exam and sort of dovetail with some of the things that were said by some of the deans who spoke earlier, and some historical things. One, our licensing scheme at the moment is postgraduate, after law school. By necessity, it has to be self-directed and independent because it's not part of a class. It's not part of the course. It's not part of the curriculum. [00:32:30] It could be, in a different vision, competency structure, but it's not.

The other thing. Historically, traditionally, we have outsourced bar review. We have chosen to do that traditionally. About 12 years ago, the American Bar Association did allow for credit bar review courses and a migration which had already begun in the '80s to integrate a movement [00:33:00] of academic support professionals into law school teaching, sort of took a jump forward, a leap forward now. But they're still not integrated as full faculty members. They're not tenured for the most part and the philosophies of teaching at-risk students have not been adopted. This sort of dovetails with what Dean Brinkley and I think Dean Dickerson were talking about earlier. About what law schools are set up for and who the faculty [00:33:30] are.

Well, they're not set up for leadership skills and so-called soft skills that we talked about earlier. They're not set up for bar review yet. Do we want them to be? Another story. And we don't have faculty who primarily empathize with at-risk students because largely faculty came from elite structures to begin with and weren't the people who were either themselves at risk or friends with people who were at risk. That's [00:34:00] the kind of a structural background we have.

Now. We have a lot of studies, including a number by Neil and the Holloran Institute, that show ample evidence that self-regulated learning, this self-disciplined iterative process, enhances student performance in law school. We have a number of separate studies, compelling studies, that correlate law school performance with bar passage. We also have a new study that [00:34:30] AccessLex has been involved with in LSSSE data showing that an increase in grades from 1L to 3L, 1L to graduation, correlates with bar passage. This is very interesting when it comes to self-regulated learning because the process, and this is in slide 13 that Neil just showed. I think the PowerPoint will be available afterward. The one that he went through, self-directed learning. It's an iterative process [00:35:00] where the student identifies strengths and weaknesses, areas for growth, articulates a plan, follows goals in a written plan. Acquires experience, and then feedback and learns from that experience and then reflects on and applies that feedback in the future.

Well, anyone who's done any work with at-risk students and particularly anyone who's worked with students in the bar exam, knows that that process tracks bar review. That process [00:35:30] is the backward design of bar review. You have two months, if you're talking about post-graduation, to get someone to assess what they know and what they don't know, what their strengths are, both in substantive subjects and skills. Are they competent in the critical reading skills, in the writing skills? All this sort of iterative process of thinking about and then a plan of what to do each day with the experience and feedback. All of the data from the bar review companies indicates [00:36:00] that the more practice tests with feedback and incorporating changes to one's writing analysis and critical thinking are the processes that get someone to passing the bar exam. In addition to other mindset, grit and other aspects that dovetail with many of the leadership qualities. But at core, these self-directed learning outcomes are part of the process that's necessary to get there.

Studies [00:36:30] also show, and again, I think the Holloran Institute has published some of these about what students want after graduation. They want to find meaningful employment and that's been written about a great deal. Neil's roadmap is certainly one of the key pieces in helping students to get on track with that. But there's this hill that they have to climb before they get to have that meaningful employment, and that's licensure. We

have to think [00:37:00] about helping all students to get to the place where we want them to get to and that is to be able to join the path of continuous learning in their professional job. In an identity, in a framework where they can actually not be stalled out for six months a year or more. If people fail the bar repeatedly, that's what happens. It really puts someone in a derailed position, let alone the [00:37:30] financial costs and emotional costs, confidence costs, and other things.

You have a situation where we have this bridge and we have to figure out. I think, if incorporating some of these leadership skills, particularly the self-directed learning. But some of the substantive skills, Deborah Rhode's book talks about certain competencies that would dovetail perfectly with the bar exam, if we want to keep the bar exam as it is. Then another topic, which hopefully [00:38:00] we'll have a little time to touch back on, and Dean Smith talked about this in Utah, when he referenced the diploma privilege. We are also in a transformative time when people are very much questioning what we're preparing students for, or what they're preparing independently for in an outsourced fashion with commercial bar views, is in fact aligned with the minimum competency that we see in [00:38:30] the IAALS Foundations for Practice and in some of the other studies that indicate, including the Delta Model, what we really want of our new practitioners. I'm going to leave things now and turn it back to Neil to jump off I think to Liz.

Neil Hamilton: Liz, I think you're ready here. Okay.

Elizabeth Fraley: I am. Thank you. One of the challenges, once you [00:39:00] identify these leadership competencies, sub-competencies. I mean, we know where the students need to be. They need to be fully functioning adults out in the professional community. But the implementation has always been tricky. Some of that is there's reluctance among some doctrinal faculty, there's just the practical aspects of how do you work that in. But for a hundred years at Baylor, we have attempted to do that through a course we call Practice Court. We personally [00:39:30] believe it's one of the reasons that our students have a T-shirt that says, "Baylor Law, where fun goes to die." Because Practice Court is challenging. It is a mandatory six-month course for all third-year students. It incorporates procedure and evidence for about four classroom hours a day for part of the time. Then we put them into the courtroom.

In the classroom portion of it, the students can be called on [00:40:00] and held accountable for a substantial amount of reading material every day. Plus the course is cumulative. Simply because we pass that day on the syllabus, does not mean that you no longer have to remember what in Texas would be called a special exception. You've got to continuously incorporate that knowledge in in a practical way, but there's another aspect

beyond the courtroom rigor, and that is that we are forcing them to work together in ways that some [00:40:30] of them have never done. They're allowed to choose a PC partner, that's the person with whom they will live and breathe for about six months. They will try their cases as trial partners, but every time they have another trial, they are working with a different pairing. They're having to figure out how to be on opposing sides of a case and work cooperatively.

In addition to their courtroom time, they serve as each other's witnesses. We put [00:41:00] them on the bench and they have to serve as judges and try to learn how to make the right evidentiary calls. They have tech requirements. They've got to figure out how to use courtroom technology effectively. In addition, they have professionalism grades. We all know about the lawyers who burn every bridge that they cross, and then they can't go back. We don't want to turn out lawyers who are like that. [00:41:30] And so they grade each other on professionalism, their observers grade, and we have live juries for their final trial. Where they've had to put all of this together and actually try a case start to finish.

This last summer, thank you COVID, we incorporated Zoom trials and they did Zoom jury selection. What we teach them is that life is about change. You are more resilient than you know and by the time [00:42:00] I get them, they are nine weeks from being lawyers and actually holding a client's outcome in their hands. We are frequently described as terrifying, but we also are described as intensely kind. This forces them, both individually and in working with teams, to put their leadership skills to work. I realize it doesn't work for every school, you probably couldn't corral [00:42:30] your three Ls for six months, but it is worth thinking about. How can we hold them accountable? Because that third year in our view, is not the coast year. That third year should be climbing the peak, because they're about to get a huge dose of reality. That's one way that we put these leadership outcomes to the test with our students. [00:43:00] Neil.

Neil Hamilton: Thank you, Liz. Just an observation on the Baylor program, which I think the world of. From the paper that I wrote, for the Baylor Law Journal, for this symposium, is on the importance of transitions. The major transitions, from the research that I have, at least for our student body, are all around what the medical literature calls, "Authentic professional [00:43:30] experiences." Where the students feel that they're actually performing the work of a lawyer. Well, of course Practice Court is perfect. I mean, you can see the... you're picking up grit, resilience, perseverance, growth, mindset, teamwork, all those are the foundational skills for leadership. Did you surface some of that with your discussions with the students, Liz?

Elizabeth Fraley: [00:44:00] We absolutely do, and we remind them. I can always tell when they're doing jury selection, because they walk into class just looking like their best friend died. Because everybody is terrible at jury selection the first time they do it. We have a conversation where I say, "Have you ever seen a baby take its first step?" And you're like, "Yes, it's so great." When it took that little tottering step and fell on its bum, did you say, "You're terrible! You'll never walk!" [00:44:30] No, of course you didn't. You have to be kind to your toddler-self. We very much approach it as a building block process. In fact, we break down the components of the trial so that they do each component initially, then they build it together with our own experts. Then we add in experts.

There's a very intentional trajectory. What I think reminds us that we may be doing it right, is it takes about six months and then the emails start, "[00:45:00] Dear Professor Fraley, I won my first trial today." Or my favorite, "Dear Professor Fraley, I lost my first trial today and thought of you." But the outcome was, "You taught us it was okay to fail and that we would only get better if we did." I think that that kind of feedback... It's sort of like an ice cream headache, it doesn't feel good while it's happening, but they absolutely realize that they are learning the [00:45:30] real skills and professionalism of being a lawyer. That's very hard to replicate on a consistent basis before you send them out into the world.

Neil Hamilton: Natalie. I want to ask you, because you're familiar with how the law firms are approaching leadership development. I think they are also focusing on the sub-competencies. Is that a fair statement?

Natalie Runyon: Yes. In fact there are a [00:46:00] couple of case studies that I can send after this. One of them is Bryan Cave Leighton Paisner and the other one is Drinker Biddle. I did an interview with their professional development or head of learning development. They actually walked through, in Drinker Biddle's case, how they're teaching emotional intelligence in three different phases. How they are approaching it for [00:46:30] associates and how they are approaching it for partners. They're trying to really meet people where they are in the journey.

The other case study is actually how the firm is teaching business fundamentals and innovation at the same time. Because there's the sense that, and I think it starts back in law school, where there's the sense of perfectionism and that you can't fail. I'm so glad when Liz said that, "[00:47:00] We're teaching them to fail and that it's okay." Because that's where there's real learning, right. In a lot of cases, if you fail, that can be one of the most difficult situations that you ever faced, but you're going to remember that and not likely to do it again. I do think that reframing failure is key to innovation, key to that growth mindset and developing that grit and resilience. For sure.

Neil Hamilton: Let [00:47:30] me jump over to Sara on bar exam. You want to comment on, is it conceivable that we move this bar exam more towards a competency-based approach and they would pick up some of the sub-competencies of leadership?

Sara Berman: Yeah, I think it absolutely is. I think that the period of transition that we're in may well pave the door to that opening. Again, Dean Smith, when he mentioned the [00:48:00] diploma privilege in Utah, he mentioned that this was already something that was underway being studied prior to COVID and then COVID gave it an emergency reason for at least temporarily. The same is true in terms of a number of rigorous studies that are ongoing as far as minimum competency. What does that mean? I think that many of these models and leadership competencies looking at [00:48:30] what lawyers want in their new associates and what new lawyers are actually expressing that they're using, as far as these authentic professional learning moments and practice moments. The question is, will we, as an academy and those involved in the licensing process, adopt a little bit of the backwards design model that we're all learning with online instruction [00:49:00] and apply that to the licensing model.

How does that look? We implement some pilots, we assess, we reimagine, we reassess. Maybe that's what will start happening. I suspect that one of the areas that will get more attention is the performance test component of the bar exam. Because in the studies that are coming out soon, as far as alignment goes, in terms of minimum competency. The new [00:49:30] lawyers, when they hearken back to their bar preparation and bar exam experience, are communicating in great numbers that the portion that was relevant to the skills that they had to learn. Liz, when you were talking about some of the things that the students are learning, obviously anything that's a simulation is not going to be as rigorous as actually getting up and doing these things.

But many of the skills that can be incorporated into a performance test [00:50:00] will be things that look at, what are clients needs? What's preventing the client from getting what the client wants? EQ questions. You can have transcripts that can be read and talk about questions that might be asked. It's a very different model of thinking through competency than we have in multiple choice questions or memorized materials. I know the NCBE is itself undergoing a three-year task force, looking at changes and possible innovation [00:50:30] of the bar exam. I think we may see that.

The other thing that I mentioned when I talked about this disconnect of the licensing being after law school, I think that what you're talking about, Neil, about a competency and stage-based process, may be something that's actually embedded in the law school curriculum such that we have

comprehensive testing after 1L, 2L, and 3L. If we have a universal or more general definition of what [00:51:00] it is that we want people to have learned by those stages and incorporating some of the formative assessments, rather than waiting until three years out and then just cutting off certain people, why not give everybody the opportunity to reach this level of competency, have a formative assessment, try again and get to this place everybody who's capable and willing.

Neil Hamilton: Thanks, Sara. I just want to make one observation on... [00:51:30] I think there's two mind model changes that have to happen to make better progress on a complex learning outcome like leadership. One would be the mind model, it's staged and we can define the stages. Hand in glove with that is that then you're going to have to have a progression of modules in the curriculum that actually are coordinated and sequenced in some ways that's not [00:52:00] how faculty generally view the world that they have to coordinate with others.

But then the third piece, and maybe the most important, is that in a leadership competency, I think staff see hugely more. Well, they certainly see very important things at Baylor. Baylor is exceptional because of the way the curriculum is set up. But mostly it would be deans of students, various staff who work with student orgs, [00:52:30] the whole pro bono group. I mean, one of the deans mentioned you should be able to manage a meeting and you should be able to understand the underlying business of a nonprofit. The staff side there's very, very important, I think of the future. Do I have any other comments from my panelists? I wanted to get back to Liz also to talk a little about her new book, but any other comments from the panel?

Elizabeth Fraley: Well, Sara, I think your point is well taken. If we look at how medical schools [00:53:00] have been assessing competency, you don't go through four years of medical school and then try to be a doctor, there're frequent reassessments. There's definitely precedent for this in other professions. Certainly, I think that that could be a good addition for us. The other thing I think we are going to have to have though, is buy-in from the profession. There has been some questioning and pushback about [00:53:30] whether an assessment mechanism, other than the somewhat traditional bar exam, is going to be as accepted by the profession. I think the more that we can integrate, for them, that we are actively assessing competencies that, as Natalie pointed out, they prize once we get them out. We can engage them in the idea that we will turn out a better product for you, a more practice-ready product for you. But I think that's going to take a robust conversation [00:54:00] between the law schools, the bar examiners and the profession, so that everybody's on the same page about moving forward.

Sara Berman: I couldn't agree more. I do think that we have some pilots in the form of, let's say the Daniel Webster Model in New Hampshire, portfolios to integrate it throughout the curriculum. I think that the time is ripe for further pilot studies. As we integrate leadership training into the curriculum, because [00:54:30] we know what the profession wants and it's what the profession needs and it's what we need to maintain our democracy. If we know those things, then how do we integrate it into the curriculum, how do we propose assessments that then we offer up for assessment by the profession. If what happens is we turn out better trained, better equipped and more committed lifelong learners, I think the profession will be the biggest cheerleaders [00:55:00] of such a change.

Neil Hamilton: I have a question for... coming back to Natalie here. In my leadership course, it's an Ethical Leadership and Organizations course, it's an elective, capped at 32. I tell my students it's hard to sell leadership... you're at a later stage of leadership into the employers. My suggestion [00:55:30] to my students is to, since my course is, it's teamwork, team leadership with a 360 from your team and from the instructors. That that's evidence of teamwork and team leadership, just go that far. Then project management. We're big into project management in that course. I'm just trying to find vocabularies that employers will see as supportive. [00:56:00] Natalie, what do you think?

Natalie Runyon: Absolutely. One thing that I hear a lot, "What's helping practicing lawyers for business development?" But I think it could also apply to law school for leadership development experience, is volunteer leadership on campus organizations. Learning how to run a meeting, learning how to put an agenda together. Public speaking, running a [00:56:30] team of volunteers, talk about learning teamwork and collaboration skills, trying to motivate a team of volunteers who aren't getting paid is about the ultimate leadership experience. I also think that you could look outside the classroom to identify some of those key experiential elements of leadership development to demonstrate the competency as well.

Elizabeth Fraley...: [00:57:00] Sara to your point. I think the other thing that we're going to need to do is to get our colleagues on the faculty. This is one of the questions that we had from our participants. How do we get colleagues to embrace leadership development, to incorporate it into the curriculum and to do the kind of serious academic work that Natalie and her colleagues have been doing so that we have a more robust background and that we have more [00:57:30] data, we have more study. I think that's just going to be a challenge unless the school itself prioritizes it, unless we have more journal opportunities. I'm not sure what the answer is, but I think that's another needed component of it.

Neil Hamilton: I think-

Sara Berman: Definitely.

Neil Hamilton: Go ahead.

Sara Berman: I saw that question as well and obviously, and one of the key incentives is to make sure that students pass the bar exam and get meaningful, [00:58:00] gainful employment. If we can see an explicit connection between leadership training and these outcomes, by which we ourselves, as law professors are measured. Then I think there will be a self-interest on the part of many faculty to step up the game. I think also that this time of great change and crisis, indeed, presents opportunity. Because people are now reflecting in a very [00:58:30] different way about formative assessment, about learning outcomes. The words learning outcomes was foreign when it was first adopted. It's now really something that everybody's familiar with.

I think that we are in a time of change and the idea now is to leverage change. There's probably no more committed group of people as whole, than law faculty. Anyone who bashes law faculty hasn't really spent a lot of time in the law faculty offices. People want the best for their students. [00:59:00] The question is how to have these conversations and show people what it is that students need and how to make meaningful bridge-the-gap situations. I think once we have more alignment with the competencies and staged learning, I think we will all see how we fit into that continuum and what we have to offer in the process.

Elizabeth Fraley: Great. Neil, we're almost to the end of our time and you've been a wonderful moderator, but haven't spoken and you are, [00:59:30] hands down, one of the nationally renowned experts. Would you give us your thoughts to wrap up the afternoon?

Neil Hamilton: Well, I'm grateful for the panel. I mean, very, very thoughtful. Natalie's doing some frontline work, Liz you're of course out there with your teams really exceptional, and Sara's doing fantastic work on the bar. We're all trying to make a difference here. Just a final thought. I [01:00:00] mean, my frustration is that I wish more of us were focused on the level where the students are. Students are 23, four, five, six. They are trying to figure out how to lead a team. The more we could focus our energy on the stage that the students are, I think the better off they will be anyway. I do think portfolios is where we're gonna end up here and they are going to carry the burden to put enough portfolio evidence to demonstrate [01:00:30] a level of development. Just the way the firms are doing, the associates have to develop portfolio to show their competence. Anyway, I'm very grateful to all of you and and Steve for putting all this together.