

MAKING PROGRESS IN LEGAL EDUCATION: LEADERSHIP
DEVELOPMENT TRAINING IN LAW SCHOOLS

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INTRODUCTION

Lawyers are leaders. In organizations throughout this country and in every aspect of society, lawyers lead—serving as heads of governmental agencies, businesses and nonprofit entities of all sizes. Lawyers serve not

only their clients but their communities. In the ever-increasingly complex world of today and tomorrow, how do we ensure law students are ready for the challenges facing the profession? In the midst of disruption and change that defines this period of time, how do American law schools better prepare law students for the important roles of influence and impact occupied by lawyers from the beginning of our nation?

This special issue of the Baylor Law Review builds on conversations and scholarship over the last decade exploring these questions and supporting the need to incorporate leadership development into law school programs. Articles and reflections published in this symposium are from presenters at the 2020 Vision for Leadership Conference at Baylor Law (hereinafter referred to as the “Conference”). Included are discussions about leadership in periods of normalcy and in crisis, lessons of leadership, suggested paths to overcome barriers to teaching leadership, and personal reflections offering advice to law students, lawyers, and law schools.

This article serves to introduce this symposium issue and describe the important conversations at the virtual Conference in Part I. Part II describes the progress over the last five years to increase the leadership development programming in legal education. The remainder of this article weaves together highlights from the articles in this issue as well as quotes and discussion points from the Conference to advocate for incorporating more leadership development into law school programming. Part III provides support for the creation of leadership development programs. Part IV offers suggestions to law schools for how to better prepare law students for the important leadership roles they will assume after graduation. Finally, Part V encourages law schools to embrace the *Juris Doctor* as a degree in leadership.

I. 2020 VISION FOR LEADERSHIP CONFERENCE AT BAYLOR LAW

The live event, originally scheduled for March 26-27, 2020, was canceled shortly before as COVID-19 turned the world upside down. Travel and in-person gatherings were prohibited. Law schools and the legal profession scrambled to convert to online operations. The Conference was rescheduled as a virtual conference for September 14-17, 2020, and brought together the authors published in this issue, as well as other leading educators,

practitioners, judges, and public servants.¹ More than 800 registered for the virtual Conference.² The symposium's success would not have been possible

¹Speakers listed in order of appearance during the Conference: Darby Dickerson, Dean and Professor of Law at UIC John Marshall Law School, President of the Association of American Law Schools; 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; Bradley J.B. Toben, Dean and M.C. & Mattie Caston Chair of Law, Baylor Law; Robert B. Ahdieh, Dean and Anthony G. Buzbee Endowed Dean's Chair, Texas A&M University School of Law; April M. Barton, Dean and Professor of Law, Duquesne University School of Law; Martin H. Brinkley, Dean and Arch T. Allen Distinguished Professor of Law, University of North Carolina School of Law; Lee Fisher, Dean and Joseph C. Hostetler-BakerHostetler Chair in Law, Cleveland Marshall College of Law; D. Gordon Smith, Dean and Woodruff J. Deem Professor of Law, Brigham Young University School of Law; Neil W. Hamilton, Holloran Professor of Law and Co-director of the Holloran Center for Ethical Leadership in the Professions, University of St. Thomas School of Law; Sara J. Berman, Director of Programs for Academic and Bar Success, AccessLex; Elizabeth M. Fraley, Associate Professor of Law, Baylor Law; Natalie Runyon, Director of Enterprise Content, Thomson Reuters; Judy Perry Martinez, Immediate-Past President, American Bar Association; Jerry K. Clements, Chair Emeritus, Locke Lord LLP; Melissa Essary, Dean Emeritus and Professor of Law, Campbell Law School; Justice Eva Guzman, Supreme Court of Texas; Caren Lock, Regional Vice President and Associate General Counsel, TIAA; Raytheon "Raye" M. Rawls, Senior Public Service Associate, University of Georgia's J.W. Fanning Institute for Leadership Development; Robert "Bob" R. Stains, Jr., Principal of Bob Stains and Associates, Conflict Transformation and a Senior Associate of Essential Partners, f/k/a The Public Conversations Project; David H. Gibbs, Visiting Leadership Fellow, University of Tennessee College of Law; Donald J. Polden, Dean Emeritus and Professor of Law, Santa Clara University School of Law; Vice Admiral John G. Hannink, Judge Advocate General, United States Navy; Brig. Gen. R. Patrick Huston, Assistant Judge Advocate General for Military Law and Operations, United States Army; Lt. Gen. Jeffrey A. Rockwell, Judge Advocate General, United States Air Force; Kellye Y. Testy, President and Chief Executive Officer, Law School Admission Council; Garry Jenkins, Dean and William S. Pattee Professor of Law at the University of Minnesota Law School; Degna Levister, Associate Dean for Enrollment Management and Access Initiatives, City University of New York School of Law; Kathy Seward Northern, Associate Dean for Diversity and Inclusion, Ohio State University Moritz College of Law; Mark C. Alexander, Arthur J. Kania Dean and Professor of Law, Villanova University Charles Widger School of Law; Mario L. Barnes, Toni Rembe Dean and Professor of Law, University of Washington School of Law; Paulette Brown, Senior Partner and Chief Diversity & Inclusion Officer, Locke Lord LLP. Past-president American Bar Association; Angela Onwuachi-Willig, Dean and Professor of Law, Boston University School of Law; Judge Ed Kinkeade, District Judge, U.S. District Court Northern District of Texas; Kyle Deaver, Mayor, City of Waco; Britney E. Harrison, President, Texas Young Lawyers Association; Judge Lora Livingston, 261st Civil District Court, Travis County, Texas; Sen. Kirk Watson, Founding Dean of Hobby School of Public Affairs, University of Houston; Chief Justice Nathan L. Hecht, Supreme Court of Texas; George T. "Buck" Lewis, Shareholder, Baker

without the invaluable participation and support of the speakers and sponsors.³ Panel discussions focused on all aspects of leadership programming for students as well as leadership lessons for faculty and staff.⁴ Presenters also explored the obligation of lawyers and law schools to engage in the difficult and divisive issues of structural racism and social justice as well as the importance of civil discourse.⁵ The goal was to share ideas and foster innovation for incorporating leadership programming that give students the skills they need for professional success and personal satisfaction after graduation. Video recordings and transcripts from each session were made available on the Baylor Law School website.⁶ The Conference was the fourth consecutive annual leadership conferences that followed several singular ones over the last decade.⁷

II. MOVEMENT TO INCREASE LAWYER-LEADERSHIP SCHOLARSHIP, COURSES, AND PROGRAMS

Articles and symposia focused on the subject of lawyer-leadership were few and sporadic until a small group met at a 2016 American Association of Law School breakfast hosted by Baylor Law School and Stanford Law

Donelson; John Grisham, author; Talmage Boston, Partner, Shackelford, Bowen, McKinley & Norton, LLP; James A. Baker, III, former U.S. Secretary of State. *Schedule and Speaker Bios*, BAYLOR UNIV. LAW, <https://www.baylor.edu/law/index.php?id=966562>.

²The average attendance for most sessions was approximately 100.

³Special thanks to the following sponsors: Josh Fogelman & Aaron Von Flatern (“FVF Law”), Access Lex, Gray Reed, Kim & Bill Shaddock, John & Marie Chiles, Bryan & Shelley Blevins, Beard Kultgen Brophy Bostwick & Dickson, Stephen Burbank, Doug Dashiell, Steve Harrison, Sameer Hashmi, Monte James, Steve McConnico, Scanes & Routh, and Ryan Squires. *2020 Vision for Leadership Conference*, BAYLOR UNIV. LAW (2020), <https://www.baylor.edu/law/index.php?id=966106>.

⁴See generally *Schedule and Speaker Bios*, BAYLOR UNIV. LAW, <https://www.baylor.edu/law/index.php?id=966562>.

⁵*Id.*

⁶*Id.*

⁷Hosts for leadership symposia: Stanford Law School in 2018; Santa Clara in 2019; Tennessee in 2020. Prior leadership symposia include Santa Clara in 2012 and Tennessee in 2016. See generally Leah Teague, *Training Lawyers for Leadership: Vitally Important Mission for the Future Success (and Maybe Survival) of the Legal Profession and Our Democracy*, 58 SANTA CLARA L. REV. 101, 118–19. (2018) [hereinafter *Training Lawyers*]; Leah Teague & Elizabeth Fraley, *Where the Rubber Hits the Road: How do Law Schools Demonstrate a Commitment to Training Leaders?*, 14 TENN. J. OF L. & POL. 369 (2020) [hereinafter *Commitment to Training Leaders*].

School. The invitation list was small, not because we were trying to be exclusive, but because our search yielded a total of only thirty-eight law school professors who taught a leadership class or who wrote on the subject of leadership.⁸ Fifteen of those professors (plus a few more interested and eager individuals) were able to join the breakfast conversation.⁹ We left that breakfast with three action items to launch a movement in legal education: (1) secure a leadership development symposium hosted by a major law review; (2) propose a group discussion on leadership development for the 2017 AALS annual meeting; and (3) pursue the creation of a new AALS section.¹⁰ Deborah Rhode volunteered to take the lead on the first initiative, and no one could have better carried the mantle.

A. Annual Leadership Conferences and Law Review Symposia

With Deborah Rhode's leadership, Stanford Law Review and the Stanford Center on the Legal Profession hosted the 2017 Symposium "Lawyers and Leadership: Raising the Bar"¹¹ to "explore[] the role lawyers play as leaders in our society, why so many lawyers fill leadership positions, and how the profession can better prepare its members to lead."¹² The first line of Professor Rhode's article in that Stanford Law Review leadership issue was a sentiment she often repeated, "It's a shameful irony that the

⁸*Training Lawyers*, *supra* note 7, at 120.

⁹*Id.*; Leah Teague, Notes from Law School Leadership Development Breakfast Discussion, 2016 AALS Annual Meeting, New York, New York (January 8, 2016) (on file with author).

¹⁰Leah Teague, Notes from Law School Leadership Development Breakfast Discussion, 2016 AALS Annual Meeting, New York, New York (January 8, 2016) (on file with author) [hereinafter *Breakfast Discussion*]. Leah Teague and Deborah Rhode co-organized and hosted a Discussion Group at the 2017 AALS Annual meeting entitled "*Introducing Leadership Development into the Law School Curriculum*." On January 5, 2017, a diverse group of legal educators from around the U.S. met to discuss the strides made at their respective institutions to introduce programs that assist students in recognizing the opportunity to positively influence the world and in developing their own personal sense of professional identity as leaders. The group unanimously endorsed pursuing the creation of a AALS Section for Leadership. Leah Teague and Deborah Rhode prepared the petition to the AALS to create the new section, which required the signatures of 50 AALS members. Sixty-eight signatures were presented and the new section on Leadership was approved on November 9, 2017. Correspondence on file with author.

¹¹See generally Symposium, *Lawyers and Leadership: Raising the Bar*, Stanford, Ca. (Feb. 10–11, 2017), <https://www.stanfordlawreview.org/symposium/raising-the-bar/>.

¹²Sophie J. Hart, Foreword, *Raising the Bar: Lawyers and Leadership*, 69 STANFORD L. REV. 1593 (2017).

occupation that produces the nation's greatest share of leaders does so little to prepare them for that role."¹³ She was dedicated to using her influence to change that observation, and, as with other areas, her work once again influenced the legal profession and the academy. Since the 2017 Stanford Law Review Symposium, at least one law review has hosted a leadership symposium to continue the publication of leadership articles and to gather conference speakers to discuss thoughts and share ideas to help law schools create and enhance leadership training for their students.¹⁴ Each successive conference built upon the previous conference, hoping to extend the lessons learned and wisdom shared into broader visions. Involvement of the academy was essential to increase leadership programming in law schools across the country.

B. Creation of AALS Section for Leadership

The second and third agenda items from the 2016 breakfast group involved pursuing a presence within the American Association of Law Schools. On January 5, 2017, an enthusiastic group of approximately thirty-five crowded into a small hotel conference room to participate in the 2017 AALS Discussion Group: Incorporating Leadership into the Curriculum.¹⁵

¹³Deborah L. Rhode, *Raising the Bar: Lawyers and Leadership*, 69 STANFORD L. REV. 1603, 1605 (2017). A similar line is the first in her book. DEBORAH L. RHODE, *LAWYERS AS LEADERS* (2013).

¹⁴Under Dean Emeritus Don Polden's leadership in 2018, the Santa Clara University School of Law, Santa Clara Law Review, and the AALS Section on Leadership sponsored the second symposium: "Advancing Leadership Development in the Legal Profession: Addressing Challenges in Legal Education and the Practice of Law." Symposium, *Advancing Leadership Development in the Legal Profession: Addressing Challenges in Legal Education and the Practice of Law*, SANTA CLARA UNIV. SCHOOL OF LAW (2018), <https://law.scu.edu/event/symposium-advancing-leadership-development-in-the-legal-profession-addressing-challenges-in-legal-education-and-the-practice-of-law>. In 2019, Doug Blaze, Dean Emeritus at the University of Tennessee Knoxville College of Law, spearheaded the efforts of holding the third symposium: "Leadership Development for Lawyers: Increasing our Impact." *Leadership conference draws educators, lawyers from across the country*, UNIV. OF TENN. COLL. OF LAW (Apr. 8, 2019), <https://law.utk.edu/2019/04/08/leadership-conference-draws-educators-lawyers-from-across-the-country/>. The Baylor Law 2020 Vision for Leadership Conference was the fourth consecutive annual leadership conferences co-hosted by the Baylor Law Review and the AALS Section on Leadership. *2020 Vision for Leadership Conference*, BAYLOR UNIV. LAW (2020), <https://www.baylor.edu/law/index.php?id=966106>.

¹⁵*Training Lawyers*, *supra* note 7, at 120.

That meeting launched the effort to gain approval for a new section for Leadership within the American Association of Law School. With signatures of sixty-eight professors and staff from twenty-five law schools, a petition was filed and granted on November 9, 2017.¹⁶

Beginning with its first program at the 2018 AALS Annual Meeting, programs sponsored by the Leadership Section have been among the highest attendance for section programs each year. The section is an official co-sponsor for annual conferences with additional programs hosted each year to address pressing issues, such as the one hosted in 2020 to address racial injustice.¹⁷ A section newsletter, produced twice a year, features reports on events, program highlights and resources for those interested in beginning or improving any type of leadership development something at their school.¹⁸

C. Tribute to Deborah Rhode

This leadership issue would be replete without an article from Professor Deborah Rhode. We are honored to have in this issue one of her last articles.¹⁹ In her article, Professor Rhode addressed recent events to offer lessons for leadership in times of crisis.²⁰ We also would be remiss if we did not include a tribute to her life—both her impact on the legal profession and her personal influence on so many of us.

At the passing of Professor Rhode on January 8, 2021, the profession lost a legend.²¹ Her brilliance combined with her work ethic and tenacity made her an indomitable force when she identified a need or an injustice to be

¹⁶Correspondence on file with the author.

¹⁷*Leadership Lessons from COVID 19 to Black Lives Matter: A Discussion on Lawyers Leading in Crisis* (July 15, 2020), <https://www.dropbox.com/s/ybfezqm8cmkqtg1/Leadership%20Lessons%20from%20COVID%2019%20to%20Black%20Lives%20Matter%20A%20Discussion%20on%20Lawyers%20Leading%20in%20Crisis.mp4?dl=0>.

¹⁸*See generally* Section for Leadership, AM. ASS'N OF L. SCHOOLS, <https://sectiononleadership.org/>.

¹⁹*See* Deborah L. Rhode, *Leadership in Times of Social Upheaval: Lessons for Lawyers*, 73 BAYLOR L. REV. 67 (2021).

²⁰*Id.*

²¹Sharon Driscoll, *Remembering Deborah Rhode: Legal Ethics Pioneer, Stanford Scholar, Mentor to Many*, STANFORD LAWYER (January 11, 2021), <https://law.stanford.edu/stanford-lawyer/articles/remembering-deborah-l-rhode-legal-ethics-pioneer-stanford-scholar-mentor-to-many/>.

addressed. Dean Erwin Chemerinsky graciously wrote a beautiful tribute to add to the many others found elsewhere.²² We recognize the loss of one of the earliest champions for leadership development in law schools. Deborah Rhode was a giant spirit in a diminutive body known for her wisdom, prolific scholarship, and her tenacious devotion to improving the legal profession as a whole as well as challenging each of us who hold the privilege of a law degree to be better and to do more. She topped the invitation list for speakers on leadership topics. Her scholarship contributions led the way in this evolving field of lawyer leadership. Her book, *Lawyers as Leaders*, sparked a great deal of interest in the profession.²³ Her voice and her leadership will be missed.

Professor Rhode achieved something that we all hope to do—she used her talents and skills to engender lasting change. In other words, she built a legacy that will continue to inspire and impact others for decades to come. As early as her law school days, she was a champion for providing *pro bono* services to those in need and that work continued throughout her life.²⁴ She also was a leading voice in efforts to address gender equity and racial injustice.²⁵ Her vision, grit, and determination resulted in countless improvements to law school curricula, such as the inclusion of teaching professional responsibility in mandatory courses.²⁶

Rhode left a rich legacy but also unfinished business.²⁷ A challenge we often use at Baylor Law when encouraging our students to pursue a life of purpose is a saying from Professor Gerald R. Powell, “May your footprint be larger than your foot.”²⁸ Professor Rhode’s physical stature may have been diminutive, but her imprint on the legal profession was gigantic and it continues. We know that she would tell us that there is much left to be done. She would encourage us to pick up the torch and continue the work. This spirit may be her ultimate legacy—seeing a need and working tirelessly to address it.

²²Erwin Chemerinsky, *Remembering Deborah Rhode*, 73 BAYLOR L. REV. 64 (2021).

²³RHODE, *LAWYERS AS LEADERS*, *supra* note 13.

²⁴Driscoll, *supra* note 21.

²⁵*Id.*

²⁶*Id.*

²⁷Leah Teague, *We Lost a Legend but Vow to Continue the Movement*, TRAINING LAWYERS AS LEADERS BLOG (Jan. 1, 2021), <https://traininglawyersasleaders.org/2021/01/22/we-lost-a-legend-but-vow-to-continue-the-movement/>.

²⁸Author conversation with Professor Gerald R. Powell (October 2018).

III. UPDATE ON THE LEADERSHIP DEVELOPMENT MOVEMENT

Most of the early conversations about the need for more leadership training in law schools focused on the challenge of defining or framing the issue in an easily identifiable and understandable manner. How could we advocate for action without first clearly defining the issue and raising awareness of its importance? Early discussions were devoted to describing the problem we thought needed to be solved. We asked over and over questions such as these: Is “leadership” the right term to define the issue? Is there a common understanding of leadership? What does leadership mean to us? Why do we think our students need leadership training in law school? How can faculty teach someone to be a leader? What about the critics who believe leaders are born? How is the need we want to address different from the need to more intentionally address issues of professional identity or to be more effective with the professional formation or development of our students? Why does it matter? To whom does it matter? Answering these questions and more was necessary to help us clearly define the path forward. After thoughtful consideration and a failure to discover a better term to fully describe our ideals, we settled on the term “leadership” but recognized that use of term would create its own challenges.

Leadership is more than professional responsibility although ethical leadership should be expected of a profession governed by codes of professional conduct. Here again, we pay tribute to Deborah Rhode for her leadership in establishing the professional responsibility courses and programs now in ABA-accredited law schools.²⁹ Nevertheless, the rules our students learn in these mandatory classes are the *minimum* standards of conduct for lawyers—the bottom level of acceptable conduct.³⁰ Outside of the aspirational statements in the codes’ preambles and lawyers’ creeds, few of these rules guide lawyers in deciding what they *should* do. Time spent by students thinking about their value system and goals will help them develop a framework for making better decisions when faced with tough calls. Aligning words and deeds with core values helps a leader earn the respect of their followers by building a reputation for trustworthiness.

Leadership is broader than professional development (also referred to as professional identity or professional formation.) Professional development

²⁹ See, e.g., Deborah L. Rhode, *Ethics by the Pervasive Method*, 42 J. LEGAL EDUC. 31, 31–56 (1992).

³⁰ *Id.*

focuses on who students will *be* as a member of an honorable profession and better prepares them for their role in the profession.³¹ Leadership training helps law students improve their professional performance, but leadership development programming also encourages law students to use those competencies and abilities to effectuate change. Lawyer-leaders not only recognize the professional obligation to serve clients and the justice system but also embrace the opportunity to impact individuals, organizations and communities in order to make a positive difference in society.

A focus on lawyers' role as leaders in society elevates the teaching of professional responsibility and professional formation from a focus on singular client matters to broader societal implications. For example, law students learn advocacy skills that allow them to clearly articulate their positions and convince others they are right. The context for advocacy training traditionally has been to enable the lawyer to accomplish the task for which hired by the client. Leadership is the process of employing those skills to influence a decision or an outcome not only from a self-centered perspective or that of a single client, but also to consider the broader policy considerations and ramifications to others. Lawyers are valued leaders in organizations not only for their communication skills but also because they are trained to think analytically and pragmatically. Lawyers use their legal skills to help others, whether by solving a current problem for single client, or planning the future of a community, state or nation.

Professional responsibility, professional formation and leadership development are all important on a law student's journey to success and satisfaction, both professionally and personally. Leadership development programs help produce lawyer-leaders who strive to: make decisions that not only meet their ethical obligations, but also are guided by their values and the aspirational aspects of codes of professional responsibility; assess and reflect

³¹ Professional formation is an individual process requiring time and careful examination of self. Professors Neil Hamilton and Jerry Organ at the University of St. Thomas School of Law's Holloran Center for Ethic Leadership in the Professions lead the national effort to articulate, analyze, and teach these processes to law faculty and staff so that they may be implemented at law schools. They, along with Lou Billionis, have made significant strides to incorporate these ideals into legal education throughout the country. *See generally Holloran Research on Professional Formation*, UNIV. OF ST. THOMAS, <https://www.stthomas.edu/hollorancenter/holloranresearchonprofessionalformation/>; *see also Leadership Staff*, UNIV. OF ST. THOMAS, <https://www.stthomas.edu/hollorancenter/about/leadership/>.

on their gifts and abilities as well as their shortcomings; be courageous enough to make course corrections as appropriate; value differences when working with others; and strategically select where and how to employ their skills and competencies to make a difference in the world. As lifelong learners, they know these aspects are interrelated and they build upon each other. By working to improve themselves and enhance their professional identity, lawyer-leaders become more adept at working with others and more successful in achieving goals. Lawyers may eventually learn these skills on their own, but shouldn't law schools give them a head start by teaching these skills? If so, how can we do it?

A. Goals and Objectives of Leadership Development Programs

As with any effort involving lawyers, different opinions emerge about the definition, as well as goals and objectives for creating and delivering leadership training to law students and lawyers. The definitions, objectives and goals shared here represent the objectives and goals of the Baylor Law Leadership Program, they are consistent with conversations with others in the field and they reflect opinions expressed in articles in this issue and the live sessions of the Conference.

The objective is not to prepare future presidents, governors, law firm managing partners, business chief executive officers, and non-profit chairpersons. Although those are all important positions often occupied by lawyers, holding those titles and positions is not what we train lawyers to do. A primary goal of law schools is to help students spot and address legal issues and *know* the law or at least receive a grounding in fundamental legal doctrine, case law, statutes and regulatory missives. Training students to *do* practical skills and *be* a professional are important to students' professional formation and preparation for lawyering, but those components are not leadership. Whether in a one-stop town in West Texas or Sixth Avenue in New York, every lawyer is expected to advise and represent clients in their quest to solve a problem, resolve a conflict, advance a project, improve a position, or advocate for a cause—all in an ethical and principled manner. Lawyers obtain positions of leadership not only because they are trusted for their expertise and valued for their skill in accomplishing tasks, but also in recognition of their ability to mobilize people (influence) toward a vision or goal (impact). Lawyers whose advice and actions are sprinkled with creativity and innovation have even more opportunities to be valued members of any endeavor.

Are we advocating for stronger professional development programs and more attention to ethics? Yes. Those provide the foundation upon which strong lawyering and leadership are built, but the mission is broader. In light of the disruptions occurring in the profession and evolution in society, the mission is important to the future success of the legal profession, to the continued strength and stability of our system of democracy, and for the health and well-being of its members. Law students who aspire to serve as lawyer-leaders are more likely to serve with honor, be better problem solvers, find peace in their purpose, to seek reconciliation and not just restitution, and to break down walls rather than find a way around for a privileged few. Preparing law students for these important roles should be a core component of legal education. For example, at Baylor Law, this broader mission is expressed in three stated goals of the Leadership Program:

1. Encourage law students and lawyers to embrace their obligation to serve clients *and* society;
2. Better equip law students for positions of leadership and influence; and
3. Inspire law students to boldly seek opportunities to make a difference in their communities and the world.

More than ever, we need all (or at least more) lawyers reaching their full potential for positive influence and powerful impact in our communities. As former president of the American Bar Association Judy Perry Martinez stated, organized bar associations are “champions of justice, protectors of democracy, and advocates for the rule of law at home and abroad.”³² By inspiring lawyers to embrace their roles as leaders in society and better equipping them for those influential roles, lawyers can serve to move our nation “to make ours a more perfect union.”³³

As Dean Dickerson and Professor Rhode described in the opening session to the Conference, our profession and society face crushing pressures and unanticipated disruptors, including most recently the COVID-19 pandemic

³²*Id.* at 3.

³³Judy Perry Martinez, Immediate-Past President, American Bar Ass’n, Keynote Address at the 2020 Vision for Leadership Conference at Baylor Law 2 (September 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364681.pdf>).

and social upheaval.³⁴ Those forces cause some in our profession to be paralyzed or stuck in survival mode at the bottom of Maslow's hierarchy.³⁵ Those individuals may benefit even more from leadership training than those who are privileged to be moving closer to self-actualization.³⁶ Regardless of law student's or lawyer's phase in life, type of legal practice, or position within an organization, leadership development programming offers benefits to all and adds value to a student's legal education.

B. *Defining Leadership for Lawyers*

With thousands of leadership definitions or approaches (each with its own book or series of books to explain), settling on an understanding of the effort to be achieved was complicated and difficult. As several authors in this issue agree, the concept of leadership is complex and multifaceted.³⁷ “‘Leadership’ defies simple explanation,”³⁸ which encourages the legal profession to look at definitions used by other professions, especially those with common interests.

³⁴ Darby Dickerson listed the following challenges: COVID-19 pandemic, structural racism, cost of legal education vs. value, pace of innovation and technology, debt loads for students, U.S. news influence, caste system in legal education, licensure model, climate change and mental health and wellness. Darby Dickerson, *Reflections on the Challenges Facing Legal Education*, 2020 Vision for Leadership Conference at Baylor Law 3–5 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364677.pdf>). Deborah Rhode's remarks and article addressed the COVID-19 pandemic and widespread social protest in light of racial and social injustice. Rhode, *supra* note 19.

³⁵ See, e.g., Scott Jeffrey, *A Complete Guide to Self-Actualization: 5 Key Steps to Accelerate Growth*, CEOSAGE (2014), <https://scottjeffrey.com/self-actualization/>. Abraham Maslow's theory of motivation states a person behavior is dictated by five human needs—physiological needs, safety needs, love and belonging needs, esteem needs, and self-actualization. *Id.*

³⁶ *Id.* According to Maslow's Hierarchy of Needs, the highest human desire of self-actualization (the realization of one's talents and potential) cannot be reached until the other more basic human needs are met. *Id.*

³⁷ April Mara Barton, *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*, 73 BAYLOR L. REV. 115 (2021); Martin H. Brinkley, *Teaching Leadership in American Law Schools: Why the Pushback?*, 73 BAYLOR L. REV. 194 (2021); Patrick Bryan & Donald J. Polden, *Learning Lawyer Leadership from the Military Profession*, 73 BAYLOR L. REV. 170 (2021).

³⁸ LEAH TEAGUE, LIZ FRALEY & STEPHEN RISPOLI, *FUNDAMENTALS OF LAWYER LEADERSHIP* 44 (2021).

While the medical profession is one commonly referenced by those studying professional formation,³⁹ military is another profession with which the legal profession has common interests.⁴⁰ In *Learning Lawyer Leadership from the Military Profession*, Judge Advocate Patrick Bryan and Dean Don Polden note an area of kinship between lawyers and soldiers: “They share the call to leadership.”⁴¹ While we may share a common sense of duty to serve, the military more fully embraces that calling and “trains *everyone* on leadership.” Describing the Army’s soldier’s role as a leader, they shared, “The heart of the Army is the soldier. She is the center of gravity—the Army’s most valuable weapon system. More, she knows—through training, discipline, and experience—that every soldier leads. Period.”⁴² As with the military, the legal profession relies upon each and every lawyer to take action to defend the principles of democracy and to protect individual freedoms, rights and liberties.

Just as the legal profession proudly points to the role of lawyer-leaders in our history, so does the military. “Without question, the U.S. military has developed many of the nation’s leaders in government, politics, business, and

³⁹ See *infra* Part V.C.5.

⁴⁰The author is not suggesting that military education and training is without faults; instead, legal education should be looking to other professions, including military and medicine, for lessons we can learn. At Baylor Law, we have long recognized the kinship between the legal profession and the military. At each graduation we pause to honor the service members. At the Baylor Law Winter 2021 graduation, Dean Toben noted, “what we do as lawyers, what the legal profession does as the stewards of the rule of law, as stewards of our justice system, is made possible because we have our armed forces . . . provid[ing] the umbrella of security.” Dean Brad Toben, Address at Baylor Law Winter 2021 Commencement (Feb. 6, 2021) (available at <https://www.baylor.edu/law/index.php?id=932029>). Lawyers are the keepers of the rule of law, the protectors of our democratic system of government and the defender of individual citizen’s rights and liberties. The military is duty bound to protect our borders and our national interests. Soldiers pledge to pay the ultimate price for our freedoms. They are ready, willing, and do lay down their lives in sacrifice for our country. Lawyers could not do what we do without the service and sacrifice of our armed forces. For their service we should all be grateful. Lawyers are not expected to physically sacrifice our lives for clients and country, but self-sacrifice is sometimes necessary to meet our professional obligation to serve clients with honor and integrity and to fulfill our obligation as officers of our system of justice.

⁴¹Bryan & Polden, *supra* note 37, at 171.

⁴²*Id.* at 177.

higher education.”⁴³ Twenty-six of our U.S. Presidents have been lawyers, while thirty-two U.S. Presidents served in the military.⁴⁴

Unlike the legal profession, the military has been intentional in the development of leaders by thoughtfully defining leadership and training their members for leadership in service to our country.⁴⁵ Judge Advocate Bryan and Dean Polden shared the Army’s definition of leadership: “the activity of influencing people by providing purpose, direction, and motivation to accomplish the mission and improve the organization.”⁴⁶ “[L]eaders are not limited to just those designated by position, rank, or authority.”⁴⁷

The Army’s description of leadership is similar to one suggested for lawyer-leaders in *Fundamentals of Lawyer Leadership*.⁴⁸ In attempting to define leadership for lawyers, two quotes from leadership experts were presented to address the role of lawyers as leaders:

Peter Northouse defines leadership as “a process whereby an individual influences a group of individuals to achieve a common goal.” Popular leadership author John C. Maxwell notes that “[l]eadership is not about titles, positions, or flowcharts. It is about one life influencing another.”⁴⁹

The military’s approach to leadership as well as the suggested one for lawyers views every member of the profession as a leader charged with discharging the duties of an honorable profession to protect and serve society.

Lawyers are indeed leaders in every aspect of their professional positions. Advising clients, advocating for change in an organization, working with a team on a client matter, and serving on a committee or board of a non-profit. These are all examples of leadership in action, even though these opportunities may not have been recognized as such. Judge Lora Livingston shared that before law school she knew she wanted to be a lawyer to be “that

⁴³ *Id.* at 172–73.

⁴⁴ *Id.* at 172.

⁴⁵ *Id.* at 178.

⁴⁶ *Id.*

⁴⁷ *Id.* at 177.

⁴⁸ TEAGUE, FRALEY & RISPOLI, *supra* note 38, at 5.

⁴⁹ *Id.* (citations omitted).

voice for people who were voiceless.”⁵⁰ In law school, she learned that by serving clients and being that voice, lawyers are change agents not only in the lives of individuals but also in a community.⁵¹ Judge Livingston challenged law schools to be more intentional about inspiring law students to see themselves not just as advocates and problem solvers but also as leaders in our communities.⁵² “The problems in the 21st Century are complex. They require a great deal of thought about how to solve some really big problems and some really big issues.”⁵³ We can and should do more, and leadership programming can be a significant contributor to enhancing the education and training for the complexities of tomorrow.

C. Justification for Leadership Development in Law School

In the fall of 2020, as Deborah Rhode was finishing her piece for this issue, she wrote, “At no time in recent history has the need for leadership been so apparent and its absence so catastrophic.”⁵⁴ Her expression focused on crises in 2020—the COVID-19 pandemic, civil unrest, and protests for racial justice—and served as a call to action for the legal profession to “contribute more effectively to the struggle to make this country ‘a more perfect union.’”⁵⁵ She encouraged us to consider what our legacy will be, and to not let this “moment of suffering” or any calamity, chaos or tragedy go unaddressed when we have the ability to help one individual, a community or a nation.⁵⁶ “Law as a profession offers its members boundless opportunities to do good.”⁵⁷

Professor Rhode believed the role of law schools is to teach and train our students for a noble life in the law.⁵⁸ We recognize the opportunities for law schools to prepare our students for a life of honorable impact. We also recognize the realities for which law schools must prepare students. Each of

⁵⁰Judge Lora Livingston, *Lawyers as Public Servants*, Panel Discussion at the 2020 Vision for Leadership Conference at Baylor Law 10 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364706.pdf>).

⁵¹*Id.*

⁵²*Id.*

⁵³*Id.* at 21.

⁵⁴Rhode, *supra* note 19, at 68.

⁵⁵*Id.*

⁵⁶*Id.* at 113–14.

⁵⁷*Id.* at 114.

⁵⁸RHODE, *LAWYERS AS LEADERS*, *supra* note 13, at 1.

the reasons noted below is justification enough for a leadership development program. When combined, they illuminate a clear need for leadership training in legal education.

1. Leadership is Expected of Lawyers

From the first session of the Conference to the last, speakers acknowledged that “[l]awyers lead.”⁵⁹ Statements from the *Law School Deans Panel* provide insights from the deans’ perspective as leaders of American law schools. Responding to a question from the audience, Dean Brad Toben asked the deans to share “a single talking point that you would use to counter the negative perception of . . . leadership training programs” when encountering “pushback from leadership training initiatives and putting them in place[.]”⁶⁰ Dean April Barton began by offering:

[As] lawyers we make decisions that affect others every single day. . . . [I]f you sort of let that sink in, we better understand leadership when our decisions are affecting not only our clients, but policy and regulation. It’s incumbent. We have a duty to understand leadership. . . . [L]eadership makes us better lawyers.⁶¹

Dean Lee Fisher added, “[I]t’s what our profession wants and what our society needs and we ought to be listening to them because they are our ultimate consumers in addition, of course, to our students.”⁶² Building on Dean Fisher’s response, Dean Robert Ahdieh agreed with Dean Fisher and added, “[F]undamentally, it is part of our duty to society. . . . This is at the

⁵⁹Deborah L. Rhode, Reflections on the Challenges Facing Education, 2020 Vision for Leadership Conference 14 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364677.pdf>); John Grisham, The Lawyer as Leader, 2020 Vision for Leadership Conference at Baylor Law 18 (Sept. 17, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364708.pdf>) (“ . . . the leaders were almost always lawyers.”).

⁶⁰Brad Toben, Dean, Baylor Law School, Law School Deans Panel: Leadership Programing in Law Schools, 2020 Vision for Leadership Conference 26 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364678.pdf>).

⁶¹April Barton, Dean, Duquesne Univ. School of Law, Law School Deans Panel: Leadership Programing in Law Schools, 2020 Vision for Leadership Conference 26 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364678.pdf>).

⁶²Lee Fisher, Dean, Cleveland Marshall Coll. of Law, Law School Deans Panel: Leadership Programing in Law Schools, 2020 Vision for Leadership Conference 26 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364678.pdf>).

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core of what [we do]... [W]e are adding value. . . . [W]e are training the leaders of future of our society for the future.”⁶³

Dean Martin Brinkley also agreed with Dean Fisher and then provided an explanation of the importance of leadership training to his law school:

If I were answering the question from a member of the general public or a faculty member at another law school, I would give [Dean] Lee [Fisher]’s answer. If I were answering it to one of my own faculty members, I would say this I would frame it in terms of my own school and say this law school, the University of North Carolina School of Law has trained . . . 13 of the last 25 governors of the State of North Carolina. That’s all the governors we’ve had since 1900.

This is simply who we are as an institution and it’s critical to our identity. We furnish the leadership class of this state traditionally and it’s what we have to keep on doing.⁶⁴

Dean Gordon Smith followed with an answer specific to the experience of Brigham Young University J. Reuben Clark Law School:

[W]hen [BYU] was founded almost 50 years ago[,] the aspiration of the founders of the law school was that we would be a place of influence. What is influence after all but leadership . . . and the difference between what we’re talking about today and the law schools of a decade ago or two decades ago is that we’re being more intentional about it. We’re being more explicit about it, which I think is an important feature of any training program that you actually tell the people what you’re training them to do, right? So that they can sort of get in the mindset that they’re leaders.

When I graduated from law school . . . I felt like I was graduating to become a line worker in a law factory. I was

⁶³Robert Ahdieh, Dean, Texas A&M Univ. School of Law, Law School Deans Panel: Leadership Programing in Law Schools, 2020 Vision for Leadership Conference 26 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364678.pdf>).

⁶⁴Martin Brinkley, Dean, Univ. of N. Carolina School of Law, Law School Deans Panel: Leadership Programing in Law Schools, 2020 Vision for Leadership Conference 26–27 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364678.pdf>).

going to be a really diligent worker bee in a very big law firm and that was sort of what I felt I had been prepared to do. I want our students to come out with some different vision of what they are prepared to do with their lives than I had when I graduated from law school.⁶⁵

The next day of the Conference during the *Women Leaders Panel*, Dean Emeritus Melissa Essary added, “I agree that it’s been an oft-neglected topic. When you look historically at the number of lawyer leaders, it should be infused in all manner in our curriculum.”⁶⁶

During the *Lawyers as Public Servants* session of the Conference, Kirk Watson reminded the audience that lawyers have “a monopoly on one of the branches of government.”⁶⁷ Lawyers dominate the judiciary.⁶⁸ He challenged the audience to “identify any other profession that does that with any other part of government.”⁶⁹ Dean Watson reminisced learning in law school about the power that comes an obligation for service and leadership.⁷⁰

Fast forward to January 6, 2021, as the nation watched the storming of the Capital by supporters of former President Trump in some type of attempt to interfere with the Congressional proceedings to accept the vote of the Electoral College.⁷¹ In the days following, many across the nation responded with statements declaring it a day that will be remembered as a threat to our democracy.⁷² Among the responses was a statement signed by deans from

⁶⁵D. Gordon Smith, Dean, Brigham Young Univ. School of Law, Law School Deans Panel: Leadership Programing in Law Schools, 2020 Vision for Leadership Conference 27 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364678.pdf>).

⁶⁶Melissa Essary, Dean, Campbell Law School, Women Leaders Panel, 2020 Vision for Leadership Conference 8 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364700.pdf>).

⁶⁷Senator Kirk Watson, Lawyers as Public Servants, 2020 Vision for Leadership Conference 15 (Sept. 17, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364706.pdf>).

⁶⁸*See id.*

⁶⁹*Id.*

⁷⁰*Id.*

⁷¹*See, e.g., Fact check: NPR Jan. 6 article headline does not prove storming of the Capitol was staged*, THOMSON REUTERS (Jan. 14, 2021), <https://www.reuters.com/article/uk-fact-check-npr-headline-storming-of-c/fact-check-npr-jan-6-article-headline-does-not-prove-storming-of-the-capitol-was-staged-idUSKBN29J2MI>.

⁷²Craig Kafura, *What Americans Make of the January 6 Chaos at the Capitol: Protesters and Patriots, or a Threat to Democracy by Domestic Terrorists?*, THE CHICAGO COUNCIL ON GLOBAL

most of the law schools in the United States which included the following passage as the last paragraph:

As law deans, our mission is to train the next generation of leaders to uphold the core values of our profession and sustain the rule of law. This should be a moment of reflection for legal educators and members of the legal profession. A sustained effort will be necessary to repair and preserve our precious democratic institutions. As legal educators and lawyers ourselves, we must redouble our efforts to restore faith in the rule of law and the ideals of the legal profession. We have enormous faith in the law's enduring values and in our students, who will soon lead this profession. We call upon all members of the legal profession to join us in the vital work ahead.⁷³

The endorsement is clear. Agreement seems almost universal among the deans of our law schools that leadership development programming in law schools is appropriate, if not required, in order to prepare graduates who meet society's expectation.⁷⁴ Even with overwhelming support from the deans, we know others in the profession still need convincing. As discussed below, additional reasons were presented at the Conference and in this issue for why law schools should adopt and incorporate leadership development training.

2. Law Students Have What It Takes for Leadership

In the "nature vs. nurture" debate about whether leaders are born or leaders are made, early proponents of this movement declared their belief that legal educators *can* teach fundamental aspects of leadership to our students.⁷⁵ This notion is grounded in the concept of a growth mindset: "[W]hile we start

AFFAIRS RUNNING NUMBERS BLOG (Jan. 7, 2021), <https://www.thechicagocouncil.org/commentary-and-analysis/blogs/what-americans-make-january-6-chaos-capitol> ("YouGov polling finds that six in ten registered voters overall (62%) see the events as a threat to democracy, including majorities of Democrats (93%) and Independents (55%), though few Republicans (27%) agree."). *Id.*

⁷³Law Deans Joint Statement on the 2020 Election and Events at the Capitol (January 12, 2021) (on file at https://law.yale.edu/sites/default/files/documents/pdf/law_deans_joint_statement_1.12.21_final.pdf).

⁷⁴*See id.*

⁷⁵*Breakfast Discussion, supra* note 10.

with a base level of ability, we can always learn and do better.”⁷⁶ This growth mindset has been proven in many scenarios, and teaching leadership is no different.⁷⁷ No matter a law student’s entering leadership abilities, they can always be improved.

To be fair, the author acknowledges that law schools have the advantage of attracting to the profession many individuals who are oriented toward leadership opportunities. This may account for an interesting fact shared by Dean Polden in this issue: “only about 5% of Americans have ever thought about running for political office, yet 58% of lawyers have considered the idea.”⁷⁸ We also know that many of those who apply to law school come with attributes (characteristics and talents) that give them an edge. In fact, we look for those when recruiting and admitting students. Leaders generally have a higher IQ than their followers and leaders are often driven, self-confident individuals.⁷⁹ Our “raw material” coming into law schools is above average. To get into law school, applicants must have a record of success and achievement that is not common. As legal educators we are thankful and proud of that fact. Our task is to produce a graduate whose life and abilities are improved and enhanced in all the ways that we can in three short years.

In Dean Brinkley’s reflections in this issue, he responds to the concern that we cannot and should not teach leadership in law schools.⁸⁰ He asked, “How would we react if told that a talented violinist ought to be able to perform the Beethoven concerto at a high artistic and technical level with no guidance from an experienced teacher?”⁸¹ As discussed in the next section, those attracted to law school already have attributes found in successful leaders, and they also have the desire to use their legal education and training for good.⁸² We should help them enhance their strengths while also helping them overcome, manage, or offset areas that are not.

⁷⁶ TEAGUE, FRALEY & RISPOLI, *supra* note 38, at 121.

⁷⁷ *Id.* at 118–23.

⁷⁸ Bryan & Polden, *supra* note 37, at 172.

⁷⁹ TEAGUE, FRALEY & RISPOLI, *supra* note 38, at 47–48.

⁸⁰ Brinkley, *supra* note 37, at 204.

⁸¹ *Id.*

⁸² *See infra* Part V.C.3.

3. Applicants Expect to Become Leaders

For those of us who read personal statements of our entering students, we can attest to the fact that most personal statements include some reference to a desire to use their law degrees and legal education to make a positive difference. “According to the Before the JD Research, the number one reason students give for wanting to attend law school is [as] a pathway for careers in government and public service.”⁸³ That desire is likely driving, at least in part, the recent increase in interest in law school. Applicants to law schools in 2020 increased by thirty-two percent over 2019.⁸⁴ Kellye Y. Testy, president and CEO of the Law School Admission Council, offered these explanations:

Certain events, like the death of Supreme Court Justice Ruth Bader Ginsburg, . . . captured public attention and showed people how much the law matters and how much difference a single person could make in the law.⁸⁵

. . .

We are seeing a real surge in candidates taking the LSAT and applying. There are a lot of factors at work here. But we hear a lot of about motivation from [Ruth Bader Ginsburg]—the RBG moment. We’ve been saying our candidates have ‘really big goals.’ They are talking about racism, COVID, economic inequality, political polarization, and climate change. They are inspired to make a difference.⁸⁶

A recent U.S. News article suggested that the separation and isolation required by the pandemic provided time for many individuals to slow down and think about their lives and priorities. “The pandemic has forced a number

⁸³ Judy Perry Martinez, Women Leaders Panel, 2020 Vision for Leadership Conference 6 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364700.pdf>).

⁸⁴ Scott Jaschik, *Applications Jump to Law and Medical School: Are law schools poised to come back?*, INSIDE HIGHER ED. (Nov. 30, 2020), <https://www.insidehighered.com/admissions/article/2020/11/30/applications-jump-law-and-medical-school>.

⁸⁵ *Id.*

⁸⁶ Karen Sloan, *Law School Applicants Are Way Up. Is It an ‘RBG Moment’?*, LAW.COM (Nov. 17, 2020) <https://www.law.com/2020/11/17/law-school-applicants-are-way-up-is-it-an-rbg-moment/>.

of people to really take stock of the fragility of life and the importance of doing things that are fulfilling and nurture you and advance the goals that you set for yourself”⁸⁷ “[P]eople are reconnecting with the idea that, if I’m going to work, let me add something to society that I didn’t really think that I was adding before”⁸⁸

This desire for meaning and purpose should be fostered in law school. Legal educators should help our students strategically build upon that desire and their goals while in law school. Driven and trustworthy employees are valuable assets to any organization, and as discussed in the next section, legal employers are looking for graduates with that type of drive.⁸⁹

4. Legal Employers Value Leadership Skills

In Dean Barton’s article, she confirmed that law schools are hearing from employers “loud and clear the need for law graduates who possess leadership skills.”⁹⁰ “Employers need graduates who can manage projects, lead teams, solve problems, manage crises, and make strategic decisions.”⁹¹ Many law firms have their own leadership development programs and assessment of associates leadership capabilities is commonly a criteria in yearly performance reviews and in promotion decisions.⁹² Dean Barton adds that law firms, like other businesses, understand leadership impacts the bottom line of an organization; good or bad leadership can mean profits or not.⁹³

At the Conference, Natalie Runyon reported her experience with law firm leadership development programs for their lawyers.⁹⁴ She said approaches include helping young lawyers “reframe[e] failure [a]s key to innovation, key to that growth mindset and developing that grit and resilience” and teaching emotional intelligence in phases to “meet people where they are in the

⁸⁷ Ilana Kowarski, *How to Respond to the J.D. Application Increase*, U.S. NEWS (Dec. 7, 2020), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/law-school-applications-rise-what-it-means-for-jd-hopefuls>.

⁸⁸ *Id.*

⁸⁹ See *infra* Part III.C.4.

⁹⁰ Barton, *supra* note 37, at 130.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Natalie Runyon, Director of Enterprise Content, Thomson Reuters, Leadership Development Learning Outcomes and How to Implement Them, 2020 Vision for Leadership Conference 14 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364679.pdf>).

journey.”⁹⁵ In addition to leadership competencies, some firms are “teaching business fundamentals and innovation at the same time.”⁹⁶ Business and leadership development and individual assessments are resource intensive, but law firms are making the investment.⁹⁷

Law schools that provide leadership training can give students an advantage upon graduation as they join firms that value leadership development. Additionally, leadership training addresses the criticism that grades are an incomplete measure of a student’s potential. Dean Smith noted, “One of the things we’ve noticed about leadership is that it’s something that can apply to everybody in the class and that this is something that will bring out other capabilities that aren’t necessarily tested on law school exams.”⁹⁸ As more law firms recognize the benefits of leadership training as a predictor of future success in the profession, law school leadership development programs can be a counterbalance to a student’s academic performance.

5. Programs promotes Diversity, Equity and Inclusion Efforts

During the virtual Conference, three panels were devoted to diversity, equity, and inclusion issues.⁹⁹ As with the profession’s failure to provide leadership training in law schools, it is equally shameful that the profession whose members are hired to fight for the rights of the marginalized is itself woefully behind in creating an inclusive environment with sufficiently diverse members to represent clients.¹⁰⁰ “Lawyers have a special responsibility to fight injustice, especially injustice caused by laws and practices that are racist and unjust in word or effect.”¹⁰¹ The American Bar Association Center for Diversity and Inclusion is devoted to advancing

⁹⁵ *Id.* This approach to “meet people where they are in the journey” is a principle espoused by Professor Neil Hamilton in addressing recommended approaches to the professional formation or development of law students. See Neil Hamilton, *The Major Transitions in Professional Formation and Development from Being a Student to Being a Lawyer Present Opportunities to Benefit the Students and the Law School*, 73 BAYLOR L. REV. 139 (2021).

⁹⁶ Runyon, *supra* note 94.

⁹⁷ Hamilton, *supra* note 95.

⁹⁸ Smith, *supra* note 65, at 3.

⁹⁹ See, e.g., *Schedule and Speaker Bios*, BAYLOR UNIV. LAW, <https://www.baylor.edu/law/index.php?id=966562> (The three panels referenced are Leadership of Differences, Beyond the Statements, and the Women Leaders Panel).

¹⁰⁰ TEAGUE, FRALEY & RISPOLI, *supra* note 38, at 293–95.

¹⁰¹ Martinez, *supra* note 33, at 4.

initiatives that will “eliminate bias and enhance diversity and inclusion throughout the Association, legal profession, and justice system.”¹⁰² Judy Perry Martinez shared that this center created a pledge for diversity to be signed by in-house departments and law firms committed to supporting diversity initiatives.¹⁰³ Caren Lock, Regional Vice President and Associate General Counsel, TIAA, shared that the efforts are gaining importance in the profession as companies like hers enter into diversity agreements before hiring outside counsel, and they also require audits of those law firms to ensure they provide meaningful work to women and persons of color.¹⁰⁴ Successful efforts to increase diversity and inclusion begin with a vision of where the organization needs to go, and then intentionality to get there.¹⁰⁵ Intentionality starts with awareness and understanding of the issues.

During the *Leading Differently* session, Associate Dean Kathy Northern described the difference between diversity, equity, and inclusion, and explained why it matters.

[T]here’s a representational aspect. There should be within the legal profession persons who reflect the broader society. This representational diversity facilitates members of the broader community to identify with the legal system, to see that persons who are like them are a part of the legal structure of the country, allows a sense that they have representation in ways that allow individuals to be actively represented within the system, not just acted on by the system.¹⁰⁶

¹⁰²*Diversity and Inclusion Center*, AM. BAR ASS’N, <https://www.americanbar.org/groups/diversity/>.

¹⁰³Martinez, *supra* note 33, at 19. See the ABA Center for Diversity and Inclusion for initiatives. *Diversity and Inclusion Center*, AM. BAR ASS’N, <https://www.americanbar.org/groups/diversity/>.

¹⁰⁴Caren Lock, Women Leaders Panel, 2020 Vision for Leadership Conference 19 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364700.pdf>).

¹⁰⁵Eva Guzman, Women Leaders Panel, 2020 Vision for Leadership Conference 20 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364700.pdf>); Melissa Essary, *supra* note 66, at 21; Martinez, *supra* note 83, at 14.

¹⁰⁶Kathy Seward Northern, Assoc. Dean, Ohio St. Univ. Moritz Coll. of Law, Leadership of Differences, 2020 Vision for Leadership Conference 10 (Sept. 16, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364704.pdf>).

Dean Northern added that clients who do not feel represented *in* the legal profession do not feel served or represented *by* the profession.¹⁰⁷ She added that desired diversity should be broader than race, gender, sexual orientation, or disabilities and also should include “educational attainment, socioeconomic background, veteran status, our physical appearance, health status and just a range of demographic characteristics or markers,” as well as “diversity of thought, of expression, of ideas, perspectives and values that will lead to a richer educational experience for everyone.”¹⁰⁸

Dean Garry Jenkins picked up the conversation after Dean Northern sharing additional benefits of diversity as noted in his leadership classes. “Diverse organizations are more successful at recruiting and retaining talent.”¹⁰⁹ They have “lower turnover, higher job satisfaction, higher employee motivation;”¹¹⁰ they are more innovative because “[p]eople with different lifestyles and backgrounds challenge each other more” leading to “deep inquiry and breakthroughs;”¹¹¹ “the quality of decision making improves when you have diverse teams” because “working with many people who are different challenges the brain to overcome stale ways of thinking;”¹¹² diversity has been linked to “profitability and financial health;”¹¹³ and “[o]rganizations with diverse perspectives and practices have improved reputations.”¹¹⁴

Leadership programs commonly host special panels to talk about challenges specific to a particular group, especially groups traditionally unrepresented in our profession. The *Women Leaders Panel* at the Conference was such an example.¹¹⁵ The panel discussed approaches to

¹⁰⁷ *Id.* This disconnect implicates access to justice issues, and research suggests that access to justice issues will persist as long as people do not believe that the system is designed to protect them. See, e.g., Stephen L. Rispoli, *Courting Access to Justice*, 29 S. CAL. REV. L. & SOC. JUST. 333 (2020).

¹⁰⁸ Northern, *supra* note 106, at 10.

¹⁰⁹ Jenkins, Leadership of Differences, 2020 Vision for Leadership Conference 15 (Sept. 16, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364704.pdf>).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.* at 16.

¹¹⁵ See generally Women Leaders Panel, 2020 Vision for Leadership Conference (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364700.pdf>).

leadership that work well for women leaders and offered specific advice.¹¹⁶ For example, former ABA President Judy Perry Martinez offered advice about leadership styles that work effectively for women: “[B]e true to oneself. Don’t try to be something that you aren’t or maybe that you see in somebody else that you’re trying to be like [if i]t’s not comfortable for you. It doesn’t mean that we . . . don’t aspire to be like someone else, but that we make sure that we can own it, embrace it.”¹¹⁷ Judge Guzman joined her to encourage leaders not to be afraid to try different approaches and to learn from the failure and errors until you find what works.¹¹⁸ Ms. Martinez followed with advice about the importance of listening well to others: “The art of empathy particularly is one that I think comes quite . . . naturally to a lot of women, not all. It is something that is so needed in our world particularly today. It is one that is often left in the briefcase and not brought and put on the table.”¹¹⁹ The conversation continued with coverage of a wide array of topics such as value of mentors, implications of implicit biases, making sure everyone’s voice is heard, taking and giving credit where due, acting with courage, imagining bold visions and more.¹²⁰

In Dean Brinkley’s reflections, he shared, “I feel that committing resources to our efforts at inclusion is consistent with the goal of training effective lawyer-leaders. I had always envisioned that diversity, equity, and inclusion would occupy a prominent space in the kind of training any leadership curricula or programming we might devise.”¹²¹ He is spot on. Leadership development programs commonly include efforts to educate individuals about the benefits of a broadly diversified group working within an inclusive environment.¹²² Discussions such as the ones at the Conference commonly address the needs of women, persons of color, and other under-represented individuals, as well as the need to address the differences they face in our profession and as leaders. Dean Lee Fisher validated this approach

¹¹⁶*Id.*

¹¹⁷Martinez, *supra* note 83, at 13.

¹¹⁸Guzman, *supra* note 105, at 14.

¹¹⁹Martinez, *supra* note 83, at 14.

¹²⁰*Id.* at 14–26.

¹²¹Brinkley, *supra* note 37, at 210.

¹²²*See generally*, Donald J. Polden and Leah Teague, *More Diversity Requires More Inclusive Leaders Leading by Example in Law Organizations*, 48 HOFSTRA L. REV. 681 (2020); Ellen Yaroshefsky *Symposium Introduction: Leading Differently Across Difference Conference*, 48 HOFSTRA L. REV. 597 (2020).

when he shared that diversity was the focus the leadership class he taught at the time of the Conference.¹²³

As another illustration of a leadership program addressing diversity, equity and inclusion, Dean April Barton shared her leadership program's commitment:

Making sure that we're always thinking about awareness. We know the importance of emotional intelligence, thinking about self-awareness, social awareness, and cultural awareness. Then, finally, making sure that we are stressing how important it is to always be champions of diversity and be 100% dedicated to equity and inclusion in our organizations.¹²⁴

6. Learning to Listen with Empathy Builds Relationships and Cultural Competency

Numerous times throughout the Conference, speakers listed listening and empathy as important aspects of a leader's endeavor to build and nurture productive relationships.¹²⁵ When parties come to a relationship from different backgrounds, listening to gain an awareness of the other's culture and exhibiting genuine respect for their differences (i.e., cultural competency) helps to establish mutual respect and trust as the basis for a productive relationship. The same is true for lawyers working to start a practice, lead a team, or run a business. With that said, law schools do not have a reputation for teaching students to listen with empathy, collaborate on anything, or nurture anyone. On the contrary, the traditional emphasis on advocacy trains students to listen for the purpose of gathering information in order to respond with information or to rebut another's position.¹²⁶ Leadership programs can provide training to help students listen not to respond but to gain a broader perspective and to better understand people and

¹²³Fisher, *supra* note 62, at 23.

¹²⁴Barton, *supra* note 61, at 4.

¹²⁵Smith, *supra* note 65, at 14; Martinez, *supra* note 83, at 11; Lock, *supra* note 104, at 11; Jerry Clements, Women Leaders Panel, 2020 Vision for Leadership Conference 13 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364700.pdf>).

¹²⁶Stephen L. Rispoli, *Lawyers talk too much! The Art of Really Listening*, TRAINING LAWYERS AS LEADERS BLOG (Feb. 26, 2021), <https://traininglawyersasleaders.org/2021/02/26/lawyers-talk-too-much-the-art-of-really-listening/>.

situations. These are important lessons for lawyering and leadership and particularly so considering current challenges in society.¹²⁷

As indicated, several speakers mentioned the importance listening with empathy to understand and not just hear. For example, Dean Gordon Smith shared his experience:

Over the last few years, I've realized that becoming an effective leader isn't necessarily about talking all the time. As a listener, I've tried to develop a new set of skills and here's a very different set of skills than the ones I usually practice as a professor. The primary goal as a listener is to see and feel as another, which is another way to describe a concept we often call empathy. When I do this well, it makes sense, every aspect of my performance as a dean is better.¹²⁸

Artful listening and empathy should be not viewed as “soft” skills not worthy of a lawyer’s attention. During the Conference, Former U.S. Secretary of State James Baker credited his success in the rough and tumble, high-stakes world of international diplomacy and negotiations on behalf of the country to the skills gained as a transactional lawyer negotiating deals for his clients. His ability to get the deal done earned him respect in our nation’s Capitol on both sides of the aisle. His advice for success as a negotiator was to listen carefully, not to respond but to understand what is important to the other side:

[F]irst of all you need to understand that no negotiation can be a zero-sum game. . . . So the number one thing, I think, for a successful negotiation is to begin by putting yourself in your interlocutor’s shoes, so you understand what his or her red lines are, and what she or he can reasonably be expected to agree to. Once you do that, you increase the chances of a successful negotiation.¹²⁹

Listening with a desire to understand the other party is helpful in many situations, whether negotiating a deal worth a little or a lot, trying to reach an

¹²⁷See *infra* Section V.C.3.

¹²⁸Smith, *supra* note 65, at 14.

¹²⁹James A. Baker III, Former U.S. Sec’y of State, Leadership and the Law, 2020 Vision for Leadership Conference 4 (Oct. 13, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/365088.pdf>).

agreement among partners, or looking to resolve conflict that divides a community or a nation. To be most effective, however, listening with empathy must be genuine and supported by a record of trustworthiness. As Secretary Baker shared, “[Y]ou need to make sure that the person across the table has faith in your word and doesn’t think you’re lying to them or fudging around the margins. It’s very important that your word be seen as good.”¹³⁰ In other words, lawyers and leaders need to conduct their affairs with integrity at all times.

Secretary Baker’s commitment to principled values contributed to his reputation for success in another important aspect of building and nurturing relationships. Secretary Baker was known for “mending fences and transforming difficult relationships;”¹³¹ in other words, he believed “enemies don’t have to be permanent.”¹³² The same skills and principles that made him successful as a negotiator allowed him to build future partnerships with past adversaries.

The term “cultural competency” is a more recent expression of the abilities demonstrated by James Baker as he navigated complex international relationships with a wide array of representatives from different countries and cultures.¹³³ With a motto of “prior preparation prevents poor performance,” he took time to learn about the customs, values, and life experiences of those he encountered, whether negotiating against them or recruiting them to join the United States as an ally.¹³⁴ He was successful not only at getting a deal done but making it stick.¹³⁵

Leadership programs provide opportunities not only to expose students to successful lawyer-leaders from all arenas (i.e., public, private, non-profit, etc.), but also to study their attributes and actions in the context of situations. Guided discussions and reflections on topics such as cultural competency and building relationships will help students discover more about themselves

¹³⁰ *Id.* at 4.

¹³¹ *Id.* at 9.

¹³² See Talmage Boston, Leadership and the Law, 2020 Vision for Leadership Conference 9 (Oct. 13, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/365088.pdf>).

¹³³ TEAGUE, FRALEY & RISPOLI, *supra* note 38, at 309–12.

¹³⁴ See, e.g., PETER BAKER AND SUSAN GLASSER, THE MAN WHO RAN WASHINGTON 331–35 (2020).

¹³⁵ *Id.* at xvii. His ability to build and maintain strong relationships after the deal was done—with parties on both sides of the table and on both sides of the aisle—gained him the reputation of “The Man Who Ran Washington.”

while also opening their mindsets to explore people and situations from a broader perspective. Words and actions not only dictate professional reputation but also one's ability to work well with others—whether on the same team or working for the opposition.

7. Programs Emphasize Civility and Teaching Civil Discourse

Civil discourse is another area in which lawyers should be leading the way. Although civil discourse was not the focus of Former U.S. Secretary James Baker Conference interview, he expounded on the need for more civil discourse in another venue:

Our country has survived and thrived, in large part, because we have worked together in the past on important issues. Absent the art of compromise in a democracy, chaos can ensue.

Above all, when someone makes a point, listen to it, regardless of how incorrect it may seem to you. Don't discount people just because you don't agree with them. Listening is an important part of learning about one another—and from one another—that sends a clear signal of respect.

It is also a critical civic virtue. And in this country, we need to do more listening and less screaming—because I fear that the things that bind us together as a people are getting lost in the noise.¹³⁶

During the *Women Leaders Panel*, Texas Supreme Court Justice Eva Guzman also commented on the need for more civility and she encouraged law schools to engage in leadership training to help lawyers as future leaders understand “the notion that opposing views are what leads to the conversation, that leads to the change that we all seek.”¹³⁷ She shared, “So often, we hear or talk to young people who don't have the capacity to understand there are opposing views and that they should be able to think

¹³⁶James A. Baker III, *Civility and the lost art of listening*, Houston Chronicle (July 1, 2018), <https://www.houstonchronicle.com/opinion/outlook/article/James-A-Baker-III-Civility-and-the-lost-art-of-13038939.php>.

¹³⁷Guzman, *supra* note 105, at 9.

about what it would be like to walk in another person's shoes."¹³⁸ She added that such training will "have an impact on community. It's a way to have an impact on social change."¹³⁹

The Conference session *Civil Discourse Workshop – Brave Listening and Passionate Speaking*, provided training to help lawyer-leaders facilitate dialogue in conflict situations and on difficult topics. Raye Rawls, began by explaining that conflict is viewed as a "win-lose proposition,"¹⁴⁰ between parties who likely feel that "conceding to a point is a sign of weakness."¹⁴¹ Rather than show weakness, people often harden their stance and look for confirmation of their view (known as confirmation bias).¹⁴² Professor Rawls encouraged approaching any dialogue with an open mind and the intent to gain a broader perspective of the other parties' positions.¹⁴³ She added that peoples' positions and opinions are influenced by their "core values, beliefs, and worldviews," which are likely different from the other parties' influences.¹⁴⁴ Parties to a dialogue should seek to understand those influences on the content of the dialogue, but the relationship between parties, or the lack thereof, also will impact the dialogue or the conflict. Civil discourse requires both parties to be mindful of content and relationships.¹⁴⁵

In the *Civil Discourse Workshop*, Bob Stains presented the Reflective Structured Dialogue technique "to pursue mutual understanding rather than agreement or immediate solutions."¹⁴⁶ In a Reflective Structured Dialogue,

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ See Raytheon "Raye" M. Rawls, *Civil Discourse Workshop – Brave Listening and Passionate Speaking*, 2020 Vision for Leadership Conference 4 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364702.pdf>).

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ Robert "Bob" R. Stain, *Civil Discourse Workshop—Brave Listening and Passionate Speaking*, 2020 Vision for Leadership Conference 11 (Sept. 15, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364702.pdf>); see *id.* at 17–19 for a discussion of the SCARF approach to organizational dynamics. Organization development psychologist David Rock developed an approach for "leaders in organizations that are assembling teams that might be under high stress and subject to conflict and division." In a group environment "people scan in five social domains for evidence that they should approach or avoid. And they're represented by this acronym

[P]arties seek to create a shared understanding that is broader and more complex than the one that I started with. Doesn't mean we're going to agree, but it means that we can understand . . . each other at a much deeper level than we did before we came into the dialogue room. So in this approach, dialogue is one of those words that has many meanings, from a discussion on the street with somebody to the intense and structured process . . .

For us, dialogue is a conversational exchange that is guided by structure and agreements that enables people to speak to be understood as opposed to speaking to win, . . . and enables people to feel safe enough to listen to understand rather than listening to gather evidence to attack the other perspective in person, and really importantly, to develop real curiosity in someone who you may be deeply in disagreement with, and then the ability to explore that through the use of artful questions.¹⁴⁷

Using this technique, a dysfunctional conversation can be channeled in an intentional structure to avoid alienating or hurting the other party.¹⁴⁸ Imagine the difference in a polarized society, such as ours, if more lawyers were trained to defuse emotional eruptions and guide parties to conversations about common interests and possible solutions.

A common theme runs through the discussions about diversity and inclusion, cultural competency and empathy, civility and civil discourse that makes these topics not only relevant but vital. "Because the rule of law is fundamental to civil society, lawyers have a unique responsibility to model

SCARF. So the first is Status, that is, where am I going to stand with this group? Am I going to be high or low? Am I going to be pushed out? Am I going to be talked down to? . . . Certainty. Do I know what's going to happen when I come into this group? Am I going to be at the mercy of the group dynamic? Or is there an agenda? Is there a plan? . . . Autonomy and agency. Am I going to have input into this? Am I just going to be pushed around by the group or the facilitator? . . . Relatedness, that is, am I going to be on the outs here? Is there an ingroup, or am I going to be included? . . . Fairness. Is the facilitator going to be fair to me? Or is a facilitator going to be biased?"
Id. at 18.

¹⁴⁷*Id.* at 5–6.

¹⁴⁸*Id.*

respectful behavior at all times.”¹⁴⁹ Respect and decorum are expected of lawyers whether representing a client before a judge, negotiating a business deal, or serving on community board or in a legislative body. More lawyers trained in civil discourse could mean more civility and inclusion in the courthouse, the community and the Capitol. Perhaps if the public saw more lawyers conducting themselves in a civil manner, at least a piece of the access to justice issue would be addressed as well.

8. Training Brings Attention to the Access to Justice Gap

“Access to justice remains one of the fundamental principles of the rule of law.”¹⁵⁰ As Judge Learned Hand admonished us in 1951, “If we are to keep democracy, there must be one commandment: Thou shalt not ration justice.”¹⁵¹ Yet in society today, justice has become a privilege for the few, not a right for the many.¹⁵² “Justice for only those who can afford it is neither justice for all nor justice at all.”¹⁵³ As Chief Justice Nathan Hecht shared in his article in this issue, *Beyond Partisanship and Ideology—Access to Justice as Good Government*,¹⁵⁴ the American Academy of Arts and Sciences, an honorary society founded in 1870, became convinced in 2015 “that improving access to justice was essential to public wellbeing and that that message should be delivered more effectively outside the American legal community.”

¹⁴⁹Patrick McKnight, *Civility, Diversity and the Future of the Legal Profession*, AM. BAR ASS’N (Aug. 16, 2019), https://www.americanbar.org/groups/construction_industry/publications/under_construction/2019/summer/diversity-and-inclusion/.

¹⁵⁰Leonard Wills, *Access to Justice: Mitigating the Justice Gap*, American Bar Association Practice Points (Dec. 3, 2017), <https://www.americanbar.org/groups/litigation/committees/minority-trial-lawyer/practice/2017/access-to-justice-mitigating-justice-gap/>.

¹⁵¹The Honorable Learned Hand, Chief Justice, United States Court of Appeals for the Second Circuit, Keynote Address at the Legal Aid Society’s 75th Anniversary Celebration (Feb. 16, 1951) (cited by Lippman, Honorable Jonathan, *Justice, Justice Shall Ye Pursue*, Impact Center for Public Interest Law Book 2 (2016), http://digitalcommons.nyls.edu/impact_center/2).

¹⁵²“[A]pproximately 80 percent of low-income individuals cannot afford legal assistance. The middle class struggles, too: a study shows that ‘forty to sixty percent of their legal needs go unmet.’” *Id.*

¹⁵³Hon. Nathan L. Hecht, *Beyond Partisanship and Ideology—Access to Justice as Good Government*, 73 Baylor L. Rev. 231, at 232 (2021).

¹⁵⁴*Id.* at 239–40.

Affordable access to justice should be a special concern for which lawyers feel special responsibility. The ABA Model Code of Professional Conduct states a lawyer is “a public citizen having special responsibility for the quality of justice,”¹⁵⁵ “yet law schools are too often silent about the meaning of justice, injustice, and the qualities of justice, [for] which lawyers are supposed to have a special responsibility.”¹⁵⁶ During the Conference, Texas Supreme Court Chief Justice Nathan Hecht encouraged law schools to lay the groundwork in law school for future service to *pro bono* clients by teaching students they are “steward[s] of the justice system [and] partly responsible for its interplay with the public.”¹⁵⁷

During the Conference, Talmage Boston interviewed best-selling author John Grisham about using story lines to bring attention to “glaring defects and major wrong-doing in America’s justice system.”¹⁵⁸ His only non-fiction book, *The Innocent Man*, tells the story of “the injustice, the suffering, the cost” of wrongful convictions.¹⁵⁹ He continues his efforts serving on the board of the Innocence Project, the national organization that supports *pro bono* work to “exonerate the wrongly convicted through DNA testing and reforms the criminal justice system to prevent future injustices.”¹⁶⁰ Mr. Grisham also uses his talents to educate children about the justice system. His book series about a “kid lawyer” allows him to weave in civic education to teach kids about laws, justice and the court system.¹⁶¹ He shared with the Conference audience the obligation he feels as a lawyer to give back and thinks all lawyers should recognize the need to give back to society.¹⁶² He

¹⁵⁵ MODEL RULES OF PROF’L CONDUCT, preamble (AM. BAR ASS’N 2020).

¹⁵⁶Eli Wald, *The Contextual Problem of Law Schools*, 32 NOTRE DAME J. OF L., ETHICS & PUB. POL’Y 281, 296 (2018).

¹⁵⁷Nathan L. Hecht, Access to Justice and the Role that Law Schools Play, 2020 Vision for Leadership Conference 6 (Sept. 17, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364707.pdf>).

¹⁵⁸Talmage Boston, The Lawyer as Leader, 2020 Vision for Leadership Conference 5 (Sept. 17, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364708.pdf>).

¹⁵⁹John Grisham, The Lawyer as Leader, 2020 Vision for Leadership Conference 6 (Sept. 17, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364708.pdf>).

¹⁶⁰*Id.*; About, THE INNOCENCE PROJECT, <https://innocenceproject.org/about/>.

¹⁶¹Grisham, *supra* note 159, at 10.

¹⁶²*Id.*

encouraged lawyers to spend ten percent of their time “helping people who can’t help themselves.”¹⁶³

Law schools have a role to play in bringing attention to the need for better access to justice for all. The ABA Model Code of Professional Conduct admonish “all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”¹⁶⁴ By emphasizing the role of lawyers as ethical leaders in their community, law schools can instill in law students the sense of obligation to address the access to justice gap. Leadership development programming also can help spark creativity and inspire talented law students to use their skills and training to seek innovative solutions for the delivery of affordable legal services and other pressing problems.

9. Alumni Support Leadership Development in Law Schools

As a last justification for leadership programs discussed here, but certainly not the final nor the last in importance, alumni believe in the efforts of law schools to be better and to do more. As reported at the Conference, deans commonly hear from alumni who acknowledge their experiences in law school provided a foundation for their leadership abilities.¹⁶⁵ Those alumni also recognize more training would have been helpful in law school and alumni are willing to invest in leadership programs.¹⁶⁶

The three components of Dean Lee Fisher’s leadership program (“leadership course, the dean’s fellows program, and the leader in residence program”) were generously funded by a loyal alumnus.¹⁶⁷ “I have found that leadership education as a concept commands great interest from alumni, especially those with more than ten years’ experience.”¹⁶⁸ When conducting a listening session with alumni as a new dean, Dean Barton’s noted that her alumni were “very enthusiastic and excited about the potential of integrating leadership studies into law school.”¹⁶⁹ Dean Toben agreed that when senior

¹⁶³ *Id.* at 11.

¹⁶⁴ MODEL RULES OF PROF’L CONDUCT, preamble (AM. BAR ASS’N 2020).

¹⁶⁵ *See e.g.*, Toben, *supra* note 60, at 27–29.

¹⁶⁶ *Id.*

¹⁶⁷ Fisher, *supra* note 62, at 23.

¹⁶⁸ Brinkley, *supra* note 37, at 207.

¹⁶⁹ Barton, *supra* note 61, at 27–28.

lawyers reflect on what was meaningful in their careers, they recall times their professional service made a difference for someone else. As Dean Toben shared, “I have noticed . . . over the years that when folks understandably get to that sixth or seventh decade of life they generally are looking to make an impact in something other than their billing timesheet. They look to have a broader and deeper impact.”¹⁷⁰

The deans agreed that leadership development has become a regular topic of conversations with alumni and other potential donors. Donors’ enthusiasm grows when discussing improvements to legal education that will better prepare lawyers for influence and impact.¹⁷¹ Dean Robert Ahdieh added advice to other deans when visiting with alumni about funding for leadership programs: “I’ve never seen an area where peer-to-peer fundraising was more effective. So once one person is interested, I don’t even tell them to do it, an hour later five others are interested.”¹⁷² He also suggested deans consider non-alumni and foundations to help fund a leadership program that will add value to the community.¹⁷³ Dean Brinkley noted that a recent significant donation came from a businessperson in honor of the lawyer who had served him so well for years.¹⁷⁴ Dean Smith added that involvement in leadership development programs is not just about opportunities for funding; they provide excellent opportunities for alumni to give time and share experiences through mentor programs and as guest lectures.¹⁷⁵ Dean Garry Jenkins shared similar thoughts about involving alumni through his Deans Leadership Roundtables.¹⁷⁶

IV. SUGGESTIONS FOR LEADERSHIP TEACHING AND TRAINING IN LAW SCHOOLS

Reasons abound to create robust leadership development programming and to be more intentional in teaching our law students about leadership and

¹⁷⁰Toben, *supra* note 60, at 28.

¹⁷¹Brinkley, *supra* note 37, at 207.

¹⁷²Ahdieh, *supra* note 63, at 28.

¹⁷³*Id.*

¹⁷⁴Brinkley, *supra* note 64, at 28.

¹⁷⁵Smith, *supra* note 65, at 29.

¹⁷⁶Garry Jenkins, Dean, Univ. of Minn. Law School, Leadership of Differences, 2020 Vision for Leadership Conference 18 (Sept. 16, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364704.pdf>).

better preparing them for the important roles of service and opportunities for impact that await them upon graduation. The pressing question now is how?

At the Conference, Dean Barton advocated, “Leadership education should be a central theme of modern law school curricula.”¹⁷⁷ As stated earlier, Dean Essary agreed.¹⁷⁸ The traditional objectives of law school curricula (“understanding our laws and legal systems; spotting issues and applying the law; and advocating and communicating well”¹⁷⁹) are important, but “lawyers must also learn leadership skills which will help them to make decisions, solve problems, develop vision, manage crisis, and resolve conflict, while bringing out the best in those around them.”¹⁸⁰ Throughout the Conference, speakers endorsed the importance of incorporating leadership development into law school curricula. This section presents specific suggestions.

A. *Discussions about Leadership and Attributes of Leaders*

An effective method to begin a study of leadership is a technique Dean April Barton describes in *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*.¹⁸¹ She begins by asking students to articulate the characteristics and traits of great leadership, and she consistently receives versions of these eight attributes: “competent, poised, inspiring, honest, visionary, resilient, inclusive, and focused on others.”¹⁸² Leading students through this exercise opens their minds to consider leadership from a perspective that is not only broader than a title or position, but also unrelated to physical attributes, class rank or the neighborhood where someone was born. Listing positive attributes should be followed by a similar listing of negative ones observed in unsuccessful or disliked leaders. In discussions about both successful and failed leadership, professors can watch for opportunities to raise issues of unconscious bias, justice, fairness as well as their own aspirations.

The study of historical events and those in leadership positions who contributed to its success or failure provides opportunities to continue the

¹⁷⁷ Barton, *supra* note 37, at 128.

¹⁷⁸ See Essary, *supra* note 66.

¹⁷⁹ Barton, *supra* note 37, at 128.

¹⁸⁰ *Id.*; see also Dickerson, *supra* note 34, at 5.

¹⁸¹ Barton, *supra* note 37, at 119.

¹⁸² *Id.* at 124.

conversation about all aspects of leadership—the good, the bad and the ugly. Considering historical figures and events also provides important opportunities to evaluate failed leadership and to reinforce to our students that we can learn more from our failures than our successes. As an additional benefit, we have the opportunity to encourage our students to study history. For law students already fond of reading biographies instead of fiction, we give them yet another reason to add to their collection. For those who come to law school without an appreciation of the importance of learning lessons for the future by studying the past, we can kindle that interest as we encourage life-long learning.

B. Leadership Skills Incorporated into Classes and Experiential Opportunities

Leadership is a journey of self-discovery and growth toward influencing others and impacting outcomes. *Studying* past leaders and leadership theory is helpful but insufficient. Leadership must be experienced. Growth occurs through a process of self-assessment of the current traits, knowledge, and skills; identification of desired change; experimenting with what works; and finally, a determination of whether the change has the desired outcome and can be sustained.¹⁸³ Students should be encouraged to think of life as a continual series of learning loops and to adopt that mindset and habit in law school.

Legal education provides almost daily opportunities for students to put into practice elements covered in leadership development programming. The more faculty and staff who are committed to incorporating leadership training into all aspects of the curriculum, the more likely students will progress. For example, learning to “think like a lawyer” is a valued skill in leaders and should be discussed as such. The hours spent in classes identifying, researching and analyzing issues prepares students to take the lead in solving problems. From legal writing classes to moot court arguments, faculty can make students aware they are developing their communication skills to clearly present ideas and persuasively advocate for an action, not only for clients but also for communities they serve. Working with classmates on projects and serving on teams and committees develops their interpersonal skills and can spark creativity that leads to innovation. And the emphasis on ethics and professional responsibility throughout law school sets a foundation

¹⁸³ See generally chapters 5, 6, 7 and 10, TEAGUE, FRALEY & RISPOLI, *supra* note 38.

for lawyer-leaders to conduct themselves with integrity and honor, which is essential for lasting leadership built on trust, competence, and good judgment. Broad participation by faculty and staff in making the connections to leadership will reinforce individual effort in specific classes.

Other aspects of leadership development can be incorporated into law school programming, beginning with introductions at orientation and reinforced throughout students' three years of law school. For example, fundamental aspects of leadership development include coverage of grit, growth mindset, strategic goal setting, and resilience that comes from failing with grace and an openness to learning from failure. These concepts can be taught early in law school and should be incorporated in practical manners throughout the curriculum, as well as in co-curriculum and extra-curricular activities.¹⁸⁴

Working in a pro bono clinic also provides excellent opportunities for developing leadership skills. As Buck Lewis describes in *The Business Case for Pro Bono*, law students not only have a chance to hone their analytical skills, and practice their drafting and advocacy skills, but they also forge relations, develop confidence, and find a sense of purpose and meaning that lead to a healthier well-being.¹⁸⁵ Finding a purpose about which lawyers are passionate provides motivation for discovering creative solutions to issues around them.

C. *Preparing Students to be Change Agents and Innovators.*

Our individual leadership programs do not need to have grand or global goals. Merely striving to help our students have influence within their offices or local communities can make a difference. A local focus does not suggest a small impact. Dean Lee Fisher shared a story about the then president of Iceland, Olafur Grimsson, chastising an audience of 500 Americans as he said, "The problem with you, Americans, is you spend too much time waiting for Washington."¹⁸⁶ His point was that "change happens from the bottom up. . . . The most effective change happens in the public square, the local public square, the community public square. That's where lawyers can actually make a huge, huge difference."¹⁸⁷

¹⁸⁴ *Id.*

¹⁸⁵ George T. Lewis, *The Business Case for Pro Bono*, 73 BAYLOR L. REV. 241 (2021).

¹⁸⁶ Fisher, *supra* note 62, at 20.

¹⁸⁷ *Id.*

Preparation to be change agents begins in the first year of law school. The process of teaching our students to “think like lawyers” prepares them to identify, analyze and solve problems. As Dean Dickerson noted, “We’re trained to ask hard questions and keep asking them, to be persistent. . . . We’re trained to analyze and cope with fact gaps and ambiguity.”¹⁸⁸ Sometimes the simple act of asking tough questions that make parties uncomfortable cause a client or other party to rethink an aspect of their operation or approach to an issue and lead to change. Those legal skills also serve lawyers well in their leadership roles as the laws and circumstances change necessitating a reconsideration of the *status quo*.

Leaders need to be forward-thinking as they gather with co-workers in the office or in community on the public square as they discuss action that could impact future policy and practical implications. As Dean Fisher suggested, we need to help our law students take the Wayne Gretzky approach to leadership.¹⁸⁹ Gretzky “skates to where the puck is going, not where the puck is.”¹⁹⁰ We need lawyers and leaders who can “look around corners . . . That’s not something you learn in a typical law school class.”¹⁹¹

Leadership programs do not need to promote specific causes, although representatives from specific organizations are commonly invited to speak to students about their cause. Exposing students to different causes and organizations encourages their involvement in something they care about, such as an injustice or a need they observe. Once individual students or student groups identify a specific cause, they need the tools and skills to take action. Leadership development programs can provide skills training and an ethical foundation to guide their steps whatever path they choose.

¹⁸⁸Dickerson, *supra* note 34, at 5.

¹⁸⁹Fisher, *supra* note 62, at 21.

¹⁹⁰*Id.*

¹⁹¹*Id.*

D. Creating Specific Leadership Classes, Co-curricular and Extra-curricular Programs

At last count, at least eighty-five ABA accredited law schools have leadership courses or programs, and that number continues to grow.¹⁹² Increasing the number of schools and the types of offerings can and should occur in a variety of ways that are tailored to the law schools' mission statements and objectives. Conferences and symposia such as those discussed here will continue to be a necessary venue for the sharing of ideas and supporting growth. This section presents some specific suggestions offered in the essays and articles in this issue and discussions at the Conference.

As indicated, a growing number of law schools have leadership courses. In *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*, Dean April Barton advocates for law schools to integrate leadership into the ethics course as part of our students' character development. What better way to do so, she offers, than by expanding and reframing required Professional Responsibility courses?¹⁹³ She offers the title of "Leadership and Professional Responsibility."¹⁹⁴

In addition to incorporating leadership development into new or existing courses, some schools create extracurricular leadership programs. In *Change at the Speed of Leadership*, Dean Fisher described the components of their leadership program which was created with resources donated by a supportive alumnus.¹⁹⁵ A select group of students participate in the Dean's Leadership Fellows Program which provides special programming and opportunities for interaction with prominent leaders.¹⁹⁶ Community leaders are asked to serve as coaches to the Leadership Fellows.¹⁹⁷ Dean Fisher also describes his Leader-in-Residence Program which creates opportunities for distinguished alumni and friends to mentor students, teach leadership, and assist the law school in other ways.¹⁹⁸

¹⁹²In 2014, less than 10 courses were found through a search of ABA-accredited law schools' websites; in 2017, 37 were located; and in 2019 leadership courses and programs were found at 85 law schools. See *Commitment to Training Leaders*, *supra* note 7, at 416. The author plans for another survey of law schools to update in 2021.

¹⁹³Barton, *supra* note 37, at 133.

¹⁹⁴*Id.* at 135.

¹⁹⁵Lee Fisher, *Change at the Speed of Leadership*, 73 BAYLOR L. REV. 211, 219–20 (2021).

¹⁹⁶*Id.*

¹⁹⁷*Id.*

¹⁹⁸*Id.* at 220.

Other schools incorporate leadership training in their professional formation programming. Professor Neil Hamilton has long been a proponent of The Carnegie Foundation's approach to legal education, which called for law schools to do more to prepare lawyers as professionals and not just legal technicians.¹⁹⁹ Students' professional formation (or becoming that which society expects of one in the legal profession) is an important step to becoming a trusted and effective leader. In his article in this issue, Professor Hamilton encourages law schools to devote energy to fostering students' professional development through, or right after, major transition periods.²⁰⁰ For example, Professor Hamilton designed a "curriculum for a coaching, feedback, and guided reflection engagement with each 1L student early in the spring semester after fall grades are out."²⁰¹ He encouraged law schools to recognize the opportunity to do the same immediately following authentic professional experiences such as summer internships and clinics.²⁰² Professor Hamilton highlighted Baylor Law's Practice Court Program, a rigorous third-year simulation program, as an example of a program designed to integrate coaching and feedback into skills training in a manner that enhances the student's professional development and leads them to a more defined and internalized sense of responsibility to the client and the legal system.²⁰³

Professor Hamilton also mentioned the growing number of first-year courses or experiences aimed at introducing students to the legal profession and their professional identity.²⁰⁴ These first-year programs provide an excellent platform for incorporating leadership training. Law schools with first-year lawyering courses or programs have an ideal opportunity to incorporate some aspects of leadership development into their programs. At

¹⁹⁹Law schools' traditional devotion to the Socratic method and case study has always satisfied the "cognitive" apprenticeship of professional formation identified by the Carnegie Foundation to help law students "think like lawyers." The Carnegie Foundation's admonishment in *Educating Lawyers* called for law schools to address the two other apprenticeships: the practical apprenticeship where students learn and practice skills they will be expected to perform as new lawyers, and the third apprenticeship of professional formation is necessary for student to understand their role in society and the values and ethical principles by which they should conduct themselves. Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons from the Carnegie Foundation's Five Studies on Educating Professionals*, 45 CREIGHTON L. REV. 763, 769 (2012).

²⁰⁰Hamilton, *supra* note 95, at 160–61.

²⁰¹*Id.* at 163.

²⁰²*Id.*

²⁰³*Id.*

²⁰⁴*Id.* at 166–67.

Baylor, during orientation and in the first year as part of our required Professional Development Program we introduce our students to the concepts of growth mindset, grit, resilience, failure, feedback, civility and the importance of self-care and well-being. Those concepts help students not only survive but also thrive in law school and beyond. The author believes first-year programs are ideal for introducing concepts of lawyer leadership and to set a foundation for growth professionally and personally.

V. ESTABLISHING THE *JURIS DOCTOR* AS A DEGREE IN LEADERSHIP

As already discussed, society expects lawyers to provide leadership. Applicants enter law school with intentions of using their education for leadership.²⁰⁵ Legal employers support the idea of infusing more leadership development in law school because developing leadership skills makes law students better lawyers.²⁰⁶ Alumni wish they had more leadership training and are willing to support these efforts.²⁰⁷ These statements point to a logical conclusion: law schools should be embracing the idea that a degree in law is a degree in leadership.

The movement to encourage law schools to acknowledge the role of lawyers as leaders and incorporate leadership development in law schools is not an endorsement of a universal approach to legal education.²⁰⁸ This author

²⁰⁵ See *supra* notes 83–88.

²⁰⁶ See *supra* notes 90–95.

²⁰⁷ See *supra* notes 165–70.

²⁰⁸ Eli Wald, *The Contextual Problem of Law Schools*, 32 NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY 281, 299 (2018). The universal approach refers to the Langdell model of legal education as a cohesive uniform approach with a universal curriculum that may have been well-suited for the practice of law in the 19th and through the mid-20th century but no longer the best model as the practice of law grew more contextual. The contextual approach informally clustered the practice of law “around two hemispheres, an elite corporate hemisphere dominated by large law firms practicing a variety of business law tasks and serving large corporate entities; and an individual hemisphere servicing individual clients and small businesses populated by individual and small law firms, law schools adapted to and legitimated the divide, with elite law schools tending to send many graduates to BigLaw and non-elite law schools dominating the individual hemisphere. Still, law schools generally continued to adhere to a universal approach in terms of their curriculum, culture, organization, and structure, resulting in a widening gap between legal education and the practice of law.” The argument is that universal curriculum taught by tenure-track, academically-focused faculty ill prepares students “for the practice of law by failing to instill and help students develop the cognitive habit of exercising professional judgment in different

advocates not for a singular approach, but for recognition that the skills and competencies developed through leadership programs are relevant and beneficial regardless of a school's approach to legal education. To be sure, application of the skills and competencies will vary depending on the context. "The representation of clients, advice-giving, advocating, drafting, negotiating, indeed, the very exercise of professional judgment all take place in a context that shapes and informs lawyers' decision-making."²⁰⁹ Those are skills and competencies expected of all lawyers regardless of the type of practice. Similarly, the application of leadership skills will vary depending on the objectives and resources of the school. Law schools can create leadership programming that matches their areas of interests.

Some law schools already embraced the idea that a J.D. is a degree in leadership. "For many years, we've been saying at BYU Law School that law is a leadership degree," shared Dean Gordon Smith.²¹⁰ The title of Dean Barton's article, *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*, suggests the same.²¹¹ Similarly, the January 12, 2021 statement from law school deans implied they also agree that leadership should not be relegated to a single course or program but recognized as part of who we are and what we do as lawyers.²¹²

Belief in a worthy ideal is not enough to make it reality even within a single building, much less throughout legal education. In *Why the Pushback*, Dean Brinkley presents several reasons why leadership development has not been recognized by some as an essential element of legal education, or even a worthy and affordable endeavor.²¹³ His points are valid. He questions how law schools can "wedge leadership training into an already jam-packed law school student experience."²¹⁴ He also recognized the limitations of a dean's power.²¹⁵ In the landscape of faculty governance, a more holistic approach

contexts. . . . Many students enter the practice unprepared because they do not understand the circumstances in which lawyers practice, their clients, the tasks they will be expected to perform, the various subject matters they will tackle, and the relevance of different types of status and their impact on the practice of law." *Id.*

²⁰⁹ *Id.*

²¹⁰ Smith, *supra* note 65, at 14.

²¹¹ Barton, *supra* note 37.

²¹² See Law Deans Joint Statement, *supra* note 73.

²¹³ Brinkley, *supra* note 37.

²¹⁴ *Id.*

²¹⁵ *Id.*

will be necessary for change to occur and, as Dean Dickerson noted, that change will need to be modulated.²¹⁶ Like other adaptation in legal education, change likely will be slow given the prominence of already conflicting “understanding of law and lawyering” within some faculties.²¹⁷

While debates continue and we wait for agreement on “grand theories, we have, in practice, law, lawyers, and law schools in need of attention.”²¹⁸ As others noted, “Not nearly enough attention has been given to professionalism claims like the business/profession dichotomy, to the purpose and identity of lawyers, to justice and to the normative objectives of law schools.”²¹⁹ Staying relevant and influential in an ever-changing world requires legal education to evolve. The author offers some thoughts based upon conversations at the Conference and elsewhere.

A. *Building a Culture for Leadership*

Dean Barton recognized the impact of culture by noting, “Beyond classes and programs, creating a culture around leadership is key.”²²⁰ While the author agrees with Dean Barton, this statement begs the question: What is the culture of law school? When studying the culture of law schools in 2007, Professors Susan Sturm and Lani Guinier offered this explanation of culture:

By culture we mean the incentive structures and peer pressure, dominant rituals and unspoken habits of thought that construct and then define the interpersonal, institutional and cognitive behaviors and beliefs of members of the educational community. Because culture operates at multiple levels, both formal and below the radar of our conscious imagination, it creates a powerful yet subconscious mindset that maps the physical and psychic terrain for a majority of both students and faculty.²²¹

²¹⁶Dickerson, *supra* note 34, at 7.

²¹⁷Wald, *supra* note 156, at 297 (quoting ROBIN L. WEST, *TEACHING LAW – JUSTICE, POLITICS, AND THE DEMANDS OF PROFESSIONALISM* 24–25 (Cambridge University Press, 2014)).

²¹⁸*Id.*

²¹⁹*Id.* at 298.

²²⁰Barton, *supra* note 37, at 137.

²²¹Susan Sturm and Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 *VANDERBILT L. REV.* 515, 519 (2007).

The study of culture in law schools by Professors Sturm and Guinier was prompted by calls for “curricular reform initiatives that seek to expand students’ understanding of what law is, to move beyond adjudication and the courtroom, to introduce broader forms of knowledge, and to develop a wider range of skills.”²²² Those proposals for curricular reform were not unlike the suggestion for law schools to be more intentional about training lawyers for leadership. Professors Sturm and Guinier concluded that meaningful reforms to better prepare students to become effective twenty-first century lawyers were doomed to fail if “they overlook the crucial role of law school culture in determining their meaning and impact.”²²³ Regardless of the seeming appropriateness or necessity of proposed changes, innovation will be resisted or rejected when it “does not square easily with the shared cultural assumptions that are embedded in the law schools’ routines and values. Where there is a cultural mismatch between reform proposals and the institutions they seek to change, well-intentioned and carefully analyzed programmatic initiatives may nevertheless founder.”²²⁴ While others offer different explanations for the failure of these initiatives or the glacier speed of reforms in legal education,²²⁵ the point about the importance of culture is apropos when advocating for buy-in from the individuals who will be expected to recognize and model lawyer-leadership even if they do not teach it.

²²²*Id.* at 517.

²²³*Id.* at 515. Professors Sturm and Guinier offered this explanation of the efforts to reform legal education. “Many reformers agree that the prevailing law school model developed in the nineteenth century does not adequately prepare students to become effective twenty-first century lawyers. Langdell’s case method, designed around private domestic law, appellate cases, and the Socratic method, increasingly fails to teach students ‘how to think like a lawyer’ in the world students will occupy. The curriculum over-emphasizes adjudication and discounts many of the important global, transactional, and facilitative dimensions of legal practice. Law school has too little to do with what lawyers actually do and offers too little of the institutional, interpersonal, and investigative capacities that good lawyering requires. The Socratic method in the large classroom, though valuable as a way to teach sharp analytic skills, is ill-suited to fostering ‘legal imagination,’ which is what lawyers need most to become effective advocates, institutional designers, transaction engineers, and leaders. It also contributes to law student disengagement, particularly for women and people of color.” *Id.* at 515–16.

²²⁴*Id.* at 519.

²²⁵Patrick H. Gaughan, *Facilitating Meaningful Change Within U.S. Law Schools*, 16 U.N.H. L. Rev. 243 (2018).

Their study of law school environments led Professors Sturm and Guinier to this opinion: “law schools breed a culture of competition and conformity.”²²⁶ Law schools’ competitive environment reinforces a “system of evaluation based on ‘being the best’” using measurements determined by the preferences and experiences of those in charge—the academically-focused faculty.²²⁷ Students then conform to those values in order to be judged as “the best” in law school; they focus their energies on that which is projected as important by faculty (i.e., academic performance) and that which resonates “with the currency of success in the private bar—money.”²²⁸ In doing so, students may be diverted from their intentions, as expressed in their personal statements, to use their law degree to serve and “tackle important social issues and problems.”²²⁹ As Professors Sturm and Guinier noted, “the law school culture encourages the suspension of personal judgments, substituting an external reward system for students’ internal moral or professional goals.”²³⁰

Even though its influence on education and its impact on change are powerful, “[c]ulture is not a concept that lawyers necessarily understand.”²³¹ Even with only a superficial understanding of culture, recognition of the importance of culture in an educational environment is essential. Culture “profoundly shapes not only how students interpret and experience the classroom, but also how students see the law and themselves as lawyers.”²³² Without efforts to address the impact on culture, modification to law school curricula and programming come as relatively minor adjustments rather than wholesale changes.²³³ Changing culture requires a shift in “the norms and understandings of acceptable and desirable practice, inscribed and reinforced

²²⁶Sturm and Guinier, *supra* note 221, at 519.

²²⁷*Id.*

²²⁸*Id.* at 520.

²²⁹*Id.*

²³⁰*Id.*

²³¹*Id.* at 549. Culture “is increasingly recognized in both the corporate and public-interest world as a vital dimension of successful change.” *Id.*

²³²*Id.* at 539.

²³³*Id.* “This culture is remarkably static, non-adaptive, and resistant to change, even in the face of strong pressure from significant constituents of legal education and evidence that law schools are not fulfilling core aspects of their mission.” *Id.* at 520.

by rules, routines, incentives, rewards, and patterns of behavior” of faculty, staff and students.²³⁴

As indicated throughout this article, leadership development efforts offer benefits to all students in some manner or another, including serving as an equalizer for students whose grades do not place them in the top ten percent of the class academically.²³⁵ Deans can play a pivotal role in creating a vision, providing resources, hiring support staff, and guiding the conversations, but ultimately, faculty must be invested in efforts to develop lawyers as leaders. A critical step to creating a pervasive culture is agreement among the faculty that leadership training can help law students succeed as a lawyer as well as a leader. Programming can then be aligned around the goal of developing lawyers with leadership skills who are inspired to seek opportunities to make a difference in their communities.

Once faculty and staff are onboard and are modeling and hopefully teaching leadership, culture should be reinforced with consistent messaging before and after students matriculate. Research shows that the acculturation of law students begins within the first weeks of law school.²³⁶ Orientation and pre-orientation programs should introduce students to the expectation they will be leaders, and those messages need to be reinforced throughout the law school experience. Including concepts of leadership in mission statements, core values and learning outcomes establishes the foundation for expectations as we guide and shape a law student’s experience.²³⁷ Including messaging in marketing materials and during recruitment efforts helps establish the ideal of the lawyer as leader, but students will view those messages as disingenuous if not experienced in the program. The more buy-in from departments and faculty and the more consistent the messages and the actions, the more likely the desired culture will exist.

B. Encouraging a Whole-Building Approach

Similar to the approach described above that focuses on efforts to establishing a culture for leadership development within a law school, another approach strives to create a sense of ownership by the personnel

²³⁴ *Id.* at 522.

²³⁵ Smith, *supra* note 65, at 3.

²³⁶ *Id.* at 551.

²³⁷ See *Commitment to Training Leaders*, *supra* note 7 (for listing of law school mission statements and learning outcomes that include leadership).

throughout a law school. Dean Gordon Smith explains the whole-building approach to leadership development:

For many years, we've been saying at BYU Law School that law is a leadership degree, but many of our students haven't been graduating with that mindset. So over the past few years, we've been trying to be a little bit more intentional about our leadership training and we've coalesced around a concept that we call inspiring leadership. Under this concept, every member of the faculty, every member of the administration and staff has a leadership role in helping our students to become inspired leaders. They are expected in turn to inspire others. We call this the whole-building approach.²³⁸

The “whole-building” approach is also advocated by Neil Hamilton as necessary to the success of an institutional learning outcome. Professor Hamilton explains, “[T]he faculty and staff need to work together as co-educators in a “whole-building” approach so that each student experiences a sequenced and coordinated progression of curriculum and assessment modules that foster the student’s growth to the next stage.”²³⁹ Leadership, to the extent it is adopted as an institutional learning outcome, should be reinforced through a student’s journey and with each encounter within the program.²⁴⁰

Whether a formal institutional learning outcome, core value or shared understanding that lawyers are leaders, any institutional effort requires buy-in and participation across groups, departments, or any individual affiliations. Students’ sustained growth and development best occurs when faculty and staff coordinate their efforts and sequence the learning throughout the law school experience. Lessons learned in the second and third years need to build on, reinforce, and compliment (or intentionally contrast) concepts learned in the first and second years. Leadership development is no different—it takes a village, or at least a whole building. Finding a common language and objectives for the whole building will further reinforce the efforts.

²³⁸Smith, *supra* note 65, at 14.

²³⁹Neil Hamilton, *Mentor/Coach: The Most Effective Curriculum to Foster Each Student’s Professional Development and Formation*, 17 ST. THOMAS LAW J. 10 (forthcoming 2021) (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3747309).

²⁴⁰See *infra* Section V.C.5.

C. Framing a Common Understanding of the Leadership Mission

A shared understanding of the role of lawyers in society and a common definition or description of leadership would enable law schools to establish expectations and operationalize common rules of engagement and objectives for all faculty, staff and students, but a universal set of standards or code for leadership is unlikely.²⁴¹ With different missions and focus, one size does not fit all when it comes to leadership development within law schools. What should be sought is a common framework within a law school.

In this period of disruptions, now seems an important and opportune time for law schools to review governing principles, including mission statements, core values and learning outcomes. Without question, the legal profession is undergoing change and legal education must pay attention or risk less prominence and influence in society, or, at worst case, face irrelevance. Disruptions in the legal education experienced in recent years include dramatic advancement in technological platforms and artificial intelligence, economic shifts creating a widening access-to-justice gap, and renewed interest in a more-balanced life pursuing meaning and purpose. As law schools consider the impact of change on their programs, law schools are encouraged to adopt and operationalize a shared understanding of the expectations of lawyers as leaders.²⁴²

Law schools have an opportunity, if not obligation, to play a larger role in preparing students for their important roles in society, but change is slow unless disrupted by catastrophe (as we have seen with the technological leaps in the profession caused by the COVID-19 pandemic.) Even with significant external pressures, the resistance to change within legal education predictably persists. Nevertheless, change and shifts in culture can occur when the innovators and leaders in an institution proceed with a process to raise awareness of the challenges that need to be address, investigate possibilities for advancement and advocate for changes that will benefit our students and

²⁴¹The author is not advocating for a universal approach to leadership education for the reasons discussed in Wald, *supra* note 156, at 299–300.

²⁴²Since Carnegie published *Educating Lawyers*, legal education has been on this path of maturity. Teaching lawyers to think like lawyers was once the essence of legal education, but law schools now embrace the obligation to train student in skills that will advance them on their journey to being technical experts, or as labeled in *Educating Lawyers*, the second apprenticeship. Law students also need help to fully appreciate the gravity of lawyers' obligation to serve as honorable professionals to whom society looks for help and expects honor and service – the third apprenticeship. Hamilton, *supra* note 199.

society. In this section, resources, examples and ideas are offered for law schools to consider as they begin the process of re-considering their school's mission, goals and objectives.

1. Examples from Other Professions

When revising operating principles or considering new programming, an obvious beginning point is looking for examples from other law schools.²⁴³ Looking for examples from other professions can be instructive as well. From the *Learning Lawyer Leadership from the Military Profession* article in this issue, we learn the military has been intentional in defining the role of its members and preparing all members for leadership training.²⁴⁴ As shared by Judge Advocate General Bryan, Army doctrine recognizes:

[T]rue professions are guided by an ethic that establishes the personal and institutional standards expect[ed] of its members. A professional ethic creates a shared professional identity, and provides an enduring set of moral principles, values and beliefs that guide that profession as it provides it specialized service to society.²⁴⁵

The Army's professional identity is found in their Leadership Requirements Model which defines a set of three core competencies (*leads*, *develops*, and *achieves*) and the three core attributes (*character*, *presence*, and *intellect*).²⁴⁶ The components of the Model provide a common language of leadership and serves as "foundational guideposts for leadership development."²⁴⁷ These core competencies and attributes are cited often to reinforce Army principles and soldiers' responsibilities.²⁴⁸

Aspects of the Army's Leadership Requirements Model could be adapted to a law school's mission statement, learning outcomes or student conduct code. Dividing focus between competences and attributes is consistent with

²⁴³For discussion of leadership concepts in law school mission statements and learning outcomes, see *Commitment to Training Leaders*, *supra* note 7. The author plans for another survey of law schools to update in 2021.

²⁴⁴Bryan & Polden, *supra* note 37.

²⁴⁵*Id.* at 190.

²⁴⁶*Id.* at 180–81.

²⁴⁷*Id.*

²⁴⁸*Id.*

the Carnegie Report's description of the second apprenticeship (skills) and third apprenticeship (character and identity.)²⁴⁹ Infusing language of leadership creates a culture within classrooms (especially when reinforced in curricular, co-curricular, and extra-curricular programs) and broadcasts a message to applicants and the public that lawyers are being trained for service and leadership.

2. New Look at Traditional Roles

In *Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century*, Professors Ben Heineman, Bill Lee, and David Wilkins reminded us of the three traditional roles of lawyers in society. Lawyers are *technical experts, wise counselors, and effective leaders*.²⁵⁰ In keeping with the above discussion about identifying competencies and attributes, these roles call for legal knowledge as well as competencies that include technical, communication, and leadership skills. Society also expects to find certain attributes in lawyers. Good moral character is required to enter the profession and to maintain a license to practice. Emotional intelligence expedites a lawyer's journey to becoming a trusted advisor to clients and others.²⁵¹ Our codes of professional responsibility supply the other attributes required of lawyers, including trustworthiness, integrity, service-oriented, and justice-seeking.²⁵² While consistent with the traditional view of the role of lawyers, a model based upon traditional roles may not adequately account for the influence of technology on the profession nor recognize the complexities of modern-day law firms and other entities for which lawyers work or serve. The legal profession may still be a service industry, but its business operations drive decisions.

Dean Brinkley offers another description of the ideal lawyer-leader: “[T]he best leaders are whole human beings. They are people who have deep emotional intelligence, they have wisdom and judgment that is derived from

²⁴⁹Hamilton, *supra* note 199.

²⁵⁰See Ben W. Heineman, William F. Lee & David B. Wilkins, *Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century*, CENTER ON THE LEGAL PROFESSION AT HARVARD LAW SCHOOL (Oct. 20, 2014), https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf.

²⁵¹Runyon, *supra* note 954, at 4.

²⁵²MODEL RULES OF PROF'L CONDUCT (AM. BAR ASS'N 2020).

a combination of intellect, heart, and experience.”²⁵³ His description encourages us to approach leadership training mindful of the complexities of life. Lawyers are human beings who not only use their intellect for analyzing and problem solving, but also must develop intra-personal and inter-personal skills that allow them to work and relate well with others. Traditionally, the journey through law schools forced some development of these personal skills and some students addressed their needs on their own. Now is the time for all law schools to be more intentional and committed to the development of these personal skills in all law students.

3. VUCA2 for Lawyers

In her opening remarks Dean Dickerson offered another leadership framework for law schools to consider. The VUCA leadership strategy was created by Warren Bennis and Burt Nanus and “adopted in the 1990s by the US military to describe and respond to . . . the much more complicated post-Cold War world order.”²⁵⁴ Dean Dickerson began her remarks by listing the varied challenges faced by the legal profession.²⁵⁵ She shared that the VUCA acronym seemed appropriate for the legal profession as it described the *volatile*, *uncertain*, *complex* and *ambiguous* circumstances in which we live. She shared that reading the advice for how to cope with a VUCA world, “led me to believe that as lawyers, we are very well-positioned to be leaders in a VUCA world, because of our training.”²⁵⁶ In *Change at the Speed of*

²⁵³Brinkley, *supra* note 64, at 9.

²⁵⁴Dickerson, *supra* note 34, at 4–5. “VUCA is an acronym drawn from the leadership theories of Warren Bennis and Burt Nanus of the University of Southern California. . . . 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.” *Id.* at 5.

²⁵⁵Challenges listed included COVID-19 pandemic, Structural racism, cost of legal education vs. value, pace of innovation and technology, debt loads for students, U.S. News influence, Caste system in legal education, licensure model, climate change and mental health and wellness. *Id.* at 3–5.

²⁵⁶She described that training this way: “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. . . . And we’re trained problem solvers 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.

Leadership, Dean Fisher also referenced our VUCA world, “Leaders of the future need to have the skills to lead, counsel and manage in a world of volatility, uncertainty, complexity, and ambiguity, and to use law as a vehicle for social, organizational, and business change.”²⁵⁷

The application of VUCA by a leadership theorist, explained Dean Dickerson, generally involves a strategy for addressing each of the four components. The advice for coping with a VUCA world was “[b]e direct in complex situations, be understandable in ambiguous situations, be reliable in volatile situations, and be trustworthy in uncertain situations.”²⁵⁸ Not to be outdone, Dean Dickerson offered two strategies for each of the four quadrants and called it “VUCA-squared for law schools.”²⁵⁹ For navigating through *volatility*, she suggested law schools focus on *values* and *visualization* as two leadership attributes, “when we’re in a volatile situation, I think it’s important to come back to our core values. 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.”²⁶⁰ She encouraged institutions and individuals to adopt wellness as one core value and she encouraged law schools to stay true to those value by adding, “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 different than when we’re in periods of calm.”²⁶¹

In times of *uncertainty*, Dean Dickerson suggested we train our students to react by seeking to *understand* (i.e. listening with empathy and seeking culture competency to establish an inclusive environment) and being *undaunted* (i.e. grit and resilience with a growth mindset).²⁶² To effectively deal with *complexity*, our students “need to *communicate* clearly, frequently, and honestly” and learn to *collaborate* with others, especially those who bring different perspectives and disciplines.²⁶³

When addressing how to train students to “fight through and meet *ambiguity*,” she suggested encouraging them to be *adaptable* and “able to

We’re trained to understand agreements and honor commitments. We’re trained to communicate clearly and concisely. . . . We’re trained to be life-long learners.” *Id.* at 5.

²⁵⁷ Fisher, *supra* note 195, at 223.

²⁵⁸ Dickerson, *supra* note 34, at 5.

²⁵⁹ *Id.* at 6.

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² *Id.* at 7.

²⁶³ *Id.* Italics added for emphasis.

anticipate what’s coming up next.”²⁶⁴ She added, “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.”²⁶⁵ Dean Dickerson’s adaptation of the VUCA leadership strategy offered a creative approach for law schools to consider that is memorable and fitting.

4. The Delta Model

In the *Law School Deans Panel* of the Conference, Dean Lee Fisher noted and endorsed “a new model of legal education” developed by a cohort of law faculty from several different schools.²⁶⁶ He describes the Delta Model in this way:

Basically, a new 21st Century legal professional competency model that says envision a triangle. For hundreds of years, we’ve been teaching on one side of that triangle and that is the law, the mastery of the law. Absolutely essential to legal education and being a good lawyer, but there are two other sides of that triangle that we have not done very well on. One, of course, is big business and technology and big data and operations . . . But the one that we’re focusing on today . . . [i]s leadership and personal effectiveness. That is the new delta model of legal education and all deserve, if not equal attention, significantly more attention than they had up to now.²⁶⁷

While instructive for the purpose of reviewing governing and operational principles, the Delta Model does not provide a comprehensive approach to the role of lawyer in society.²⁶⁸ The Delta Model for Lawyer Competency, is a legal professional competency model that takes a more holistic approach to

²⁶⁴ *Id.* Italics added for emphasis.

²⁶⁵ *Id.*

²⁶⁶ Fisher, *supra* note 62, at 21.

²⁶⁷ *Id.* Dean Fisher also noted the Delta Model in *Changing at the Speed of Leadership*, *supra* note 195, at 215–17. Sara Berman provided further detail in the *Learning Outcomes Panel*. Sara Berman, Leadership Development Learning Outcomes and How to Implement Them, 2020 Vision for Leadership Conference 3–8 (Sept. 14, 2020) (transcript available at <https://www.baylor.edu/law/doc.php/364679.pdf>).

²⁶⁸ Runyon, *supra* note 94, at 3–8.

performing lawyering duties for clients and employers but falls short of addressing the role of lawyer as effective leaders in communities.

The Delta Model describes a lawyer who understands “the impact of technology on their client’s business as well as their own delivery of legal services—appreciating the power of data, technology, and process improvement.”²⁶⁹ In other words, lawyers should have a better understanding of the intersection of law and technology and how to best utilize technology in their practice. The third side of the delta represents the importance of relationship building.²⁷⁰ “[W]ith the increasing reliance and utilization of technology and machine learning, lawyers also must encompass the emotional intelligence and communication skills to effectively work with clients.”²⁷¹ The Delta Model 3.0, developed in 2018-2019, consists of three competency areas crucial to the success of today’s legal professional:

- The Law: Subject Matter Expertise, Legal Analysis, Legal Research and Legal Writing;
- Business & Operations: Business Fundamentals, Project Management, and Data Analytics; and
- Personal Effectiveness Skills: Relationship Management, Entrepreneurial Mindset, Emotional Intelligence, Communication, and Character.²⁷²

Leadership development programs provide training in all the personal effectiveness skills as well as skills that are important to operations of any team or organization. The Delta Model is designed to focus on the relationship with clients which is critically important for practicing lawyers. While it does not directly address or encourage influence and impact within a community, it could be adapted to include leadership of others and impact on society.

²⁶⁹Alyson Carrel, *What is the Delta Model?*, ALYSONCARREL.COM, <https://www.alysoncarrel.com/delta-competency-model>.

²⁷⁰*Id.*

²⁷¹*Id.*

²⁷²*Id.*

5. Competency-Based Path

Another approach comes from Neil Hamilton and Jerry Organ, through their work as Co-Directors for the Holloran Center for Ethical Leadership in the Professions.²⁷³ The Holloran Center seeks to support the work of law schools as they “help students with ethical professional formation which is the foundation of ethical leadership.”²⁷⁴ For the past several years they have led a national effort to provide stage development models, or rubrics, for use with professional development and professional formation initiatives and to help with assessment of learning outcomes.²⁷⁵

Much of Professor Hamilton’s work draws from the medical profession’s competency-based model of education and training.²⁷⁶ “Research on medical education emphasizes that a new entrant to a profession like medicine is growing, step by step, from being an outsider with a stance of an observer to join a new group or ‘community of expert practice’ as an insider in a profession.”²⁷⁷ This step-by-step approach to teaching and training law students, using specific learning outcomes and assessing students achievement based thereon is now required by ABA Standard 302 and 314.²⁷⁸ The work of the Holloran Center provides resources for law schools as they adopt and implement a competency-based approach to assessing a student’s progress through law school.

One of the 2019-2020 working groups created rubrics related to the leadership skills of growth mindset, grit and resilience, and self-awareness.²⁷⁹ The leadership working group members worked with Professor Hamilton to create a visual to illustrate the use of learning outcomes and assessments to measure the progress of law students. This visual represents an ideal path through law schools in which students progress through layers of skills and competencies (attached to specific learning outcomes) to reach graduation as

²⁷³“The mission of the Holloran Center is “to provide innovative interdisciplinary research, curriculum development and programs focusing holistically on the formation of both students and practicing professionals into ethical leaders in their communities.” *Holloran Center Mission*, ST. THOMAS L. SCHOOL, <https://www.stthomas.edu/hollorancenter/about/mission/>.

²⁷⁴*About the Center*, ST. THOMAS L. SCHOOL, <https://www.stthomas.edu/hollorancenter/about/>

²⁷⁵STANDARDS AND RULES OF PROC. FOR APPROVAL OF LAW SCHOOLS, Standards 302, 314 (AM. BAR ASS’N 2020) [hereinafter *Standards*].

²⁷⁶Hamilton, *supra* note 199.

²⁷⁷Hamilton, *supra* note 95, at 140.

²⁷⁸*Standards*, *supra* note 275.

²⁷⁹The author was a member of the leadership work group.

a well-rounded lawyer who is effective in service to clients and leadership within a community.

Professor Hamilton advocates for a competency-based path through law school that is built upon:

[T]wo foundational learning outcomes of the professional development-and-formation-of-law-students movement in legal education in the United States:

1. ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need; and
2. a deep responsibility and service orientation to others, especially the client.²⁸⁰

Professor Neil Hamilton reminds us that as our students are on this path through law school, they benefit from more focused and individualized training based on the stage of development where the law student is while in law school.²⁸¹ In other words, students will be at different stages of development when they entire law school and as they approach each skill or competency, they will have different strengths and weaknesses.

Defining learning objectives, individualizing the learning processes as much as possible, and assessing students' progress throughout law school improves students' progress toward preparedness for their professional duties.²⁸² A visualization of these foundational professional development and formation learning outcomes offers law schools and students a better understanding of students' path to "grow[] from being a new entrant to the profession to being an integrated effective lawyer serving others well in meaningful employment."²⁸³ The illustration below provides a visual layered progression of law school learning outcomes.²⁸⁴

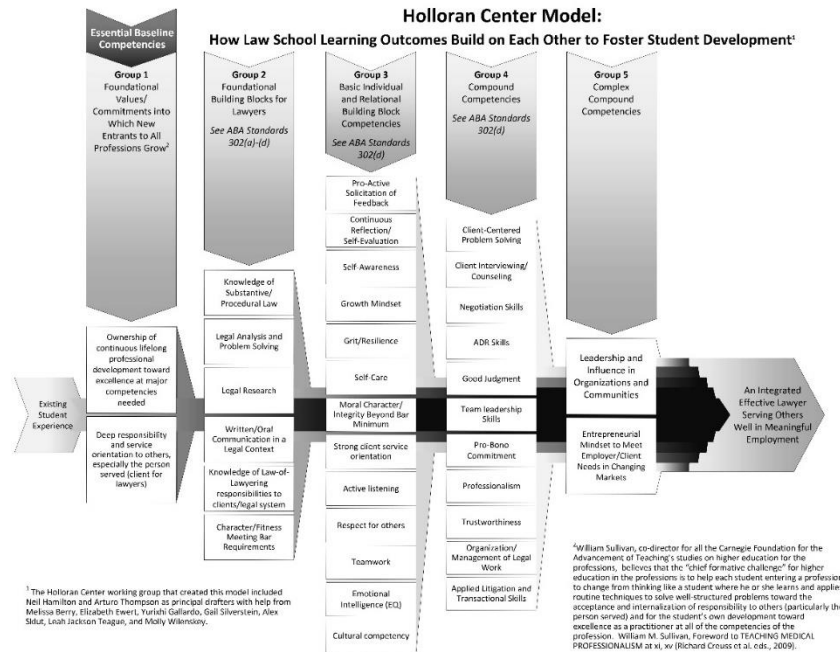
²⁸⁰Hamilton, *supra* note 239, at 1.

²⁸¹Hamilton, *supra* note 95, at 144.

²⁸²*Id.* See generally WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW (2007); ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION (2007).

²⁸³Hamilton, *supra* note 239, at 3.

²⁸⁴*Id.* at 4, Figure 1 (available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3747309).



Aspects of leadership are found in each phase of this model. Beginning in Group 1 with a commitment to life-long learning and service (which is likely a prominent reason for matriculating) and carrying through to Group 5 with leadership, influence and innovation. Notice that Group 3 is predominantly leadership training (i.e., feedback, reflection self-awareness, growth mindset, grit, resilience, self-care, integrity, active listening, respect for others, teamwork, emotional intelligence and cultural competency). Group 4 also contains important aspects of leadership training (i.e., problem-solving, negotiation, conflict resolution, judgment, team leadership, professionalism, and trustworthiness).

With the implementation of ABA Standard 314, all law schools are required to “utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.”²⁸⁵ Law schools can look to the resources provided by the Holloran Center when establishing learning outcomes and assessment

²⁸⁵ *Standards*, *supra* note 275.

tools for leadership initiatives as well as other competencies. The more intentional our offerings and individualized our instruction and assessment the more effective will be the legal education we provide.

VI. CONCLUSION

Lawyers are leaders by the very nature of the work they do in representing clients. Lawyers advise and influence others. They advocate and impact change. Lawyers hold a time-honored place in society as keepers of the rule of law and special citizens charged with improving our system of justice. Because society expects and needs lawyers to lead, law students should graduate from law school with an expectation that they will not only serve clients but lead in their communities. By incorporating leadership development into law school programming, law students will be better prepared for the positions of leadership and influence they will hold after graduation.

Leadership development benefits lawyers professionally and personally. Through leadership training, students better understand their strengths and weakness, work on improving their competencies, learn to embrace failure as opportunities for growth, think strategically and imagine possibilities, and enhance their ability to build stronger and more productive working relationships with others. Leadership training is recognized by employers as beneficial to lawyers' professional success. By embarking on a leadership development journey, law students and lawyers are more likely to pursue opportunities to serve with purpose and find fulfillment and satisfaction through service that is personally meaningful.

With the challenges facing the legal profession, now is a prime time for law schools to reconsider their mission as well as the best, or better, methods for preparing law students for the complexities of modern society. Preparing for the lawyer of the future is necessary to retain the influential roles held by lawyers in the past. Training to be a good lawyer for the future means training to be a good leader in the future. Being more intentional about leadership development in law school will not only preserve the role of lawyers in society, but also add value to the education we provide.

A most appropriate way to end this article is continue the tribute to the legal giant and champion for training lawyers as leaders, Deborah Rhode. Shared again are these thoughts from her reflections about the impact lawyer can have on society:

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I too, am optimistic. If that activism, and the example supplied by John Lewis and some exemplary lawyer leaders, has prompted more practitioners, law students, and law faculty to think seriously about what they want their own legacy to be, then this moment of suffering may not be entirely in vain. Law as a profession offers its members boundless opportunities to do good.²⁸⁶

As those in the position to help shape the next generation of lawyer-leaders who will impact their world and society, law schools must do more. The time is now for law schools to embrace our role in better preparing our students not just as lawyers, but as lawyer-leaders who are ready, willing and able to serve not only their clients but their communities. We can help set them on a path to thrive as they live a more intentional life of service and significance.

²⁸⁶Rhode, *supra* note 19, at 113–14.