

TEACHING LAWYERS TO THINK LIKE LEADERS: THE NEXT BIG SHIFT
IN LEGAL EDUCATION

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INTRODUCTION

The old saying is that students go to law school to learn to think like lawyers. While thinking like a lawyer is indeed critical to becoming a good lawyer, we must also teach our law students to think like *leaders*.¹ Countless leaders in politics, government, business, and the non-profit sector are lawyers. While these lawyers are smart, precise, thorough, and honorable professionals, our public and private sectors would be further served by lawyers who are also taught to understand what leadership is (and is not) and who have honed their own leadership awareness and skills.²

¹ See Michael Kelly, *Thinking Like a Lawyer Versus Thinking Like a Leader*, in *Law and Leadership* 141 (Paula Monopoli & Susan McCarty eds., 2013). See Maureen A. O'Rourke, *From the Chair: Character and Leadership Development in Law School – The Way Forward*, A.B.A. J., July 1, 2018, https://www.americanbar.org/groups/legal_education/publications/syllabus_home/volume-49-2017-2018/syllabus-summer-2018-49-4-/from_the_chair/ (noting that “character can be taught,” and stressing that it must be taught to law students who will be the next generation of leaders, “who will be at the forefront of expanding opportunity and guarding our freedoms; who believe in ideals bigger than themselves and their own self-interest; and who possess the integrity, courage, and toughness to fight for those ideals.”).

² Deborah L. Rhode & Amanda K. Packel, *Leadership for Lawyers*, 66–7, (Rachel E. Barkow et al. eds., 2018) (Given the tremendous influence that the legal profession exercises, teaching leadership is critical to avoid the problem of having “large law firms, in-house counsel offices, government agencies, and public interest organizations” which are run by individuals with little to no leadership training.); Alexina Jackson, *Leaders in the Changing Legal Economy*, in *Law and Leadership* 55, 64 (Paula Monopoli & Susan McCarty eds., 2013) (“[S]oft skills and the ability to understand business dynamics will likely prove to be leadership skills held by successful attorneys.”); *Id.* at 64–5 (emphasizing leadership skills outside of traditional substantive law skills: skills of self-reflection, entrepreneurial skills, and communication skills.); Ben W. Heineman, Jr., *Lawyers as Leaders*, 116 *YALE L.J. Pocket Part* 266 (2007); Scott A. Westfahl & David B. Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less*, 69 *STAN. L. REV.* 1667 (2017); Ben W. Heineman, Jr., William F. Lee, & David B. Wilkins, *Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century*, *Harvard Law School Forum on Corporate Governance* (Nov. 25, 2014), https://www.belfercenter.org/sites/default/files/files/publication/Heineman_Lawyers%20as%20Professionals.pdf (The article discusses four ethical duties which the authors believe are central to what it means to be a lawyer, and a leader, but also to lawyers’ roles in the changing society: including responsibilities to their clients and stakeholders; responsibilities to the legal system; responsibilities to their institutions; and responsibilities to society at large. This article examines these duties in the contexts of the dramatically changing legal profession, and society, which lawyers are being confronted with today), *Id.* at 7 (“To achieve these twin goals—and to find a proper balance between the two—law schools should reexamine how they are preparing students for the challenges that they will face throughout their increasingly diverse

Lawyers are taught to advocate, to persuade, to analyze, to parse, to spot issues, even to convince others that they are right. These skills, while admirable, do not always align with good leadership; in fact, if not balanced with emotional intelligence, self-awareness, and social awareness, these skills can defy good leadership.

What exactly is leadership? Leadership is defined in many ways, but most experts agree that the general essence of leadership is an exceptional combination of vision and the ability to motivate. Leaders must first have a vision and be able to articulate that vision and excite others about it; additionally, and just as important, leaders must be able to bring out the best in others to work toward their vision. In doing so, leaders raise others up and empower others by enabling their brilliance. Great leaders create synchronization and make others feel part of something bigger than themselves.

Helping law graduates understand the nuanced skills of leadership can bring about significant levels of success for their own careers, while simultaneously serving our organizations, enterprises, governments, and society. We need lawyers with keen legal minds and excellent communication skills, but we also need lawyers who are skilled leaders and who can make sound decisions, solve problems, develop vision, instill culture, resolve conflict, manage crisis, and display high levels of emotional intelligence while caring for their communities.³

The legal academy must work together to reimagine our academic programs and integrate significant opportunities for leadership and character development. This article posits that reframing each of our required Professional Responsibility courses as “Leadership and Professional Responsibility” courses is an excellent starting point. All American Bar Association (ABA) accredited law schools must require a course in Professional Responsibility, and leadership is a natural extension of this subject area. Enriching our professional responsibility curricula ensures that every student has some foundational exposure to leadership studies. Offering

careers, and how faculty members understand their obligations to the legal framework and society, and to the law school as an institution.”); David G. Delaney, *The Leadership Opportunity for Law Schools*, ABA JOURNAL: LEGAL REBELS (Sept. 29, 2016), http://www.abajournal.com/legalrebels/article/the_leadership_opportunity_for_law_schools.

³Pamela Bucy Pierson, *Economics, EQ, and Finance: The Next Frontier in Legal Education*, 65 J. Legal Educ. 864 (2016) (“In a profession as complex and nuanced as the law, EQ matters as much to one’s success as does mastery of the law.”)

additional elective course selections and auxiliary leadership programs can provide deeper opportunities and textured experiences for students to grow in their leadership consciousness. Furthermore, law schools can explore potential interdisciplinary opportunities with other colleges on campus which can provide innovative partnerships and multidisciplinary options in leadership development.

Surely one does not develop completely as a leader in three years, but rather it is a lifelong journey fueled by self-awareness. Law schools, however, can vastly accelerate leadership development for lawyers. Legal educators can introduce leadership concepts early and often so that our law graduates acquire an awareness around leadership that they take with them into their careers.

I. WHAT IS LEADERSHIP?

A. *Defining Leadership in Contemporary Times*

It is important to begin with a solid understanding of what we mean when we talk about leadership. Leadership is a word that is used so often but rarely defined, that the true meaning can get lost. In fact, leadership is not easily defined in a word or a sentence. It is multifaceted, interdisciplinary⁴, complex, and defined in different ways by different people. Entire books are written on the topic and the selection of books continues to grow.⁵

⁴There are a wide range of disciplines that leadership draws from, including: Psychology, Philosophy, Management, Economics, Communication, Social Science, Political Science, and Dispute Resolution. See RHODE AND PACKEL, *supra* note 2, at 66–67; John S. Ahlquist & Margaret Levi, *Leadership: What It Means, What It Does, and What We Want to Know About It*, ANN. REV. OF POL. SCI., Jan. 26, 2011, at 1.

⁵See JAMES M. KOUZES & BARRY Z. POSNER, *THE LEADERSHIP CHALLENGE*, 14 (4th ed. 2007) (discussing countless stories of leadership in an attempt to understand what characteristics and practices define “leadership”); HARV. BUS. REV., 10 MUST READS ON LEADERSHIP (2011) (collection of scholarly articles examining leadership); see also RHODE AND PACKEL, *supra* note 2, at 5 (noting that leadership has “over 1500 definitions and 40 distinctive theories”); Michael Shinagel, *The Paradox of Leadership*, HARV. PROF. DEV. BLOG (July 3, 2013), <https://blog.dce.harvard.edu/professional-development/paradox-leadership#:~:text=Leaders%20are%20made%20rather%20than,the%20art%20that%20conceals%20art> (“According to a recent survey, there are more than 15,000 books on leadership in print. Articles on leadership number in the thousands each year.”).

Experts do not agree on a single definition of leadership, although there are several categories of leadership traits that are generally agreed upon.⁶ A good way to start is by thinking about characteristics of leaders. Professors Deborah Rhode and Amanda Packel's groundbreaking text *Leadership for Lawyers* discusses a variety of sources and studies regarding leadership traits and points us to a number of summaries of definitions from well-trusted sources.⁷

When I teach leadership with my law students, I always begin with asking students to articulate the characteristics and traits of great leadership. I have done this exercise numerous times over the years with various groups of law students. I ask my students to reflect upon the qualities that are most important to them in a leader. I intentionally do not assign anything for them to read ahead of time, as I do not want to influence their responses and I want their answers to come from a place of authenticity and to be drawn from their own life experiences.

We have much to learn from our next generation of lawyers sitting in our classrooms today about the qualities that they are looking for in great leaders. I find this exercise far more instructive than telling them what qualities define

⁶Bill George et al., *Discovering Your Authentic Leadership*, HARVARD BUS. REV., 163 (2011) (“During the past 50 years, leadership scholars have conducted more than 1,000 studies in an attempt to determine the definitive styles, characteristics, or personality traits of great leaders. None of these studies has produced a clear profile of the ideal leader.”).

⁷See RHODE AND PACKEL, *supra* note 2 (Characteristics that are most often identified by those in leadership positions include: personal characteristics—honesty, integrity, self-awareness, self-control; interpersonal characteristics—empathy, concern for others, openness to criticism and ideas; technical competence—analytical skills and command of substantive issues; and vision and values—the ability to aspire.); *id.* at 23 (Peter Northhouse arranges characteristics into five main categories: Intelligence, self-confidence, determination, integrity, and sociability (interpersonal skills).); *id.* at 23–24 (“Robert Hogan and Robert Kaiser . . . found that characteristics of self-esteem, integrity, and cognitive ability correlated with organizational effectiveness.”); *id.* at 24 (“The Federal Office of Personnel Management and experts on government leaders emphasize integrity, decisiveness, self-direction, resilience, flexibility, emotional maturity, and an ethic of service.”); *id.* at 24 (Maureen Broderick highlights qualities such as: capacity to influence and build coalitions, ability to inspire and be visionary, and ability to listen and communicate effectively.); *id.* at 24 (The Harvard Good Work project cited excellence in technical and professional competence, ethical orientation, an engaged sense of fulfillment, and meaning in work.); JAMES M. KOUZES & BARRY Z. POSNER, *THE LEADERSHIP CHALLENGE* 14, 29 (4th ed. 2007) (listing leadership characteristics as: honest, forward-looking, inspiring, and competent; and practices of exemplary leadership as: modeling the way, inspiring a shared vision, challenging the process, enabling others to act, and encouraging the heart).

a great leader based on data and collected and studies conducted years ago. I consistently end up with the eight trait dimensions described below which points to an evolution in the perceptions of leadership when compared to observations as evidenced in earlier studies. Below is a recap of the interesting topography of contemporary leadership, informed by our future lawyer leaders.

First, leaders are expected to be **competent**. Whatever the field or practice, a lawyer must possess a general level of competence, ideally a high level of competence, to engender the respect of colleagues and to be thought of as a leader. Qualities such as “intelligence” and “mastery of the field” are consistently mentioned. “Leads by example” is often cited, along with “problem-solver” which I believe also belongs in this competence category.

Second, **poised** always comes up in a variety of ways. Characteristics such as “levelheadedness,” “calm under pressure,” and “even-tempered” are always discussed, and are valued especially in the face of crisis. Great leaders instill calm amidst challenges and chaos, and lead in a composed and even manner. Great leaders exhibit high levels of emotional awareness and emotional intelligence and are able to keep their emotions in check when working with others.⁸ They display confidence and keep others reassured in the face of adversity and are not prone to displaying anger, fear, worry, distress, or despair. In this way they provide a sense of steady reassurance for others.

Third, our next generation of lawyers expects leaders to be authentically **inspiring**. Our future lawyers describe traits such as “motivational,” “charismatic,” “articulate,” and “passionate.” To move an organization or team toward a goal, a great leader must understand intuitively how to bring out the best in others. A great leader does not proceed in a mundane or routine fashion, and needs to exhibit the enthusiasm requisite to move the enterprise or team. In order to inspire others, a leader must be truly passionate and inspired themselves. This generation of future lawyers expects authentic leadership and will not be persuaded by those who do not exhibit genuine enthusiasm. Authenticity cannot be overstated in this context.

⁸TRAVIS BRADBERRY & JEAN GREAVES, EMOTIONAL INTELLIGENCE 2.0, 19-22 (Hardol En ed., 2009) (explaining how four EQ skills—self-awareness, self-management, social awareness, and relationship management—are critically important to an individual’s success, often more so than the individual’s IQ); Steve Goldstein, *EQ is Massively More Important than IQ for Leaders. Here’s Why*, INC., Sept. 26, 2017, <https://www.inc.com/steve-goldstein/eq-is-massively-more-important-than-iq-for-leaders-heres-why.html>.

Fourth, **honest** operations and decisions are expected in great leaders at all times. Integrity is key to producing trust, and both are critical in great leadership. Authenticity and excellent communication skills greatly assist in underscoring the level of transparency a leader wishes to communicate. The goal is to ensure that members of your team understand that integrity is not negotiable and always the highest priority. As lawyers, we simply cannot, nor should not, be leaders unless we have the highest commitment to ethics and integrity. Examples are plenty of individuals who, while ‘leaders’ in the sense they were visionary and influential, were far from ethical. I posit that it is inseparable in the legal context, given the standards of our profession, and is critical in great leadership.

Fifth, **visionary** is also an essential quality of great leadership. A great leader must be goal-oriented, strategic, and forward thinking. The leader’s role is to be the one continually looking into the future and understanding where the organization needs to go and then communicating and motivating the team in order to get there successfully. Tomorrow’s lawyers look to leaders to be mapping out the coordinates that will allow the enterprise to reach new heights and accomplish positive change.

Sixth, great leaders must be **resilient**. They must be determined, steadfast, hard-working, adaptive. When others feel like quitting, it is the leader who continues to motivate. A great leader shows courage in the face of adversity. The leader is a team player, but when times get tough—a pandemic for example—the leader does not run away from adversity; instead, the leader steels the team for the rough road ahead and provides guidance and assurance. A positive, yet pragmatic, attitude can help immeasurably in this regard. As one student astutely noted, a great leader cannot have a thin skin and complain about others, or make excuses for accomplishments not met.

Seventh, our new generation of lawyers expects our great leaders to be **inclusive**.⁹ Great leaders are champions of equity and inclusion and create a culture of respect for all. Great leaders understand that inclusion is a fundamental right of human dignity. Furthermore, leaders also know that diversity makes our institutions stronger and we make better decisions when various viewpoints and experiences are considered.¹⁰ Teams solve problems

⁹ Kellye Testy, Santa Clara Law Review (forthcoming).

¹⁰ Anna Powers, *A Study Finds that Diverse Companies Produce 19% More Revenue*, FORBES (Jun. 27, 2018), <https://www.forbes.com/sites/annapowers/2018/06/27/a-study-finds-that-diverse-companies-produce-19-more-revenue/?sh=5885c554506f> (The article cites to a recent study that looked at 1700 unique companies across 8 countries, and found that “increasing the diversity of

more creatively when community members come from a variety of perspectives, cultures, and backgrounds. Great leaders embody inclusive leadership and create an environment where all can flourish.

And finally, and arguably the most important characteristic, is that great leaders are **focused on others**. While one's leadership journey requires a great deal of personal development, it is perhaps even more important to focus on the others around you. Most of the discussion I have with students around great leadership focuses on this dimension of others. They recognize inherently that true leadership is about empowering others.¹¹ One must see the strengths of the team, recognize the leader in others, and encourage their brilliance to shine. One must also take care of others in meaningful ways.

An important component regarding this focus on others, is the understanding that there is no place for ego in great leadership. Our future lawyers expect contemporary leaders to be empathetic, compassionate, respectful, humble, relatable, authentic; to treat all others with dignity; and to have high levels of emotional intelligence. They expect great leaders to listen to others, admit fault, be willing to do what is expected of others, and not to make assumptions about others. When things go right, the leader should give credit to the entire team; when things go wrong, the leader should bear the responsibility. A great leader does not seek credit for success; she much prefers the entire team to bask in the glow of achievement and is generous with praise of others.¹²

leadership teams leads to more and better innovation and improved financial performance"—specifically 19% higher revenue); *Does Workplace Diversity Actually Impact a Business?*, PURDUE UNIV. GLOB. (Apr. 2, 2020), <https://www.purdueglobal.edu/blog/careers/how-does-workplace-diversity-affect-business/> (“Diversity, it turns out, does pay... [because] diverse work environments boost profitability, culture, and public perception”).

¹¹LIZ WISEMAN & GREG MCKEOWN, *MULTIPLIERS: HOW THE BEST LEADERS MAKE EVERYONE SMARTER*, 10-17, (HarperBusiness, 2017) (distinguishing two types of leaders: *diminishers* drain the ability and intelligence of the people around them, while *multipliers* amplify the ability of people around them by empowering their employees rather than feeding their own egos).

¹²As the philosopher Laotse is known to have said, “a leader is best when people barely know he exists. When his work is done, his aim fulfilled, they will say: ‘we did it ourselves.’” Michael Shinagel, *The Paradox of Leadership*, HARV. PROF. DEV. BLOG (July 3, 2013), <https://blog.dce.harvard.edu/professional-development/paradox-leadership#:~:text=Leaders%20are%20made%20rather%20than,the%20art%20that%20conceals%20art.>

I always find these conversations around leadership enlightening as law students are extraordinarily discerning in their observations. I do not think we would have heard traits such as “inclusive,” “compassionate,” “humble,” and “empowers others” generations ago when discussing leadership. I can tell you that our rising lawyer leaders care deeply about these traits and are remarkably articulate and perceptive when discussing examples of great leadership in their lives; they are also quite able to discern times when one or two of these traits were lacking, even in the face of other positive leadership qualities.

The reality is that great leaders need to possess all of these traits and have the emotional intelligence to know when certain qualities are needed in different situations. In fact, much of leadership is about being a well-rounded human being who embodies these qualities, having developed set of skills at the ready, and having the awareness to read context to know what behavior or skill is needed in a particular situation. Successful leaders understand that the same type of leadership style does not suit every situation. Leaders must be adaptive and adept at reading each circumstance and intuitively know where to lean.¹³

When one really dives in and understands the nuances and value of good leadership, one realizes how complex and difficult it is. Leadership is equally nuanced and multifaceted as any area of law, say administrative law or constitutional law; the challenge is that leadership is more interdisciplinary and diffuse than Chevron doctrine or the Commerce Clause. Law allows us to build sequential and logical conclusions, from caselaw precedent, the Constitution, statutes, and other sources of law. Leadership, on the other hand, is an amalgam of experiences and lessons learned, personal and professional development, skill development, self-awareness expansion, moral judgment, and constant vigilance.

Teaching leadership in law school will accelerate leadership development for our future attorneys and serve our legal profession and society. Instilling leadership awareness early during law school is critical as our future lawyer leaders begin their leadership journey. It is often said that leadership is like a muscle; one does not master leadership by reading a book, or taking one class,

¹³Dean Emeritus and LSAC President Kellye Testy spoke to my *Leadership for Lawyers* class in 2017 at Villanova Law. The theme of her presentation was “Adaptive Leadership.” She described the need for lawyer leaders to be able to identify the skills and qualities needed for different situations, and thus adapt to the circumstances at hand.

or even in several years of law school. Instead, it is like a muscle that one recognizes and develops. The more it is observed and exercised, the more routine and natural it becomes—like muscle memory. Ultimately, it becomes stronger and the sequences engrained, and then becomes part of one’s psyche. But like a muscle, it also requires continual vigilance, practice, and training, or else it will atrophy.

In conclusion, a great leader in our contemporary times is competent, poised, inspiring, honest, visionary, resilient, inclusive, and focused on others. These qualities describe great leadership and set us on our path to better understand and discuss leadership more specifically.

B. What Leadership is Not

Some thoughts about what leadership *is not*, are warranted. One can understand much about leadership by understanding what it is not and disrupting some common misperceptions.

Leadership is *not* a position. Some equate positions of power with leadership, but leadership does not necessarily equate with power. Leadership can flow from positions of power, but leadership is not defined by power. For example, there are times when someone is placed in a position of power and meets the challenge of the position by demonstrating good leadership. There are also times, of course, when a person in power fails miserably at demonstrating leadership.

To be clear, true leadership is *not* authority, *nor* is it fear based. Instead, true leadership is a mindset that one possesses no matter where one’s place is in an organizational chart. It is important for our student leaders to understand this concept while in law school where they can begin to develop their leadership identity. Countless practicing lawyers have made the mistake of believing that they did not need to think about leadership studies until they found themselves in a position of leadership well into their careers.

Understanding leadership through the eight traits above, one can better understand that it is quite possible “to lead” or “to exhibit a leadership mindset” from any position within an organization. If one approaches her personal and professional life with a leadership mindset, no matter what position she formally holds, one will very likely naturally rise to leadership positions.

Leadership is *not* a static concept. It is not a destination that one reaches and calls it a day. Leadership is an ongoing journey that continues throughout life. Introducing leadership development in our legal curriculum will not only

serve our graduates but will also serve our institutions, enterprises, and society.

Finally, leadership is also *not* about proving you are the smartest person in the room, convincing others that your point is right, or showing why your ideas are the best. Those who act this way temporarily demand deference or respect, but this is not leadership. As explained above, there is no room for ego in great leadership. Lawyers can be particularly gifted at the power of persuasion or by approaching a dilemma with a prosecutorial mindset. In fact, influence does not always equate with great leadership, and one should be mindful of the distinction.

C. Leadership Skills and Core Values

While understanding these qualities are critical, they are not the magic formula to becoming a great leader. Leadership also requires a sophisticated set of skills, including decision-making, conflict resolution, crisis management, public speaking, communication, organizational dynamics, and vision development. Management skills, such as budgeting, operational skills, time management, and project management, should also be part of leadership curricula. These crucial leadership skills can and should be taught in law school under the framework of leadership to prepare our future lawyer leaders for success.

Building upon the course material already taught in alternative dispute resolution courses such as negotiation, mediation, and arbitration is a great start for conflict resolution. Crisis management can be taught through numerous case studies and real-world examples of crises. Students can be assigned to deliver a crisis management speech or draft a communication on a given fact pattern or a crisis situation of their choosing. Lawyers who are aware of the components of managing a crisis (such as, accepting responsibility, apologizing, vowing to do better in the future) will serve our organizations well since managing a crisis can be the difference between success and failure.

Public speaking is traditionally taught through moot court, oral argument, and trial advocacy, but there are typically few opportunities in law school to hone the wide variety of contexts of public speaking outside of a courtroom. Enriching opportunities to develop the skills necessary to convey an influential speech, deliver remarks, give a solid presentation, or to run a board meeting, are often overlooked in our current academic programs.

Including course work that incorporates vision development is also valuable. First students need to understand what vision is and how it is different from concepts such as mission or core values. Next, pushing students out of their comfort zone to deliver a vision speech or draft a vision statement can be instructive for their professional development.

Leadership also requires identifying and articulating one's own core values, as values *drive* one's words, actions, and decisions (whereas traits describe one's behavior). Course work, exercises and assignments, can absolutely teach these skills and encourage students to develop their own set of core values that they take with them as their north star as they enter into practice.¹⁴

Early exposure in law school will underscore the fact that these skills can absolutely be studied, reinforced, and learned by all. The result is a road map for one's leadership journey of life.

D. Leadership and Management

A word about management. Coupled with legal skills, a lawyer leader must also possess solid competencies in management; management of time, projects, meetings, budgets, processes, and systems. A lawyer who is not disciplined in the management side of the day-to-day operations, risks being seen as ineffective, inept, or irresponsible. Being skilled in vision formulation and influential communication, does not excuse someone from having enough skill to adeptly run a meeting or manage their own time. Lack of solid management skills can be a significant problem and undercut one's ability to be taken seriously as a leader.

Depending on the context, management skills include budgeting, staffing, coping with complex systems or processing, ensuring compliance, and project management. These skills should not be overlooked, nor diminished, in one's leadership development.

The reality is that great leaders need both leadership and management skills. A tendency exists to see leadership skills as ideal and the management skills as more mundane, but a leader without management competencies can be frustrating and ineffective. A manager without leadership abilities can come across as transactional and uninspiring. A manager needs leadership

¹⁴A good exercise for core values can be found on TapRoot's Root Cause Analysis website. Barb Carr, *Live Your Core Values: 10-Minute Exercise to Increase Your Success*, TAPROOT (April 11, 2013), <https://www.taproot.com/live-your-core-values-exercise-to-increase-your-success>.

abilities to motivate their team towards a goal. A leader needs management competencies to get things done.

II. WHY SHOULD LAWYERS STUDY LEADERSHIP?

A. *Doctrine and Traditional Legal Skills are not Enough*

For centuries, law schools have taught legal doctrine and how to think like a lawyer.¹⁵ Thinking like a lawyer means to possess analytical reasoning skills and to be able to see the issue from all sides. It means being precise with your words, seeing ambiguity, and being able to apply the law to a set of facts. It is a learned skill that is necessary for the practice of law.

Over the past few decades, legal skills such as writing, negotiation, trial advocacy, interviewing, counseling, and fact finding have also become staples of law school academic programs. In addition, clinical education and experiential learning are now widely recognized by the American Bar Association (ABA) and law schools as a critical component of a solid legal education.¹⁶

Yet thinking like a lawyer, understanding legal doctrine, mastery of traditional legal skills are not enough for contemporary lawyers to succeed. Based on feedback from practicing lawyers and employers an additional

¹⁵In the early history of this country, legal education was accomplished through apprenticeships between students and experienced attorneys who imparted both their substantive knowledge of the law and the professionalism needed to become a successful attorney (Blake D. Morant, *Benefits from Challenge: The Continual Evolution of American Legal Education*, Presidential Address at the Association of American Law Schools Annual Meeting (Jan. 4, 2015), 64 J. LEGAL EDUC. 523, 526 (2015)). In the nineteenth century, Christopher Langdell, the dean of the Harvard Law School, created a new method of study, the “case method,” in which students are taught to think critically and logically. *Id.* The Langdell method is still used in law schools today, but with the continual evolution of the legal market—and the world—law schools are starting to put a greater emphasis on other skills. *Id.* at 527–28. These skills include experiential learning (i.e., clinics, externships, etc.), communication skills, professional responsibility, trial advocacy, and moot court.

¹⁶ABA Standard 305 allows law schools to grant credit for experiential learning courses such as moot court, law review, and directed research. ABA Standard 303 requires law schools to require students to complete at least one legal writing course in their first year, and at least one additional writing experience after their first year. ABA Standard 303 also requires law schools to require students to complete at least six credit hours of an experiential course, and provides that law schools should provide substantial opportunities to students for law clinics and field placements. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS § 304–05 (Am. Bar Ass’n 2020).

focus in the area of leadership development is starting to be recognized as crucial.

Lawyers are far less siloed than in generations past and expected to be part of cross-functional teams with experts in other fields such as business, science, technology, and healthcare. Accordingly, the modern practice of law requires an additional tier of “metacognitive” skills.

Metacognitive skills encompass competencies such as self-awareness, relationship-building, influence, cultural awareness, decision-making, empathy, integrity, and resilience. Collectively these competencies can be taught and reinforced through leadership education and character development and can make a big difference not only to one’s colleagues and bosses, but most importantly to one’s clients.

Leadership education should be a central theme of modern law school curricula. In addition to understanding our laws and legal systems; spotting issues and applying the law; and advocating and communicating well; 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.

Too often, lawyers feel like they need to push their point, prove their smart, and even possibly diminish others. This is not leadership; in fact, it is the opposite of leadership.¹⁷ Leadership-based influence is distinct from self-righteous, ego-based influence. A leader can be influential while being humble and subtle, and even inspire others to believe they are accomplishing the task on their own.

These are skills and qualities that can be taught, reinforced, and reflected upon during law school. With a solid foundation in leadership development in law school, graduates will have an appetite to continually develop themselves and seek opportunities for further leadership development throughout their careers.

¹⁷Rhode and Packel contend that while the legal profession attracts many people with certain traits traditionally found in good leaders—such as ambition and an analytic mind—the profession then fails to develop other qualities necessary to effective leadership. These often neglected “soft skills,” such as emotional intelligence and interpersonal sensitivity, must balance with the confidence and competitiveness that many successful lawyers possess if these successful lawyers are to become effective leaders. *See* RHODE AND PACKEL, *supra* note 2.

B. Leadership is for Everyone

Leadership is for everyone, not just the heads of organizations, enterprises, governments, or teams. All lawyers benefit from leadership development, no matter what position one holds or type of law one practices. A leadership mindset helps each and every one of us approach work, colleagues, and clients with presence and awareness that serves the greater good.

Even as a member of a team or entry level associate, having a leadership mindset will make a cognizable difference in one's success and the overall success of a project and organization. We can all be leaders by being exemplary teammates, by recognizing others, and by bringing out the best in those around us. Understanding how to contribute to a shared goal, how to manage relationships, and work collaboratively requires high levels of self-awareness and emotional intelligence, all important aspects of leadership development.

C. Lawyers Serve in Leadership Positions

Arguably more than any other professional field, lawyers find themselves in positions of leadership. Attorneys are commonly on "C-suite" executive teams and serve in elected office and as government appointees. They are also elevated to important positions such as judges, presidents, general counsels, and managing partners. Beyond these positions, lawyers also regularly lead teams, committees, task forces, boards, and non-profits.

Positions of leadership do not equate to great leadership skills or talents. Equipping our future, presidents, district attorneys, CEOs, attorney generals, mayors, solicitors, judges, justices, and general counsels with leadership awareness and skills seems obvious in light of this reality of where and how lawyers serve.

D. Lawyers Make Decisions that Affect Others

As lawyers, we make decisions every day that affect others. Our decisions affect our clients, our teams, and our organizations. In addition, our decisions affect policy, caselaw, and the regulatory process, which in turn significantly impact society in meaningful ways.

We have a duty as lawyers to be thinking about great leadership; a duty to understand that we are responsible for helping those who do not have a voice in our system of justice. We have been granted a great privilege with

our legal education and our law license—with that privilege comes responsibility.

The reality is that other people's lives and livelihoods are in our hands as attorneys. This insight alone should motivate us to instill a leadership mindset in all our students. Beyond individual clients, attorneys impact society through caselaw precedent, policy, laws, and government regulations, and we have a duty to approach our work with a leadership mindset and act for the greater good of all others in all that we do. The words we write and speak as lawyers affect others—many others—and we must be cognizant of this fact and remain mindful and focused on others.

E. Promotion Decisions and Yearly Performance Evaluations

Employers are communicating loud and clear the need for law graduates who possess leadership skills. Employers need graduates who can manage projects, lead teams, solve problems, manage crises, and make strategic decisions. Simply put, lawyers who possess leadership skills are better lawyers. We must, therefore, be more intentional about teaching these skills in law school.

Law firm promotion decisions and performance reviews are very much tied to leadership and management abilities. Lawyers are judged on these competencies in yearly performance reviews and in promotion decisions in nearly every area and type of practice.

Yearly performance evaluations frequently use the term “leadership” and other metacognitive competencies directly related to leadership, such as ability to work in teams, interpersonal skills, problem solving, conflict resolution, consensus building, decision making, and self-awareness. Additionally, traits such as trustworthy, mastery of field, resilient, determined, steadfast, hard-working, adaptive, inclusive, empathetic, compassionate, respectful, humble, relatable, all come up in a variety of ways in yearly performance evaluations and certainly in promotion decisions, thus we must make leadership development a focus of our academic and non-academic programs.

F. Great Leadership Makes Money

Effective leadership has many tangential effects that contribute to the importance of studying and teaching leadership. One of these tangential effects considers the relationship between good leadership and profitability

of lawyers and law firms. Sound leadership equates to a “quantifiable and positive impact on profit, revenue, process improvement, product and service improvement, client satisfaction, and teamwork.”¹⁸ Additionally, researchers have found “compelling evidence of the dramatic effect of leadership effectiveness on net income”¹⁹ as well as the value of diversity in making our intuitions stronger and capable of greater creativity and innovation.

It has been well-studied and documented that generally, poor leadership results in money lost, good leadership results in making a profit, and extraordinary leadership can more than double a company’s profits.²⁰ When one considers the qualities that effective leaders bring to the table, this result is not surprising.

Effective leaders are integral in creating a strong institutional culture. An effective leader is able to inspire others to perform at higher levels and to give employees a sense of urgency, but at the same time is accepting of feedback and constructive criticism.²¹ By these actions, great leaders can inspire others to perform at higher levels, enabling their brilliance, thereby driving organizational productivity as a whole, as well as profits.²² A strong culture, in turn, helps to keep employees happy, motivated, and engaged.²³ Employees who are “engaged” understand how their work fits into the company’s mission and success, and are motivated to collaborate and work in teams more effectively.²⁴ When leaders know how to foster

¹⁸ *Leadership Training: Will Your Law Firm’s Investment Pay Off?*, COMP. & BENEFITS FOR L. OFF., Nov. 2006, at 1.

¹⁹ Jack Zenger, *Great Leaders Can Double Profits, Research Shows*, FORBES (Jan. 15, 2015) <https://www.forbes.com/sites/jackzenger/2015/01/15/great-leaders-can-double-profits-research-shows/?sh=5c4272b16ca6>.

²⁰ *Id.*; Brent Gleeson, *Does Leadership Development Actually Drive Profitability?*, FORBES (May 21, 2018) <https://www.forbes.com/sites/brentgleeson/2018/05/21/does-leadership-development-actually-drive-profitability/?sh=9ea36637b4f0> (“What actually drives employee engagement? At the end of the day it all comes down to culture. And culture is reflective of leadership, which means leadership drives engagement for better or worse.”).

²¹ Brent Gleeson, *Does Leadership Development Actually Drive Profitability?*, FORBES (May 21, 2018) <https://www.forbes.com/sites/brentgleeson/2018/05/21/does-leadership-development-actually-drive-profitability/?sh=9ea36637b4f0>.

²² *Id.*

²³ *Id.* (“What actually drives employee engagement? At the end of the day it all comes down to culture. And culture is reflective of leadership, which means leadership drives engagement for better or worse.”).

²⁴ *Id.*

communication and resolve conflict among others, teamwork will improve, and employees will be happier and more productive as they work together.²⁵ One study found that happy employees are 12 percent more productive, on average, than disgruntled employees.²⁶ If multiplied across an entire organization, and it becomes clear the profound impact excellent leadership can have.

A strong company culture, fueled by effective leadership, also diminishes employee turnover. Replacing an employee is expensive. The financial significance of turnover is that the company must spend, again, to recruit and on-board, as well as make up for the loss of productivity that comes with losing a trained employee.²⁷ Losing an employee also affects company culture, as “employees tend to disengage when turnover rates go up.”²⁸ On the flip side of the “turnover” coin, companies with reputations for poor leadership will likely not be able to attract the best talent.²⁹ These happy employees both stay at their jobs, and stay engaged to their jobs.

Another aspect of an organization which can be dramatically impacted by its leaders is its vision for the future. Excellent leaders are able to clearly envision the future of the enterprise, and to convey that vision to others.³⁰ Specifically, this is increasingly important for law firms considering that new demands on law firms are causing a changing legal economy.³¹ These changes are vast—including new areas on which clients focus deciding to hire a firm to represent them (not just substantive skills, like past performance and rankings, but increasingly “softer standards” like a firm’s investment in

²⁵ *Id.*

²⁶ Andrew J Oswald, Eugenio Proto & Daniel Sgroi, Happiness and Productivity, ECONSTOR, IZA Discussion Papers No. 4645 (2009), <https://www.econstor.eu/handle/10419/35451>.

²⁷ The cost of turnover, often underestimated, is based on many factors: direct costs of hiring a new person, costs of onboarding the new hire, lost productivity, lost engagement of other employees, the lost investment in training the departing employee, and the cultural impact on the rest of the group. *The Hidden Cost of Employee Turnover*, ALVERNIA UNIVERSITY, Oct. 6, 2016, <https://online.alvernia.edu/articles/cost-employee-turnover/>.

²⁸ *Id.*

²⁹ Brent Gleeson, *The Top 10 Ways to Attract and Retain Great Talent*, FORBES (Oct. 13, 2016), <https://www.forbes.com/sites/brentgleeson/2016/10/13/the-top-10-ways-to-attract-and-retain-great-talent/?sh=1a52a4b246b5> (“New job candidates want to know who they are going to be working for and aligning themselves with.”).

³⁰ Peter F. Drucker, *What Makes an Effective Executive*, HARV. BUS. REV., 23 (2011).

³¹ Alexina Jackson, *Leaders in the Changing Legal Economy*, in LAW AND LEADERSHIP 55 (Paula Monopoli & Susan McCarty eds., 2013).

the community and the firm's diversity), an increasing use of "alternative fee arrangements" (rather than hourly fees), and an increased investment in the firm's employees.³² These new demands require new business models.³³ An effective leader who understands the pressures of the new legal economy will acquire a frame onto which she can apply her unique leadership skills, creating value for herself, her firm, and her clients.³⁴ Further, a good leader will have the ability to adapt and change with the changing environment.³⁵

III. HOW TO TEACH LEADERSHIP IN LAW SCHOOL

With all this said, we move to the question of how to teach leadership in law school and beyond. Embracing the reality that we need to be teaching leadership is only a small part of the equation. How to actually teach leadership is the much bigger question.

One does not master leadership in a class, or degree program. It is a way of thinking and acting that we take forth into our relationships, both personal and professional. Leadership is something that is best taught when it is all around. Ideally it is part of a culture of an institution. With that said, however, even exposure in a single course, can help a student develop leadership awareness.

A. *Reframing Professional Responsibility*

One of the most promising places to start is to look at our required courses in Professional Responsibility and Legal Ethics. Because these courses teach about attorney conduct and are required at every ABA accredited American law school, integrating leadership development into our professional responsibility curricula provides an opportunity to expose all future lawyers to leadership studies. Furthermore, leadership skills map right onto professionalism skills and a lawyer's greater duty to advance justice in our society. As lawyers, we should seek to serve a higher purpose with the privilege of our law degrees and aim to shape our profession to impact society in meaningful ways.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

Current Professional Responsibility curricula focuses on the Model Rules of Professional Conduct. Concepts such as competence, scope of representation, diligence, communication, and confidentiality are studied and well-known. These rules, however, are the floor; in other words, if these rules are breached, disciplinary conduct will result.

While these rules are critical to our profession, complying with these rules certainly is not the model definition of an ethical attorney. Spending time teaching our students how to stay out of disciplinary hot water, while certainly important, is not where we should be setting our sights, nor is it something to boast about in terms of creating honorable lawyers.

Integrating leadership studies into our required ethics courses is a natural extension of professionalism, and allows for a reframing of how we approach the subject area. Many courses in Professional Conduct already challenge students to think about the lawyer they want to be and the profession they are joining. Students study situations that will require them to make decisions based on moral duties and values. Judgment and choice are carefully considered in many courses and character, integrity, and moral responsibility are part of class discussion. Teaching our courses informed by leadership studies and infusing leadership development exercises will raise attorney awareness and better serve our organizations and society.

In fact, the preamble to the Model Rules of Professional Conduct provides an appropriate framework for incorporating leadership studies into our legal ethics course. The Preamble is filled with “should” language and is much more ambitious and aspirational than the Rules themselves, which contain the necessary “must” and “shall” language.

For example, Paragraph 6 reminds us of the critical importance of our profession in our society, and states:

“As a public citizen a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.”

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Paragraph 7 gives us a sense of how the Preamble speaks beyond the rules and are truly inspirational:

“Many of a lawyers professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.”

And Finally, Paragraph 16 states:

“The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.”

These words collectively remind us that our focus should remain in the upper reaches of aspiration and inspiration when contemplating attorney conduct. Using the Preamble as a guide to reframe our approach and incorporating leadership development into our required Professional Responsibility curricula can make a cognizable impact on our profession, our organizations, and society at large.

The ABA Section of Legal Education and Admission to the Bar currently requires that all law schools offer at least a two-credit course in Professional Responsibility. Our law schools can make these three or four credit courses to ensure compliance with Standard 303 while incorporating leadership development curriculum.³⁶ Perhaps renaming our courses “Leadership and Professional Responsibility” is the next step. Eventually, the ABA may even formally recognize the importance of leadership development and amend Standard 303 to include leadership studies, as Professional Responsibility is a natural place for exposing all law students to leadership development.

³⁶STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS § 303 (Am. Bar Ass’n 2020) (“A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following: (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members . . .”).

B. Elective Leadership Courses

In addition to professional responsibility courses, law schools are beginning to incorporate upper-level leadership elective courses into their curriculum. These courses are excellent opportunities for significant and in-depth course work and practical skills exercises related to leadership and character development. The disadvantage is that elective courses are not required, and will not capture your entire student body. Students who self-select these elective courses, however, are often highly motivated to expand their leadership skills and the resultant engagement is tremendous. In addition, if framed as a writing or skills course, with frequent graded assignments, enrollments will be limited to lower numbers, thus limiting student exposure.

With this said, an upper-level elective gives the opportunity for significant exposure to leadership curriculum with many assignments and practical skills exercises that will serve our graduates in practice. The course can be designed around topic areas, such as, defining leadership, leadership qualities, value-centered leadership, decision-making and cognitive biases, crisis management, influence and delegation, management skills, and inclusive leadership.

Practical skills assignments may include delivering a crisis management speech or writing a crisis management communication, creating an influential speech video, defining one's core values, understanding one's own cognitive biases and articulating a vision. In addition, integrating management skills such as project management, time management, running an effective meeting, and organization techniques are also useful. Integrating behavior assessments and personality tests can also help students better understand their own behavior styles and the behavior styles of others.³⁷

³⁷The following is a non-inclusive list of popular behavioral assessment tools. *DISC* is a behavior assessment tool created and developed by psychologists William Moulton Marston and Walter Vernon Clarke, which profiles human behavior in various situations, and is structured around four aspects of personality: dominance (D), influence (i), steadiness (S), and conscientiousness (C). *DISC PROFILE*, <https://www.discprofile.com/what-is-disc> (last visited March 13, 2021). *CliftonStrengths* (formerly "Clifton StrengthsFinder") is another behavioral assessment tool which identifies a person's strengths based on "34 themes of talent." *CliftonStrengths*, GALLUP, <https://www.gallup.com/cliftonstrengths/en/home.aspx> (last visited March 13, 2021). The Myers Briggs Type Indicator is another introspective behavioral test which categorizes individuals, based on how they perceive the world and make decisions, into four categories: introversion or extraversion, sensing or intuition, thinking or feeling, judging or perceiving. *MTBI Basics*, MYERS

Another approach is to have larger enrollment leadership elective designed as a discussion and case-study class. Real world case studies abound and provide excellent illustrations for class discussion and analysis.

C. Beyond the Classroom: Leadership Programs and Leadership Culture

While providing leadership growth development inside our law school classrooms is critical for contemporary law practitioners, providing additional programming and instilling a culture of leadership provides continual reinforcement and is equally as important.

Leadership programs take a variety of forms and provide out-of-class opportunities for leader reflection and development. The aim is to create a place for students to come together to reflect on their own leadership development, listen to guest speakers talk about their leadership journeys, and hold discussions and workshops for further growth. My experience is that law students are eager to join these programs and the fact that there is no academic credit associated with them is not a hinderance, and actually takes off the performance pressure. The result is an inviting and authentic space where students feel empowered to share and grow.

Beyond classes and programs, creating a culture around leadership is key. In other words, enabling your entire faculty and staff to fully understand what leadership is and why it is important for lawyer development ensures that they are invested. Inviting staff and faculty to participate and teach in these programs is also advantageous. Ideally your entire community is aligned around the importance of developing lawyers with leadership skills and awareness.

D. Interdisciplinary Opportunities

The subject of leadership calls from many areas of discipline, including, psychology, philosophy, management, economics, communications, social sciences, political science, and law. Opportunities are rich for interdisciplinary collaboration with other schools and programs on campus, such as Masters of Business Administration, Masters of Public Administration, and Masters of Management and Finance.

In fact, approaching leadership from an interdisciplinary perspective is an excellent way of exposing our law students to different approaches and thinking in the space while enriching their academic experience. Law schools are late to the table in this arena, and often other schools and colleges on campus already have programs and credentials in place that provide exciting opportunities for collaboration.

IV. CONCLUSION

Law school education continues to evolve as we better understand the needs of lawyers in a growing landscape of practice. Organizations and enterprises have rapidly evolving demands of lawyers serving in their ranks and we must keep pace. As society advances, attorneys are serving in a myriad of government and elected positions that require additional abilities, falling under the wide canopy of leadership, management, and character development skills. We must be responsive to these needs of firms, organizations, enterprises, and governments, and do all we can to grow our academic programs accordingly.

If we appropriately reimagine our law school programs, we can vastly accelerate leadership development in our graduates. Rather than lawyers growing as leaders through trial and error, self-development books, and professional workshops, let's aim to introduce leadership concepts early and often so that our law graduates acquire an awareness around leadership that they take with them into their careers.

Teaching leadership in law school will develop lawyers with vision who bring out the best in those around them, inspire others to share their talents, and lead governments, teams, committees, boards, and organizations in constructive ways in order to achieve their goals and make a positive impact in the world around us.