

CHANGE AT THE SPEED OF LEADERSHIP

Lee Fisher*

“The most dangerous leadership myth is that leaders are born—that there is a genetic factor to leadership. . . That’s nonsense; in fact, the opposite is true. Leaders are made rather than born.”¹

“Lawyers are in the anomalous position of serving as leaders but generally lacking leadership training and skills. Competency in lawyering skills often functions as a proxy for leadership skills, despite the evidence that leadership skills are distinct and may take years to develop. Our neglect of leadership skills is reaching crisis proportions because nearly half of all current law firm partners will retire within the next ten years, creating an urgent need for new leaders whose skills are presently undeveloped and untested.”²

“It is ironic that the occupation most responsible for producing America’s leaders has focused so little attention on that role. . . Although leadership development is now a forty-five-billion-dollar industry, and an Amazon search reveals close to 88,000 leadership books in print, the topic is largely missing in legal education. . . The legal profession attracts a large number of individuals with the ambition and analytic capabilities to be leaders, but frequently fails to develop other qualities that are essential to effectiveness. The focus of legal education and the reward structure of legal practice undervalues interpersonal capabilities and ethical commitments that are necessary for successful leadership.”³

“In a globalized economy, lawyers who focus just on a technical professionalism are increasingly like a commoditized service that can be secured from suppliers world-wide at lower prices. In contrast, a lawyer who internalizes a moral core of professional formation over a career will benefit from excellent trustworthiness, relationship skills, teamwork skills

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¹ Warren Bennis, *MANAGING PEOPLE IS LIKE HERDING CATS* 163 (1997).

² Randall Kiser, *SOFT SKILLS FOR THE EFFECTIVE LAWYER* 261 (2017).

³ DEBORAH L. RHODE, *LAWYERS AS LEADERS I* (2013).

and persuasive communication that flows from a deep understanding of others.”⁴

I.	Fostering a Sense of Purpose	212
II.	Leadership in the Pubic Square.....	213
III.	A New Model of Legal Education	215
IV.	CSU Cleveland- Marshall Leadership and Law Program.....	217
	A. Dean’s Leadership Fellows Program	219
	1. Leadership Self-Assessment	219
	2. Personal Leadership Strategic Plan.....	219
	3. Group Discussions, Exercises	219
	4. Leader Conversations.....	219
	5. Group Project Projects/ Presentations.....	220
	B. Leader-in-Residence Program.....	220
	C. Leadership and Law Advisory Council.....	221
	D. Leadership course, “The Habits of Highly Effective Lawyer-Leaders.”	222
V.	Change at the Speed of Leadership.....	222

I. FOSTERING A SENSE OF PURPOSE

It was the day I decided to go to law school. It was a warm spring day. May 4, 1970. I was a freshman at Oberlin College. A few days earlier, President Richard Nixon had expanded the Vietnam War by invading Cambodia.⁵ Anti-war college protests erupted throughout the country.⁶

About 1 o’clock in the afternoon, the news hit us in the gut as we huddled around TVs and radios on our sheltered college campus. In just twelve seconds, the Ohio National Guard fired over 60 shots at student protesters at nearby Kent State University.⁷ Nine students were wounded,

⁴Neil Hamilton, *The Qualities of the Professional Lawyer*, in *ESSENTIAL QUALITIES OF THE PRO. LAW.* 15 (Paul A. Haskins, ed., 2013).

⁵Robert B. Semple Jr., *Nixon Sends Combat Forces to Cambodia to Drive Communists from Staging Zone*, *N.Y. TIMES*, May 1, 1970, <https://www.nytimes.com/1970/05/01/archives/nixon-sends-combat-forces-to-cambodia-not-an-invasion-president.html>.

⁶Amanda Miller, *May 1970 Student Antiwar Strikes*, *UNIV. OF WASH. MAPPING AM. SOC. MOVEMENTS PROJECT*, https://depts.washington.edu/moves/antiwar_may1970.shtml.

⁷Jerry M. Lewis & Thomas R. Hensley, *The May 4 Shootings at Kent State University: The Search for Historical Accuracy*, *KENT ST. UNIV.*, <https://www.kent.edu/may-4-historical-accuracy>.

one of them paralyzed for life; and four students—Allison Krause, Jeff Miller, Sandra Scheuer, and Bill Schroeder—were killed.⁸

Bill Schroeder was an ROTC student watching the protest, shot in the back.⁹ Sandy Scheuer was walking to class.¹⁰ I didn't know them, but I've never forgotten their names.

I've felt a sense of urgency ever since. That urgency is to make a deeper impact upon the world because the greatest lie you can tell someone is that there is plenty of time.

The need to have a purpose is part of the human condition. What is our role as law deans to further the sense of purpose that lingers inside each of us? I maintain it is to ensure that we educate and train not only great lawyers but great leaders. An investment in leadership development is an investment in making a deeper impact upon the world.

So many of our students came to law school not only to learn law but to live justice. To advocate for fixing what's broken. To forcefully call out injustice and decry inequality. Throughout American history, we have seen that the law can be a source of oppression or a force for justice.¹¹ It is up to us to ensure that the power of the law is used for justice and with that comes an obligation to teach leadership.

II. LEADERSHIP IN THE PUBLIC SQUARE

A number of years ago, I was moderating a panel at the Clinton Global Initiative about urban public policy.¹² One of the panelists, Ólafur Ragnar Grímsson, then the President of Iceland, said something that resonated with me. "The problem with you Americans," he said, pointing his finger at the

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ See, e.g., Martin Luther King Jr., *Letter from a Birmingham Jail*, The Martin Luther King, Jr. Research and Education Institute, STAN. UNIV., April 16, 1963, <https://kinginstitute.stanford.edu/king-papers/documents/letter-birmingham-jail>.

¹² Eric Tawney, *CEOs for Cities: A Vision for the Future Economy*, CHI. POL'Y REV. Nov. 12, 2013, <https://chicagopolicyreview.org/2013/11/12/ceos-for-cities-a-vision-for-the-future-economy/>; Clinton Global Initiative, The Clinton Foundation, <https://www.clintonfoundation.org/clinton-global-initiative>.

large audience, “is that you spend too much time waiting for Washington.”¹³

His point was that Congress was dysfunctional because of the hyper-partisanship that envelops our nation’s Capital, and we constantly bemoan that nothing gets done.

Rapidly accelerating technology and globalization, the blurred lines between objective news, biased news, and fake news, all-too-frequent police shootings of people of color, growing racial and cultural diversity—all these things have the capacity to unite us through hope, dignity, respect, and progress or to tear us further apart through anxiety, fear, bigotry, and scapegoating.

No one could be blamed for feeling overwhelmed in light of a global pandemic that has revealed an unprepared public health care system, a fragile economy, and racial, health and economic disparities.¹⁴

No one could be blamed for feeling anguished and outraged by the horrific killing of George Floyd and the racism that has been exposed in our broken criminal justice system.¹⁵

But yes, one could be blamed for cynically believing that we are too late, the obstacles are too daunting, there is no path forward, and we cannot make significant change. We are living through a defining moment. We must run toward it and seize it.

At a time when our nation is deeply divided and too many of us retreat to our ideological cul de sacs, leadership has become the indispensable human skill. We need leaders who can heal wounds, bridge divides, and

¹³Eric Tawney, *CEOs for Cities: A Vision for the Future Economy*, CHI. POL’Y REV. Nov. 12, 2013, <https://chicagopolityreview.org/2013/11/12/ceos-for-cities-a-vision-for-the-future-economy/>.

¹⁴See, e.g., Liz Szabo & Hannah Recht, *The Other COVID-19 Risk Factors: How Race, Income, ZIP Code Can Influence Life and Death*, USA TODAY, Apr. 22, 2020, <https://www.usatoday.com/story/news/health/2020/04/22/how-coronavirus-impacts-certain-races-income-brackets-neighborhoods/3004136001/>; Thomas J. Bollyky & Stewart M. Patrick, *Improving Pandemic Preparedness: Lessons From COVID-19*, Independent Task Force Report No. 78, COUNCIL ON FOREIGN RELS., Oct. 2020, <https://www.cfr.org/report/pandemic-preparedness-lessons-COVID-19/findings/>; Heather Boushey & Somin Park, *The Coronavirus Recession and Economic Inequality: A Roadmap to Recovery and Long-Term Structural Change*, WASH. CTR. FOR EQUITABLE GROWTH, Apr. 16, 2020, <https://equitablegrowth.org/the-coronavirus-recession-and-economic-inequality-a-roadmap-to-recovery-and-long-term-structural-change/>.

¹⁵House Rept. 116-434, George Floyd Justice in Policing Act of 2020, 37–46, <https://www.congress.gov/116/crpt/hrpt434/CRPT-116hrpt434.pdf>.

rally us to greater heights. President Biden inherits a divided country and a dysfunctional, hyper-partisan Congress. His single most important presidential responsibility is not reducing the cost of health care or rebuilding the economy. It's rebuilding the human bridges of a divided nation that is coming apart at its seams.

Someday a new generation will ask us, "What did you do in 2020 after George Floyd was killed at the knee of a Minneapolis police officer, while three other officers watched Floyd plea for his life and did nothing to intervene?" "What did you do when a public health pandemic threatened our everyday way of life?"

We legal educators have been given a gift. We have been given an opportunity to be a part of the solution.

III. A NEW MODEL OF LEGAL EDUCATION

Recent studies show that an ever-increasing number of employers are seeking graduates with leadership skillsets.¹⁶

Professor Randall Kiser, in his book, *Soft Skills for the Effective Lawyer*, notes that in 1992, technical mastery was identified as the most important competency in a survey of business, government, education, and nonprofit leaders.¹⁷ Twenty years later, when the survey was administered again in 2012, technical mastery was no longer among the five most important competencies, having been displaced by the so-called "soft skills" of self-motivation, self-discipline, effective communication, learning ability, self-awareness, and adaptability/versatility.¹⁸ When asked to identify the competencies that will be most important ten years from now, the leaders again identified soft skills: adaptability/versatility, effective communication, learning agility, multicultural awareness, self-motivation/discipline, and collaboration.¹⁹

¹⁶See, e.g., *Key Attributes Employers Want to See on Students' Resumes*, NACE CTR., Jan. 13, 2020, <https://www.nacweb.org/talent-acquisition/candidate-selection/key-attributes-employers-want-to-see-on-students-resumes/>; Nora Brüning & Patricia Mangeol, *What Skills Do Employers Seek in Graduates? Using Online Job Posting Data to Support Policy and Practice in Higher Education*, ORG. FOR ECON. CO-OPERATION & DEV., Oct. 9, 2020, <http://www.oecd.org/education/what-skills-do-employers-seek-in-graduates-bf533d35-en.htm>.

¹⁷RANDALL KISER, *SOFT SKILLS FOR THE EFFECTIVE LAWYER* 8 (2017).

¹⁸*Id.* at 8–9.

¹⁹*Id.* at 9.

The priority currently placed on soft skills is supported by extensive research demonstrating that soft skills may be more important than hard skills in achieving professional success.²⁰ Daniel Goleman, in his comprehensive analysis of the relative importance of intelligence, technical skills, and emotional intelligence, found that emotional intelligence proved to be twice as important as the others for jobs at all levels.²¹

The Center for the Study of the Legal Profession at Georgetown Law School identified three behavioral competencies critical in predicting performance in successful Am Law 100 associates, which capture a set of interpersonal skills not captured in technical or individual work competencies.²² These interpersonal competencies produce strong performance in three areas: (1) associates' work mindset and philosophy, including emotional health, motivation, and drive; (2) managing individual work tasks and the work environment; and (3) working and collaborating with others, including "interpersonal abilities and influence."²³

A number of legal educators have recognized that we must use a new model of legal education to respond to the needs and demands of the legal market and prepare our students for lawyering and leadership in the 21st century. The Delta Model was born during a 2018 conference hosted by Dan Linna, then-director of the LegalRnD Center at Michigan State University (MSU) College of Law.²⁴ The Delta Model working group consists of Professor Alyson Carrel (Northwestern Pritzker School of Law),

²⁰ See, e.g., DANIEL GOLDMAN, RICHARD BOYATZIS & ANNIE MCKEE, PRIMAL LEADERSHIP: REALIZING THE POWER OF EMOTIONAL INTELLIGENCE 249-251 (2002); Richa Sethi, *Importance of Soft Skills for Professional Students*, INT'L J. RECENT RSCH. ASPECTS 113 (Special Issue 2016); Jiří Balcar, *Is It Better to Invest in Hard or Soft Skills?*, 27 ECON. & LABOUR RELS. REV. 453 (2016).

²¹ Valerie Keels, *Why Emotional Intelligence Is the 21st-Century Skill Employees Need*, CTR. FOR ASS'N LEADERSHIP, Sept. 17, 2019, https://www.asaecenter.org/resources/articles/an_plus/2019/september/why-emotional-intelligence-is-the-21st-century-skill-employees-need ("According to Daniel Goleman's research in his book *Working with Emotional Intelligence*, EI accounted for 67 percent of the abilities deemed necessary for superior performance in leaders, and mattered twice as much as technical expertise or intelligence quotient, which is our ability to learn."); DANIEL GOLEMAN, *WORKING WITH EMOTIONAL INTELLIGENCE* (1998).

²² See generally Lori Berman & Heather Bock, *Developing Attorneys for the Future: What Can We Learn from the Fast Trackers?*, 52 SANTA CLARA L. REV. 875 (2012).

²³ *Id.* at 895.

²⁴ Alyson Carrel, *What is the Delta Model?*, ALYSONCARREL.COM, <https://www.alysoncarrel.com/delta-competency-model>.

Professor Cat Moon (Vanderbilt Law School), Shellie Reid (student at Michigan State University College of Law), Natalie Runyon (Thomson Reuters Legal Executive Institute), and Professor Gabe Teninbaum (Suffolk Law School).²⁵

They developed The Delta Model, a new competency model that consists of three competency areas essential to the success of modern legal professionals: The Law, Business & Operations, and Personal Effectiveness Skills.²⁶ This model recognizes that 21st century lawyers must start with a base of deep legal knowledge and skills.²⁷ Building off the notion of a T-shaped Lawyer, lawyers also must understand the impact of technology on their client's business as well as their own delivery of legal services—understanding the power of data, technology, and process improvement.²⁸ But with 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.²⁹ That's another way of saying that 21st century lawyers must have leadership skills.

IV. CSU CLEVELAND-MARSHALL LEADERSHIP AND LAW PROGRAM

As a law school dean, every day I see opportunities to train and educate a future generation of leaders who value civility, diversity, inclusion, and respect as essential not only to the future of the legal profession but also to our way of life. When I watch our students deliver their arguments in Moot Court and Mock Trial, I am reminded that the best oral advocates are able to take a position with which they personally disagree. A great legal education requires our students to step outside the constraints of their own immediate, biased filter bubbles.

Our diverse, talented faculty, students, and staff must come together every day to teach and learn in ways that are collaborative and spirited. We must work to foster a supportive, respectful, responsive environment in which there can be vigorous debate about the issues that shape our future. We seek to be a place where we welcome and celebrate diverse viewpoints but where we share common values. We aspire to be a law school which

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

values the free exchange of ideas and, with it, difficult and necessary conversations among people of good will and good faith.

We teach that all lawyers must understand not only their clients' positions and interests but also the complex motivations and positions of all parties. We facilitate free expression and foster a culture where our students learn not only in the classroom but also through honest engagement and respectful discourse and dialogue.

We want our students to understand that reconciling differences is as important as winning cases. Our faculty teaches that even as a lawyer zealously advocates for her clients, she must remain committed to the ethical practice of law and civility. We are striving to produce highly competent, deeply compassionate lawyers who see the practice of law as a calling to serve others, and we are committed to graduate students who are not only successful professionals, but also open-minded leaders, change makers, and advocates of justice.

Thus, our imperative: to educate a new generation of lawyer-leaders.

Although a traditional assumption was that leaders were born, not made, contemporary research demonstrates that leadership's major competencies can be learned through understanding and practice.³⁰

Our P. Kelly Tompkins Leadership and Law Program at Cleveland-Marshall College of Law at Cleveland State University seeks to educate students not only to be great lawyers but also to be great leaders.³¹ We provide training and practice in leadership strategies and skills that better prepare students to effectively manage the people and organizations they will lead.³² Core leadership skills transcend occupational lines, and these skills can be learned through study and practice.

The components of the Program are as follows.

³⁰Kari Keating, David Rosch & Lisa Burgoon, *Developmental Readiness for Leadership: The Differential Effects of Leadership Courses on Creating "Ready, Willing, and Able" Leaders*, 13 J. LEADERSHIP ED. 1 (2014).

³¹*C/M/LAW P. Kelly Tompkins Leadership and Law Program*, CLEV. ST. UNIV., <https://www.law.csuohio.edu/academics/leadership> [hereinafter *Leadership and Law Program*]; Linda Feagler, *Preparing Future Attorneys for New Roles*, CLEV. MAG., Nov. 1, 2020, <https://clevelandmagazine.com/cleader/community/articles/preparing-future-attorneys-for-new-roles>.

³²*Id.*

A. Dean's Leadership Fellows Program

Each year, we admit some students who have demonstrated outstanding undergraduate academic achievement and leadership potential in the Dean's Leadership Fellows Program.³³ Those selected are known as "Dean's Leadership Fellows."³⁴ Dean's Leadership Fellows have the special opportunity to interact with prominent national, state, and local leaders to explore issues in leadership and the law through regular small, interactive roundtable discussions at the law school and in the community.³⁵

An Executive Board of Dean's Fellows helps design the programming and provide advice about the operation of the program.³⁶ The program includes several components.

1. Leadership Self-Assessment

Students complete a self-assessment to track where they feel their leadership skills are upon entrance to the program. They will also use this as a jumping-off point with their Leadership Coach.

2. Personal Leadership Strategic Plan

Students complete a comprehensive plan with their Leadership Coach to set goals and forge a path for skill development.

3. Group Discussions, Exercises

In the 2019-2020 school year, students read the book *Leadership and Self-Deception* by The Arbinger Institute and then Carolyn Broering-Jacobs leads a group discussion.

4. Leader Conversations

We bring local, state, and national leaders to the law school for lectures and presentations on leadership. While many of these programs are open to all students, some are reserved for smaller "roundtable" interactive discussions with Dean's Leadership Fellows. Here, the Fellows are

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ CSU Cleveland-Marshall Dean's Leadership Fellows Program, CLEV. ST. UNIV., <https://www.law.csuohio.edu/applytoday/scholarship/deansleadershipfellows>.

encouraged to ask tougher questions and engage with the leaders, rather than the question-response format in larger group settings.

5. Group Project Projects/ Presentations

The Leadership Fellows divide into small groups and work on leadership projects designed to help the law school and/or the community.³⁷

B. *Leader-in-Residence Program*

We bring distinguished leaders to the law school to mentor, coach, and advise students on their prospective career choices and work on specific projects related to the law school's strategic priorities.³⁸ Leaders-in-Residence ("LIR") maintain uniquely deep, long-term relationships with the law school.³⁹ We try to customize their experience in a way that best matches their skills, interests, and availability with the law school's needs.⁴⁰ Each LIR volunteers their time, talent and knowledge to help Cleveland-Marshall College of Law.⁴¹ Several also give generously of their treasure as well.

Each LIR is selected by the Dean in consultation with the faculty.⁴² The individual chosen must be an active community leader who is willing to devote time and energy to the program on a regular basis throughout their term as a LIR.⁴³ The key commitment by every LIR is a willingness and availability to be at the law school on a consistent and regular basis. The Dean also works to ensure that LIRs reflect the diversity of the greater Cleveland and law school communities.⁴⁴ While most LIRs will be retired or semi-retired lawyers and C|M|LAW alumni, it is not necessary that the LIR be an alumnus or lawyer.⁴⁵ The length of time of a LIR appointment varies from one semester to several years.⁴⁶

³⁷ *Id.*

³⁸ *Leadership and Law Program*, *supra* note 31.

³⁹ *Leader-in-Residence Program*, CLEV. ST. UNIV., <https://www.law.csuohio.edu/facultystaff/leaderinresidence>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

Our LIRs are dedicated and involved at the law school in a myriad of ways. The LIRs work with the Dean, faculty, staff, and students, and represent and promote our law school at events in the community and around the country.⁴⁷ Below is a sample of activities that our LIRs engage in:

- Mentor, coach, and advise students on prospective career choices
- Work on specific projects related to the law school's strategic priorities
- Strengthen relationships with employers and donors
- Speak in classes
- Design and/or participate in a workshop, seminar, or symposium
- Participate in breakfasts, lunches, and/or informal gatherings with students, faculty, and/or staff
- Judge competitions
- Advise law student organizations⁴⁸

C. Leadership and Law Advisory Council

This is a group of prominent community leaders who serve as Leadership Coaches to Dean's Leadership Fellows and who provide advice with respect to the operations and content of the Leadership and Law Program.⁴⁹

Each Dean's Leadership Fellow is matched with a Leadership Coach. The Leadership Coach agrees to meet with their Fellow(s) at least twice at a location of their choosing during the academic year to discuss and help address and develop the Fellow's personal and professional challenges, goals, and aspirations. We provide Coaching Guidelines and a template for a Dean's Fellow Personal Strategic Plan.⁵⁰

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Leadership and Law Program*, CLEV. ST. UNIV. at 2 (on file with author).

⁵⁰ *Id.*

*D. Leadership course, “The Habits of Highly Effective Lawyer-Leaders.”*⁵¹

I teach a leadership course each year. The leadership course is designed to be a blend of theory and practice. The learning objectives are to gain insight into the characteristics, strengths, and styles of leadership, and their impact on organizations and other people.⁵² This course seeks to help students become an effective leader, counselor, and manager in a fast-changing world.

The course begins with a student self-assessment to determine personal strengths and leadership styles, examining how those styles may affect professional relationships and what other characteristics must be developed. Students use a combination of readings, project work, problems, exercises, case studies, group presentations, media clips, and guest lectures by successful leaders to learn the core competencies necessary to become a successful leader.⁵³ The course is intended to provide an introduction to prevalent theories of leadership and leadership education and their relevance to lawyers and law students. Topics include characteristics and styles of leadership, strategic planning, managing growth and change, public speaking, motivating people and teams, decision-making, mindfulness, conflict and crisis management, entrepreneurship, innovation, diversity, ethical responsibilities, collaboration and teamwork, innovation and the dynamics of change, diversity, and ethical dilemmas.⁵⁴

The course is interactive and requires teamwork and interaction. Over the course, each student will be expected to participate in individual and group presentations, case study discussions, and other classroom activities. Through guided reflection, students identify what is important to them personally and professionally, and each student keeps a leadership journal throughout the class on their thoughts and reflections on leadership.

V. CHANGE AT THE SPEED OF LEADERSHIP

When my son graduated from college, my wife and I asked him what he wanted to do with his life. He said something that would never have

⁵¹ *Leadership and Law Program*, *supra* note 31.

⁵² *Id.*

⁵³ Sarah Beznoska, *Law 768 – Leadership and the Law: The Habits of Highly Effective Lawyer-Leaders*, C|M|LAW: CAREER NOTES, May 31, 2018, <http://careers.csulaw.org/2018/05/31/law-768-7-habits-of-effective-lawyer-leaders/>.

⁵⁴ *Id.*

2021] *CHANGE AT THE SPEED OF LEADERSHIP* 223

occurred to me to say to my parents. He answered, “What I want to do hasn’t been invented yet.” It’s a new way of looking at the future.

We must prepare our students to make a difference in the world as citizens and leaders in a fast-changing environment. 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.

Change happens at the speed of leadership.