

TRAINING LAWYERS FOR LEADERSHIP: VITALLY IMPORTANT MISSION FOR THE FUTURE SUCCESS (AND MAYBE SURVIVAL) OF THE LEGAL PROFESSION AND OUR DEMOCRACY

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Abstract

Lawyers are a small segment of the population; yet, in every aspect of society, lawyers serve in positions of influence and leadership. A call to leadership is a common theme of law school commencement addresses and remarks delivered in innumerable settings within the profession. With the current state of public distrust in institutions, lack of civil discourse, and polarization of positions, leaders trained in the law are needed more than ever. Unfortunately, the number of lawyers serving in certain leadership roles is declining which could have a negative impact on the role that the legal profession has enjoyed as a prominent influencer in our society and could reduce the number of college graduates interested in pursuing legal education as a worthwhile path to influential and impactful positions.

This Article describes the central role of legal education in teaching, training and mentoring the next generation of lawyers who will help sustain a strong democracy which is essential for the United States to maintain its position as a world power. The need for leadership development in law schools is urged as a necessary component of legal training to enable graduates to better meet the challenges facing the legal profession. Some aspects of legal education already prepare students for their leadership roles, but often without intentionality. More can be done, and should be done, to better equip students for the leadership positions they will hold after graduation. Law professors and professionals have the great privilege and responsibility to help shape the next generation of lawyers who will be difference makers. Because of this need, there is a growing movement in legal education to create leadership development programming for law students to better prepare law students for service in leadership positions, the evolution of which is chronicled in the last part of this Article. Just as professional responsibility and ethics are core aspects of legal training and are integrated throughout law programs, this Article advocates for the integration of leadership development programming.

INTRODUCTION

¹ Associate Dean and Professor of Law, Baylor University School of Law. I gratefully acknowledge Assistant Dean Stephen Rispoli for his help in co-creating and supervising the Baylor Law Leadership Development Program and the Leadership Engagement and Development course we co-teach. I also gratefully acknowledge the support and encouragement of Dean Brad Toben.

Lest you have not yet gotten the message, or in case our profession has crumpled you into cynicism, let me remind you, the role that lawyers play in society matters and it matters greatly. Throughout history, lawyers have played a critical role in shaping stable, peaceful and prosperous societies. In the United States, no other profession, past or present, has accounted for more of our leaders in the public sector. Of the Founders who signed the Declaration of Independence, twenty-four of fifty-five were lawyers.² Thirty-five of the fifty-five delegates to the Constitutional Convention in 1787 were lawyers.³ The occupation with the largest representation in the U.S. Congress is the legal profession (although the numbers are declining).⁴ Lawyers account for just 0.4 percent of the population;⁵ yet, all over this country in every aspect of society, lawyers lead. Lawyers serve as principals of government, business and nonprofit organizations. Additionally, lawyers influence an array of leaders daily as they interact with and represent them. Central to our calling as a service profession, lawyers also have a duty to provide principled counseling – a form of leadership.⁶

From time to time, influential jurists and lawyers call upon lawyers to rise up and reclaim allegiance to the role of lawyer as leader.⁷ A call to leadership is a common theme of law school commencement addresses and speeches and remarks delivered in innumerable settings within the profession.⁸ With the current state of public distrust in institutions, lack of civil discourse, and polarization of positions, those trained in the law are needed more than ever.⁹ Yet, the number of lawyers serving in certain leadership roles is declining. As an important example, the percentage of Congressional members who are lawyers

² AMERICA'S FOUNDING FATHERS: DELEGATES TO THE CONSTITUTIONAL CONVENTION. Available at http://www.archives.gov/exhibits/charters/constitution_founding_fathers_overview.html

³ *Id.*

⁴ Thirty-eight percent of the Members of the House and fifty-five percent of the Senators in the 115rd Congress. JENNIFER MANNING. MEMBERSHIP OF THE 115RD CONGRESS: A PROFILE 2 (Congressional Research Service, April 12, 2018). Available at <https://www.senate.gov/CRSPubs/b8f6293e-c235-40fd-b895-6474d0f8e809.pdf>.

⁵ DEBORAH L. RHODE, *LAWYERS AS LEADERS* 1 (2013).

⁶ HERB RUBENSTEIN, *LEADERSHIP FOR LAWYERS* 3 (2d ed. 2008).

⁷ Louis D. Brandeis, *The Opportunity in the Law*, Address Before the Harvard Ethical Society (May 4, 1905) in LOUIS D. BRANDEIS, *BUSINESS—A PROFESSION* 313, 321 (1914); *The Texas Lawyer's Creed—A Mandate for Professionalism* (1989), as reprinted in *Texas Rules of Court : Volume I—State* 723 (ThomsonReuters 2017); ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993); Ben W. Heineman, Jr., "Law and Leadership," 1 Lecture as part of The Robert H. Prieskel and Leon Silverman Program on the Practicing Lawyer and the Public Interest (November 27, 2006).

⁸ Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. St. Thomas L.J. 358, 359 (2009); "Roscoe Pound and Chief Justice Burger understood that the best way for the profession to continue to resolve society's conflicts is to lead." Reference to speech by Roscoe Pound in 1906 at the Annual Meeting of the American Bar Association and speech in 1976 by Chief Justice Warren Burger at the Pound Conference. Am. Bar Ass'n, *Report on the Future of Legal Services in the United States* 8 (2016), http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf. (hereinafter ABA Report).

⁹⁹ See generally Alfred S. Konefsky and Barry Sullivan, *In This, the Winter of our Discontent: Legal Practice, Legal Education, and the Culture of Distrust*, 62 BUFF. L. REV. 659 (2014).

is down. “In the mid-19th century almost 80% of members were lawyers. By the 1960s this had dropped to under 60%, and by 2018 it was 41%.”¹⁰ Needless to say, the declining number of lawyers involved in politics could have a direct impact on the role that the legal profession has enjoyed as a prominent influencer in our society.

Alexis de Tocqueville recognized in the 1830s that the role of lawyers as keepers of the rule of law and the special training of lawyers as problem solvers and advocates ensured for them “a separate station in society.” His words, the “American Aristocracy” carried a privileged duty to protect our democracy.¹¹ This special status arose because lawyers were viewed as more than mere providers of legal services. As described by Professors Heineman, Lee and Wilkins, the role of lawyers has traditionally been three-fold – that of technical expert, wise counsellor and effective leader.¹² However, without significant stewardship of all three roles, lawyers are in danger of losing that obligation and privilege. Even more important, lawyers risk ceasing to exist as a noble profession which attracts the “best and the brightest” students who seek the education, training and mentoring that in the past have produced the next generation of effective leaders.¹³

This article will describe the growing movement among law schools to better prepare their students for service in leadership positions. Part I discusses the central role of higher education and legal education in supporting a strong democracy that supports the United States’ position as a world power. The historic and central role of lawyers as leaders in the formation and advancement in our nation is also discussed. In Part II, the need for leadership development in law schools is urged as a necessary component of legal training to enable graduates to better meet the challenges facing the legal profession. Part III discusses what law schools already do, often without intentionality, to prepare students for their leadership roles and Part IV discusses what more can be done, and should be done, to better equip students for the leadership positions they will hold after graduation. Finally, Part V chronicles the growing movement in legal education to create leadership development programming for law students and then describes, as an example, the Baylor Law Leadership Program.

¹⁰ Nick Robinson, *The Declining Dominance of Lawyers in U.S. Federal Politics*, Harvard Law School Center on the Legal Profession Research Paper No. 2015-10, November 1, 2015; *supra* note 4.

¹¹ Alexis de Tocqueville, *Democracy in America* 302-309 (Henry Reeve trans., Pa. State U. 2002) (1835), <http://seas3.elte.hu/coursematerial/LojkoMiklos/Alexis-de-Tocqueville-Democracy-in-America.pdf>.

¹² Ben W. Heineman, Jr., William F. Lee & David B. Wilkins, *Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century* 9 (2014), https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf.

¹³ *Id.*

I. VIBRANT DEMOCRACY AND STATUS AS A WORLD POWER DEPENDS ON EDUCATED CITIZENRY AND LAWYERS

“The practice of democracy is not passed down through the gene pool. It must be taught and learned anew by each generation of citizens.”¹⁴ -- Justice Sandra Day O'Connor

That lawyers assume leadership roles outside the legal field is not surprising. American culture has historically expected educated citizens to provide guidance. Indeed, our country’s continued prosperity depends upon our educational system to produce an educated community that understands and values our system of government; appreciates the complexity of world cultures, economies and relationships; and recognizes the importance of being at the forefront of innovation and research. A strong system of higher education is a significant contributor to the country’s ability to compete in the global marketplace and is critical to our economic strength, social well-being, and position as a world leader.¹⁵ The nation especially looks to its colleges and universities to provide an educated citizenry for our future. In the 21st century, higher education is one of the last societal institutions responsible for shaping the future of civilization. This is particularly so for law schools, given the important role lawyers play in our communities.

For individual students, post-secondary education creates a path to financial security, economic mobility, personal growth, professional development, leadership opportunities, and the promise of a brighter tomorrow. As Tocqueville pointed out, a benefit of living in a democracy is the advantage that higher education offers its citizens – students are not restricted by class or guilds.¹⁶ In the United States, higher education is available regardless of the family to which one is born. College students who come from disadvantaged backgrounds, benefit significantly from their education.¹⁷

Opportunities for improving one’s position in society are enhanced, often greatly, by a person’s degree and alma mater. College graduates find more desirable jobs and positions, earn more money, and suffer less unemployment. Generally, the higher the educational level and the greater the reputation of the

¹⁴ Sandra Day O’Connor, About iCivics, retrieved on May 8 from <https://www.icivics.org/about>.

¹⁵ David Skaggs, *Higher education as a matter of national security: can a democracy plan ahead?* 100 *Liberal Education*, 1. (2014); Leah Teague, *Higher Education Plays Critical Role in Society: More Women Leaders Can Make a Difference*, (2015) available at <http://forumonpublicpolicy.com/journals-2/online-journals/vol-2015-no-2/>.

¹⁶ Tocqueville, *supra* note 11.

¹⁷ Hout, Michael (2012) “Social and economic returns to college education in the United States” *Annu. Rev. Sociol.* 2012. 38:379-400. Doi 10.1146/annurev.soc.012809.102503

university, the greater the benefits.¹⁸ Research also shows that college graduates live more stable family lives, enjoy better health, and live longer.¹⁹ Higher education has also consistently been found to increase civic engagement and political knowledge and participation which benefits not only the individuals but also their communities.²⁰

In a society that recognizes the value of education, the benefits of obtaining an advanced degree garners additional benefits. For example, being “qualified” for a position is often based on whether an individual has a specific degree, regardless of the extent or depth of learning behind the piece of paper. Additionally, people give greater weight to the contributions and opinions of those who are in high status occupations,²¹ and the role of the lawyer, historically, has been perceived as such.

Lawyers’ historic position of prominence in American society, according to Tocqueville, was earned not because they possessed wealth, power and privilege, but because American lawyers are the keepers of the rule of law in a system of democracy.²² As such, lawyers must fight against injustice, and fight to protect rights, liberties and property interests. Lawyers also provide reasoned guidance and direction to enable clients to make decisions from a more informed perspective, and often lawyers prevent clients from acting on fleeting impulses or out of emotional fervor without reasoned consideration and appropriate due process. Specific aspects of lawyers’ legal training help them succeed as influencers and leaders, both now and in the past. While law schools have not historically sought to answer the question of what makes lawyers good leaders, law students graduate with skills that are crucial in gaining and succeeding in leadership roles.

II. CHALLENGES FACING THE LEGAL PROFESSION REQUIRE STRONG LEADERSHIP SKILLS

The legal profession faces a growing number of “disruptive innovators” creating pressures that are transforming the legal profession.²³ To be sure, lawyers no longer serve as the sole “gatekeepers” to

¹⁸ *Id.* at 381.

¹⁹ *Id.* at 380.

²⁰ Hillygus, D. Sunshine (2005). “The Missing Link: Exploring the relationship between higher education and political engagement.” *Political Behavior*, Vol. 27, No. 1, March 2005. Retrieved September 4, 2015 from <http://sites.duke.edu/hillygus/files/2014/06/HillygusPB.pdf>

²¹ Olav Sorenson, *Status and reputation: Synonyms or separate concepts?* 12(1) SO 62, 63 (2014). Retrieved from <http://journals.sagepub.com/doi/pdf/10.1177/1476127013513219>

²² *Supra* note 11.

²³ See generally MICHELE R. PISTONE AND MICHAEL B. HORN, *Disrupting Law School: How disruptive innovation will revolutionize the legal world*. Clayton Christensen Institute for Disruptive Innovation, March 2016; Carrie Menkel-Meadow *Crisis in Legal Education or the Other Things Law Students Should be Learning and Doing* 45 MCGEORGE L. REV. 133 (2013).

the law.²⁴ Through technology, the “law” has never been more readily accessible to the public than now. In the past, most legal questions required citizens to seek the services of a lawyer rather than attempt the daunting task of locating an answer in the morass of law books on the sea of shelves of a law library. If lawyers are now likely to begin their search with a query to all-knowing Google, why would we continue to presume that lawyers are valued by the public to perform a task they feel perfectly qualified to do on their own? Whether the found Google answer is accurate or complete seems irrelevant to one without the benefit of training in the intricate details of nuances that may attach to a word or phrase. The public sees no advantage to spending \$5,000 for a contract drafted or personalized by a lawyer when a \$199 do-it-yourself online contract kit seems to do the trick. For the more sophisticated consumer of legal services, the business decision to go cheap on routine matters outweighs the risk of failure of the non-customized document. Why let the perfect get in the way of good enough when they are willing to accept the business risk of failure in a small percentage of outcomes?

As technology has provided more information and the ability for better analytics, more clients are measuring their lawyers’ worth based upon output and efficiencies.²⁵ Many tasks previously reserved for lawyers are now routinely performed by technology programs or by laypersons with the assistance of technology or outsourced to other countries for cost efficiencies. As disruption transforms the legal profession and “law jobs,” lawyers’ worth can no longer be measured based solely upon the acquisition of substantive law knowledge and training in legal procedure. Developing or enhancing “soft skills” in law school is now more important than ever if lawyers are going to continue to hold coveted positions in society as respected professionals, or even professionals at all.²⁶ If lawyers and law schools are to survive the market place pressures that threaten society’s trust and reliance upon our professions, we must “both embrace and demonstrate the relevance of a set of professional ideals that recognize, but ultimately transcend, the pressures of the marketplace.”²⁷

As long as the billable hour system reigns, lawyers’ participation in non-billable activities, such as service to the community through volunteer work, will be viewed by many practicing lawyers as a luxury they can ill afford. Fewer lawyers volunteering in the community and serving in leadership roles means the public has less opportunity to observe the special skills of lawyers that makes them so

²⁴ See generally Kevin P. Lee, *The Citizen Lawyer in the Coming Era: Technology is Changing the Practice of Law, But Legal Education Must Remain Committed to Humanist Learning* 40 OHIO L. REV. 1 (2013).

²⁵ *Supra* note 12.

²⁶ *Id.* at 64.

²⁷ *Id.*

valuable in the community. How ironic that what gave lawyers special status in the community – their skill set as leaders – has been utilized less and less by lawyers in recent decades as the pressure to be profitable has coerced a profession of service into a business of services measured in six-minute increments.

Might there be a connection between the declining role of lawyers serving as leaders and the attack upon the profession for high costs and the “access to justice” gap? “The legal profession, as the steward of the justice system, has reached an inflection point.”²⁸ Reports reveal that the vast majority of Americans either cannot afford legal assistance,²⁹ do not believe they can afford a lawyer,³⁰ want a less expensive alternative,³¹ or “do not recognize that their problems have a legal dimension.”³² Funding for those who cannot afford assistance is woefully insufficient and threatened.³³ We should be alarmed that in the last 30 years litigants in some categories of civil matters have gone from being almost 100% lawyer-represented to the vast majority that are now self-represented.³⁴ “Without significant change, the profession cannot ensure that the justice system serves everyone and that the rule of law is preserved.”³⁵

In this age of instant access to information and impatience for any delayed gratification, our cumbersome, expensive legal system frustrates ordinary citizens. When most citizens believe the services of lawyers are unnecessary, unobtainable, unaffordable or over-priced, the rights and interests of citizens and organizations go unprotected, our communities are vulnerable, our quality of life is at risk and the stability of our democracy is endangered. We must find creative solutions to address these challenges. How can we expect the public to look to us as leaders to guide and forge the future of their communities when they lack confidence in our legal system and our profession?

III. LEGAL TRAINING HAS ALWAYS AIDED DEVELOPMENT OF SKILLS USEFUL IN LEADERSHIP

²⁸ ABA Report, *supra*, note 8.

²⁹ *Id.* at 12.

³⁰ Rebecca Sandefur, *What We Know and Need to Know About the Legal Needs of the Public*, 67 S.C. L. Rev. 443, 450 (2016).

³¹ ABA Report, *supra* note 8.

³² *Id.*

³³ *Id.* Nearly 5.8 million Texans qualify for legal aid. Only approximately 178,000 Texas families are assisted by legal aid organizations. *Access to Justice Facts*, Tex. Access to Justice Found., <http://www.teajf.org/news/statistics.aspx> (last visited Dec. 12, 2017).

³⁴ Jessica K. Steinberg, *Demand Side Reform in the Poor People's Court*, 47 Conn. L. Rev. 741, 749 (2015).

³⁵ *Supra*, note 8.

Leadership is mentioned in the mission statements of many law schools. Law schools expect that their students will actively and civically engage in their communities in a variety of leadership capacities. Santa Clara Dean Emeritus Don Polden noted that leadership is “an essential or core component for ethical engagement and success in the work of lawyers.”³⁶ While dean of J. Reuben Clark Law School at Brigham Young University, “Jim Rasband was fond of saying, ‘law is a leadership degree.’”³⁷ Benjamin Heineman, Jr., former general counsel to General Electric, in addressing the topic of leadership and the law at Yale Law School in 2006, stated that the complexities of modern day society requires leaders with

vision, wisdom, and energy to lead. Such leadership will require many skills and multiple perspectives. No one is totally suited for such tasks, but no one is better suited than a lawyer with broad training and experience. Properly defined, the lawyer’s core skills of understanding how values, rules, and institutions interrelate with social, economic and political conditions is central to the demands of contemporary leadership.³⁸

From the first day of law school, faculty focus upon teaching students to perform legal analysis for the purpose of solving their clients’ problems. Solving an organization’s current problem or developing a vision for the future compels leaders to understand and analyze the current data and circumstances, often looking for patterns and relationships others have not noticed. Law school ensures, through persistent work on legal analysis, that students are proficient in analyzing various diverse factors to come to a conclusion. Through superior technical competency and practiced analytical skills developed in law school, law students have the foundation to build other, more specialized leadership skills.

Another key leadership trait attributed to lawyers and developed in law school is the ability to skillfully advocate. Mainstream media has popularized the lawyer as a stellar advocate. From movies such as *To Kill a Mockingbird* to popular TV series including *Matlock* and *Law and Order*, lawyers giving emotionally charged and analytically convincing arguments are portrayed as swaying the jury, oftentimes “saving the day” by words alone. Law schools train students to be persuasive oral and written advocates.

Law students in their first-year curriculum are placed in legal writing courses that first teach students to convey ideas clearly and concisely in memoranda and then focusing on writing fluidly and persuasively as the students draft appellate briefs for their moot court arguments. While written

³⁶ Don Polden, *Symposium on Leadership Education for Lawyers and Law Students*, 52 Santa Clara L. Rev. 685 (2012).

³⁷ Email from Gordon Smith, Dean, J. Reuben Clark Law School at Brigham Young University to Leah Teague (May 8, 2018).

³⁸ Ben W. Heineman, Jr., “Law and Leadership,” 1 Lecture as part of The Robert H. Prieskel and Leon Silverman Program on the Practicing Lawyer and the Public Interest (November 27, 2006).

advocacy is undoubtedly an essential tool for law students to acquire, the importance of students training in oral advocacy cannot be overlooked. Carefully crafting moot court arguments, opening and closing statements, and practicing in-person negotiation skills prepares students to persuade their audience – whether that be an appellate court, a business client, a team they lead or a community. Hours spent practicing and refining the order of arguments or carefully drafting questions for witnesses hones students’ use of effective phrasing and word choice. Both the oral and written parts of the process become ingrained skills for use in advocacy and effective leadership.

Further, law school is a training ground for taking an idea and turning it into a vision. Lawyers are trained to advocate, verbally and in written form, by confidently communicating with intent to influence others. Practiced presentations are no longer just words, but passionate beliefs and positions conveyed through words, gestures, inflections and emotions aimed at persuading the audience. As leaders, lawyers can use those skills to inspire individuals and at times to convince them to transcend their immediate self-interest in the service of the greater good of the organization, or society.

Moreover, in law school, students learn that lawyers are bound to conduct their practice in accordance with established ethical behaviors stipulated in professional codes of conduct. Additionally, their advocacy training prepares lawyers to serve as exemplars by meticulously creating, articulating, and conveying organizational values to followers and outside parties alike.

Even those advocating for leadership development in the law school setting realize that “one cannot succeed . . . and one will seldom get the opportunity to lead, without first demonstrating technical competence.”³⁹ While there may be “bells and whistles” to leadership theory and development, leaders must also be good at what they do. Being competent in technical knowledge and skills is the foundation for success, but just the beginning.⁴⁰

IV. LAW SCHOOL CURRICULA AND PROGRAMS LACK SPECIFIC FOCUS UPON DEVELOPING LAWYERS AS LEADERS

While business schools have long recognized the need for a specific focus on leadership development as part of their education and training of students, legal education has not. A growing

³⁹ Leary Davis, *Why Law Schools Should Emphasize Leadership Theory and Practice*, in *LAW AND LEADERSHIP : INTEGRATING LEADERSHIP STUDIES INTO THE LAW SCHOOL CURRICULUM* (2013).

⁴⁰ Leary Davis, *Competence as Situationally Appropriate Conduct: An Overarching Concept for Lawyering, Leadership, and Professionalism* 52 *SANTA CLARA L. REV.* 725, 729 (2012).

number of law schools have introduced leadership development into their programming and curriculum to give students instruction on, and practice in, leadership strategies and skills that will better prepare them for their future roles as lawyers and leaders. These programs are most likely the result of attention being given to expanding the work of law schools in light of the many reports and commentators calling for law schools to produce students who are “practice ready.”

A. A Series of Reports Have Urged Law Schools to Better Prepare Lawyers for Professional Roles

The debate about the obligation of law schools to better prepare law students to enter the profession, and how to do so, is not a new one. The Report of the Task Force on Law Schools and the Profession: Narrowing the Gap (“the MacCrate Report”), commissioned by the American Bar Association (“ABA”) and issued in 1992 by a panel of practicing lawyers and legal educators, recognized that “legal education’s preoccupation with legal reasoning had marginalized important skills necessary to prepare students for the practice of law.”⁴¹ The MacCrate Report was preceded by earlier reports in 1979, 1980, and 1983 that similarly called for an understanding of competency that reached beyond legal reasoning and technical legal knowledge to include skills and elements of character and professional responsibility.⁴² The MacCrate Report identified ten fundamental lawyering skills and four values that it determined were necessary for practicing lawyers.⁴³ This report had a significant impact upon the expansion of clinical legal education and practical skills training. However, less attention was paid to incorporating the four “Fundamental Values of the Profession” into law school programming and curricula. The four fundamental values are: “Provision of Competent Representation; Striving to Promote Justice, Fairness, and Morality; Striving to Improve the Profession; and Professional Self-Development.”⁴⁴

The MacCrate Report was followed in 2007 by an influential report by the Carnegie Foundation. “The Advancement of Teaching: Preparation for the Profession of Law” (the “Carnegie Report”) also

⁴¹ ABA Section of Legal Educ. & Admissions to the Bar, *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* 138-141 (1992), available at [https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report\).authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report).authcheckdam.pdf).

⁴² *Supra* note 38 at 734-740.

⁴³ *Supra* note 39.

⁴⁴ *Id.*

emphasized the urgent need to connect analytical knowledge to practical knowledge, and to have a greater emphasis upon professional integrity and shaping professional identity.⁴⁵ The Carnegie Report identified “three apprenticeships” of effective legal training – the cognitive, the practical, and the ethical-social – and argued in favor of the integration of all three apprenticeships throughout legal education.⁴⁶ Most importantly, it highlighted the importance of formation of the student as a professional lawyer.

In the summer of 2012, the ABA created its Task Force on the Future of Legal Education to make recommendations on how law schools, the ABA, and other groups and organizations could take concrete steps to address issues concerning the economics of legal education and its delivery. Their recommendations published in December 2014 included a challenge to law schools to include more opportunities for students to develop the “competencies and professionalism required of people who will deliver services to clients.”⁴⁷

In July 2016, the Institute for the Advancement of the American Legal System (“IAALS”) published a report of the results of its survey of 24,000 lawyers from all 50 states. The report, “Foundations for Practice: The Whole Lawyer and the Character Quotient,” showed that while law firms most desire graduates with high character quotients, “being a successful lawyer requires a blend of character quotient with professional competencies and legal skills.”⁴⁸

The new ABA mandate in Standard 302 for the accreditation of law schools gives the schools another reason to enhance their professional development offerings. The standard requires students’ competency in “... (c) exercise of proper professional and ethical responsibility to clients and the legal system; and (d) other professional skills needed for competent and ethical participation as a member of the legal profession.”⁴⁹

⁴⁵ William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (2007), available at http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary_pdf_632.pdf.

⁴⁶ *Id.*

⁴⁷ Am. Bar Ass’n, *Reports and Recommendations American Bar Association Task Force on the Future of Legal Education 3* (2014), available at https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf.

⁴⁸ Institute for the Advancement of the American Legal System, *Foundations for Practice: The Whole Lawyer and the Character Quotient 1* (2016), available at http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf.

⁴⁹ American Bar Association, *Standards for 2017-2018 Standards and Rules of Procedure for Approval of Law Schools* (2017). Available at https://www.americanbar.org/groups/legal_education/resources/standards.html

Whether in response to these reports or as part of a never-ending quest for improvement, law schools have developed programs to expose students to more practical training experiences during law school. Along with the traditional analytical training for lawyers, these additional skills exercises are intended to more completely prepare students for the challenges they will face as lawyers. These same exercises will better enable law graduates to make decisions when they assume their leadership roles in and outside of the legal arena.

B. Professional Development Programs Highlight Leadership Role of Lawyers

Law schools throughout the country are creating and implementing professional development programs. Some of these new programs focus upon the formation of students' professional identity (sometimes shortened to "professional formation").⁵⁰ Neil W. Hamilton, Holloran Professor of Law and Founding Director of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law, along with his colleague, Professor Jerry Organ, are leading the effort to document, promote and study the efforts of law schools in assisting law students to recognize, understand and develop their professional identities as lawyers and always "with a moral core of responsibility and service to others."⁵¹ "The Holloran Center's mission 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."⁵²

Many law schools now offer introductory-level professional development programming for first-year students or offer voluntary training for interested students. Baylor Law, in keeping with our long tradition of producing "practice ready" graduates, already had offered significant optional professional development programming. In 2013, Baylor Law was one of the first law schools, if not the first, in the country to develop a comprehensive formal professional development program that requires all of its students to participate in significant professional development programming over the course of the three years of law school. Baylor Law's one-of-its-kind, mandatory, three-year Professional Development Program has the following objectives:

⁵⁰ See "Professional Formation and the Political Economy of the American Law School" at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2783790

⁵¹ Neil W. Hamilton, Holloran Center Director and Professor of Law, University of St. Thomas School of Law, <http://www.thelegalprofession.org/neil-w-hamilton/>.

⁵² Holloran Center Mission, <https://www.stthomas.edu/hollorancenter/about/mission/>.

- (1) Educate all Baylor Law students in the professional standards of behavior required for the practice of law;
- (2) Equip students with the requisite professional skills to assume their responsibilities to clients and to provide immediate value to clients;
- (3) Expose students to business development training to prepare students to succeed in a challenging legal market; and
- (4) Prepare students for professional leadership.⁵³

As noted, professional development programs are gaining attention and becoming a focal point in the education and training of law students.⁵⁴ Leadership development topics are commonly presented as part of the professional development training. The attention to the professional identity of lawyers occurring in law schools across the nation is helping to acquaint modern law students with the historic role of lawyers as leaders of our nation and to guide their understanding of, and reflection upon, both ethical and personal considerations in law and leadership. This brings us to leadership development for law students.

V. LEADERSHIP DEVELOPMENT SHOULD BE CORE COMPONENT OF LAW SCHOOL

During last year's Stanford Leadership Symposium, Harvard Professors Scott Westfahl and David Wilkins advocated for law schools to "explicitly elevate and acknowledge lawyer development as one of the few existential purposes of a law school."⁵⁵ They continued:

The most critical component of the new model of lawyer development is the building of leadership and other important professional skills that can be applied in any professional,

⁵³ Modeled on the mandatory continuing legal education (MCLE) requirements for lawyers in Texas and many other states, students must complete 18 seminar hours (akin to CLE hours) spread out over their three years of law school. A faculty committee oversees the selection of the topics and speakers. The seminars offer students invaluable guidance in critical areas, such as client relations, law firm economics, billing and time management, legal technology, marketing, and navigating professional and ethical issues. Required and optional seminars focus on the most important professional development skills graduates need as new lawyers. Through an abundance of seminar options each quarter, students have the flexibility to tailor the program to the kind of legal practice they seek to pursue. Professional Development Program, <https://www.baylor.edu/law/currentstudents/index.php?id=933502>.

⁵⁴ At the annual meetings of the National Association of Law Placement (NALP) sessions on professional development programs for law schools have experienced a significant increase in attendance since 2014. Email from Jay Richards, Senior Director of Operations and Member Services, NALP to Angela Cruseturner, Assistant Dean, Assistant Dean of Career Development, Baylor Law (May 9, 2018). Also, a Professional Development Consortium (PDC) has been established as an association of individuals working at law firms, law schools, government agencies and corporations who are responsible for developing and administering training and continuing professional development for lawyers. Email from Angela Cruseturner, Assistant Dean, Assistant Dean of Career Development, Baylor Law to Leah Teague (May 9, 2018).

⁵⁵ Scott A. Westfahl & David B. Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less* 69 STANFORD L. REV. 1667, 1705 (2017).

public sector, or even academic career setting. While the traditional law school environment currently provides opportunities to build such skills, it does so much more by chance than by design and without the consistency of instructional quality that law schools demand for the teaching of legal doctrine.⁵⁶

Before teaching a subject, the subject must be definable and learnable. In conversations with those who are teaching in leadership courses and programs, a common issue discussed is the difficulty in defining and labeling the objectives. How can students know if they need or want leadership training if they do not understand what it is and how it is different from any leadership development programs they took in college or high school? How can we measure the effectiveness of the efforts if we do not know the objectives?

The quest to define and study leadership as an academic topic dates back more than a century ago.⁵⁷ A internet search will generate a wide variety of definitions and examples. “In the past 60 years, as many as 65 different classification systems have been developed to define the dimensions of leadership.”⁵⁸ Peter Northouse defines it as “a process whereby an individual influences a group of individuals to accomplish a common goal.”⁵⁹ Popular leadership author John C. Maxwell describes leadership in this manner: “Leadership is not about titles, positions or flowcharts. It is about one life influencing another.”⁶⁰

The chase to provide materials, guidance and advice about developing one’s leadership skills and capacity is a multi-billion dollar industry.⁶¹ Yet, few materials focus on the lawyer as leader.

A. *Why Leadership Development Belongs in Law School*

With few lawyer-specific leadership development resources available and disagreement about whether leaders are born or made (“nature or nurture”), why should law schools add one more task to their already over- burdened list of learning objectives? With so many general leadership development resources already on the market and so few leadership scholars in the legal academy, why should law schools integrate leadership development into their programs? Three reasons are offered.

⁵⁶ *Id.* at 1706.

⁵⁷ Peter Northouse, *Leadership: Theory and Practice* 7th Ed. 2016 Pg 2 Sage Publications, Inc.

⁵⁸ *Id.* at 5 quoting Fleishman, et al., 1991)

⁵⁹ *Id.*

⁶⁰ Maxwell, John C. *The 5 Levels of Leadership: Proven Steps to Maximize Your Potential*. New York: Center Street, 2011.

⁶¹ *Supra* note 5.

1. *Leadership is Expected of Lawyers*

As noted above, law schools know that their graduates will serve in positions of influence, whether in counseling clients, serving as officers of national organizations, sitting on a city council or running an international business. Law schools proudly promote the news of an alumnus obtaining a new leadership position. The legal profession needs its future members to understand that leadership opportunities will be presented to, and expected of, them as lawyers. Law students need to be prepared for the responsibilities that await them after graduation.

2. *Employers and Clients Want Practice Ready Lawyers*

Introducing students to the fundamentals of their roles as expert technicians, wise counselors, and astute leaders, and giving them the complementary competencies that they will need to operate in these roles, will make graduates more marketable to those entry level employers who need lawyers who are capable of functioning in today's increasingly complex, globalized, and multidisciplinary world, and will make these graduates better able to succeed throughout their careers.⁶²

Legal employers want law school graduates who are better equipped to enter the profession immediately upon graduation and who need less on-the-job training and mentoring. Law firms are demanding that new lawyers have not only intelligence and legal skills but also key characteristics and professional competencies to use those skills in practice.⁶³ The 2016 IAALS study found that a majority of respondents identified the following professional competencies and characteristics as necessary directly out of law school: integrity, work ethic, common sense, trustworthiness, conscientiousness, emotional intelligence, listening attentively and respectfully, tact and diplomacy, working well with a team, empathy, self-control, self-awareness, being a self-starter, courtesy and respect for others, adaptability, resilience, and possessing a strong moral compass.⁶⁴ These are all competencies and characteristics that leadership development programs are designed to help law students build and develop.

Leadership strategies and skills meet the requirement in ABA Standard 302 for competency in "other professional skills needed for competent and ethical participation as a member of the legal profession."⁶⁵ This ABA mandate gives law schools another reason to embrace leadership development. Commonly part of a leadership development program is the development of important skills such as

⁶² *Supra* note 12.

⁶³ *Supra* note 46 at 2.

⁶⁴ *Supra* note 12, at 5.

⁶⁵ *Supra* note 47.

cultural competency, conflict resolution, collaboration, negotiation, self-evaluation, and other relational skills. These skills can give students a competitive edge in the marketplace.

Clients want lawyers who are more than the provider of legal documents. Matthew Feuer, co-founder of legal search consulting firm McClure & Feuer, says he sees a desire among firms for strong client-service skills. “I think what our clients are looking for is a lawyer that is more than where they went to law school and how high they placed in their class . . . there’s much more attention placed on emotional intelligence — how they respond to conflict, how they problem-solve, whether they’re a creative thinker and how responsive they are.”⁶⁶ Employers and clients want law school graduates who add value to the organization or situation.

3. *Society Needs More Lawyers Who are Better Equipped and Ready to Serve and Lead*

Incorporating leadership development into the law school curriculum also produces graduates with an understanding of lawyers’ obligation and opportunity to serve their communities. As law schools teach students to be logical, analytical, organic problem-solvers, students need to recognize that the skill sets learned in law school provides them with the capacity to lead. Integrating principles of leadership into the curriculum, especially when infused with ideals of service, can produce lawyers who understand that:

1. At the heart of effective societal leadership is a deep sense of purposefulness;
2. There is extraordinary power in a group committed to a common vision; and
3. Successful leadership depends upon a fundamental shift of being, including a deep commitment to the dream and a passion for serving versus being driven by the pursuit of status and power.⁶⁷

By creating a culture of expectations for service and leadership by their students after graduation, law schools can help the legal profession protect its stature in society. Preparing students for innovative leadership and public service must come from our law schools – the future of our profession depends on it. Law schools must commit to producing the future generations of lawyers who will be not only technical experts, but also trusted advisors and effective leaders.

⁶⁶ Aebra Coe, *The Role of Big Law Associate is Changing, and Here’s How* (2018), available at <https://www.law360.com/articles/1039054/print?section=trials>.

⁶⁷ Joseph Jaworski, *SYNCHRONICITY* 94 (2nd ed. 2011).

B. *National Trend of Leadership Development Programming for Law Students*

The call for leadership development of law students is not new. During conversations at the Santa Clara symposium in March 2018,⁶⁸ Deborah Rhode, Neil Hamilton and Don Polden shared that they have been teaching leadership development for many years. Surely there are others who have taught leadership concepts in their classes. Perhaps some did so without an understanding that it was leadership development, but believing it was important to their students' future success as lawyers. Only within the last ten years has there been more than scant intentional coverage of leadership in law schools.

Additionally, several law schools have hosted symposia, roundtables and other programs focused upon leadership for lawyers. Among law schools that hosted leadership events are Georgia State, University of Tennessee, Santa Clara and Stanford. During his years as dean of Santa Clara, Dean Polden hosted five annual roundtables from 2009 to 2013 to encourage a national conversation about teaching leadership in law schools. Law reviews that have devoted symposia to lawyers and leadership likewise include most recently Santa Clara, the University of Tennessee, and Stanford.⁶⁹ This issue is Santa Clara's second leadership symposium.

Deborah Rhode writes in *Leadership and Law*, "A movement has begun in legal education to incorporate programs to emphasize lawyers' professional identity in society and develop leadership skills to better equip graduates for service and leadership."⁷⁰ The following account chronicles this current development of leadership development programming by describing the background for the creation of a new section within the American Association of Law Schools (AALS) – a section for Leadership—and the evolution of leadership development courses and programs in American law schools.

1. *Creation of an AALS Section for Leadership*

⁶⁸ Personal conversations with Deborah Rhode, Don Polden and Neil Hamilton, Symposium: Advancing Leadership Development in the Legal Profession: Addressing Challenges in Legal Education and the Practice of Law, Santa Clara Law School (March 23, 2018).

⁶⁹ For papers from the University of Tennessee Symposium, see *Leading the Future: 2016 Symposium on Professional Leadership Education*, 83 TENN. L. REV. RA Pages 709 (2016). For papers from the Stanford Law School Symposium, see *Lawyers and Leadership: Raising the Bar*, 69 Stan. L. Rev. 1593 (2017). For papers from the first Santa Clara Law School Symposium, see *Symposium on Leadership Education for Lawyers and Law Students*, 52 SANTA CLARA L. REV. 685 (2012).

⁷⁰ *Lawyers and Leadership: Raising the Bar*, 69 Stan. L. Rev. 1593 (2017).

When creating the leadership development program and the leadership development class at Baylor Law in 2013, we conducted a search of all American law schools' websites looking for leadership courses or programs. That search generated a list of 17 professors at 11 law schools.⁷¹ One of those professors was Deborah Rhode who was well known in legal education and also an acclaimed advocate and author for women's leadership development.⁷² After serving with her on a panel discussing women's leadership development at the annual International Leadership Association meeting in October of 2014, I shared with her our new Baylor Law Leadership Development Program. She told me about her recently published book, *Lawyers as Leaders*.⁷³ She also identified other law professors to add to the list. After some further conversations over the following months, we agreed to co-host a breakfast at the 2016 AALS Annual Meeting. Invitations were sent to the list that had grown to 38 faculty members from 23 law schools. At that breakfast, seventeen of us met and generated several ideas about modes of collaboration. The group agreed to pursue three of those ideas: (1) propose a group discussion on leadership development for the 2017 AALS annual meeting; (2) secure a leadership development symposium hosted by a major law review; and (3) pursue the creation of a new AALS section.

A proposal for a group discussion session at the 2017 AALS annual meeting was submitted and accepted. The session was titled "Introducing Leadership Development into the Law School Curriculum." With two co-chairs, twelve professors who were official group discussion participants and approximately 20 other participants and observers, the small hotel seminar room was at or beyond capacity with others turned away. Highlights of new information shared by participants at that gathering include:

- Teaching and developing "soft skills" (as leadership development is often described) is met with resistance from faculty, administrators and students.
- Some faculty and staff already incorporate leadership skills training into some classes and programs but they are not identified as such.
- Few faculty and staff believe themselves to be equipped to teach leadership skills.

⁷¹ For a discussion of the early programs, see Leary Davis, *supra* note 38 at 734-740.

⁷² Deborah Rhode is the Ernest W. McFarland Professor of Law and Director of the Center on the Legal Profession, Stanford University. Professor Rhode is a prolific scholar in the areas of legal ethics, access to justice and leadership. She is the former president of the Association of American Law Schools.

⁷³ *Supra* note 5.

- We need to re-frame the leadership development conversation and perhaps re-label it so students (as well as professors and administrators) understand it and are willing to participate.⁷⁴

The group agreed on the following next steps that included: pursue the creation of a new AALS section; create an email listserv; create depository for course syllabi, articles and other resources; submit proposal for sessions at the AALS annual meeting; and host scholarship workshops.⁷⁵

In February 2017, the *Stanford Law Review* co-hosted a Symposium with the Center on the Legal Profession at Stanford. This symposium featured the work of prominent faculty and lawyer leaders.⁷⁶ Speakers at the symposium included former U.S. Attorney General Eric Holder, two former U.S. Solicitor Generals, state supreme court justices, prominent law deans, professors and lawyers from private and public interest law firms.

A petition for the creation of a section for Leadership was submitted to the AALS Executive Committee in July 2017. The petition was signed by 68 deans, professors and professional staff representing 38 law schools.⁷⁷ In November 2017, the AALS Executive Committee approved a new section for Leadership to commence with the 2018 AALS annual meeting.⁷⁸ The slate of officers and executive committee members included in the petition and approved had been selected by a nominating committee after receiving nominations solicited from the email list which grew to 117 faculty and staff members from 63 law schools.⁷⁹

In anticipation that the approval of a new section would come too late to allow for approval of a formal session of the new section at the 2018 AALS meeting, a proposal for a leadership session had already been submitted and approved. At the 2018 AALS meeting, the leadership group was involved in

⁷⁴ Note from Group Discussion *Introducing Leadership Development into the Law School Curriculum* at the 2017 AALS Annual Meeting (January 5, 2017). The discussion was co-chaired by Deborah Rhode and Leah Teague. Official Group participants were Lisle Baker, Lou Billionis, Clark Cunningham, David Gibbs, Neil Hamilton, Rachel Moran, Don Polden, Terrill Pollman, Faith River James, Hillary Sale, Jonathon Stubbs.

⁷⁵ *Id.*

⁷⁶ "Raising the Bar: Lawyers and Leadership," appears in volume 69 of the *Stanford Law Review*

⁷⁷ Petition submitted by letter to Judith Areen, Executive Director, American Association of Law Schools (August 31, 2017)

⁷⁸ Letter from Josh Albertson, Sections Services Manager, American Association of Law Schools to Deborah Rhode and Leah Teague (November 15, 2017)

⁷⁹ Slate of officers approved by the AALS Executive Committee: Deborah Rhode, Chair; Leah Witcher Jackson Teague, Chair-elect; Douglas A. Blaze, David H. Gibbs and Rachel Moran, Members-at-Large. Serving as the Nominating Committee were Bruce Green as chair, Daisy H. Floyd and Renee N. Knake.

the planning and presentation of “AALS Arc of Career Program – Leadership Development in Law Schools.”⁸⁰ Approximately 50 people attended the three-hour program.

Annual symposia were planned, including the one for which this *Law Review* issue was created.⁸¹ University of Tennessee committed to host a similar symposium in 2019, and Baylor Law will follow in 2020. Other projects planned by the Leadership Section for 2018 are the publication of a section newsletter and the creation of an online website (either through the AALS website or otherwise) to serve a repository for resources for those interested in leadership development for lawyers. The website will house or link to recent publications of leadership development related books and articles, course descriptions and syllabi for leadership courses, listings of upcoming programs and events, and programs or activities for law students and law schools.

The section will plan a program for each AALS annual meeting. Additionally, the section will seek opportunities to co-host or help promote other leadership development workshops and conferences at individual law schools and related organizational venues that might be of interest to section members. The section will consider other programs and opportunities for law schools and section members to work with leadership development consultants and leadership professionals from other disciplines, such as business or political science.

2. Evolution of Leadership Courses and Programs

In the last two years, additional searches of the 204 ABA accredited law schools were conducted and more information was gathered from members of the new Leadership Section. In the appendix to this article is a list of law schools who have leadership development programs and leadership courses. The search was conducted by looking for courses and programs that had “lead” or “leadership” in the title or in the description. The appendix includes only those that have leadership development as a significant component of the program, at least based on the description.

As discussed at the 2017 Group Discussion at the AALS Annual Meeting, other law schools have faculty who incorporate leadership development concepts in courses, clinics and programs which

⁸⁰ The planning for the program was led by Professor David G. Delaney, Maurer School of Law, Indiana University Bloomington. AALS Arc of Career Program – Leadership Development in Law Schools, American Association of Law Schools 2018 Annual Meeting, San Diego (January 3-7, 2018).

⁸¹ This was a second leadership conference at Santa Clara. Other previous leadership conferences and symposia were held at University of Tennessee and University of Georgia.

are not primarily leadership development courses. At that group discussion, several participants expressed a desire, and described attempts, to create a course or program but could not obtain approval from the faculty or administration. Reasons expressed included doubt that leadership could be taught in a classroom setting, and concern about not having a faculty member qualified to teach leadership.⁸² Planned efforts of the new Leadership Section should help address both concerns by promoting an understanding of the leadership development skills that can be developed and improved in a law school environment. By sharing resources and providing training and support for those who have an interest in teaching leadership courses, the new section will facilitate the creation of programs and courses at other law schools.

Listed in the appendix is a table with thirty-seven law schools that have, or are planning to have, some type of leadership development program or course.⁸³ Columns in the table indicate the following: (1) law school name; (2) leadership development program; (3) any certificate or designation for students (4) leadership development course(s); (5) date of origin of the program or course(s); and (6) website address for more information.

Thirty-one law schools have some type of leadership program. Seven of the thirty-one have a specific focus as indicated, including business law, cybersecurity, government, transitional justice, and women.⁸⁴ Twenty-three law schools have at least one course which has leadership in the title or a course description that includes leadership development as a significant objective. Leadership development courses are in the planning stage in at least one additional law school. Other law schools likely have courses with elements of leadership development even though not in the title or description. Schools

⁸² Notes from Introducing Leadership Development into the Law School Curriculum, AALS Group Discussion (January 5, 2017)(on file with the author).

⁸³ The information in the table was gathered from the following sources: (1) multiple searches of websites for the 204 ABA approved law schools; (2) personal conversations and emails with faculty members teaching some of the courses; and (3) Leary Davis, *supra* note 38 at 748-749.

⁸⁴ Creighton's program is a dual degree for those interested in working for or with government. <https://www.creighton.edu/program/law-and-government-organization-and-leadership-ms-jd>; Drake's program is focused on diversity. <http://www.drake.edu/law/future/diversity/leadership-program/>; Maryland has one program focused on women. <http://www.law.umaryland.edu/programs/wle/index.html>, and one on ethics and professionalism, <https://www.law.umaryland.edu/programs/initiatives/lepi/index.html>; Michigan State's program is for those who are committed to investing in the state's future. <https://www.law.msu.edu/mli/index.html>; <https://www.law.msu.edu/spartan-lawyer/winter-2017/michigan-leadership-initiative.html>; New York University has two focused leadership programs. Transitional Justice Leadership Program: <https://chrgj.org/for-students/transitional-justice-leadership-program/>; Jacobson Leadership in Law and Business: <http://www.law.nyu.edu/leadershipprogram>; The University of Texas Center for Women in the Law. <https://law.utexas.edu/cwil/about-cwil/>; Yale's program is focused on the Law, Technology, and Business of Cyber Security. <https://cyber.forum.yale.edu/>.

with leadership programs generally offer non-credit workshops, seminars and other leadership activities. Other law schools likely have or had leadership workshops or forums.

The majority of the programs and courses were created in the last five years. Leadership programs or courses at Elon, Harvard, Ohio State, Maryland, Santa Clara, Stanford, Stetson and St. Thomas are at least ten years old.⁸⁵ Since this is the first attempt to gather this information thus far, the list is likely not a complete list. Additional efforts will be made to chronicle the progress and growth of this movement.

In terms of textbooks on leadership development available for adoption, again not much is available. The only leadership textbook written specifically for use with law students that is currently available and listed with any of the major legal publishers is Deborah Rhode's book, *Leadership for Lawyers*, published in 2018.⁸⁶ Other books used by law schools in teaching leadership include *The Leading Lawyer*,⁸⁷ written by Robert Cullen in 2009, and used in teaching his leadership class at Santa Clara; and *Lawyers as Leaders*,⁸⁸ written by Professor Rhode in 2016, and used at Baylor Law, although it was not intended as a textbook. For a compilation of articles on the subject of teaching leadership in law school, see *Law and Leadership: Integrating Leadership Studies into the Law School Curriculum* edited by Paula Monopoli and Susan McCarty.⁸⁹

C. Common Topics and Themes Addressed in Leadership Development Program

As leadership development courses or programs are established, attention to the objectives is important. The list below is not an exhaustive list but is offered for consideration and further discussion and refinement. The following concepts build upon conversations started, and works published in recent years, by Professors Rhode, Hamilton, Heineman, Westfahl and Wilkins, and Deans Polden and Davis, along with others.⁹⁰

⁸⁵ For a discussion of early programs, see Leary Davis, *supra* note 38 at 748-749.

⁸⁶ DEBORAH L. RHODE AND AMANDA K. PACKEL, *LEADERSHIP FOR LAWYERS* 3 (2018).

⁸⁷ ROBERT W. CULLEN, *THE LEADING LAWYER* (2009).

⁸⁸ DEBORAH L. RHODE, *supra* note 5.

⁸⁹ PAULA MONOPOLI AND SUSAN MCCARTY, *LAW AND LEADERSHIP: INTEGRATING LEADERSHIP STUDIES INTO THE LAW SCHOOL CURRICULUM* (2017).

⁹⁰ For a more expansive list and discussion of objectives, see Scott A. Westfahl & David B. Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less* 69 *STANFORD L. REV.* 1667, 1707-1715 (2017).

1. *Role of Lawyers in Society: Lawyers as Difference Makers*

Both individually and collectively we can guide our students through a journey of self-discovery and intra-reflection to establish their guideposts and their goals. We can impact future lawyers' view of their role in society. In an article in this issue by Rachel Moran, she discusses periods in history defined by lawyers' role in society as social trustees or expert professionals.⁹¹ Through leadership development programming, law schools can inspire students to see themselves as social trustees – as those who understand lawyers' obligation to serve and their opportunity to influence others and make a difference.

This generation of students expresses a sincere desire to positively impact society. Showcasing lawyers as leaders can be an enticing recruitment message.⁹² Highlighting leadership skills gained from legal training will help applicants see that law school continues to be a great investment in their future as they seek a path of significance and fulfillment through helping people and effectuating a better future for organizations, communities and societies.

2. *Self-Assessment and Inventory of Individuals' Strengths and Weaknesses*

Leadership development exercises and experiences guide students through a discovery of self-awareness and self-assessment. Understanding their own attributes and traits, and creating a personal inventory of their own strengths and weaknesses in a variety of categories and perspectives, is necessary before the students can create strategies for growth.⁹³ While assessments such as a 360-degree feedback can be expensive, many self-assessment tests and guides are available for free or little cost. Students in the Baylor program take the Briggs Meyers Test⁹⁴ because it is supported by university staff and offered

⁹¹ Rachel Moran, SANTA CLARA L. REV. (2018).

⁹² See for example a 2017 recruitment video by UC Hastings. This is Why We Work for Justice (June 26, 2017) retrieved from <https://www.youtube.com/watch?v=18fsuOrgBtE>

⁹³ Leary Davis, who was the founding dean of two law schools, noted in discussing the leadership aspect of legal education, the importance of reflection upon and growth of three types of knowledge that “do not fall neatly within the concepts of either interdisciplinary or technical knowledge” but are key personal attributes necessary for competent legal practice. These include knowledge of self, knowledge of others, and operative knowledge of relevant external environments. Knowledge of self and knowledge of others allows the attorney to know their own strengths and weaknesses, as well as knowing how to interact with others to establish synergistic teams, taking into account and maximizing team strengths to accomplish goals. All that to be said, these leadership skills “are important to law students because they are essential for lawyer competence.” Leary Davis, (2013); see generally Neil Hamilton *A Professional Formation/Professionalism Challenge: Many Students Need Help with Self-Directed Learning Concerning Their Professional Development Toward Excellence*, 27 REGENT L. REV. 225 (2014-2015).

⁹⁴ MBTI Basics, <http://www.myersbriggs.org/my-mbti-personality-type/mbti-basics/home.htm?bhcp=1>

to the law school at a low price per student. Other free assessments used in the Baylor Law program include the Grit Test,⁹⁵ Mindset Test,⁹⁶ Leadership Style Quiz⁹⁷, Enneagram Test,⁹⁸ and the Thomas-Kilmann Conflict Mode Questionnaire.⁹⁹ Students are encouraged to seek other evaluation instruments and to continue with self-directed assessment and learning in the future. Developing a practice of periodic self-evaluation and assessment enables an individual to build frameworks and strategies for working with others in teams or departments and when assessing others in an adversarial setting.

3. *Building Skill Sets and Developing Attributes to Improve Performance and Add Value*

Leadership development programming introduces students to concepts that will help them be more effective and successful in their positions. Topics include focus upon skills and attributes from an intrapersonal perspective, (such as ethical judgment; integrity; grit; growth mindset; resilience; mindfulness; self-confidence; emotional intelligence; passion; business and entrepreneurial acumen; and technological proficiency) and those which are interpersonal in nature (including effective communication; collaboration; adaptability; empathy; organizational dynamics; building, leading and managing teams; giving and receiving feedback; building relationships and networking; negotiation; managing conflict; crisis management; encouraging creativity and innovation; benefits of inclusive diversity; cross-culture competencies; and mentorship vs. coaching vs. sponsorships).¹⁰⁰

4. *Strategies for Navigating Problematic Circumstances and Working with Challenging People*

⁹⁵ Grit Project Program Toolkit, https://www.americanbar.org/groups/women/initiatives_awards/grit/toolkit.html

⁹⁶ Decades of Scientific Research that Started a Growth Mindset Revolution, <https://www.mindsetworks.com/science/>; Assess Your Mindset to Begin Your Journey Today, <http://blog.mindsetworks.com/what-s-my-mindset>

⁹⁷ How to find out your style of leadership, <http://www.kent.ac.uk/careers/sk/leadership.htm>

⁹⁸ Free Enneagram Test Sampler, <http://enneagram.net/tests/sampler/samplerlogin.aspx>

⁹⁹ An Overview of the Thomas-Kilmann Conflict Mode Instrument, <http://www.kilmanndiagnostics.com/overview-thomas-kilmannc-conflict-mode-instrument-tki>

¹⁰⁰ See Scott A. Westfahl & David B. Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less* 69 STANFORD L. REV. 1667, 1707-1715 (2017); Susan Swaim Daicoff, *Expanding the Lawyer's Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law* 52 SANTA CLARA L. REV. 795, 818-872 (2012); Don Polden, *Leadership Matters*, 52 Santa Clara L. Rev. 899, 906-919 (2012). See generally PAULA MONOPOLI AND SUSAN MCCARTY, *supra* note 86; DEBORAH L. RHODE AND AMANDA K. PACKEL, *supra* note 83.

By studying leadership theory, styles and characteristics, students can begin to identify natural tendencies of individuals and common strategies implemented by parties in the context of various scenarios and in response to other personalities and strategies involved at the time.¹⁰¹ Experiential learning through case studies, role playing and problem solving allows students to practice assessing different situations, and evaluation of the parties involved in each situation. Students are encouraged to do so with attention to the context of the scenario and the backgrounds and life experiences of the parties. For example, discussing the fact that in times of crisis, a normally democratic-style leader may not have the luxury of leading the team through a deliberative process of decision-making. As another example, artfully listening to the other side in an emotionally charged discussion, might allow one to discern a trigger point or barrier that makes the conflict seem insurmountable until the underlying impediment is addressed.

5. *Thoughtful Consideration of Ethical and Moral Dilemmas*

Ethical considerations in decision-making are another important part of fitting the puzzle together for students. Leadership development programs can build in time and opportunities for students to experience, and to reflect upon the broader ramifications of how ethical considerations should affect the way lawyer-leaders make decisions.¹⁰² Leadership development courses can devote time to ethical hypotheticals and case studies, usually from the business and legal context, to give students exposure to the decision-making process when no clear answer exists.

Considering the difference between ethical boundaries and their own moral constraints is another useful assignment. Use of a case study or role-playing exercise can demonstrate the challenges for lawyers in representing some clients and situations, especially in situations involving moral principles that are likely to receive media attention. Development of a personal creed can be a worthwhile exercise for young lawyers.

Additionally, encouraging or requiring service in leadership capacities as part of a leadership program gives law students real-world practice with the ethical dilemmas leaders face on a regular basis.

¹⁰¹ See DEBORAH L. RHODE AND AMANDA K. PACKEL, *supra* note 83; PAULA MONOPOLI AND SUSAN MCCARTY, *supra* note 86.

¹⁰² See Bruce A. Green, *The Role of Personal Values in Professional Decisionmaking*, 11 GEO. J. LEGAL ETHICS 19 (1997).

Encouraging or requiring students to intern with non-profit organizations or governmental offices provides additional opportunities for observing and learning.

6. *Strategic Planning to Meet Future Goals*

Leadership development programs often include sessions that require or encourage students to contemplate their own goals and objectives and to create a written plan of action for achieving them within a specified period of time.¹⁰³ The time period might be during the course or the academic year, by the time of graduation, or some specified period after graduation (e.g. a five-year plan). Furnishing students with a framework for goal setting, creating a strategic plan for their future action, and scheduling periodic reviews and adjustments can aid students in establishing a routine of strategic planning in other areas and throughout their careers.

7. *Health and Wellbeing in a Stressful Profession*

“Lawyers have among the highest rates of stress-related dysfunctions of any occupation.”¹⁰⁴ By including coverage of this issue in leadership development programming, students will be presented with coping mechanisms, and perhaps we can help create healthier environments.

Encouraging law students and lawyers to use their legal training to volunteer and to serve the public has its own rewards. Aristotle opined that the essence of life is “[t]o serve others and do good.” Research now shows that “serving others might also be the essence of good health.”¹⁰⁵ Volunteers have longer life spans, reduced stress, greater functional ability, and lower rates of depression.¹⁰⁶ In *The Halo Effect*, author John Raynolds argues that we are happier, more confident and energized at work when we find purpose and meaning through heart-felt volunteering.¹⁰⁷

¹⁰³ Some thought should be given to directions to students about setting goals. See Edwin A. Locke & Gary P. Latham, *Building a practically useful theory of goal setting and task motivation*. 57 *American Psychologist* 705–717 (2002).

¹⁰⁴ Deborah L. Rhode, *Preparing Leaders: The Evolution of a Field and the Stresses of Leadership*, __ SANTA CLARA L. REV. __ (2018)

¹⁰⁵ Stephanie Watson, *Volunteering May Be Good for Body and Mind*, Harvard Health Publishing: Harvard Health Blog (updated Oct. 29, 2015, 8:32 PM), <https://www.health.harvard.edu/blog/volunteering-may-be-good-for-body-and-mind-201306266428>

¹⁰⁶ Corp. for Nat’l & Comm. Serv., *The Health Benefits of Volunteering: A Review of Recent Research* 1 (2007), https://www.nationalservice.gov/pdf/07_0506_hbr.pdf

¹⁰⁷ Kathy Gottberg, *Volunteering — 7 Big Reasons Why Serving Others Serves Us*, HuffPost: The Blog (Dec. 22, 2014, 10:02 AM), https://www.huffingtonpost.com/kathy-gottberg/volunteering7-reasons-why_b_6302770.html Volunteering out of

Undoubtedly, other objectives can be met through leadership development studies and exercises. More research and experimentation is needed to enhance program objectives and to measure outcomes.

D. Baylor Law's Unique and Comprehensive Leadership Development Program

Offered as an example of a comprehensive leadership development program, the following is a description of Baylor Law's Leadership Development Program created in 2014. The program was created at about the same time as our required Professional Development Program.¹⁰⁸

Baylor Law's mission statement expresses an "obligation to develop students who have the character, maturity, skills, and values needed to assume leadership positions."¹⁰⁹ Leadership development has always been a core component of the education and training of every Baylor Law student. From the emphasis on service during the first day of orientation through our rigorous third-year, six-month, required Practice Court program, Baylor Law faculty strive to develop individuals who will be prepared for the challenges of the legal profession. While leadership training is part of the fabric of Baylor Law, the leadership development program was created to: (1) more intentionally equip our graduates with the leadership skills they will need to be successful in an increasingly-complex and ever-changing environment; and (2) emphasize their obligation to serve and encourage them to seek opportunities to use their legal training in leadership roles across a wide spectrum of organizations within their communities and within the legal profession.

1. Elective Leadership Development Course

Leadership Engagement and Development (LEAD) course is a two-credit hour course designed as part of Baylor Law's innovative Leadership Development Program and is co-taught by me. The course was created to better equip students to make a meaningful difference in the lives of their clients, the legal profession and their communities. Topics include leadership styles and strategies, personality assessments, public service and professional responsibilities, leadership opportunities for lawyers, and other topics listed above in Part IV.C. Using case studies, students discuss leadership lessons learned by

obligation or harboring resentment "will erase the benefits that we might otherwise receive in both our emotions and our physiology." *Id.*

¹⁰⁸ The Leadership Development

¹⁰⁹ Mission Statement, Baylor Law School, <https://www.baylor.edu/law/index.php?id=930089>

experienced leaders through challenging circumstances. Using introspective tools and team-building exercises, students boost strengths and minimize weaknesses to better equip them for their future.

2. Leadership Development Program Leads to Designation as Leadership Fellow

Successful completion of the Baylor Law Leadership Development Program requirements leads to a certificate and recognition at graduation as a Leadership Fellow. To successfully complete the Leadership Development Program, a student will be required to complete the following:

- a. Take the two-hour Leadership Engagement and Development (LEAD) class. With a maximum enrollment of twenty, priority is given to students participating in the Development Program;
- b. Complete a personal development and team-building course, such as a Ropes Challenge Course which is currently required as part of the LEAD courses;
- c. Complete twenty-three hours of Professional Development programming (instead of the 18 hours required of all Baylor Law students) with at least five hours designated as Leadership Development programming;
- d. Serve as an officer of a Baylor Law student organization for a minimum of three quarters. While serving as an officer, the student must perform a minimum of 25 hours of service related to the activities of the organization;
- e. Complete 25 hours of community service (including *pro bono* work); and
- f. Serve as an intern for a charitable or community organization's director or management team, working a minimum of 45 hours. Alternatively, a student can work as an extern for a legislator (either state or federal level) for a minimum of 45 hours.¹¹⁰

Baylor Law seeks to challenge the status quo of legal education by placing a strong emphasis upon training students to care about the well-being of those around them and by encouraging service to their communities.

3. LEAD Counsel Student Organization

¹¹⁰ Leadership Development Program, <https://www.baylor.edu/law/currentstudents/index.php?id=933501>

Created in 2016, the Leadership, Engagement, and Development Counsel, or “LEAD Counsel” for short, is a student organization comprised of Baylor Law students. This group strives to equip and inspire law students to serve in the public arena, whether that be as officeholders, lobbyists, or leaders in the non-profit sector. LEAD Counsel seeks to accomplish this mission in the following ways: organizing and hosting an annual conference by lawyers for lawyers that is focused on leadership within our communities, with the purpose of engaging and inspiring members of the legal profession to get involved in public life; an annual service effort in partnership with local civic leaders; and an annual fundraiser in support of our service effort.

V. CONCLUSION

The role played by legal educators in teaching, training and mentoring the next generation of lawyers does matter, and it matters greatly, to society. Our nation and our world need more leaders who understand and value our system of government, who appreciate the complexity of world cultures, economies and relationships, who are equipped to effectively identify and analyze issues and situations, who can inspire innovation and collaboration that allow growth, and who have the strength and courage to navigate the challenges. Effective leadership begins with a person’s values, purposes and identity and leads to the influencing and empowering of others to act and accomplish more together than separately.

Lawyers can be those leaders. Lawyers can use their knowledge and skills to communicate, counsel, and persuade in service to others. Lawyers can be the change agents our communities need.

Law professors and professionals have the great privilege and responsibility to help shape the next generation of lawyers who will be difference makers. The education and training of their law students can be augmented by leadership development programming that includes learning from lawyers who share their leadership experiences; guided studies of leadership styles, traits and skills; reflective self-assessment practices; and experiential learning exercises and work opportunities.

A growing number of law schools are creating leadership development programming, but more is needed. Just as professional responsibility and ethics are core aspects of legal training and are integrated throughout law programs, so should leadership development programming.

Law schools should also embrace the privilege and the responsibility of being difference makers in their communities as well. Our profession and country need us to reclaim our role in society as an assembly of skilled professionals who accept as our calling a special duty to protect our democracy and

serve the public. Oliver Wendell Holmes, Jr.'s words still ring true today: "It is now the moment when by common consent we pause to become conscious of our national life and to rejoice in it, to recall what our country has done for each of us, and to ask ourselves what we can do for the country in return."¹¹¹ Being more intentional about pursuing a path of significance mean all lawyers can "live greatly in the law."¹¹²

¹¹¹ Oliver Wendell Holmes, Jr., Memorial Day: An Address Delivered May 30, 1884 at Keene, N.H., Before John Sedgwick Post No. 4, Grand Army of the Republic, *in* *Speeches by Oliver Wendell Holmes* 2-3 (1918).

¹¹² Oliver Wendell Holmes, Jr., The Profession of the Law: Conclusion of a Lecture Delivered to Undergraduates of Harvard University on February 17, 1886, *in* *Speeches by Oliver Wendell Holmes*, *supra* note 108, at 23.