

Perspectives on Leadership and Developing a Professional Identity



Santa Clara School of Law Leadership Roundtable

March 30, 2012

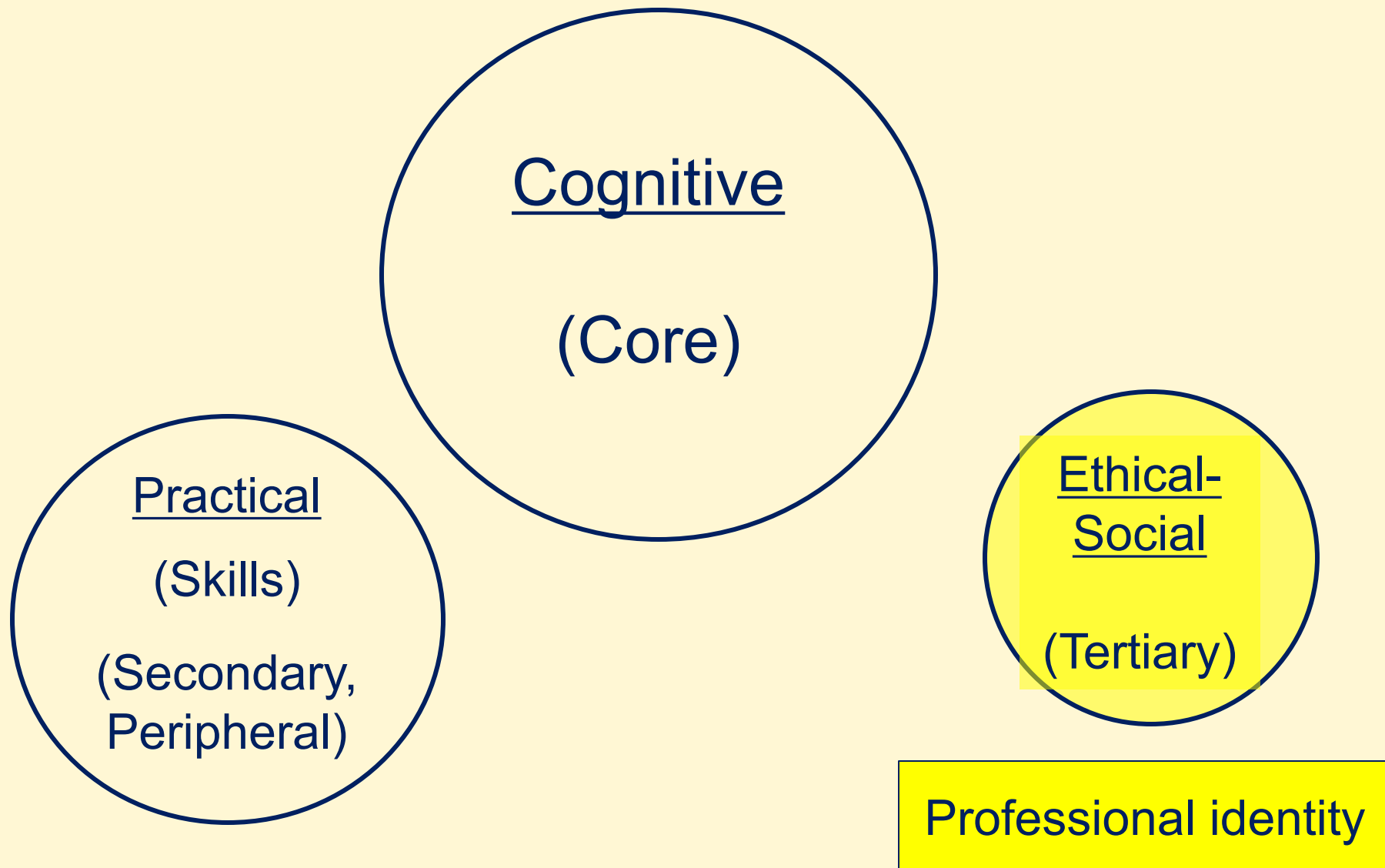
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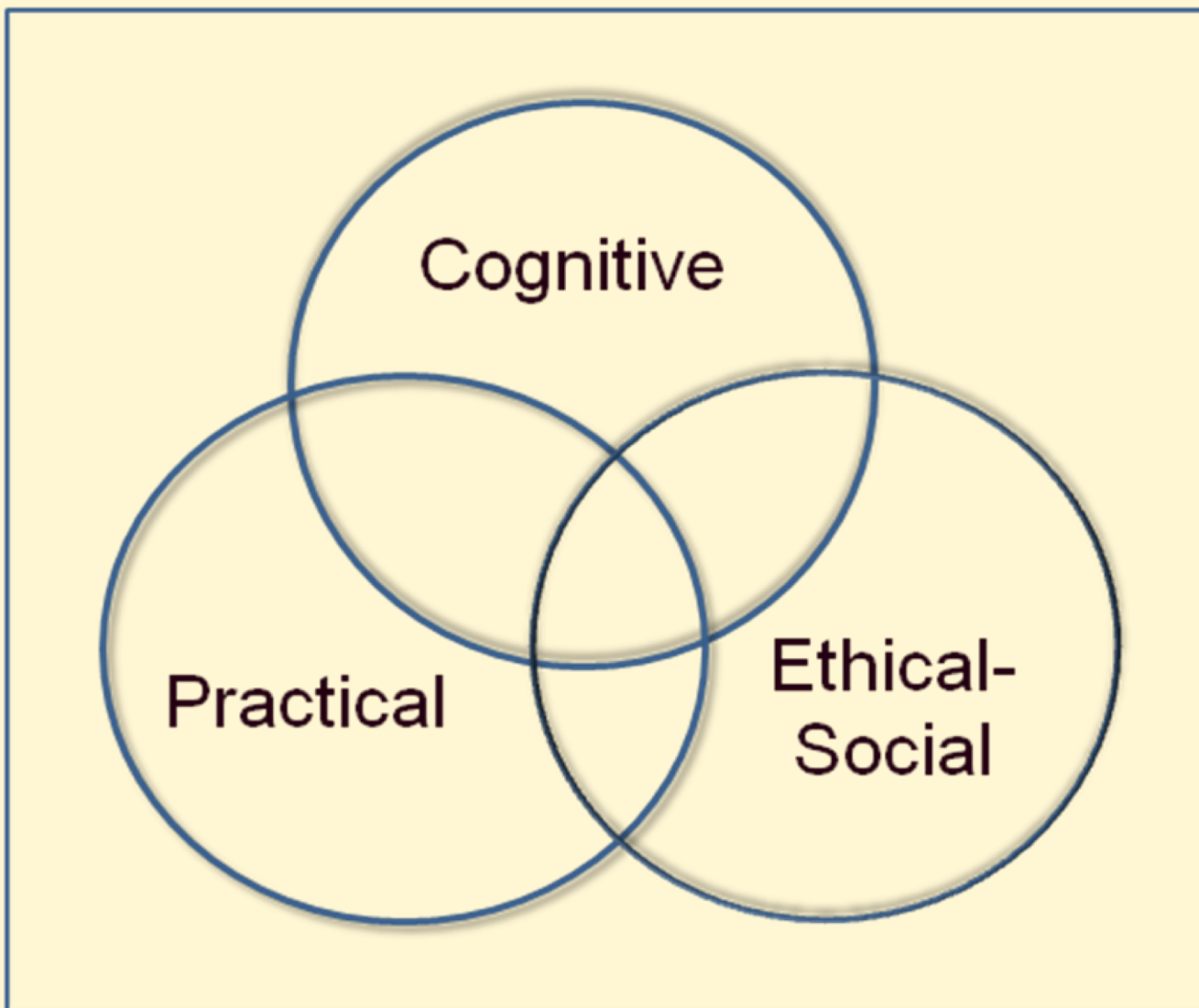
Goals

To explore three questions:

- 1. How do the ways we define the profession affect formation of professional identity?**
- 2. What does leadership research suggest about professional identity?**
- 3. What roles do, and can, practitioners play in law schools in helping law students form professional identity?**

CARNEGIE APPRENTICESHIPS





**Defining the legal
profession.**

Lack of clarity in defining professionalism:

- 1. deprives legal educators of guiding principles**
- 2. limits socialization of new lawyers**
- 3. constrains the professional identity of lawyers to technical compliance with disciplinary rules**
- 4. reduces the possibility that the concept of professionalism will actually influence lawyer or law student conduct, and**
- 5. undermines the public's trust in the profession.**

Neil Hamilton, *Professionalism Clearly Defined*, 18 PROF. LAW. No. 4, 4, 6 (2008)

Roscoe Pound

Definition of a profession in 1953:

“a group of men pursuing a learned art as a common calling in the spirit of public service - no less a public service because it may incidentally be a means of livelihood.”

ROSCOE POUND, THE LAWYER FROM ANTIQUITY TO MODERN TIMES
5 (1953).

Professional Lawyer

“A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in those pursuits as part of a common calling to promote justice and public good.” AMERICAN BAR ASSOCIATION, LEGAL EDUC. AND ADMISSIONS TO THE BAR, TEACHING AND LEARNING PROFESSIONALISM, REPORT OF THE PROFESSIONALISM COMMITTEE, 6 (1996).

Lawyering Theory

“Without a normative theory of lawyering, skills training cannot empower students to make reflective choices about who they are becoming as lawyers or about what lawyers can or ought to contribute to a just and stable society.”

Joseph P. Tomain & Michael E. Solimine, *Skills Skepticism in the Postclinic World*, 40 J. LEGAL EDUC. 307, 315-317 (1990)

Scientific Definitions

Genus – a broad category within which the subcategory or species falls

Differentiae – distinguishing features of the defined subcategory; those properties which *other* species of the same genus do not have

LEGAL PROFESSION

Genus – A network of specially educated people drawn together by shared needs, values, attitudes and interests

Differentiae – to establish, maintain and continuously improve a system of justice, within the context of which they help others solve problems and maximize opportunities, within the bounds of equity and civility.

Differentiae

Account for two primary duties:

To the justice system:

to establish, maintain and continuously improve a system of justice ...within the bounds of equity and civility.

To clients:

to help others solve problems and maximize opportunities within the bounds of equity and civility.

Definitions

PROFESSIONALISM:

Conduct consistent with the foregoing definition of the legal profession

UNPROFESSIONAL:

Conduct that is inconsistent with the definition of the legal profession

SEVEN DEADLY TRENDS

1. A Volatile Market for Legal Services and Legal Education
2. The Geometric Expansion of Information and Technology, Facilitating Globalization
3. Rising Overhead and the Profit Squeeze
4. Billable Hour Cultures
- 5. Bifurcation and Segmentation of the Bar**
 1. Decline in the Quality of Professional Life
 2. Withdrawal from Civic Leadership

CHICAGO LAWYERS:

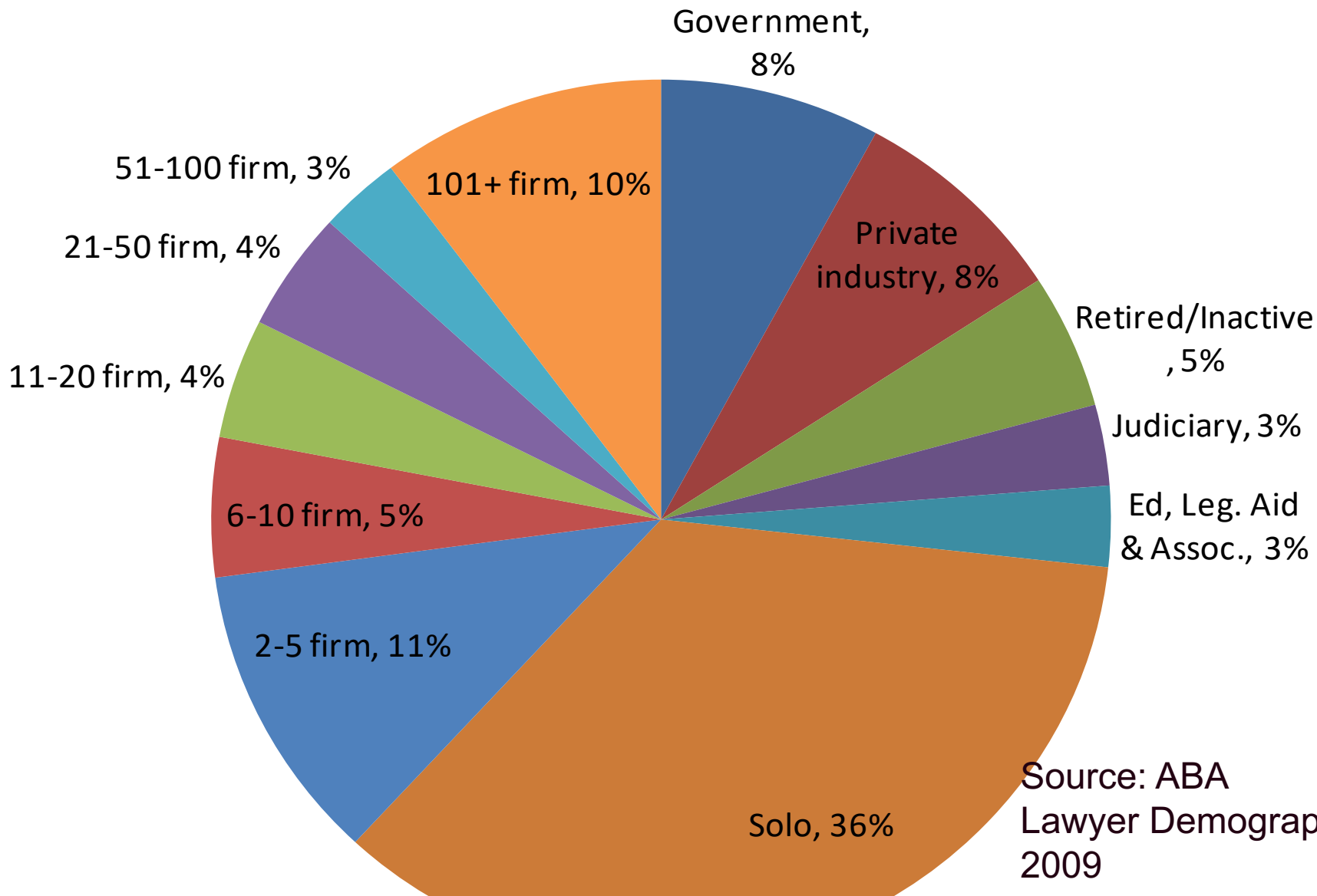


The most hardy networks in nature are the most diverse.

In strong networks in nature there is fierce competition – but also intense cooperation.

Darwin – survival of the fit, not the fittest (Spencer's idea).

Lawyers by Practice Setting



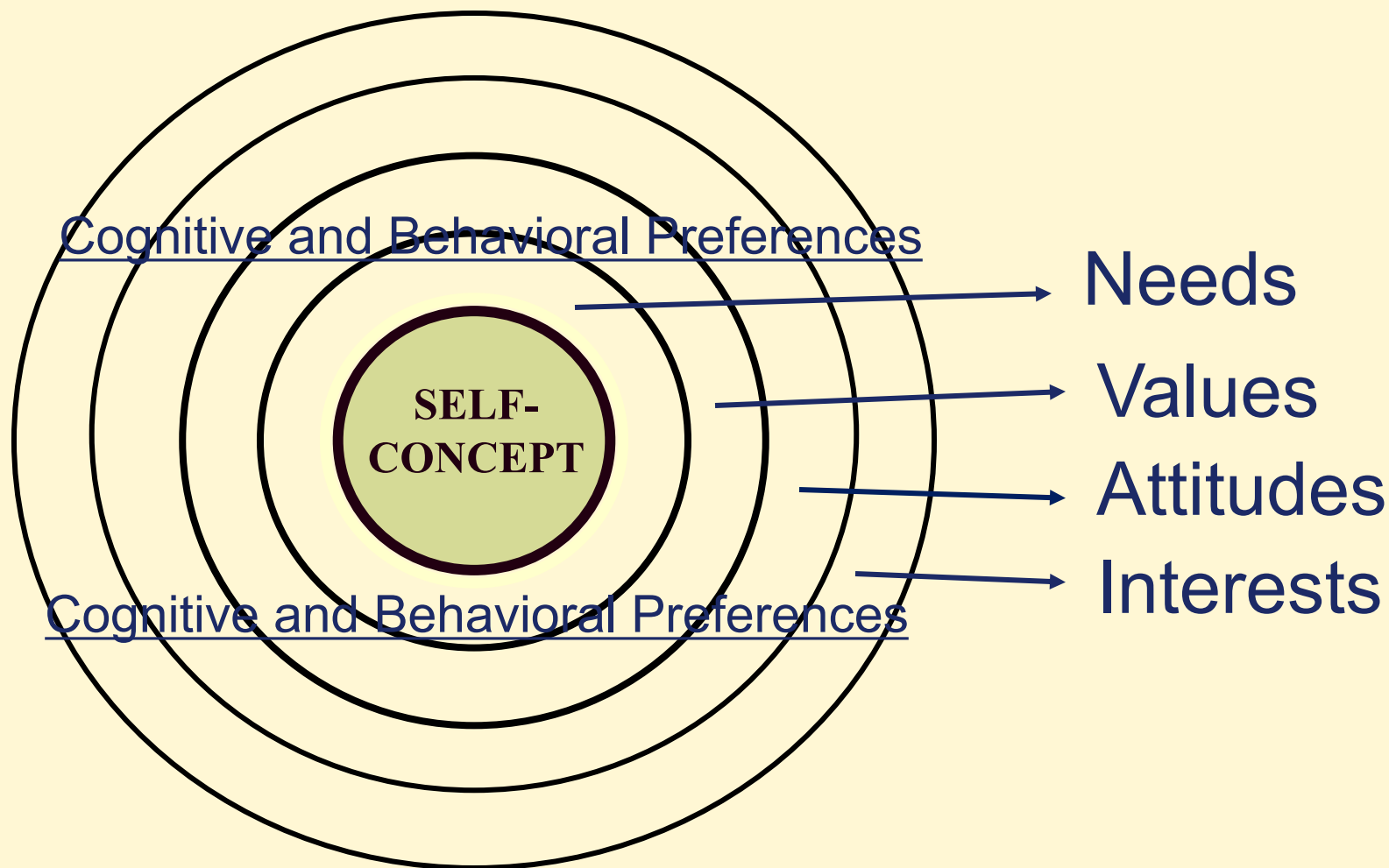
Goals

Leadership research suggests that we are drawn to the legal profession by shared needs, values, attitudes and interests,

that we are a network

and the kind of leadership-related research we should be doing in law school and the legal profession to help clarify professional identity.

Motivators:



David Campbell's vocational interests and skills

Data from law schools

Vocational interests

Values

Preferences and needs

Culture – gender and diversity

Edgar Schein's Career Anchors

Seven Orientations:

Influencing

Organizing

Helping

Creating

analyzing

Producing

Adventuring

29 Basic Interest and Skill Sales:

- Influencing ----- Leadership
- Organizing Law/Politics
- Helping Public Speaking
- Creating Sales
- Analyzing Advertising/
- Producing Marketing
- Adventuring

58 Occupational Sample Scales:

Influencing

Attorney

Financial Planner

Hotel Manager

Manufacturer Rep

Marketing Director

Realtor

CEO/President

HR Director

School Supt.

Adv. Account Executive

Media Executive

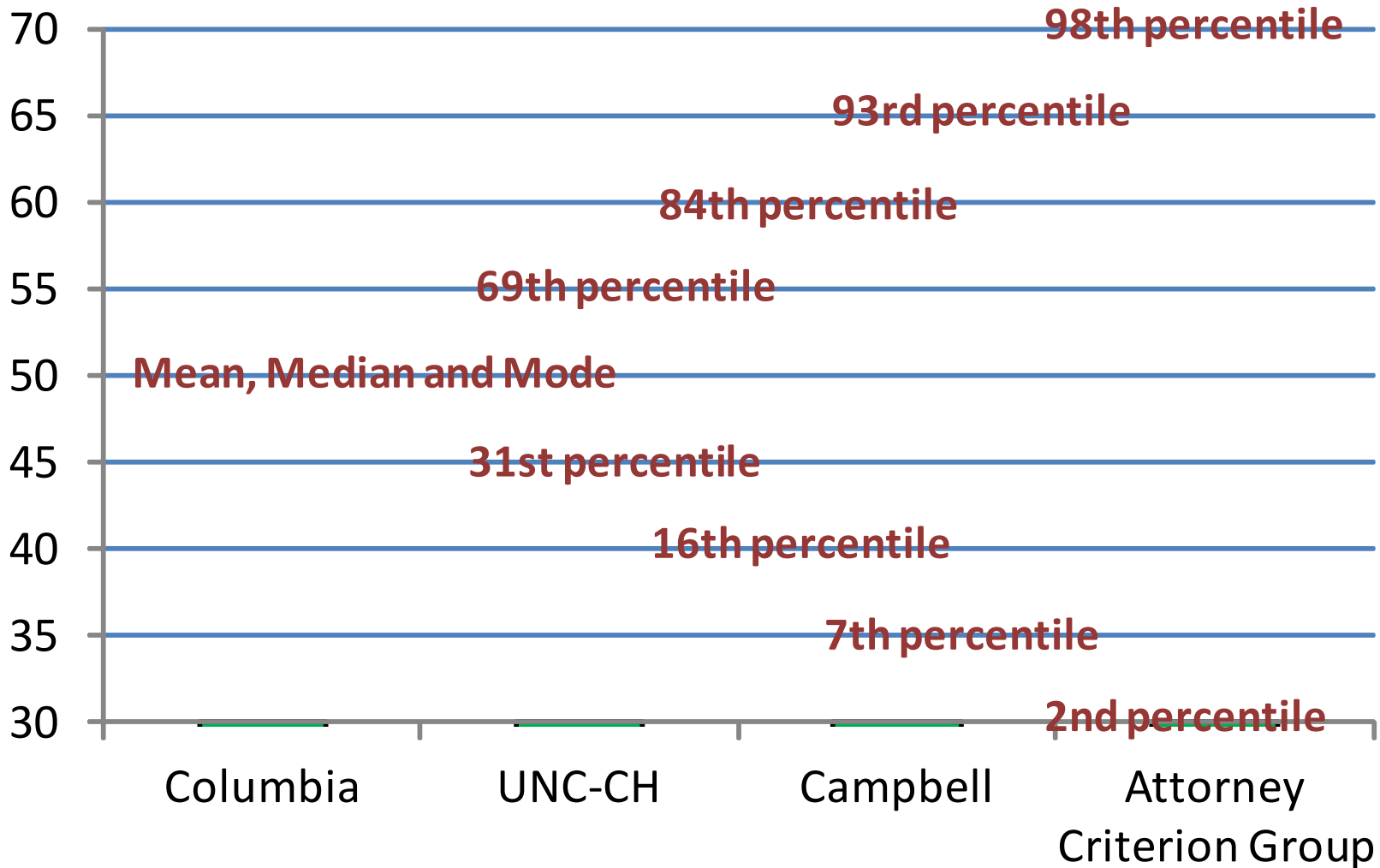
PR Director

Corporate Trainer

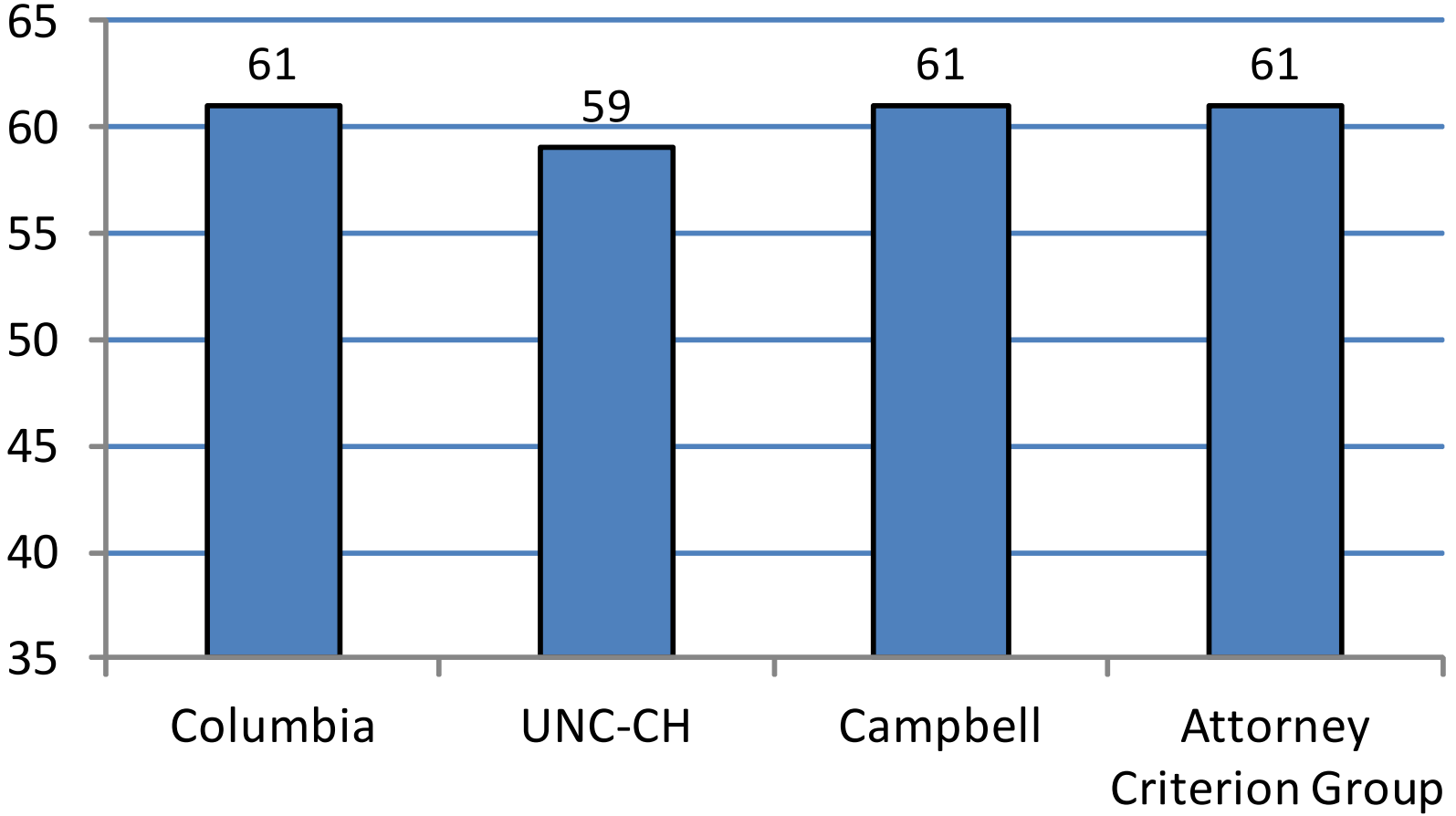
Plus Academic Focus and Extraversion Scales

CISS Standard scores

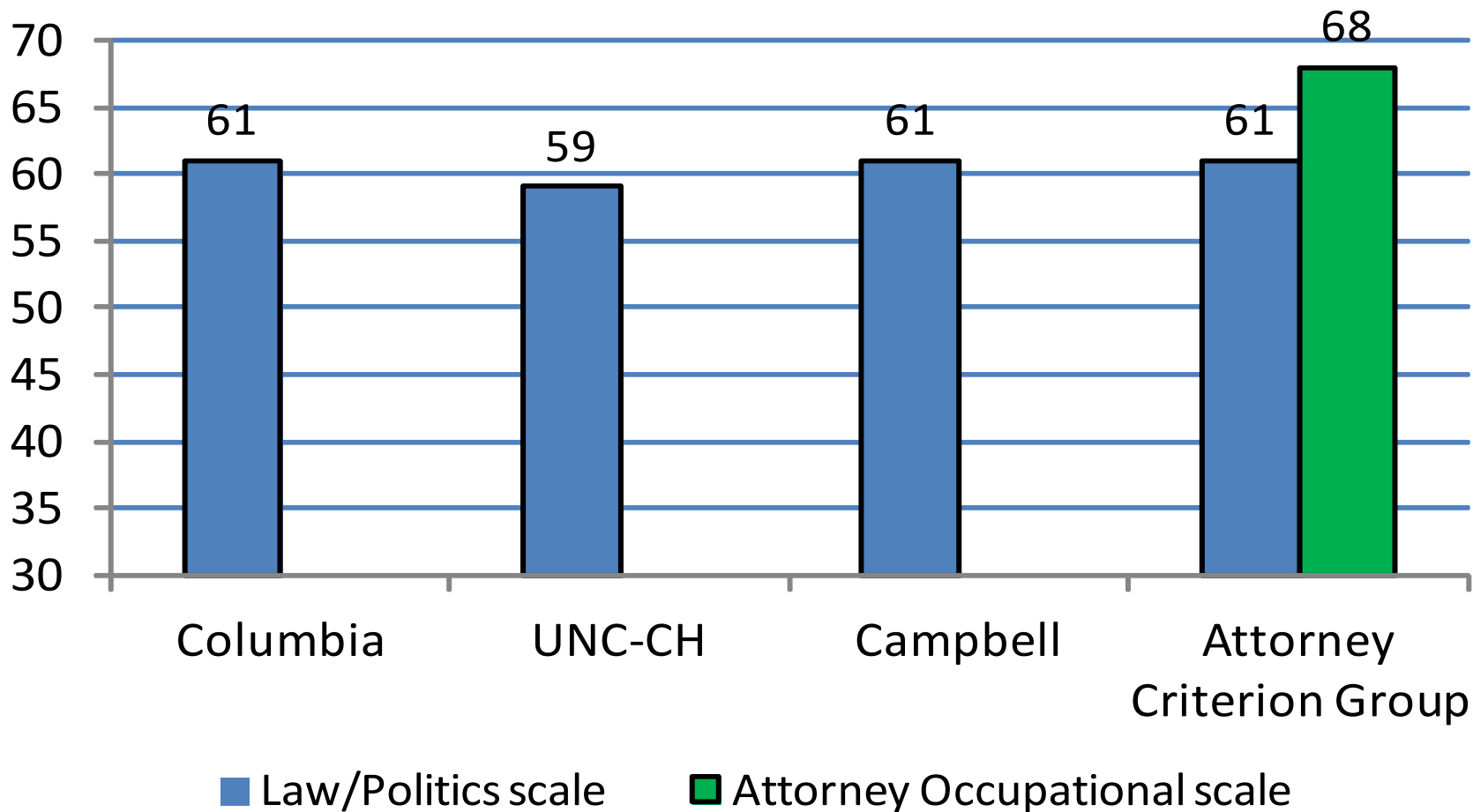
CISS Standard Scores - 10 point SDev



CISS Law/Politics Interest Scores Law Students and Lawyers



CISS Law/Politics and Attorney Occupational Scales Interest Scores



Gender and Motivation

Men and women who go to law school are more like each other with respect to needs, values, attitudes and interests than they are like either the general population of men or the general population of women.

Gender and Needs

DiSC Profile measures energy put into four different needs, producing styles:

Dominance

Influencing/Interaction/Social

Steadiness/Stability

Conscientiousness/Quality

First year orientation – more women influencers than men.

Second semester – distributions equal.

Gender and Values

Two successive classes at Campbell

University School of Law prioritized Milton Rokeach's lists of 18 terminal values (end states of existence) and 18 instrumental values (states of being or modes of behavior that lead to terminal values)

No statistically significant differences in any rankings of the 36 values in the two classes.

Gender and Values

<u>Differences* between</u>	<u>Terminal</u>	<u>Instrumental</u>
	<u>values</u>	<u>values</u>
Female and Male		
Law Students	26.5	21.0
Female Law Students		
and All Females	41.7	43.6
Male Law Students		
And All Males	54.1	38.4

*Sums of absolute deviations

Gender and Values

<u>Differences* between</u>	<u>Terminal</u>	<u>Instrumental</u>
<u>Female and Male</u>	<u>values</u>	<u>values</u>
Law Students	26.5	21.0
All Females and All Males	16.7	15.8

Conclusion? Drawn to profession by similarities, but more different when get there than general population.

*Sums of absolute deviations

Terminal Values Higher

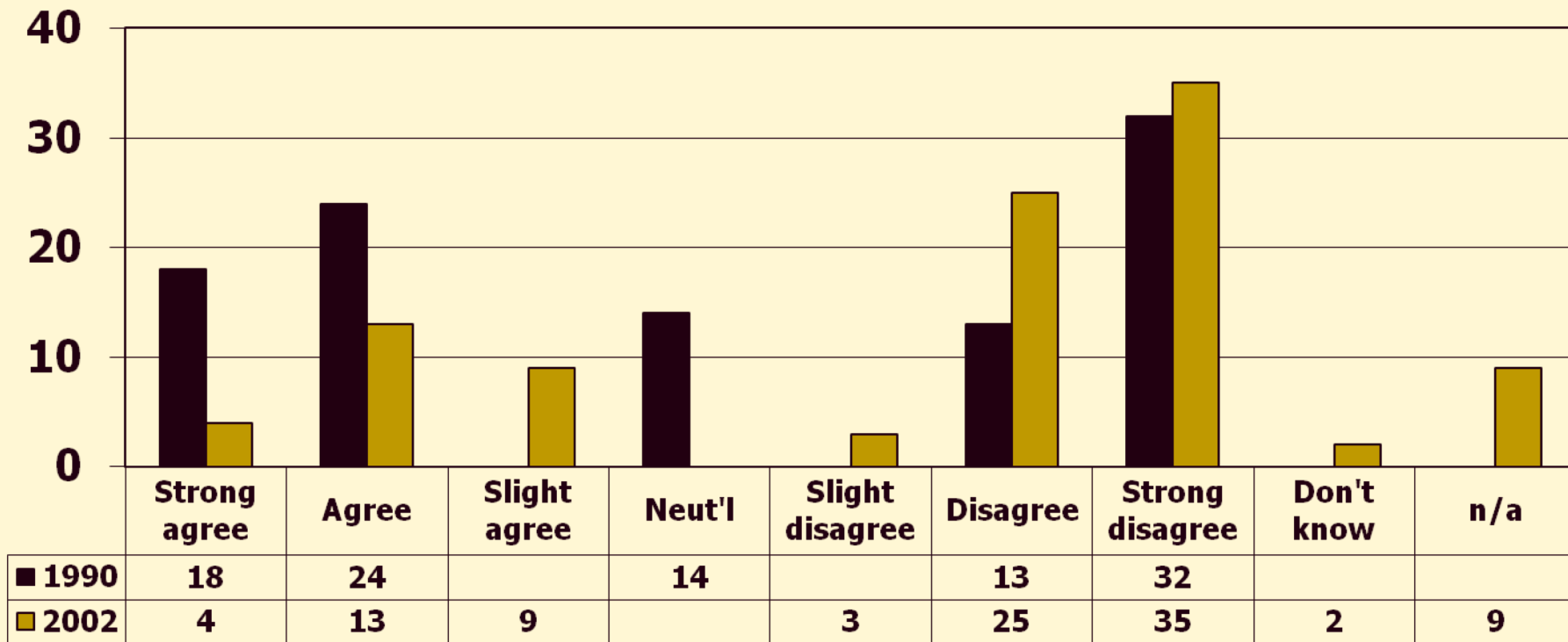
<u>Female</u>	<u>P</u>
A world at Peace	.0032
Equality	.0001
Self-respect	.0310
<u>Male</u>	
A comfortable life	.0065
An exciting life	.0012
Pleasure	.0193
Social recognition	.0042
Wisdom	.0290

Instrumental Values Higher

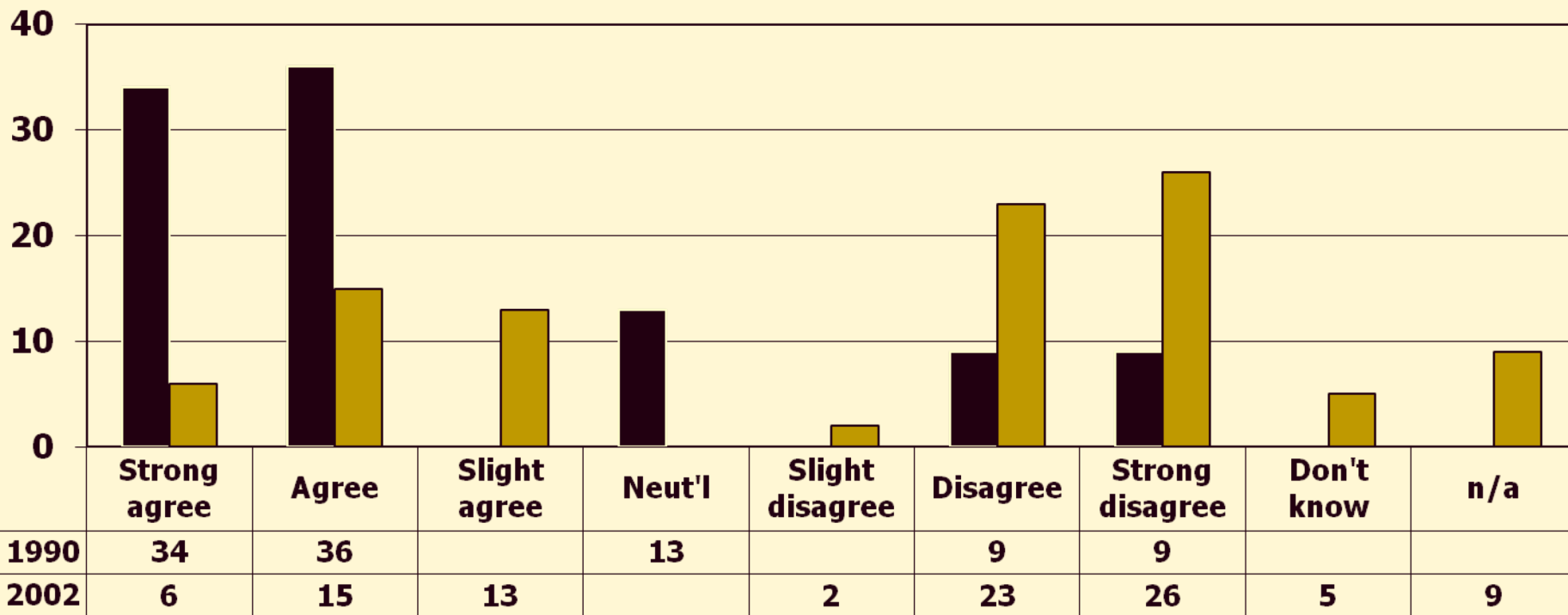
<u>Female</u>	<u>P</u>
Helpful	.0245
Independent	.0437
Loving	.0010
<u>Male</u>	
Imaginative	.0042
Logical	.0141
Obedient	.0007
Self-controlled	.0263

Diversity and Culture

Females personally experienced sexual harassment in profession in last few years



Females personally experienced sexual discrimination in profession in last few years



Edgar Schein, *Career Dynamics*, 1978

Combinations of self-perceived motives, needs, values, attitudes, talents and abilities draw people to, and if they've left sometimes drag them back, to careers

Career Anchors

Longitudinal study of 44 Sloan MBA alumni led Schein to five career anchors:

- 1. Technical/Functional Competence**
- 2. Managerial Competence**
- 3. Security and Stability**
- 4. Creativity**
- 5. Autonomy and Independence**

Additional Career Anchors

1. Technical/Functional Competence
2. Managerial Competence
3. Autonomy/Independence
4. Security/Stability
5. Entrepreneurial Creativity
- 6. Service/Dedication to a Cause**
- 7. Pure Challenge**
- 8. Lifestyle** (balance personal and family needs with career requirements)

Practitioners are a rich network resource and can play more central roles in law schools in helping students develop professional identities.

Talent Developers

Titles can create expectations

Mentors

Coaches

Preceptors

Gurus

Judges/Evaluators

Seven Tasks of Mentors

- 1. Developing and Managing the Relationship.**
- 2. Sponsoring.** Creating opportunities.
- 3. Guiding and counseling.**
- 4. Protecting.** Addressing threats.
- 5. Teaching.**
- 6. Modeling.**
- 7. Motivating and inspiring.** Helping align protégés' values with organizational goals.

Mentors

Traditional informal

Formal

Coaches

Internal

External

Preceptors

Gurus

Judges/Evaluators

Functions of Talent Developers

Relevance of Traditional Mentoring Functions to Various Senior-Emerging Lawyer Talent Development Relationships

Function	Traditional Mentor	Formal Mentor	Internal Coach	External Coach	Preceptor	Guru
Managing the Relationship	x	x	x	x	x	
Sponsoring, Advocating and Creating Opportunities	x	Contingent				
Guiding and Counseling	x	x			x	
Protecting from External Threats and Protogee Weaknesses	x	Contingent				
Teaching	x	x	x	x	x	x
Personal Example: Role Modeling	x	x	*	*	x	x
Motivating and Inspiring	x	x	x	x	x	x

APPENDIX

Positively weighted: Diplomat, negotiating;
Elected official; Judge; State governor,
directing public programs; Trial lawyer,
arguing cases; University president.

Negatively weighted: Engineer; Factory
superintendent, managing a large plant;
Interior designer; Photographer; Technical
writer, preparing scientific materials.

Positively weighted: Diplomat, negotiating; Elected official; Judge; State governor, directing public programs; Trial lawyer, arguing cases; University president.

Negatively weighted: Engineer; Factory superintendent, managing a large plant; Interior designer; Photographer; Technical writer, preparing scientific materials.

Positively weighted:

Acting lead role in a demanding drama

Counseling individual in moral dilemma

Debating issues in public forum

Delivering well-organized speech

Negotiating compromise with conflicting parties

Organizing political campaign

Preparing detailed financial contracts for
complicated business opportunities