LEADERSHIP DEVELOPMENT IN LAW SCHOOLS: MYTHS, PRINCIPLES, AND PRACTICES

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INTRODUCTION

"Leadership is everyone's business." This is the mantra that my co-author Jim Kouzes and I have been promulgating for more than three decades.[1]   Leadership is too often confused, and considered synonymous, with the term leader; but leadership does not refer to a position or a place in some organizational hierarchy. Rather leadership is about an individual's actions, and how he or she mobilizes others to want to struggle for shared aspirations.

Developing leadership skills is a global challenge, not confined to a particular profession, industry, field, discipline, or function. Indeed, the most critical issue related to an organization's success is leadership, and the creation of a leadership pipeline is essential for continuing the firm's relevance and vitality.[2]   The vast majority of employers believe that leadership development opportunities should be part of every student's educational experience.[3]

Santa Clara University School of Law's former dean Donald Polden has explained: "Leadership education is important to all lawyers and law students because it provides the skills and abilities necessary for successful engagement in civic responsibilities, for meeting the requirements of client representation, and for managing the responsibilities within a law firm or law organization."[4] However, a recent survey of over 200 ABA-accredited law schools revealed that less than ten percent included leadership as one of their learning objectives.[5] Purposeful institutional support for leadership development in law schools is missing.[6]

This article addresses three questions. First, what are some myths which get in the way of developing leadership skills? Second, what are some key *conceptual* considerations for leadership development? Third,

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1. *See generally* JAMES M. KOUZES & BARRY Z. POSNER, THE LEADERSHIP CHALLENGE: HOW TO GET EXTRAORDINARY THINGS DONE IN ORGANIZATIONS (6th ed. 2017).

2. Development Dimensions International et al., *Global Leadership Forecast 2018*, DDI.COM (2018), https://www.ddiworld.com/DDI/media/trend-research/glf2018/global-leadership-forecast-2018_ddi_tr.pdf?ext=.pdf.

3. Ellen Van Velsor & Joel Wright, *Expanding the Leadership Equation: Developing Next-Generation Leaders*, CENTER FOR CREATIVE LEADERSHIP (2012).

4. Donald J. Polden, *Leadership Matters: Lawyers' Leadership Skills and Competencies,* 52 SANTA CLARA L. REV. 899, 899-920 (2012).

5. Leah Jackson Teague, Growing Movement: Leadership Development in Law Schools, Presentation at Santa Clara University Advancing Leadership in the Legal Profession Symposium (Mar. 23, 2018).

6. Louis D. Bilionis, Law School Leadership and Leadership Development for Developing Lawyers, Presentation at Santa Clara University Advancing Leadership in the Legal Profession Symposium (Mar. 23, 2018).

what are some *practical* considerations for designing a leadership *development* course?

MYTHS THAT INHIBIT LEADERSHIP DEVELOPMENT

While writing and speaking about exemplary leadership for over thirty years, throughout that time there's one question people ask more often than any other question. That most frequently asked is some variation of the question: "Are leaders born or made?"

The answer to that question has always been the same: We have never met a leader who was not born. We have also never met a lawyer, accountant, artist, athlete, engineer, lawyer, physician, scientist, teacher, writer, or zoologist who was not born.

You might be thinking, "Well that's not fair. That's a trick question. Everyone is born." That's precisely the point. Every one of us is born, and every individual has the basic material to become a leader.[7] Let us get something straight right from the start. Leadership is not some mystical quality that only a few people have and everyone else does not. Leadership is not preordained. Neither is it the private reserve of special class of charismatic men and women. Leadership is not a gene. Nor is it a trait. There is just no hard evidence to suggest that leadership is imprinted in the DNA of some people and not others. It's a myth that leadership cannot be learned. And, if it can be learned, then leadership can be taught.

Asking, "Are leaders born or made?" is neither a very useful nor productive question. It is the old "nature versus nurture" argument, and it does not get at the more essential question: Can individuals learn, develop, and hone the skills associated with leadership?" The answer to that question is a resounding, "Yes."

There are people who maintain that not everyone has the potential to lead and not everyone has the capacity to learn to lead. That is because there are at least five major myths and misconceptions about leadership that create barriers to developing leadership. One of the first challenges to developing leadership skills, whether for one's self or in others, is to overcome these folk legends and false assumptions.[8]

A. The Talent Myth

The *talent myth* has captivated the training and development world

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7.   And just for the record, no one has ever asked, "Are managers born or made?"

8.   For more perspective on these myths see JAMES M. KOUZES & BARRY Z. POSNER, LEARNING LEADERSHIP: THE FIVE FUNDAMENTALS OF BECOMING AN EXEMPLARY LEADER (2016).

for years, and some have come to accept it as the new gospel. This myth presumes that if you search far and wide, you will find people with the talent you are looking for already built in. No training required; just find the right person.

The truth is that talent is overrated.[9] It does not matter whether it is in the legal profession, sports, music, medicine, computer programming, mathematics, or other fields; talent is not the key that unlocks excellence.[10] In studying what it takes to "succeed" and how people reach their goals, researchers have found that the emphasis on talent, smarts, and innate ability have done more harm than good.[11]

Leadership is not an innate talent that one either has or does not. Rather, leadership is a learnable set of skills and abilities, and as such is normally distributed in the population like any other set of skills. The belief that leadership is only available to a talented few is a far more powerful deterrent to development than anything else is. It prevents too many people from even trying, let alone excelling.

B. The Position Myth

The *position myth* associates leadership with a hierarchal position. It assumes that leadership is a title, and that if you do not have a title of authority then you are not a leader.

Every day, the mass media and routine conversations perpetuate this myth; that only those people at the top or those with the highest rank and the most privilege are the ones who ever do anything extraordinary. Nothing could be further from the truth. Leadership is not a rank, a title, or an office. Every student of history knows that world-changing movements have been initiated and led by people without title, rank, or tenure. It is also true that those who made it to the top did not start there. More than likely, they got there because they learned and honed their leadership skills along the way.

Leadership happens in dealing one-on-one with a client, working on tactical and strategic matters with associates, in addressing juries, and in striving to find solutions that are nobler than what exists right now. Leadership is much more about what an individual does than it is about

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9.   GEOFF COLVIN, TALENT IS OVERRATED: WHAT REALLY SEPARATES WORLD-CLASS PERFORMERS FROM EVERYBODY ELSE (2010); DANIEL COYLE, THE TALENT CODE: GREATNESS ISN'T BORN. IT'S GROWN. HERE'S HOW 11 (2009).

10.   K. ANDERS ERICSSON, THE ROAD TO EXCELLENCE: THE ACQUISITION OF EXPERT PERFORMANCE IN THE ARTS AND SCIENCES, SPORTS, AND GAMES (1996); K. ANDERS ERICSSON, DEVELOPMENT OF PROFESSIONAL EXPERTISE: TOWARD MEASUREMENT OF EXPERT PERFORMANCE AND DESIGN OF OPTIMAL LEARNING (2009); K. ANDERS ERICSSON & R. POOL, PEAK: SECRETS FROM THE NEW SCIENCE OF EXPERTISE (2016).

11.   HEIDI GRANT HALVORSON, SUCCEED: HOW WE CAN REACH OUR GOALS (2011).

where that person is sitting. It is about the values that guide their decisions and actions, the visions they have for themselves and others, the challenges they pursue, and the people they engage.

C. The Strengths Myth

A third misconception is the *strengths myth* suggesting that individuals should *only* take on tasks in which they are already strong, not wasting time attending to any weakness. Organizations, in turn, should only assign tasks to people that have existing strengths or natural talent.

That is not to say that people should not attend to their strengths or that they are not generally happier and more successful if they are using their strengths at work and in other aspects of their lives, but the emphasis on strengths has fundamentally discouraged people from challenging themselves to become better leaders. It is not very motivating to tell someone to give up before they start or when things do not go as well as expected. Moreover, such thinking is impractical. Organizations cannot bring in a new person every time someone makes a mistake or there is a new challenge that someone initially did not have the skill and abilities to handle.

The truth is that people will not know what they are capable of without being challenged to move out of their comfort zones, which is precisely where learning takes place. When confronting things they have not done before, people will often have to develop new skills and overcome existing weaknesses and limitations. People simply cannot do their best without searching for new experiences, doing things they have never done, making mistakes and learning from them.

D. The Self-Reliance Myth

The *self-reliance* myth fosters the folklore that leaders have to be able to take care of things all by themselves, without the help of anyone else. They have to be independent, autonomous, never express doubts about their own abilities, nor appear in need of support or assistance.

While there is certainly great benefit to being confident in one's own abilities to handle challenging situations, the best leaders know they cannot make anything extraordinary happen alone. Leaders cannot possibly design breakthrough innovations, produce high-quality products, provide awesome service, attract raving fans, break sales records, assure financial soundness and integrity, and build great places to work without the trust and teamwork, strength and capabilities of everyone in the organization. The support, engagement, and commitment of others are essential to transcending adversity.

Leadership is a team sport and not a solo performance.

E. The "Leadership Comes Naturally" Myth

Still another myth is that leadership *comes naturally* to those who are the best at leading. Individuals who make it seem easy are admired and that ease is attributed to natural ability. When observing a commanding summation to a jury, captivating performance on stage, a high-scoring athlete on the basketball court, or an inspiring leader in an organization, people assume effortless performance develops without effort. While there may be a small percentage for whom this is true, for the vast majority this is just not so.

Researchers have noted that sustained training and effort are required for achieving peak performance.[12] Failing to appreciate this reality results too often in people ascribing lesser accomplishments to their lack of natural gifts, and thus they do not achieve their own potential.[13] In this way, unless an individual believes they can do something, they cannot. What truly differentiates the best from everyone else is their dedication to doing something every day to improve. The truth is that the best leaders become the best because they work hard at it and put in the hours of practice. They put considerable effort into learning to lead in order to make leadership look effortless.

These five myths—talent, position, strengths, self-reliance, and it-all-comes-naturally—clearly get in the way when individuals think about developing their leadership abilities, or the leadership skills of others. They keep law schools focused on content and cognitive work to the detriment of enhancing the impact of the law on creating a more just world.

KEY CONCEPTUAL CONSIDERATIONS FOR LEADERSHIP DEVELOPMENT

The first prerequisite to developing leadership, whether as students, associates, or partners, is to recognize and appreciate that leadership is a skill, rather than some innate talent, strength, or chromosome. Accepting this perspective means that leadership, like any skill, can be both taught and learned. Effective learning, of course, does not happen in a vacuum, and requires many considerations. Law school pedagogy already embraces the importance of practice and feedback in the learning

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12.   *See* COYLE, *supra* note 9, at 15-16; ERICSSON & POOL, *supra* note 10.

13.   *See* K. Anders Ericsson, *The Influence of Experience and Deliberate Practice on the Development of Superior Expert Performance*, *in* THE CAMBRIDGE HANDBOOK OF EXPERTISE AND EXPERT PERFORMANCE 687, 690-91, 693-94 (K. Anders Ericsson et al. eds., 2006); ERICSSON & POOL, *supra* note 10.

process.[14]   Most essential, however, for both would-be lawyers, and leaders, is the desire to learn. The American educational reformer Horace Mann observed that "a teacher who is attempting to teach without inspiring the pupil with a desire to learn is hammering on cold iron."[15]   Teaching leadership begins with getting people to believe in their abilities to make a difference, and to acknowledge that they can improve their leadership skills, no matter their starting point.

A second and related principle is that leadership development is personal, and begins from the inside-out. This refrain is echoed by Alain Bejjani, CEO of the lifestyle conglomerate Majid Al Futtaim Group: "The most difficult and daunting task, for the most junior and the most senior among us, is leading ourselves."[16] Before anyone can lead others, they have to be able to lead themselves; they have to discover what they care about, what defines them, and what makes them who they are. This requires providing an opportunity for people to explore their inner territory, clarifying their personal values and guiding principles. Only then can they give voice to those values and feel comfortable sharing them with other people.

Building upon the foundational belief that everyone can learn to lead is recognizing that leadership is a process and not a position. Leadership is not about a title, rank, or hierarchical location. Look the word leadership up in the dictionary. You will find that it starts with a lower case letter "l."[17]   Literally, the word "lead" comes from an Old English word (leden), meaning "to go" or "to guide."[18]   That is what leadership is about: going places and guiding others. After more than three decades examining thousands of case studies of people at their personal-best as leaders, and surveying more than three million respondents around the world, Kouzes and Posner have documented that leadership is an observable and learnable set of behaviors and actions.[19] Their studies have shown that when people are most effectively exercising leadership the behaviors and actions they are using are applicable across multiple disciplines, functions, levels, industries,

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14. Bilionis, *supra* note 6.

15. THE ECLECTIC MAGAZINE OF FOREIGN LITERATURE, SCIENCE, AND ART : JANUARY TO JUNE, 1868. NEW SERIES. VOL. VII (W.H. Bidwell ed., 1868).

16. *Leadership Development as a Competitive Advantage,* MCKINSEY & COMPANY (Apr.   2018),   https://www.mckinsey.com/business-functions/organization/our-insights/leadership-development-as-a-competitive-advantage.

17. *See Lead*, MERRIAM-WEBSTER UNABRIDGED ONLINE DICTIONARY (last visited Aug. 2, 2018), http://unabridged.merriam-webster.com (search "lead").

18. *Id.*

19. KOUZES & POSNER, *supra* note 1.

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cultures, and nationalities.[20]

A fourth essential consideration for developing leadership is the importance of building relationships, and remembering that the focus of leadership is not about self-aggrandizement but about serving the needs of others, however broadly defined the latter might be. Only in the abstract can someone imagine being a leader without anyone following. In this regard, it is having followers that defines being a leader, and would-be leaders must be attuned to the needs, interests, and aspirations of others if they are to achieve beyond what one can on his or her own. While much of any leadership development course or program must be based on the individual, it cannot neglect serious consideration of what it takes for people to work together and see themselves not just as part of a team but as serving a higher purpose.[21]

The best way to truly win the hearts and minds of people, and generate huge returns for clients, agencies and organizations is to help people find time to focus on a meaningful future. This fifth consideration is clearly linked with the previous four in recognizing that the purpose of leadership is to change the status quo to something better for the people, the product or service, the neighborhood, nation, planet, etc. Purpose-driven organizations do better on nearly every traditional metric and especially enable organizations to perform well in times of uncertainty and volatility.[22] Leadership in purposeful organizations creates a culture where people live the corporate values. High-quality job candidates these days are attracted to companies that align with who they are and what they believe in.[23] Even while in school, studies have shown that a self-transcendent purpose for learning increases the tendency to attempt to learn deeply from what might otherwise be boring

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20. *See generally* Barry Z. Posner, *Bringing the Rigor of Research to the Art of Leadership*, THE LEADERSHIP CHALLENGE (2015), http://www.leadershipchallenge.com/ UserFiles/Bringing%20the%20Rigor%20of%20Research%20to%20the%20Art%20of%20L eadership.pdf. *See also* Barry Z. Posner, *It's How Leaders Behave That Matters, Not Where They Are From*, LEADERSHIP & ORGANIZATION DEVELOPMENT J. 34(6), 573-87 (2013); Barry Z. Posner, *An Investigation into the Leadership Practices of Volunteer Leaders*, LEADERSHIP & ORGANIZATION DEVELOPMENT J. 36(7), 885-98 (2015); J. Hage & Barry Z. Posner, *Religion, Religiosity, and Leadership Practices: An Examination in the Lebanese Context*, LEADERSHIP & ORGANIZATION DEVELOPMENT J. 36(4), 396-412 (2015).

21. I talk about this in a TEDx presentation. Barry Z. Posner, *I Make a Difference, But I Can't Do It Alone*, YOUTUBE (Jan. 30, 2014), https://www.youtube.com/ watch?v=3cpLFFZsbWY.

22. JOHN IZZO & JEFF VANDERWIELEN, THE PURPOSE REVOLUTION: HOW LEADERS CREATE ENGAGEMENT AND COMPETITIVE ADVANTAGE IN AN AGE OF SOCIAL GOOD (2018).

23. Sarah Houle & Kevin Campbell, *What High-Quality Job Candidates Look for in a Company*, GALLUP BUSINESS J. (Jan. 4, 2016),   http://news.gallup.com/businessjournal/ 187964/ high-quality-job-candidates-look-company.aspx.

or tedious academic work.[24]

Finally, an essential element of learning leadership is *doing* leadership. Leadership is about putting values into action, galvanizing others to imagine the possibilities, and being willing to step out and do something that has never been done before. Just like the gap in law school between reading cases for classroom discussion and actually preparing a legal brief or making a courtroom appearance, leadership skills are put to the test when people are given the opportunity to deliberately use what they have learned in an environment or setting outside of the immediate classroom.[25] Like with most skills, leadership is best learned by doing; even at times making mistakes, and reflecting upon that experience to capture the lessons and grow from the setback. The notion of professions like law and medicine being a practice reaffirms the idea that experience is essential to the ongoing vitality of the professional.

Developing leadership means recognizing that leadership is fundamentally a skill, and that it involves a process rather than being a function of some position or title. Leadership is developed first through helping people understand themselves, who they are and what matters to them, and secondly to understanding and appreciating the same about others, building relationships grounded in credibility. Developing leadership requires helping people focus on the future, being able to answer the "why" behind their actions and decisions, and keeping purpose as their magnetic north. Finally, if people are to learn leadership they must be given the opportunity to exercise leadership, learning and growing from that experience.

PRACTICAL FUNDAMENTALS FOR LEADERSHIP COURSES

At the nitty-gritty level, there are at least five components that should be foundational to any actual law school course or program. A first fundamental consideration is determining whether you want to teach about leadership or teach students to be leaders. Since time is limited, the viewpoint should be on the latter, with the aspiration that students will leave the classroom embracing the belief that (a) leadership is important and (b) they can be leaders. Adopting a consistent leadership framework or model goes a long way towards facilitating

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24.   *See* David S. Yeager et al., *Boring But Important: A Self-Transcendent Purpose for Learning Fosters Academic Self-Regulation*, J. OF PERSONALITY AND SOCIAL PSYCHOLOGY 107(4), 559-80 (2014).

25.   Which is not to say that there cannot be activities associated with the class that provide learning opportunities, like working on a team project or organizing a class or school event.

these beliefs; otherwise students may experience a huge gap between knowing and doing.

Moreover, because the students' entire academic training has been based upon learning frameworks and indeed all academic disciplines, including the law, have their own specific ways of approaching problems and issues, it is essential that the same standard be applied to the study and practice of leadership. While there are many models of leadership available from which to choose,[26] students are better served in the objective of *being* leaders to learn one model deeply rather than being exposed to multiple frameworks. Of course, there are always opportunities for students to expand their breadth of understanding, but given the tradeoff, depth is preferable. Whatever model is selected should make sense at both a conceptual and practical level. Indeed, it has been said that there is nothing as practical as a good theory.

Second, the leadership framework selected should be backed by solid research. All of the other models that students have been exposed to in their undergraduate disciplines, and in law school, are based upon hard evidence and data about why they matter and how their application makes sense, and leadership should be no different. The class or courses should not be seen as the current dean or faculty member's personal favorite views on leadership (as in, "here's what works for me" or "I take the viewpoint of judge X who believes that. . ."). Indeed, the instructor should teach from an evidence-based framework that he or she can honestly exclaim "And this makes sense in my own experiences," but not vice versa. When students challenge the framework, as well they should to test it out against their own experience, the instructor should be able to call upon the scientific basis for understanding and applying the art of leadership.

Another fundamental consideration in selecting a leadership paradigm for a single course or entire school curriculum is that this model becomes part of the institutional culture, finding its way into the language of how people talk about leadership in the context of legal content, constructs, and issues, as well as in the local politics of the school, college, and community. Consistent with this objective is that the way leadership is conceptualized, taught and practiced should be applicable across multiple disciplines, functions, levels, and settings. The leadership principles would be relevant whether practicing as a public defender, corporate counsel, or within a private firm; as well as applicable regardless of the organization's size or scope of work.

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26. For example, there are leadership frameworks under the headings of transactional, servant, behavioral, charismatic, contingent, transformational, and, situational. *See generally* GARY A. YUKL, LEADERSHIP IN ORGANIZATIONS (8th ed. 2012).

As a corollary to these previous two considerations, the instructor and institution would be well-served by using a leadership framework that can be measured. Having a measurable framework ensures the model is conceptually well-grounded and has an empirical basis for testing its validity, ensuring both students and faculty understand what is being taught is meaningful and significant. Being able to measure students' leadership skills makes explicit the principle that leadership can be both taught and learned. Measurability may also be an important component of accreditation standards.

A further fundamental consideration for any leadership course is providing students with the opportunity to actually practice, not just study, leadership. The challenge is to help students learn leadership by doing leadership. Within the classroom this can be accomplished through various experiential activities, and even possible role plays based upon legal case studies and professional conundrums. Outside the classroom, experiences with student organizations (for example, law review and special interest groups) are certainly an implicit leadership learning opportunity and with some intentionality may be turned into more explicit leadership practice field. For example, facilitating regular debriefing sessions on projects or events from a leadership perspective and not just about the content and tactics, and offering one-on-one coaching sessions with officers. When difficult, generally unexpected, circumstances emerge, these provide teachable moments to examine the consistency between values and actions (whether at a personal, individual, or organizational level); a key leadership test.

CONCLUSION

Leadership matters. Meeting the complex challenges facing organizations, communities, and societies these days is not just about content or technique but about leadership. The legal profession in its time-honored tradition of assuring access to justice has an essential role to play in addressing these challenges, and enhancing the leadership skills of would-be lawyers is essential to this quest. It is even possible that a greater emphasis on leadership as part of one's legal studies can go a long way towards meeting the concerns about how legal education undermines students' well-being and sense of purpose.[27] After all, leadership development is fundamentally self-development and providing leadership courses and reflective touchpoints about leadership

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27. Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, BEHAVIORAL SCIENCES AND THE LAW 22: 261-86 (2004).

throughout the curriculum and law school experience may well keep alive students' intrinsic spark and autonomous motivation, and help them join with others to serve the noblest purposes of the law.