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Crisis Leadership Strategies to Overcome Challenges
in Post-Pandemic Legal Institutions

As I reflect on meaningful and pivotal leadership, crisis is the common thread. How leaders innovate, how leaders pivot, how leaders persist onwards, how leaders enact a clear vision—this is the measure of an effective leader. In other words, crisis management reveals leadership capacity. Though “anyone can steer the ship, [] it takes a leader to chart the course.”¹

With the emergence of the novel coronavirus (COVID-19), global and local leaders have been tasked to chart this unprecedented course, amidst massive stakes and worldwide trepidation. While some leaders have risen to the challenge, many have demonstrated an immense disconnect between their vision and their crisis management. With a largely cohesive threat on hand, the range of failure and success introduces key questions of what effective leadership entails—which offers a useful guidepost for contemporary crisis leadership in legal education and the legal field.

The article *Making Sense of Crisis: Charismatic, Ideological, and Pragmatic Leadership in Response to COVID-19* explores this disparate local and global leadership result.² Authors Matthew P. Crayne and Kelsey E. Medeiros begin by identifying and evaluating the differences in how leaders have made sense of the COVID-19 crisis—a process labeled as *sensemaking*. How leaders made sense of this crisis thereby informed their leadership approach and decision making. This *sensemaking approach* is a vital component of contemporary, post-pandemic crisis leadership.

¹ John C. Maxwell.

² Crayne, M. P., & Medeiros, K. E. (2020). Making sense of crisis: Charismatic, ideological, and pragmatic leadership in response to covid-19. *American Psychologist*, 76(3), 462–474.
<https://doi.org/10.1037/amp0000715>.

Crayne and Medeiros then introduce the Charismatic, Ideological, Pragmatic (CIP) leadership model—composed of three sensemaking crisis leadership styles. Each of the three CIP leadership styles are applied to global leaders and their management of the COVID-19 crisis. While each leadership style is assessed independently, Crayne and Medeiros acknowledge that effective crisis leaders and crisis leadership in all fields must integrate all three.

Crisis leadership for legal institutions is more nuanced and small-scale than global, political leadership. Nonetheless, COVID-19's effect on public health, the economy, governance, and individual morale is largely synonymous with its effect on law schools, law firms, and the justice system. Additionally, the CIP model pairs effectively with specific leadership strategies introduced in *Leading in Law*³—which helps to evaluate crisis leadership in the world of law. Thus, evaluating and applying the CIP leadership model through this lens offers valuable insight for crisis leadership in the context of legal institutions.⁴

Legal Institutions in Crisis

Since the onset of the COVID-19 pandemic, the very foundation and culture of legal institutions has been upended. In *COVID-19 and the Reformation of Legal Culture*⁵, Forbes policy contributor Mark A. Cohen contends that the pandemic has identified significant fractures in legal institutions, wedged in outdated practices—how law is taught, the inaccessibility of legal education and resources, the delivery of legal services, and even the dispensing of justice.

Per Cohen, legal institutions are traditional and inward-focused—slow to adjust and centered on financial stability and internal hierarchy. However, the pandemic has upset this aged

³ Polden, D. J., Posner, B. Z. (2021). *Leading in Law: Leadership Development for Law Students*.

⁴ Crayne et al., (2020).

⁵ Cohen, M. A. (2020, April 14). Covid-19 and the reformation of legal culture. *Forbes*. Retrieved November 21, 2021, from <https://www.forbes.com/sites/markcohen1/2020/04/14/covid-19-and-the-reformation-of-legal-culture/?sh=61fb0a0e171d>.

and inaccessible approach. Despite the inherent challenge to change, perhaps this is an ultimately beneficial paradigm shift for the legal field.

Law schools have been tasked with integrating virtual learning and student-initiated and student-focused solutions. Law firms are having to expand service provision to include one-to-many resource portals and proactive crisis solutions, shifting away from one-to-one, in person case management. While the slow-turning wheel of the justice system is now needing to integrate virtual appearances, improve litigation efficiency, and implement shared case management platforms.

Specially, Cohen cautions that (1) technological innovation is required for legal sustainability—through and beyond the pandemic, (2) law firms must replace the partnership model with collaboration and client central structure, and (3) law schools must better prepare legal graduates by reimaging the curriculum and shift from “degree factories to learning centers for life.”⁶

But most critically, the field of law—often devoid of emotional connectedness—is now being tasked to integrate compassionate leadership, to lead from a place of understanding the needs and struggles of students, attorneys, and clients.⁷ The COVID-19 pandemic has profoundly uncovered the human aspect of law and the need for interpersonal connectedness. Collectively, for legal practice and institutions to survive the pandemic, its leaders must be excellent crisis managers and sense-makers, in addition to fiercely compassionate advocates.

Sensemaking in Post-Pandemic Leadership

To catalyze this responsive and effective legal paradigm shift, legal leaders must understand and integrate *sensemaking*. Crayne and Medeiros define *sensemaking* as a passive

⁶ Cohen, (2020).

⁷ Id.

then active process by which leaders (1) assess and interpret the crisis, (2) apply that assessment and interpretation, to (3) evaluate the situation and implement forward action.

Thus, sensemaking is a process of answering “what is the story,”⁸ and identifying the challenge and the pathway of resolution. This is a top-down process of listening and observing, organizing the chaos, and thoughtfully labeling challenges and opportunities. In *Organizing and the Process of Sensemaking*, authors Karl E. Weick, Kathleen M. Sutcliffe, and David Obstfeld identify that poor sensemaking among leaders can exacerbate crisis and lead to catastrophic outcomes.⁹

According to Weick et al., poor sensemaking contributed, for example, to the proliferation of the West Nile Virus in the late 1990s. In this case, initial misdiagnosis by the Centers for Disease Control and the inability to comprehensively understand the virus led to inaccurate information, fear propagation, and proliferation of the virus—harming millions of Americans.¹⁰ This is directly comparable to poor sensemaking and harmful missteps with the COVID-19 pandemic.

As identified by Crayne and Medeiros, global leaders have been tasked with providing a framework for the public to understand and thus navigate the COVID-19 pandemic. This sensemaking includes communicating the crisis implications for health, business operations, and safe socialization, and critical prevention strategies of social distancing, masking, vaccination, and medical treatment. But this also entails understanding personal struggle, tuning into the needs of others, and leading to uplift.¹¹

⁸ Crayne et al., (2020).

⁹ Weick, K. E., Sutcliffe, K. M., & Obstfeld, D. (2005). Organizing and the process of sensemaking. *Organization Science*, 16, 409–421. <http://dx.doi.org/10.1287/orsc.1050.0133>

¹⁰ Id.

¹¹ Crayne et al., (2020).

Thus, sensemaking at the onset and in the aftermath of the pandemic has largely dictated effectiveness and ineffectiveness of prevention, mortality metrics, morale, and even economic health. And in the United States, poor sensemaking has resulted in unacceptable loss of life, low morale and misinformation, politicization of public health, economic fracture, and, worst of all, fear propagation. Similarly, understanding and integrating sensemaking leadership strategies will be critical for successfully navigating pandemic challenges in the context of legal institutions.

The CIP Model

The CIP Model is composed of three sensemaking pathways—charismatic, ideological, and pragmatic leadership—for effective crisis leadership.¹² Per Crayne and Medeiros, each pathway is diverse—associated with different assessment, action, and resolution strategies—yet equal—with no one superior pathway.

While data suggests that effective leaders incorporate elements from each of the three pathways in navigating crisis, the CIP model “has historically held that leaders align to a single predominant pathway.”¹³ Thus, each pathway will be individually evaluated as a practice of crisis leadership in the context of present challenges to legal institutions.

1) Charismatic Leadership

First, the charismatic leadership approach incorporates positivity and optimism in visionary forward planning and problem solving.¹⁴ Per Crayne and Medeiros, this leadership strategy entails framing challenges around broad goals vested in hope and inspiration. Thus, charismatic leadership is rooted in inclusivity, collective vision, and innovative, progressive solutions.

¹² Crayne et al., (2020).

¹³ Id.

¹⁴ Id.

This is similar to the practice of “encouraging the heart” in chapter seven of *Leading in Law*.¹⁵ Authors Donald Polden and Barry Z. Posner identify that encouraging the heart is rooted in external inspiration, affirmation, and creating a spirit of community and solidarity. Encouraging the heart, like charismatic leadership, requires personal investment in and connectedness with one’s community and followers, to best identify framing strategies for the crisis and the solution.

Given the broad-reaching personal implications of COVID-19, charismatic leadership and encouraging the heart are essential to tackling challenges in every legal institution, with specific focus on client services, law student support, and meeting the needs of internal teams. COVID-19 has presented unprecedented interpersonal challenges, with virtual isolation, displacement, financial strain, and significant mental and physical health risks and concerns. Thus, pairing optimism with sincere support and resilience-focused messaging is key for legal leaders to guide internal teams and members through the pandemic.

With focus on challenges to legal education, maintaining a sense of community was and is critical to navigating the pandemic. Historically, the American Bar Association (ABA) has maintained tight restrictions on distance learning, with no more than 15 hours of distance learning permitted after students have completed at least 28 credit hours.¹⁶ Thus, as law schools were tasked with rapidly transitioning to comprehensive virtual learning, students and professors were altogether unprepared for the virtual strain, community disconnection, and social and academic isolation.

¹⁵ Polden, D. J., Posner, B. Z. (2021). *Leading in Law: Leadership Development for Law Students*.

¹⁶ Ward, S. F. (2017). Distance learning standards under consideration by ABA Legal Ed Section. *ABA Journal*.

According to Mckinsey and Company, a leading management consulting company, “bounded optimism,” or confidence with realism is critical to transitional success.¹⁷ Bounded optimism is central to charismatic leadership and encouraging the heart and thus critical to contemporary crisis leadership across law schools. Authors and senior partners Gemma D’Auria and Aaron De Smet advise two separate applications of bounded optimism for early- and post-crisis resolution, which applies to law school crisis leadership.

Early in a crisis, law school administrators should project measured confidence that the school community and academic experience will remain resolute.¹⁸ This confidence must be paired with acknowledgement of the crisis and accompanying uncertainty, in addition to the school’s commitment to information gathering and then informed problem solving. After the crisis has lessened or resolved, administrators should replace measured confidence with optimism and positive community conversations.¹⁹

Per D’Auria and Smet, this bounded optimism must be coupled with empathy—leaders must “deal with the human tragedy as a first priority.”²⁰ In the context of law schools, administrators should continue to consider how students and community members are struggling and most importantly acknowledge this hurt, before presenting thoughtful solutions and opportunities for holistic support.

Bounded optimism, encouraging the heart, and charismatic leadership are all flavors of compassionate leadership, which has been and will continue to be vital to post-pandemic legal crisis resolution.

¹⁷ D’Auria, G., Smet A. D. (2020). Leadership in a crisis: Responding to the coronavirus outbreak and future challenges. *McKinsey & Company*.

¹⁸ D’Auria et al., (2020).

¹⁹ Id.

²⁰ Id.

2) Ideological Leadership

Second, ideological leadership is vision creation through shared values and group cohesion.²¹ Crayne and Medeiros describe this ideological sensemaking as “centered on a proverbial return to glory” and catered to the wants and needs of a dedicated group of followers. Though this practice can bleed into volatility, a thoughtful and responsible approach facilitates powerful connectedness and group effort.

Ideological leadership is comparable to the practice of “modeling the way.”²² Polden and Posner identify two active steps in modeling the way: (1) clarifying one’s values and (2) leading by example. First, clarifying one’s values as a leader is critical for clarifying one’s message. This reflective step then permits values-based action and presenting a pathway for concerted action, indicative of ideological leadership.

In the context of COVID-19 and legal institutions, community values must inform internal and external communications, how legal services are sustained and transformed, and what internal resources are made available. Thus, thoughtful ideological leadership is vital to longevity—as legal leaders must consider and integrate the values of clients and collaborators when devising solutions.

With focus on meeting the needs of internal teams, values-based leadership is key. At the onset of the pandemic, legal teams were forced to redefine, yet expand collaboration amidst virtual connectivity. Moreover, post-pandemic sustainability of the firm and in-house work relied on reconfiguring service offerings and shifting the workload. In both cases, legal leaders were tasked with identifying team values, building cohesion with shared values—such as internal support, collaboration focused, and cooperative success—and leading with these values.

²¹ Crayne et al., (2020).

²² Polden et al., (2021).

Per McKinsey and Company, COVID-19 has required legal leaders to organize and leverage a network of values-driven teams to “promote rapid problem solving and execution under high-stress.”²³ Authors D’Auria and Smet emphasize that these networks of teams must consist of adaptive, cross-functional members and be united by a clear, common purpose. Thus, ideological leadership and modeling the way is an effective catalyst for building and empowering strategic networks—vital to ongoing cross functional and adaptive legal internal collaboration.

3) Pragmatic Leadership

Lastly, the pragmatic leadership approach is emotionally neutral and focused on rational problem-solving, specific, and tangible goals, and efficient delegation and achievement.²⁴ Crayne and Medeiros distinguish pragmatic leadership as methodological and effective in short-term resolution. Thus, pragmatic leaders are quick to identify challenges and immediate solutions, though they are not necessarily visionaries.

Pragmatic leadership involves and requires the practice of “enabling others to act”.²⁵ Polden and Posner identify the value of effective delegation in productive leadership—teamwork is a must for any forward progress. This strategy involves (1) trust building and facilitating collaboration and (2) strengthening others.²⁶ Like pragmatic leadership, enabling others to act entails understanding and leveraging the skills of others to facilitate collective, cooperative success and crisis resolution.

To overcome the challenges of COVID-19 to legal institutions, pragmatic leadership is critical for logistical solutions and day-to-day crisis management. With the drastic shift to remote

²³ D’Auria et al., (2020).

²⁴ Crayne et al., (2020).

²⁵ Polden et al., (2021).

²⁶ Id.

and virtual operations—with virtual oral arguments, classes, pre-trial conferences, and team meetings—the practice and teaching of law demanded swift and systematic transition. The practice of pragmatic leadership was thus instrumental in transitioning to and overseeing remote services, platforms, and resources.

D’Auria and Smet of Mckinsey and Company evaluate pragmatic leadership and enabling others to act through the lens of efficient decision making. They caution that intuition and quick thinking alone are insufficient to meet legal crises. Instead, D’Auria and Smet recommend a strategy of pause, assess, anticipate, and then act. Practically, this requires thoughtful problem solving: (1) pausing as the crisis unfolds to assess the situation, collective challenges, and priority goals, (2) evaluating the challenges from multiple perspectives, (3) anticipating outcomes, and then (4) acting with resolve.²⁷

This cyclical strategy must continue to inform day-to-day decision making, connectivity opportunities, and technology solutions across legal institutions. Speed is not dispositive for success. Rather, pragmatic leadership and enabling others to act is rooted in thoughtful planning, understanding and leveraging one’s team, and then decisively acting.

Concluding Thoughts

As COVID-19 has unleashed on us all, leaders in all capacities have been tested to make sense of this crisis in thoughtful, productive, and meaningful ways. The CIP leadership model—coupled with Polden and Posner’s leadership strategies—presents a valuable framework for effective *sensemaking* and crisis leadership in the context of legal institutions.

While each of the three CIP leadership styles offer unique guideposts for assessment, communication, and action, the common thread is connecting with one’s community or team, meeting needs at a human level, and leading with thoughtfulness and tenacity.

²⁷ D’Auria et al., (2020).

Ultimately, this connectedness, compassion, and conviction drives capable crisis management and is essential to effective contemporary legal leadership and to the longevity of the legal field, beyond COVID-19. Thus, as I continue forward with my legal pathway, I will strive in this way—to not simply steer the ship, but to chart the course, with my community in mind and my heart leading the way.