

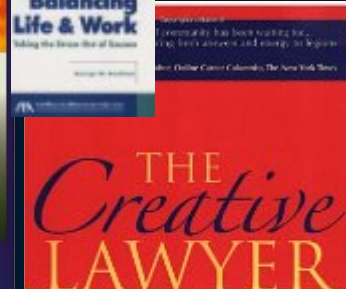
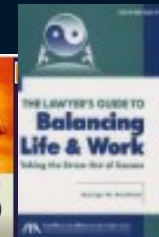
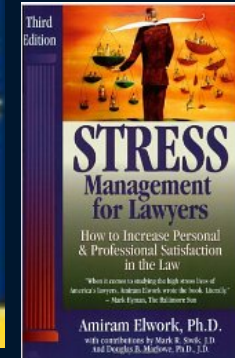
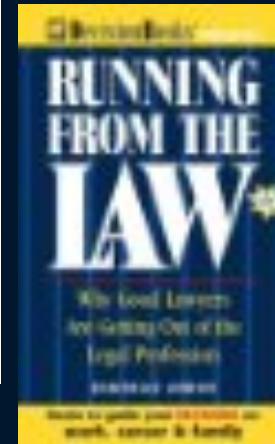
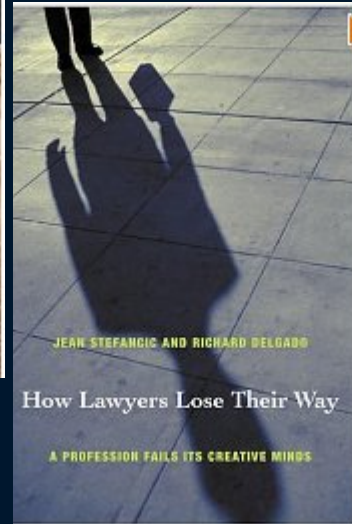
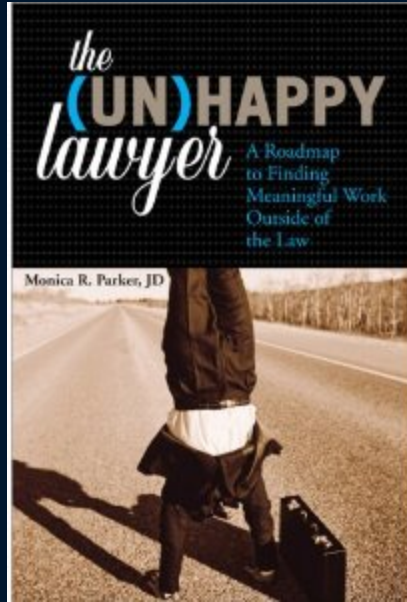
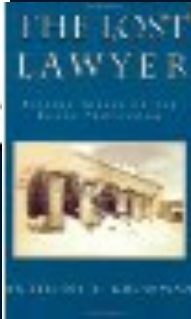


**PERSPECTIVES ON LEADERSHIP
COMPETENCIES:
The Current State of The Profession and
The
Comprehensive Law Movement**

Susan Daicoff
Professor, Florida Coastal School of Law

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The State of the Legal Profession



Economic Crisis: Effects on the Law

CRISIS

A large, bold Japanese character (kanji) representing 'Crisis' or 'Danger'. It is the character 危 (kui), which is composed of the radical 厃 (danger) and the radical 厃 (danger).

A time of danger;

A large, bold Japanese character (kanji) representing 'Opportunity'. It is the character 机 (ki), which is composed of the radical 木 (tree) and the radical 几 (table).

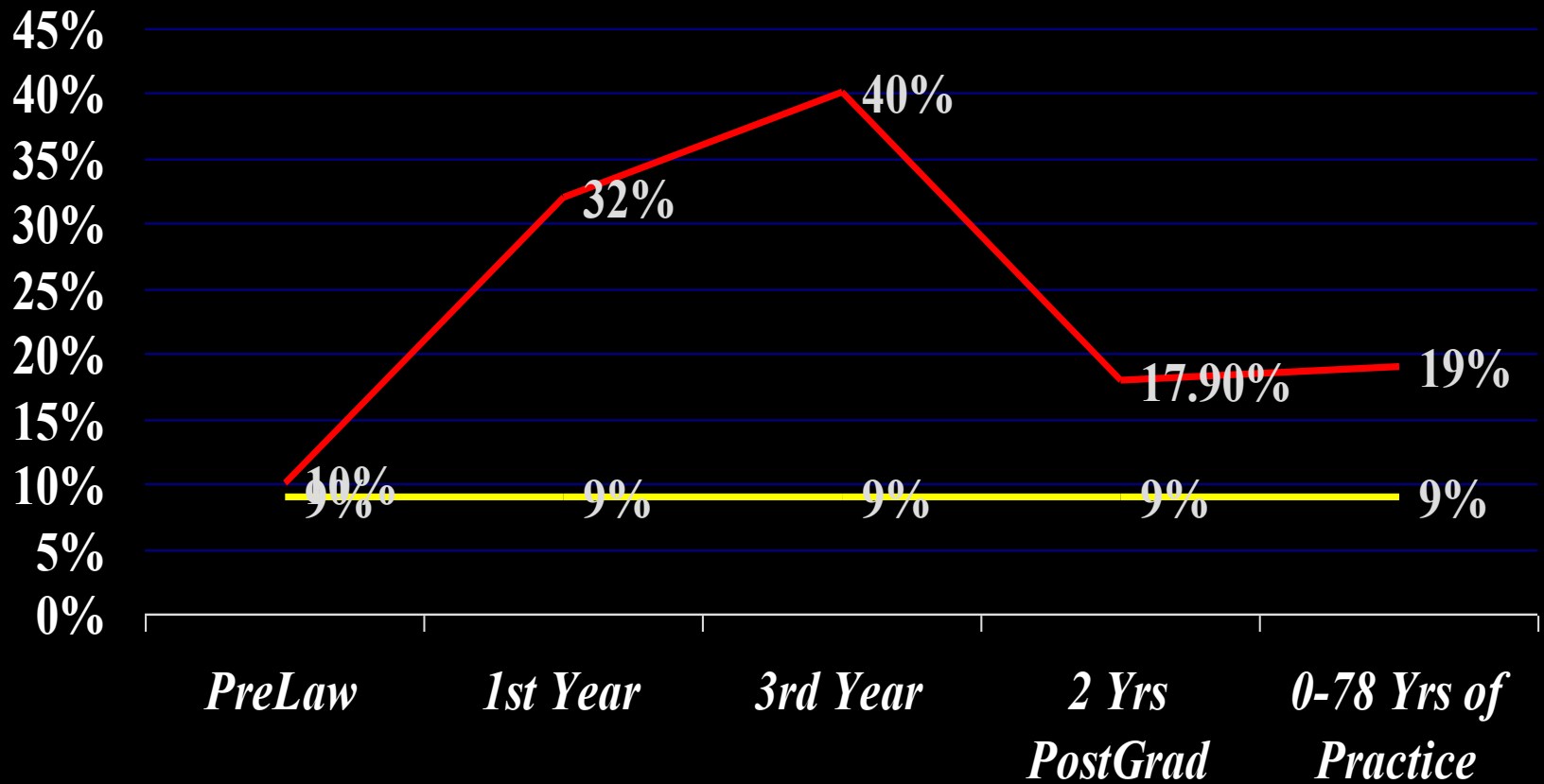
A time of opportunity;

ng

by

DEPRESSION

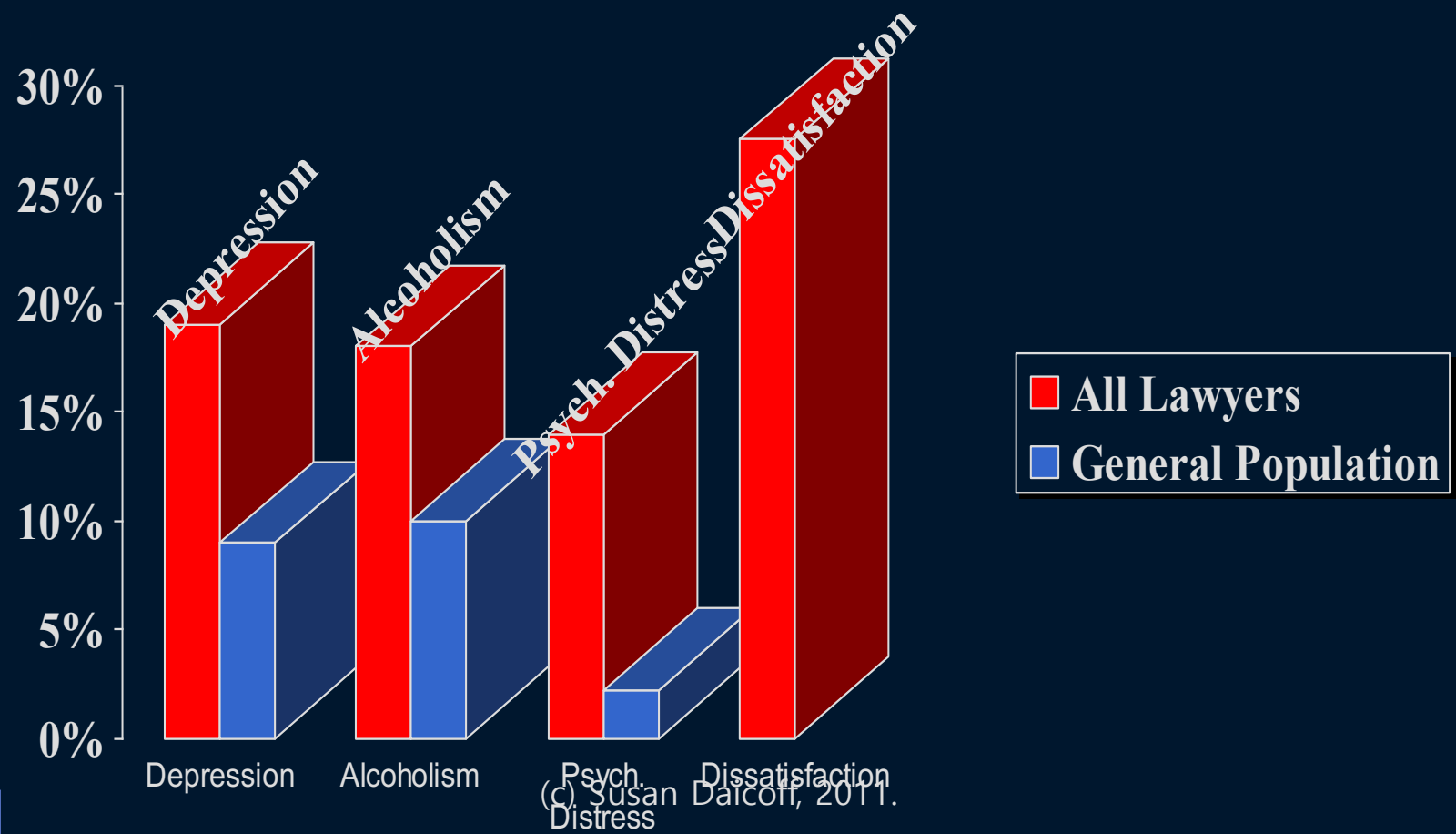
Among Law Students & Lawyers

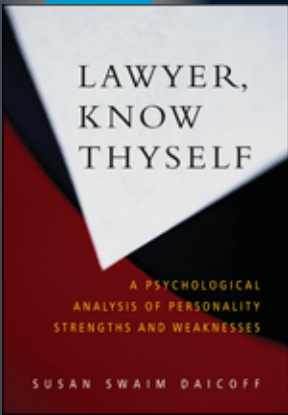


— Lawyers — General Population Maximum

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LAWYER DISTRESS: A Constant 20%?





THE “LAWYER PERSONALITY”

pessimism?

need for achievement;
ambitious under stress

materialism; value
economic bottom-
line

competitiveness

**DRIVE TO
ACHIEVE**

aggressive
under stress

**INTERPERSONAL
RELATING STYLE**

“Thinking” MBTI
preference over
“Feeling”

dominance

“rights” orientation
over ethic of care

interpersonal insensitivity

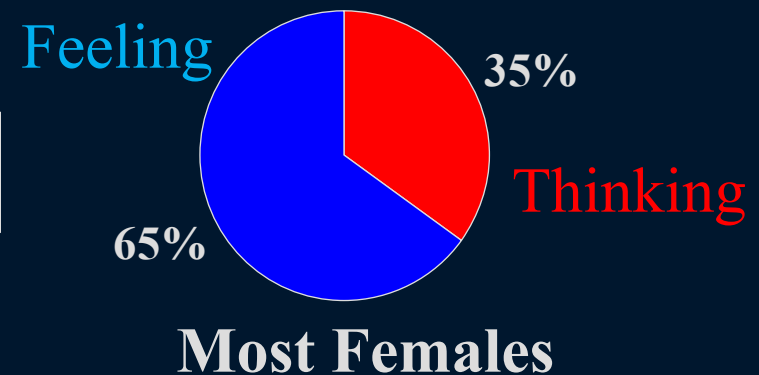
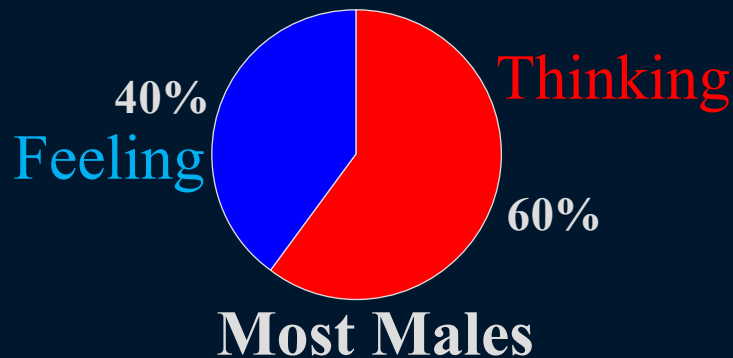
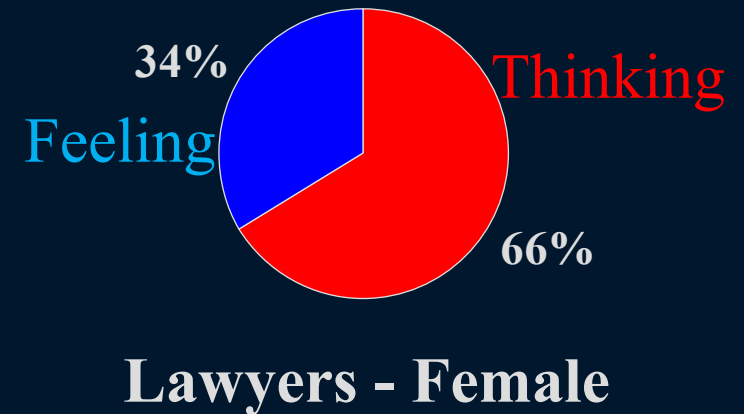
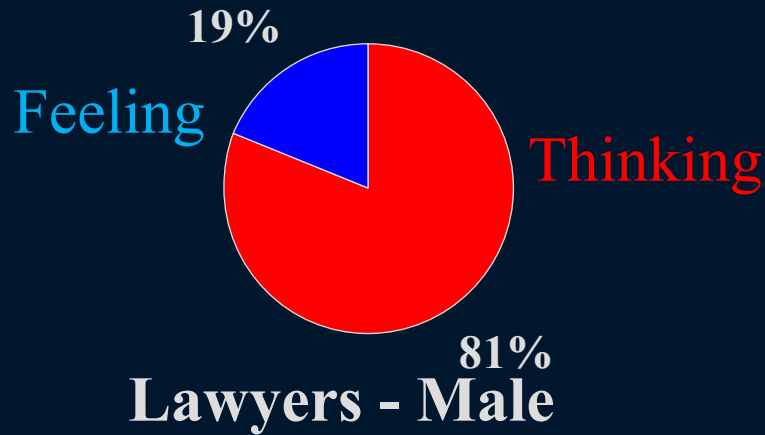
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HOW LAWYERS DIFFERED...

As children	Pre-law	Law school	In practice
Scholastic achievement			Need for achievement
leadership	need dominance, leadership, & attention	incr. aggression & ambition under stress	extroversion & sociability
active approach to life	less subordinate and deferent, more authoritarian	prefer competitive peer rel'p.s; don't rely on peers for support	competitive, masculine, argumentative, aggressive, dominant
Low interest in emotions or others' feelings	Low interest in emotions, interpersonal concerns, & others' feelings	Increased "rights" focus (justice, rationality, etc.) vs. "ethic of care"	Low interest in people, emotional concerns, & interpersonal matters; prefer "Thinking" & conventional, rights-based morality
	Higher SES, materialism	Decreased interest in public interest work	Focus on economic bottom-line of settlement options
	Normal levels of psychological problems	Elevated levels of psychological problems	Elevated levels of psychological problems & substance abuse

THINKING/FEELING

(Myers-Briggs Dimensions - Richard, 1994)



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“THINKING” vs. “FEELING”

Myers-Briggs Type Indicator Dimensions

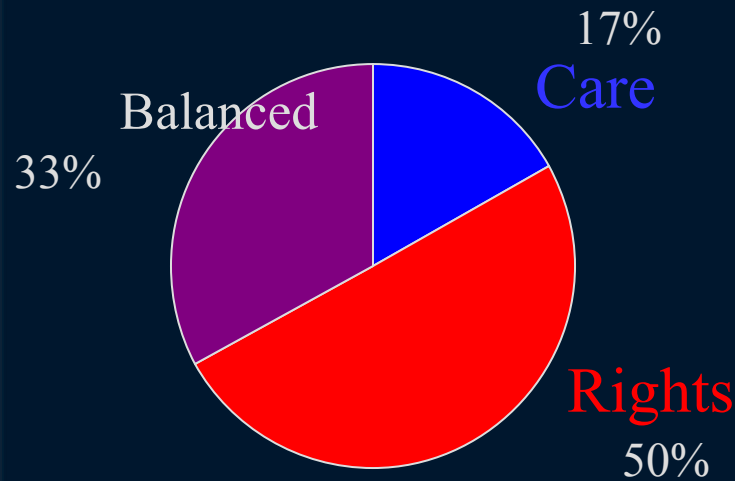
- **THINKERS:** value justice, rationality, truth, & objectivity; *decisions don't reflect own personal values*; can be cold & calculating; good problem-solvers
- **FEELERS:** value harmony, interpersonal rel'ps., praise & mercy; *apply their own personal values to make decisions*; seek to do what's right for self & others; sensitive to the effect of decisions on others

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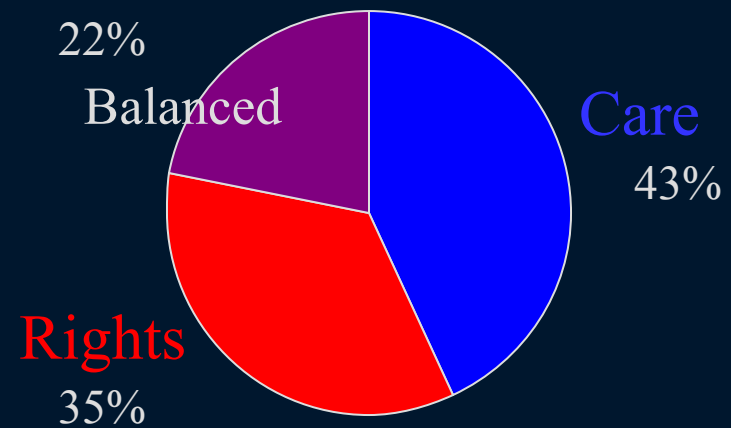
MORAL ORIENTATION

(Gilligan-Based Categories - Weissman, 1994)

Male Lawyers



Female Lawyers



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“ RIGHTS ORIENTATION” vs. “ETHIC OF CARE”

Gilligan-Based Dimensions

- **RIGHTS:** weighs conflicting rights & duties; seeks fairness, justice, & equality; maintains & applies rules, standards, & role oblig'ns. to arrive at clear, absolute answers
- **CARE:** contextual; focuses on harm to people; seeks to avoid harm, maintain & restore relationships & protect others from hurt; decisions by assessing relational harm to the vulnerabilities of parties

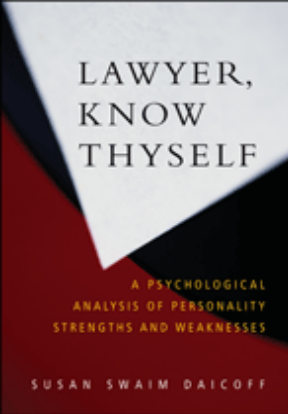
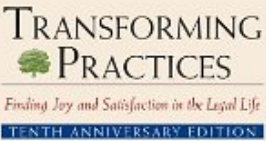
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EFFECTS OF LAW SCHOOL

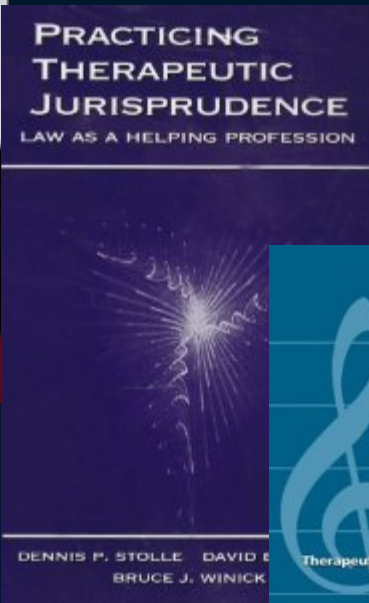


- Intrinsic motivation & community service values decrease
- **Extrinsic & appearance values** increase
- Shift from public interest work to **private practice**
- Ethic of care disappears
- Subtle fostering of: **pessimism, competitive peer relationships, introversion, & Thinking style of decisionmaking**
- **Distress develops (depression, lowered wellbeing)**

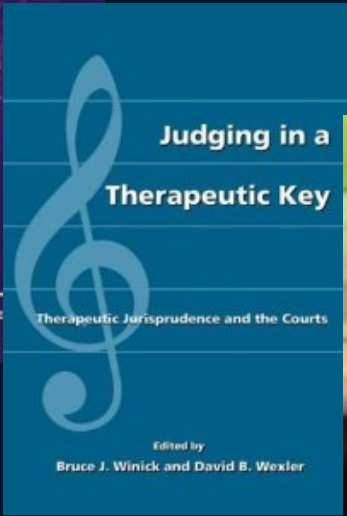
Solutions & Responses



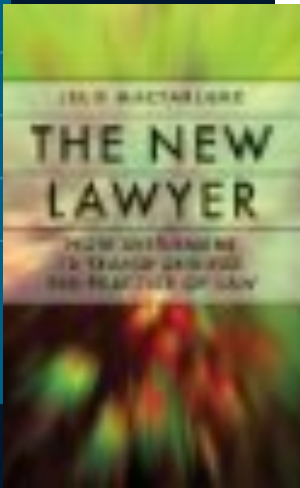
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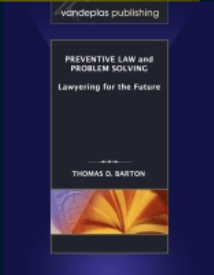
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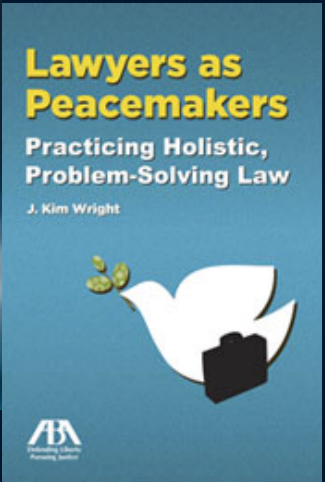
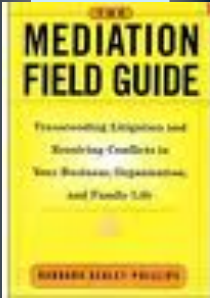
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Vectors of the Comprehensive Law Movement – Law as a Healing Profession

Mindfulness

Holistic justice

Creative problem solving

“TJ/PL”

Therapeutic jurisprudence

Preventive law

Collaborative law

Transformative mediation

Procedural justice

Restorative justice

Problem solving courts

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Common Ground of the “Vectors”

1. OPTIMIZING HUMAN WELLBEING

(harmony, healing, reconciliation, moral growth...)

2. “RIGHTS PLUS:” FOCUS ON EXTRALEGAL CONCERNS

(needs, goals, beliefs, morals, resources, relationships, community, psychological state of mind ...)



(c) Susan Daiconi, 2017

Comprehensive Justice



Traditional Justice

- Competitive
- Aggressive
- Ambitious
- Emphasis on winning (dominance)
- Rights-oriented
- Logical, analytical
- Materialistic, law-as-a-business
- Expert, zealous advocate for one client

Nonadversarial Justice

- Collaborative
- Interdisciplinary
- Win/win
- Interest-oriented
- Focused on emotions, values, needs, & relationships
- Holistic, right-brained
- Sustainable outcomes
- Conflict resolver & problem solver
- Equal partner with client

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The New Legal Skills



■ New Professional Role

- "Wise counselor," ethic of care
- Equal partner w/ client

■ New Intrapersonal Skills

- Countertransference
- Boundary management
- Anger management
- Selfawareness and selfknowledge
- Reflection, mindfulness
- Paternalism and coercion checks
- Appropriate self-disclosure

■ New Interpersonal Skills

- Listening
- Empathy
- Confrontation/wise counsel
- Apology, forgiveness, reconciliation
- Social science knowledge (e.g., procedural justice)

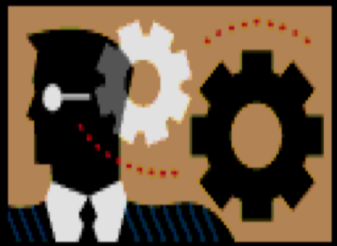
- Interdisciplinary collaboration
- Rewind/fast forward
- Psycholegal soft spot identification
- Triage of cases
- Collaboration & teambuilding
- Conflict resolution
- Problem solving

■ New Dispute Resolution Skills

- Mediation or advocacy in mediation
- Collaborative law, transformative mediation
- Procedural justice
- Restorative justice (circle process)
- Problem solving courts (DTCs, UFCs, etc.)

■ New Judging Skills

- Triage of cases
- Interdisciplinary competence
- Collaboration
- "tough love"



Leadership Skills

Self Awareness

Professors Cataland & Daicoff

Fall, 2010

“4 Quadrants”

	SELF	OTHERS
AWARENESS		
MANAGEMENT		

Skills of “Top” Canadian Lawyers (vs. Other Lawyers)

SKILL	TYPE OF LAWYER
Intrapersonal skills	Top dealmakers
Independence	Top litigators
General mood	Top dealmakers & women lawyers
Stress management	Top dealmakers & litigators
Interpersonal skills	Top women lawyers
Problem solving	Top litigators

Nontraditional Legal Skills Listed By Practicing Lawyers as Necessary For Law Practice

- Survey of Chicago & Minnesota lawyers:
 - Instilling others' confidence in you
 - Negotiation
 - Counseling
 - Ability to obtain and keep clients
- Survey of Montana lawyers:
 - Honesty
 - Integrity
 - Reliability
 - Judgment
 - Maturity
 - Dealing effectively with others
 - Motivation
 - Continued professional development
- Tolerance and patience
- Understanding human behavior
- Self-confidence
- Survey of Arizona lawyers in 2005:
 - Listening
 - Working cooperatively with others as part of a team
 - Problem solving
 - Counseling
 - Negotiation
 - Obtaining and keeping clients
 - Networking within the profession
 - Mediation
 - Strategic planning



LEADERSHIP SKILLS

■ SELF AWARENESS

- Interest/preference assessments

■ SELF MANAGEMENT

- Communication skills, reflection

■ AWARENESS OF OTHERS

- Empathy, listening

■ INTERACTION WITH OTHERS MGMT

- Communications skills, multicultural ed, teambuilding, problemsolving

■ STRATEGIC DECISIONMAKING MODEL

Millennials' Greatest Assets

- Work well collaboratively in groups/teams
- Peer oriented (e.g., use of social networks) & relational
- Excel in public presentations and real-life exercises
- Innovate - sidestep traditional methods and use technology (internet) to achieve goals (e.g., Napster)
- Demand "balance" of work/life/pleasure
- Celebrate cultural diversity
- "Hero/Civicmindedness" qualities
- *The next "Great Generation?"*

A Challenge

- TRAD. LEGAL EDUCATION

- Legal research

- Case analysis

- Written advocacy

- Oral advocacy

- Trial skills

- ...





CONCLUSIONS: Leadership Ed -

-
- can be challenged by the lawyer personality
- improves lawyer wellbeing
- is known by other names in other fields
- is an integral part of the law's future
- can benefit from exploring those other fields, as it grows

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Thank you for viewing. All statistical information derived from empirical studies conducted by others

Citations available on request.



Comments welcome - please e-mail me at sdaicoff@fcs1.edu

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