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Louis D. Bilionis

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LAW SCHOOL LEADERSHIP AND LEADERSHIP DEVELOPMENT FOR DEVELOPING LAWYERS

Louis D. Bilionis*

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INTRODUCTION: "A POSSIBLE BREAKTHROUGH MOMENT"

Let me begin by asking you to accept three premises regarding the topics of this symposium—leadership development, legal education, and lawyering. Each has been defended well elsewhere.

First, leadership skills are relevant and important to the success of professionals in the practice of law.[1] Indeed, core leadership skills are relevant and important to the success of law students in the typical law

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1. Professor Deborah L. Rhode has been in the vanguard in pressing the relevance of leadership competencies and skills to lawyers and the need for leadership development for lawyers and law students. *See* Deborah L. Rhode, *Leadership in Law*, 69 STAN. L. REV. 1603 *passim* (2017) (exploring dimensions of leadership and its applicability to lawyers); Deborah L. Rhode, *Leadership Lessons*, 83 TENN. L. REV. 713 *passim* (2016) (same); Deborah L. Rhode, *Developing Leadership*, 52 SANTA CLARA L. REV. 689 *passim* (2012) (same); Deborah L. Rhode, *Lawyers As Leaders*, 2010 MICH. ST. L. REV. 413 *passim* (same); *see also* DEBORAH L. RHODE & AMANDA K. PACKEL, LEADERSHIP: LAW, POLICY, AND MANAGEMENT (2011) (interdisciplinary text for teaching leadership and developing leadership skills, geared to law schools among other programs). For informative explorations of the leadership skills and competencies relevant to the practice of law, see Lori Berman et al., *Developing Attorneys for the Future: What Can We Learn from the Fast Trackers?*, 52 SANTA CLARA L. REV. 875, 888-98 (2012) (finding certain behavioral competencies associated with leadership as predictive of success of law firm associates); Neil Hamilton, *Leadership of Self: Each Student Taking Ownership Over Continuous Professional Development/Self-Directed Learning*, 58 SANTA CLARA L. REV. 567 (summarizing research on competencies that legal employers seek in a lawyer); George T. "Buck" Lewis & Douglas A. Blaze, *Training Leaders the Very Best Way We Can*, 83 TENN. L. REV. 771, 773-76, 786-89 (2016) (reporting on growing attention to leadership development in law schools and law firms, and noting relevant skills and competencies); Donald J. Polden. *Leadership Matters: Lawyers' Leadership Skills and Competencies*, 52 SANTA CLARA L. REV. 899 *passim* (2012) (examining leadership skills and competencies relevant to lawyers and noting emergence of law firm competency models); Scott A. Westfahl & David B. Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less*, 69 STAN. L. REV. 1667 *passim* (2017) (calling for law schools and the legal profession to collaborate better on leadership development for students and lawyers); *see also* LORI BERMAN ET AL., ACCELERATING LAWYER SUCCESS: HOW TO MAKE PARTNER, STAY HEALTHY, AND FLOURISH IN A LAW FIRM *passim* (2016) (guide for lawyers early in their career that focuses extensively on skills and competencies associated with leadership development); Laurie Bassi & Daniel McMurrer, *Leadership and Large Firm Success: A Statistical Analysis*, MCBASSI & CO. 4, 9 (Feb. 2008), http://www.leadershipforattorneys.org/articles/WhitePaper-LeadershipAndLawFirmSuccess%20Feb%208.pdf (reporting significance of lawyer leadership skills to law firm success; "[t]he single most important determinant of law firm success and profitability is the leadership skills and practices of partners . . . [and t]he most successful law firms . . . [v]alue and support learning and development[,] . . . [a]re open to innovation . . . [and e]nsure that information and training are readily available").

school program.[2]

Second, leadership skills can be taught, which is to say there are pedagogies that can effectively assist people to develop them.[3]

Third, leadership skills can be taught in an American law school,[4] which also is to say that the law school's political economy can support students in the development of their leadership skills without detracting

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2. The capacity for self-direction (sometimes spoken of in terms of self-awareness, leadership-of-self, self-knowledge, or self-directed learning) is fundamental to leadership; before one can serve and lead others, one must first be able to serve and lead one's self. As Deborah Rhode has written:

> Of all the qualities important for leadership, the most critical is self-knowledge. According to the Center for Creative Leadership, self-awareness is the primary characteristic that distinguishes successful leaders; it provides the foundation for professional development and correspondingly promotes organizational performance. The first step on lawyers' paths to leadership, then, is understanding what they want, what capabilities and experiences are necessary to achieve it, and what stands in the way. In thinking through their objectives, lawyers must be honest about their tolerance for risk, conflict, competition, pressure, and extended hours. At every stage of their careers, lawyers also need occasions to step back and assess whether the position they hold is a good fit, or at least a useful training ground. The most effective leaders are those who have an accurate sense of their capabilities and are able to place themselves in positions where their strengths are critical and where they can minimize or compensate for their weaknesses. The least effective leaders are those who are unable to learn from their mistakes and give priority to the needs of others.

Rhode, *Leadership in Law*, *supra* note 1, at 1611-12 (footnotes omitted).

A student's capacity for self-direction bears directly on his or her learning. *See, e.g.*, MALCOLM KNOWLES, SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS 18 (1975) (defining self-directed learning as "a process in which individuals take the initiative, with or without the help of others, in diagnosing their learning needs, formulating learning goals, identifying the human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes"); William M. Sullivan, *Foreword* to TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY ix, xiv (Richard L. Cruess et al. eds., 2d ed. 2016) (noting that "a strong professional identity requires that students develop a proactive stance toward their own learning and career choices" and that being a "self-directed learner . . . [is] an essential quality for a successful later life" as a professional). As Professor Neil Hamilton has noted, research indicates that many law students are at relatively early stages of development with respect to self-direction. *See* Neil Hamilton, *A Professional Formation/Professionalism Challenge: Many Students Need Help with Self-Directed Learning Concerning Their Professional Development Toward Excellence*, 27 REGENT U. L. REV. 225, 230-36 (2014). Accordingly, the development of key leadership competencies—synthesized as a "commitment to continuous professional development"—will lead to improved academic performance. *See* Hamilton, *supra* note 1.

3. *See, e.g.*, JAMES M. KOUZES & BARRY Z. POSNER, THE LEADERSHIP CHALLENGE 339-40 (4th ed. 2007) ("The truth is that leadership is *an observable set of skills and   abilities* . . . And any skills can be strengthened, honed, and enhanced, given the motivation and desire, along with practice and feedback, role models, and coaching.") (emphasis in original).

4. *See, e.g.*, ROBERT CULLEN, THE LEADING LAWYER: A GUIDE TO PRACTICING LAW AND LEADERSHIP (2008) (materials designed for teaching leadership to law students); RHODE & PACKEL, *supra* note 1 (interdisciplinary text for teaching leadership to law students); Lewis & Blaze, *supra* note 1, at 773-76 (noting leadership development courses and programs at American law schools).

from established priorities.[5] Law schools do not lack a wherewithal in this connection that other schools and numerous entities in the private sector possess.[6]

A growing number of legal educators have become persuaded of these premises and are calling for greater attention to leadership development's place in the work of American law schools. Some make the case directly in the name of leadership education.[7] Others— keeping with the approach of the Carnegie Foundation for the Advancement of Teaching's *Educating Lawyers*[8] and the path that medical education has pursued[9]—see leadership development as part of a broader law school

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5. *See, e.g.*, Louis D. Bilionis, *Professional Formation and the Political Economy of the American Law School*, 83 TENN. L. REV. 895, 903-14 (2016).

6. Writing in 2011, Deborah L. Rhode and Amanda K. Packel observed:
[T]he value of formal leadership education is gaining increased recognition. Leadership development is roughly a fifty-billion-dollar industry, and at least 700 academic institutions have leadership programs. Courses in this area are now a staple in management and policy schools, and are attracting increased interest in law and other professional programs. Attorneys who head law firms and nonprofit organizations are participating in a growing range of leadership development initiatives.
RHODE & PACKEL, *supra* note 1, at 4 (footnote omitted); *see also* Westfahl & Wilkins, *supra* note 1, at 1722 (noting that "leading professional services firms and the military all see leadership development as a core mission of their organizations and provide training, structured feedback, and experience and opportunities for professionals to build their leadership profiles").

7. *See, e.g.*, Lewis & Blaze, *supra* note 1; Polden, *supra* note 1; Rhode, *Leadership in Law*, *supra* note 1; Westfahl & Wilkins, *supra* note 1. Some law school initiatives have elected the leadership label. *See, e.g.*, *Leadership Development Program*, BAYLOR L. SCH., http://www.baylor.edu/law/currentstudents/index.php?id=933501 (last visited May 22, 2018) (describing Baylor's program in leadership development) [hereinafter *Leadership Development Program*]; *Program on Law and Leadership*, OHIO ST. UNIV. MORITZ C. L., http://moritzlaw.osu.edu/pll/ (last visited May 22, 2018) [hereinafter *Program on Law and Leadership*]; *Leadership Initiative*, SANTA CLARA SCH. L., http://law.scu.edu/leadership/ (last visited May 22, 2018) [hereinafter *Leadership Initiative*]; *Institute for Professional Leadership*, U. TENN. C. L., https://law.utk.edu/centers/leadership/ (last visited May 22, 2018) [hereinafter *Institute for Professional Leadership*].

8. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 28, 129 (2007) [hereinafter EDUCATING LAWYERS] (promoting the formation of professional identity and purpose as central to the development of law students into lawyers).

9. *See, e.g.*, TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY *passim* (Richard L. Cruess et al. eds., 2d ed. 2016) [hereinafter TEACHING MEDICAL PROFESSIONALISM] (exploring innovations in medical education focused on the formation of professional identity); Richard L. Cruess et al., *Reframing Medical Education to Support Professional Identity Formation*, 89 ACAD. MED. 1446 *passim* (2014) (same). For explorations of how medical education's experiences might bear on legal education, *see* Neil Hamilton, *Professional-Identity/Professional-Formation/Professionalism Learning Outcomes: What Can We Learn About Assessment From Medical Education?*, 14 U. ST. THOMAS L.J. 357 (2018), and Neil Hamilton & Sarah Schaefer, *What Legal Education Can Learn From Medical Education About Competency-Based Learning Outcomes Including Those Related to Professional Formation and Professionalism*, 29 GEO. J. LEGAL ETHICS 399 (2016).

responsibility to provide purposeful support for students in the formation of their professional identity.[10]   For yet others, development of leadership skills figures in a law school's appropriate commitment to the professionalism, professional development, or wellness of its students.[11] These educators, it has been said, constitute a "coalition of the willing"—law school faculty and staff who are adopting innovations to help advance their students in their development as professionals, and who are inviting their colleagues in legal education to join in, too.[12]

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10.   Professor Neil Hamilton and his colleague, Professor Jerome M. Organ, favor the professional identity formation formulation. *See, e.g.*, Hamilton, *supra* note 9; Neil Hamilton & Jerome M. Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 TENN. L. REV. 843 (2016); Jerome M. Organ, *Is There Sufficient Human Resource Capacity to Support Robust Professional Identity Formation Learning Outcomes?*, 14 U. ST. THOMAS L.J. 458 (2018). I share their preference. *See* Louis D. Bilionis, *Bringing Purposefulness to the American Law School's Support of Professional Identity Formation*, 14 U. ST. THOMAS L. REV. 480 (2018); Bilionis, *supra* note 5. For an example of a law school initiative cast in professional formation terms, see *Parris Institute for Professional Formation*, PEPP. SCH. L., https://law.pepperdine.edu/parris-institute/ (last visited May 22, 2018) [hereinafter *Parris Institute for Professional Formation*].

11.   The literature on professionalism, professional development, and legal education is legion. For an example of a leadership development initiative within the law school opting for the professionalism label, see *Professionalism and The Work of Lawyers*, U. ARK. LITTLE ROCK WILLIAM H. BOWEN SCH. L., http://ualr.edu/law/academics/professionalism-and-the-work-of-lawyers/ (last visited May 22, 2018) (describing University of Arkansas Bowen School of Law's elective for first-year students).

From the wellness perspective, Lawrence S. Krieger and Kennon M. Sheldon have written:

> [T]he findings repeatedly suggest the need for a systematic effort to recast perceptions of "success" in law school and the profession, by shifting institutional emphases from competition, status, and tangible benefits to support, collaboration, interest, and personal purpose. The research suggests particularly important responsibilities for law teachers. They impact students early in the formation of professional attitudes and identities, and that impact is apparently negative for many students, particularly with regard to the kinds of internal psychological factors found here to be the primary correlates of lawyer well-being. First, educating law students about these findings should decrease anxiety, stress, and excessive competition, because grades, honors, and the other zero-sum competitive factors measured in the study had limited to nil associations with well-being. By contrast, none of the factors found to bear strongly on well-being involve limited resources; all are products of a student's or lawyer's individual choices. A second important strategy for law teachers would be to approach the task of teaching legal analysis with humility, clearly conveying to students that, although this skill will enable them to dispassionately analyze and argue legal issues while setting aside their own instincts, values, morals, and sense of caring for others, such a skill must be narrowly confined to those analytical situations. This is not a superior way of thinking that can be employed in personal life, or even in most work situations, without suffering psychological consequences.

Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 624 (2015) (footnotes omitted).

12.   *See, e.g.*, Hamilton & Organ, *supra* note 10, at 877 (noting their view that a "coalition of the willing" has been the best strategy for building a core group of faculty and staff

William M. Sullivan, one of the co-authors of *Educating Lawyers*, has spotlighted the potential here. "[I]f history is a guide," Sullivan wrote, "the new focus in legal education on professional identity formation and the creation of core groups of faculty and staff at different schools around the country portend a possible breakthrough moment" that could culminate in a "catalytic reframing" of legal education.[13] People trained as lawyers, and that includes legal educators, lean toward caution and will meet a prognosis like Sullivan's guardedly. But no one—and especially no one interested in the importance of leadership—should miss the import of Sullivan's point. The "possible breakthrough moment" presents a prime leadership opportunity and challenge for legal education generally and the coalition of the willing particularly. As we press the importance of bringing leadership development to law schools and the developing lawyers they educate, we do well to consciously consider the law school leadership necessary to make it happen.

I. THE LEADERSHIP OPPORTUNITY: POSITIVE CHANGE, THE DIFFUSION OF INNOVATIONS, AND THE ROAD IMMEDIATELY AHEAD

How might members of the coalition of the willing proceed from here to bring about the positive change in legal education that they envision? The work of Everett M. Rogers, the 20th century sociologist and communications theorist, proves illuminating.

A. Positive Change as the Diffusion of an Innovation

In his influential *Diffusion of Innovations*,[14] Rogers explained how an *innovation*—"an idea, practice, or object that is perceived as new by an individual or other unit of adoption"[15]—earns acceptance. Called *diffusion*, it is "the process by which an innovation is communicated through certain channels over time among the members of a social system."[16] Individuals adopt an innovation sequentially rather than

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committed to professional identity formation goals in the law school); Hamilton, *supra* note 2, at 252 (recommending a "coalition of the willing" approach to curriculum reform in the area of professional identity formation, citing William D. Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461, 503-04 (2013), who advocates the approach for reform in legal education more generally).

13. William M. Sullivan, *Professional Formation as Social Movement*, 23 PROF. LAW. 26, 31 (2015).

14. EVERETT M. ROGERS, DIFFUSION OF INNOVATIONS (1962) (Free Press 3d ed. 1983).

15. *Id.* at 11.

16. *Id.* at 5. Rogers elaborated:

Diffusion is a kind of *social change*, defined as the process by which alteration occurs in the structure and function of a social system. When new ideas are invented, diffused, and are adopted or rejected, leading to certain consequences, social change occurs. Of course, such change can happen in other ways too, for example, through a political revolution or through a natural event like a drought or earthquake.

simultaneously, and Rogers drew on studies of various innovations in a variety of settings to conclude that the distribution of adopters over time follows a bell-shaped curve and approaches normality.[17] Rogers' bell-shaped *diffusion curve* supports the recognition of five different categories of adopters, each containing individuals with a similar degree of innovativeness[18] and including a standardized percentage of the population.[19]   Here are the five categories, the percentage of the population that each represents, and the dominant characteristics and values Rogers associated with each:

1. Innovators (2.5 percent[20]): Innovators are *venturesome*. The innovator "desires the hazardous, the rash, the daring, and the risky . . .. While an innovator may not be respected by the other members of a social system, the innovator plays an important role in the diffusion process: that of launching the new idea in the social system by importing the innovation from outside of the system's boundaries. Thus, the innovator plays a gatekeeping role in the flow of new ideas into a social system."[21]

2. Early Adopters (13.5 percent[22]): The early adopter is, in a word, *respectable.* "Early adopters are a more integrated part of the local social system than are innovators," and enjoy "the greatest degree of opinion leadership in most social systems."[23] The early adopter "is generally sought by change agents to be a local missionary for speeding the diffusion process" because he or she is respected by peers, tends to be regarded as a role model, is reputed for making "judicious innovation decisions," and "is considered by many as 'the individual to check with' before using a new idea."[24] Accordingly, "the role of the early adopter is to decrease uncertainty about a new idea by adopting it, and then conveying a subjective evaluation of the innovation to near-peers by means of interpersonal networks."[25]

3. Early Majority (34 percent[26]): Members of the early majority are *deliberate*. They "interact frequently with their peers, but seldom

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Id. at 6.

17. *Id.* at 245.
18. *Id.* at 241.
19. ROGERS, *supra* note 14, at 246.
20. *Id.*
21. *Id.* at 248. Being an innovator is not the same as being a leader. "The most innovative member of a system is very often perceived as a deviant from the social system, and he or she is accorded a somewhat dubious status of low credibility by the average members of the system." *Id.* at 27.
22. *Id.* at 246.
23. *Id.* at 246, 248-49.
24. *Id.* at 249.
25. ROGERS, *supra* note 14, at 249.
26. *Id.* at 246.

hold leadership positions," and "follow with deliberate willingness in adopting innovations, but seldom lead."[27] The early majority occupy a "unique position between the very early and the relatively late to adopt [that] makes them an important link in the diffusion process. They provide interconnectedness in the system's networks."[28]

    4. Late Majority (34 percent[29]):   *Skeptical* is the salient characteristic of members of the late majority. "The weight of system norms must definitely favor the innovation before the late majority are convinced. They can be persuaded of the utility of new ideas, but the pressure of peers is necessary to motivate adoption [and] [a]lmost all of the uncertainty about a new idea must be removed before the late majority feel that it is safe to adopt."[30]

    5. Laggards (16 percent[31]):   Laggards, the last to adopt an innovation, are *traditional* in their orientation. They are "extremely cautious" in adopting new ideas and practices and "tend to be frankly suspicious of innovations and change agents."[32] They are the most "localite" in terms of outlook within their social system, and "possess almost no opinion leadership."[33] Laggards make the past their "point of reference" and "interact primarily with others who also have relatively traditional values." They seek relative certainty that an innovation will not fail.[34]

    Rogers expected his depiction of adopter categories would be useful to people seeking to lead change in a social system,[35] and prominent advocates for reform in legal education have perceived its value when looking to the road ahead. Professor William D. Henderson champions the usefulness of Rogers' work for lawyers and legal educators, and he maintains a section on his *Legal Evolution* blog

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    27. *Id.* at 249.
    28. *Id.*
    29. *Id.* at 246.
    30. *Id.* at 249-50.
    31. ROGERS, *supra* note 14, at 246.
    32. *Id.* at 250.
    33. *Id.*
    34. *Id.* at 250-51. Rogers issued an advisory on his use of the word "laggard:"
  Many observers have noted that "laggard" is a bad name, and it is undoubtedly true that this title of the adopter category carries an invidious distinction (in much the same way that "lower class" is a negative nomenclature). Laggard is a bad name because most nonlaggards have a strong pro-innovation bias. Diffusion scholars who use adopter categories in their research do not mean any particular disrespect by the term "laggard." Indeed if they used any other term instead of laggards, it would soon have a similar negative connotation. But it is a mistake to imply that laggards are somehow at fault for being relatively late to adopt; this is an illustration of individual-blame where system-blame may more accurately describe much of the reality of the laggards' situation. *Id.*
    35. *See id.* at 241-42.

dedicated to diffusion theory. [36] Of direct relevance to our inquiry is Professor Jerome M. Organ's effort to describe through Rogers' lens the characteristics and concerns of law school faculty members with respect to innovations to support the professional identity formation of law students.[37] In the pages that follow, I hope to expand on Organ's insights so that coalition members can appreciate better where they are situated vis à vis their legal education colleagues, the contours of the leadership opportunity before them, and their own substantial leadership potential.

B. The Coalition of the Willing as Early Adopters and Leaders

Venturesome innovators may be among them, but most people in the coalition today seem to qualify as respectable early adopters in the Rogers vein. Neither hazardous, nor rash, nor daring, nor risky, they are people who have adopted an innovation that has been in the making since *Educating Lawyers* was published more than a decade ago: *the idea that legal education must include purposeful efforts to support professional identity formation, such as the development of leadership skills*. (In Part II of this article, we will explore further the nature of this innovation and how it is elaborated by re-invention to make it more broadly adoptable and implementable.) The women and men who are early adopters come from across the law school enterprise—including professors and instructors, deans, career services professionals, academic success directors, student affairs professionals, counselors, program coordinators, and librarians—and they are respected in their institutions and professional cohorts in the legal academy. Some have adopted the idea and put it to work formally in their own teaching or advising of students. Some have adopted the idea and implement it in administrative assignments. Some have adopted the idea just as committedly as the aforementioned, but for appreciable reasons have not themselves put it into formal, noticeable practice with students. They may be sympathetic to supporting the innovation as a law school priority, but may feel uncertain about how to implement the idea in their classes in a way they would deem meaningful and worthwhile. Or they may believe the idea's implementation is best focused in domains other than their own, where it might be pursued more effectively and efficiently.[38]

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36. *See* Bill Henderson, *Confusing Conversations About Clients (048)*, LEGAL EVOLUTION (May 6, 2018) https://www.legalevolution.org/category/diffusion-theory/. Henderson's blog includes some fine distillations of Rogers' *Diffusion of Innovations*. *See* Bill Henderson, *Change Agents and Opinion Leaders (020)*, LEGAL EVOLUTION (Aug. 16, 2017), https://www.legalevolution.org/2017/08/change-agents-opinion-leaders-020/; Bill Henderson, *What Is the Rogers Diffusion Curve? (004)*, LEGAL EVOLUTION (May 8, 2017), https://www.legalevolution.org/2017/05/rogers-diffusion-curve-004/.

37. *See* Organ, *supra* note 10, at 470-76.

38. Rogers defined adoption as "a decision to make full use of an innovation as the best

The coalition of the willing is a coalition of early adopters, and Rogers tells us early adopters are role models and opinion leaders. They can accelerate the diffusion process by their adoption and adaptation of an innovation and their interpersonal communication with colleagues about it. Their views and actions matter to subsequent adopters, alleviating uncertainty about the innovation and the risk-aversity that subsequent adopters tend to harbor. Early adopters enjoy the greatest degree of opinion leadership[39]—and opinion leaders, Rogers noted, "*have followings*, whereas innovators are simply the first to adopt new ideas."[40]

To come this far spotlights a crucial first point. Rogers' diffusion curve bids members of the coalition of the willing to see that, as early adopters, they are uniquely positioned and empowered as leaders in the reform project. They may not realize it, but they possess unmatched capacity to lead legal education toward the positive change they desire. Capitalizing on Sullivan's "possible breakthrough moment" depends indispensably on their leadership.

C. Potential Next Adopters as Potential Followers

Will the legal educators who next follow the coalition's lead be the first representatives of Rogers' third segment of adopters, the early majority whose arrival could mark a vital tipping point?[41] Or is that destination farther away, with numbers still needed to fill out the ranks of the second segment, the early adopters? One might be tempted to

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course of action." ROGERS, *supra* note 14, at 21. In an organization like a law school, individual adoptions of an idea do not in and of themselves constitute an organizational adoption. And given the division of labor and responsibility in an organization, individuals who adopt an idea germane to the organization's direction may not be positioned to move directly to implementation on their own. These facts do not, however, render those individual adoptions of the idea insignificant. As Rogers noted, individual adoptions of the idea can set the proposed innovation onto the organization's agenda, raising awareness of the opportunistic value of the innovation to the organization or its value in rectifying an organizational deficiency, or both. *See id.* at 362-64.

39. *See supra* notes 22-25 and accompanying text.

40. ROGERS, *supra* note 14, at 332 (emphasis supplied). The significance of opinion leadership should not be underestimated:

Opinion leadership is the degree to which an individual is able to influence other individuals' attitudes or overt behavior informally in a desired way with relative frequency. It is a type of informal leadership, rather than a function of the individual's formal position or status in the system. Opinion leadership is earned and maintained by the individual's technical competence, social accessibility, and conformity to the system's norms. . . . By their close conformity to the system's norms, opinion leaders serve as an apt model for the innovation behavior of their followers. Opinion leaders thus exemplify and express the system's structure.

Id. at 27-28; *see also id.* at 331 ("noting that "[c]hange agent success is positively related to the extent that he or she works through opinion leaders") (emphasis omitted).

41. *See, e.g.*, Organ, *supra* note 10, at 470-71. (suggesting that formation of the early majority segment can constitute a "tipping point" leading to more widespread adoption).

hazard an optimistic guess given the progress to date,[42] but plotting our precise position on the diffusion curve seems impossible.[43] As it is, pinpoint location is unnecessary to answer the question that matters most: *how people in the coalition of the willing should exercise their leadership capacity*. One can believe devoutly that everyone in a community counts and be mindful of their views, needs, and wants, yet choose a leadership strategy that concentrates on individuals likely to take the community closer to consensus more quickly. To that end, the diffusion curve offers a valuable second point for the benefit of the coalition of the willing. It makes strategic sense for coalition members to posit that they stand at the early majority's doorstep and to exercise their leadership specifically to meet legal education colleagues with early majority sensibilities "where they are."[44] Such a strategy slights no one. Any remaining early adopters theoretically need less to reach a decision to adopt or reject (and likely would be difficult to distinguish from early majority colleagues). Skeptics (i.e., the late majority) and hard-to-move traditionalists (i.e., the laggards), on the other hand, need much more, including something that simply cannot be provided now—

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42. Over the past five years, nearly 200 faculty members, administrators, and staff members from 35 law schools have attended workshops on professional identity formation hosted by the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas Law School. *See id*. at 471-72. As of February 15, 2018, more than 90 law schools have posted learning outcomes relating to professional identity formation that exceed the minimum requirements of the relevant accreditation standard, Standard 302. Hamilton*, supra* note 1. As of March 2018, at least 24 ABA accredited law schools had leadership development programs, and 34 had leadership development courses. *See* Leah Witcher Jackson Teague, *Training Lawyers For Leadership*, 58 SANTA CLARA L. REV. 633. As of August 2017, at least 30 law schools were requiring students in their first year to take a course with some purposeful emphasis on aspects of professional identity formation. *See, e.g.*, Jerome M. Organ, *First-Year Courses/Programs Focused on Professional Development and Professional Identity Formation: Many Flowers are Blooming*, NALP PD Q. 24-30 (Aug. 2017), https://www.stthomas.edu/media/hollorancenter/pdf/0817PDQOrgan.pdf.

43. The question is complicated by the nature of the innovation and the environment we are discussing:

> [W]ithin legal education there is both an individual engagement and a collective engagement. Law professors are not likely to generate a tipping point by themselves without a larger engagement of these innovations across the collective enterprise that is the law school. Legal education is not likely to experience a tipping point unless a number of law schools have collectively decided to embrace the innovation. Legal education and law schools thus present something of an organizational challenge for diffusion theory.

Organ, *supra* note 10, at 471. We will explore the interrelationship between individual and organizational adoption in the law school context later in this article. *See infra* notes 97-99 and accompanying text.

44. Meeting students and faculty "where they are" has become a foundational principle for leaders promoting change in legal education. *See* Neil Hamilton, *Formation-of-An-Ethical-Professional-Identity (Professionalism) Learning Outcomes and E-Portfolio Formative Assessments*, 48 U. PAC. L. REV. 847, 859-60 (2017) (asserting the principle); *see also* Organ, *supra* note 10, at 461. Hamilton & Organ, *supra* note 10, at 851, 876.

evidence that their early majority colleagues already have bought in.[45]

D. Meeting the Early Majority Where They Are

To meet early majority faculty and administrators where they are, one must be able to recognize the early majority. Rogers actually had little to say specifically about their characteristics, pointing out that an early majority member seldom leads or holds a leadership position, yet interacts frequently with peers and "follow[s] with *deliberate willingness* in adopting innovations."[46] The identification task might be aided by a process of elimination, checking for the absence of characteristics that a potential member of the early majority would *not* exhibit. Later adopters, to translate Rogers into a lawyer's terms, set appreciably higher burdens of persuasion than their colleagues. They register considerably greater risk-aversity and unease with uncertainty, exhibiting *skepticism* or outright *suspicion* toward an innovation and requiring at least near certainty that an innovation will not fail.[47] Members of the early majority are more amenable.

Meeting early majority colleagues where they are also means appreciating what they are experiencing. Rogers called it the *innovation-decision process*—a five-stage "process through which an individual (or other decision-making unit) passes from first knowledge of an innovation [the *knowledge stage*], to forming an attitude toward the innovation [the *persuasion stage*], to a decision to adopt or reject [the *decision stage*], to implementation of the new idea [the *implementation stage*], and to confirmation of this decision [the *confirmation stage*]."[48] Many faculty members and administrators who might become early majority adopters probably are at the knowledge stage, becoming acquainted with the idea of professional identity formation and how the law school can support it.[49] If during this stage the individual perceives the idea as relevant to her or his situation, a move to the persuasion stage can occur.[50] During the persuasion stage, the individual will come to form an attitude toward the idea, progressing from "knowing" about the innovation to having a "feeling" about it, becoming "more

45. *See* ROGERS, *supra* note 14, at 249-50. Jerry Organ notes that law faculty with late majority or laggard sensibilities also may believe that professional formation initiatives will detract from the school's academic program to the detriment of student success on the bar, or that such initiative open the door to a consideration of subjective values that is inappropriate to the legal educational process. *See* Organ, *supra* note 10, at 473-76.

46. *See* ROGERS, *supra* note 14, at 249 (emphasis supplied); *see also supra* notes 22-25 and accompanying text (discussing characteristics of early majority adopters).

47. *See* ROGERS, *supra* note 14, at 249-50.

48. *Id.* at 163.

49. *Id.* at 164 (discussing knowledge stage).

50. *Id.* at 169.

psychologically involved with the innovation." [51]

Our colleagues in these stages, Rogers tells us, will be forming perceptions of the innovation with respect to five key attributes: *relative advantage*, *compatibility*, *complexity*, *trialability*, and *observability*.[52] Other perceived qualities can bear on adoption, but these five are the most important. "In general, innovations that are perceived by receivers as having greater relative advantage, compatibility, trialability, observability, and less complexity will be adopted more rapidly than other innovations."[53]

Relative advantage is "the degree to which an innovation is perceived as being better than the idea it supersedes," and is positively related to the innovation's rate of adoption.[54] Rogers elaborated:

> The degree of relative advantage may be measured in economic terms, but social-prestige factors, convenience, and satisfaction are also often important components. It does not matter so much whether an innovation has a great deal of "objective" advantage. What does matter is whether an individual perceives the innovation as advantageous.[55]

Rogers found it "not surprising that diffusion scholars have found relative advantage to be one of the best predictors of an innovation's rate of adoption. Relative advantage, in one sense, indicates the strength of the reward or punishment resulting from adoption of an innovation."[56]

Compatibility is "the degree to which an innovation is perceived as consistent with the existing values, past experiences, and needs of potential adopters,"[57] and is positively related to an innovation's rate of adoption.[58] Diffusion of an innovation is fundamentally "an uncertainty-reduction process,"[59] and compatibility renders an innovation less uncertain to the adopter.[60] To adopt an innovation incompatible with prevalent values and norms, on the other hand, might require the adoption of a new value system first.[61]

Complexity is "the degree to which an innovation is perceived as

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51. *Id.* at 169-70 (discussing persuasion stage).
52. *Id.* at 211.
53. ROGERS, *supra* note 14, at 16. Foremost among those attributes will be its relative advantage for the individual, its complexity, and its compatibility with the individual's values, needs, and experiences. *See id.* at 212.
54. *Id.* at 213.
55. *Id.* at 15.
56. *Id.* at 217.
57. *Id.* at 15.
58. *Id.* at 226.
59. ROGERS, *supra* note 14, at 217.
60. *Id.* at 223.
61. *Id.* at 15.

relatively difficult to understand and use."[62] Although Rogers found the evidence "far from conclusive," he suggested that an innovation's perceived complexity is negatively related to its rate of adoption.[63] "In general, new ideas that are simpler to understand will be adopted more rapidly than innovations that require the adopter to develop new skills and understandings."[64]

Trialability is "the degree to which an innovation may be experimented with on a limited basis," and is a quality positively related to the rate of an innovation's adoption.[65] "New ideas that can be tried on the installment plan . . . represent[] less uncertainty to the individual . . ., as it is possible to learn by doing."[66] Trialability is less important to relatively later adopters. "[L]ater adopters are surrounded by peers who have already adopted the innovation. These peers may act as a psychological or vicarious trial for the later adopters, and hence, the actual trial of a new idea is of less significance for them."[67]

Observability is "the degree to which the results of an innovation are visible to others," and is positively related to the innovation's rate of adoption.[68] "The easier it is for individuals to see the results of an innovation, the more likely they are to adopt. Such visibility stimulates peer discussion of a new idea, as friends and neighbors of an adopter ask him or her for innovation-evaluation information about it."[69]

As law school faculty and staff process these considerations, they will grapple with the uncertainty associated with undertaking professional identity support. "At the persuasion stage, and especially at the decision stage, an individual typically is motivated to seek innovation-evaluation information, which is the reduction in uncertainty about an innovation's expected consequences. Here an individual usually wants to know the answers to such questions as 'What are the innovation's consequences?' and 'What will its advantages and disadvantages be in my situation?' "[70] To answer such questions, the individual turns to interpersonal networks that convey the needed innovation-evaluation information.[71]

This produces a clearer picture of what it means for members of the coalition of the willing to *meet* their early majority colleagues where they

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62. *Id.* at 230.
63. *Id.* at 231.
64. *Id.* at 15.
65. ROGERS, *supra* note 14, at 231.
66. *Id.* at 15-16.
67. *Id.* at 231.
68. *Id.* at 232.
69. *Id.* at 16.
70. *Id.* at 170.
71. ROGERS, *supra* note 14, at 271.

are. Coalition members are the central players in the networks that will influence early majority next adopters. They are the opinion leaders who activate the flow of innovation-evaluation information and whose views and actions are most credited and influential.[72] "[T]he heart of the diffusion process is the modeling and imitation by potential adopters of their near-peers who have previously adopted a new idea. In deciding whether or not to adopt an innovation, we all depend mainly on the communicated experience of others much like ourselves who have already adopted."[73] The early adopter coalition members are those "near-peers whose subjective opinion of the innovation (based on their personal experience with adoption of the new idea) is most convincing."[74] Their own adoption can serve as a vicarious trial run for others as well as a potential basis for imitation.[75] Their connection to other networks and resources can bring useful innovation-evaluation information to potential adopters.[76] And their ability to encourage a potential adopter to try the innovation can make a decisive difference. "Most individuals who try an innovation then move to an adoption decision, if the innovation has at least a certain degree of relative advantage."[77]

As early adopters, members of the coalition of the willing already are bound in a leadership relationship with their faculty and staff colleagues. Conscious attention to the foregoing considerations can help them to make the most of it.

II. FURTHER ON THE INNOVATION AND ITS RE-INVENTION: PURPOSEFUL SUPPORT OF PROFESSIONAL IDENTITY FORMATION AND THE MANY WAYS IT CAN BE PURSUED

It is worthwhile to ask whether the coalition's efforts to promote further adoption will suffer for the variety of banners carried by its advocates—leadership development, professional identity formation,

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72. *Id.* at 31, 307.
73. *Id.* at 293.
74. *Id.* at 170.
75. Rogers noted:

For some individuals and for some innovations the trial of a new idea by a peer like themselves can substitute, at least in part, for their own trial of an innovation. This "trial by others" provides a kind of vicarious trial for an individual. Change agents often seek to speed up the innovation-process for individuals by sponsoring demonstrations of a new idea in a social system, and there is evidence that this demonstration strategy can be quite effective, especially if the demonstrator is an opinion leader.

Id. at 172.

76. *See id.* at 331-32 (discussing relationship between opinion leaders and external change agents).
77. *Id.* at 172.

professionalism, professional development, and wellness being foremost. "The selection of an innovation's name," Rogers wrote, "is a delicate and important matter. Words are the thought units that structure our perceptions. And of course it is the potential adopters' perceptions of an innovation's name that affect its rate of adoption."[78] The wrong name can impede an innovation's adoption,[79] and a multitude of names might increase uncertainty for some potential adopters.

A. The Innovation: The Law School's Purposeful Support of Professional Identity Formation

The various labels, however, share a common conviction that is the heart of the matter. Legal education must extend beyond the cognitive and skills dimensions of lawyering that the Carnegie Foundation's *Educating Lawyers* called, respectively, the first and second apprenticeships.[80] A law school's educational efforts must attend as well to a student's formation of a professional identity and sense of purpose, the third apprenticeship identified in *Educating Lawyers*.[81] This third dimension of a lawyer's development falls within an American law school's educational mission. As *Educating Lawyers* noted, however, schools have not pursued it with anything like the purposefulness they devote to the first and second apprenticeships.[82] *Rectifying that deficiency in legal education is the shared conviction. The innovation, at its most basic, is the institution of purposeful, more systematic educational effort by the law school to support each student's formation of professional identity and purpose.*

At the end of the day, such an educational effort inevitably focuses on the student's acceptance and internalization of two personal responsibilities: first, a personal responsibility for her or his continuing development toward excellence at all of the competencies of the profession; and second, a personal responsibility to others whom one serves as a professional, including clients, colleagues, and society.[83]

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78. *Id.* at 228.

79. *See id.* at 227-28 (offering examples).

80. *See* EDUCATING LAWYERS, *supra* note 8, at 28 (describing the intellectual and cognitive first apprenticeship of the law's student's development and the "second apprenticeship . . . of expert practice shared by competent practitioners").

81. *See id.* at 28, 129 (describing the third apprenticeship of formation of professional identity and sense of purpose).

82. *See id.* at 128 (concluding that "law schools need to further deepen their knowledge of how the apprenticeship of professionalism and purpose works[,] . . . improve their understanding of their own formative capacity, including learning from their own strengths, as well as those of other professions[, . . . and] attend more systematically to the pedagogical practices that foster the formation of integrated, responsible lawyers").

83. For introductions of this formulation, see William M. Sullivan, *Foreword* to TEACHING MEDICAL PROFESSIONALISM xi, xv (Richard L. Cruess et al. eds., 1st ed. 2009),

Helping students to identify, pursue, and fulfill the professional's twin responsibilities is the shared pedagogical aim that must be purposefully pursued. Professionalism, wellness, professional development, professional identity formation, and leadership development initiatives are complementary, mutually reinforcing means to that end—which explains why legal educators sailing under these different flags find themselves in common cause. Initiatives geared to the development of fundamental leadership competencies such as self-awareness, self-direction, leadership-of-self, resilience, agility, communication, working across boundaries, collaboration, and emotional and social intelligence seem particularly apt, as so much else depends on their presence.[84] *Development of fundamental leadership competencies belongs in a program of legal education because those competencies are foundational to the fulfillment of the professional's twin responsibilities.*

To see the innovation as the introduction of professional identity formation (and, a fortiori, leadership development) into the purposefully pursued academic priorities of a law school sets the appropriate focus. The innovation contemplates change at the level of institutional priorities, a fresh commitment to address and correct a misalignment between the law school's educational program and its mission on behalf of students and society. Casting the innovation in terms of professional identity formation captures legal education's chief shortcoming comprehensively, whereas each of the alternative locutions yields spottier coverage. The formulation also conforms to the language and meaning used by experts in other professional education domains[85] and facilitates connections with competency-based approaches to law school accreditation, professional licensure, and personal advancement in law practice that foreseeably may predominate.[86]

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and Hamilton & Schaefer, *supra* note 9, at 403. *See also* Bilionis, *supra* note 10, at 483-84. (analyzing the formulation and noting how it invites recognition of leadership competencies).

84.   *See supra* note 2 (discussing self-direction and related foundational capacities).

85.   The Carnegie Foundation for the Advancement of Teaching's examinations of professional education have placed increasing emphasis on professional identity formation as a central purpose of professional education. *See, e.g.*, MOLLY COOKE ET AL., EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY 30-33, 60-65 (2010); SHERI D. SHEPPARD ET AL., *Toward a New Model for Engineering Education*, *in* EDUCATING ENGINEERS: DESIGNING FOR THE FUTURE OF THE FIELD (2008); CHARLES R. FOSTER ET AL., EDUCATING CLERGY: TEACHING PRACTICES AND PASTORAL IMAGINATION 11-12, 100-01 (2006).

86.   On competency-based approaches to law school accreditation, see *ABA Standards and Rules of Procedure for Approval of Law Schools 2017-2018*, Ch. 3, A.B.A. SECTION. OF LEGAL   EDUC.   &   ADMISSIONS   TO   THE   BAR, http://www.americanbar.org/groups/legal_education/resources/standards.html   (follow "Chapter 3: Program of Legal Education" hyperlink) (last visited May 23, 2018) (Standard 302 (requiring and specifying learning outcomes); Standard 314 (requiring assessment of student learning); Standard 315 (requiring evaluation of program of legal education, learning

B. Re-Invention: Alternative Ways to Support Professional Identity Formation

Meaningful adoption of the innovation takes more than a sincere commitment. To impact students positively, supporting innovations at the curricular and co-curricular levels must be adopted. No combination could qualify as the sole configuration sufficient to the task, even before accounting for the diverse conditions facing schools and their students, faculties, and staffs. Rogers acknowledged as much with his concept of *re-invention*. "[A]n innovation is not necessarily invariant during the process of its diffusion,"[87] he noted, but might be "changed or modified by the user in the process of its adoption and implementation."[88] Not surprisingly, adopters "generally think that re-invention is good."[89] It permits tailoring of an innovation to fit an adopter's needs, interests, and circumstances, as well as changing conditions.[90]

The early adopters in legal education's professional identity formation space appear to be avid re-inventors, with initiatives now spanning the law school enterprise at many schools. The initiatives take on a variety of forms and structures to engage students—including co-curricular programs;[91] specially designated classes within the curriculum and components added to existing doctrinal or clinical offerings or externships;[92] and elements of the counseling provided by a career services office or academic success program, [93] to name the most

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outcomes, and assessment methods)). A competency-based approach is not yet employed with respect to admission to the bar, but our medical peers employ the approach for advancement of medical students to residency. *See* Hamilton, *Professional-Identity/Professional-Formation/Professionalism Learning Outcomes: What Can We Learn About Assessment From Medical Education?*, *supra* note 9, at 372-74. (discussing "Entrustable Professional Activity" milestones). On the use of a competency-based approach by law firms for purposes of lawyer development and evaluation, *see*, e.g., Lewis & Blaze, *supra* note 1, at 780-82 (discussing same); Polden. *supra* note 1, 912-14 (discussing law firm competency models); Westfahl & Wilkins, *supra* note 1, at 1716-27 (advocating that law firms should enhance their professional development efforts by adopting approaches used in other professions that employ competency-based models).

87. ROGERS, *supra* note 14, at 17.

88. *Id.* at 176.

89. *Id.* at 178.

90. *Id.* at 178-79.

91. *See, e.g.*, *Leadership Development Program*, *supra* note 7; *Program on Law and Leadership*, *supra* note 7; *Parris Institute for Professional Formation*, *supra* note 10; *Leadership Initiative*, *supra* note 7; *Institute for Professional Leadership*, *supra* note 7.

92. *See, e.g.*, Organ, *supra* note 10, at 24-30 (describing first-year professional identity formation initiatives, including (a) "integrated" courses (in which professional identity formation considerations are integrated into another first-year course) (at four schools); (b) "stand-alone" required courses (at six schools, for two or three credits); (c) one-credit required courses (at 12 schools); and (d) zero-credit required courses (at 8 schools).

93. The Inns of Court program at George Washington University Law School, for instance, connects first-year students with external mentors while offering career counseling and programming geared to dimensions of professional identity formation. *See Inns of Court*,

common. They tap faculty and staff from throughout the law school, as well as lawyers, judges, and others beyond the school's walls. They focus on diverse skills and competencies, using pedagogies including coaching, reflection, and feedback.[94] They aim to fulfill a number of alternative learning outcomes that the school can institute.[95] And more re-inventions are on the way, including stage development rubrics and accompanying assessment models for competencies that commonly are the subject of professional formation undertakings.[96]

All this re-invention enhances choice in adoption and implementation. It also invites a question worth exploring before we move on. What, more precisely, should we think counts as an adoption of our innovation? As I intimated earlier,[97] the ultimate goal is an organizational adoption by the law school. Law schools, however, are not top-down institutions. Persons with formal authority, such as the dean, possess little power to dictate behavior, and the power they do possess typically extends to the activities of administrators and staff rather than faculty. Organizational adoption here, then, likely requires a

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GEO. WASH. U. L. SCH., https://www.law.gwu.edu/inns-of-court (describing program).

94. On the importance of coaching, reflection, and feedback, see Yvonne Steinert, *Educational Theory and Strategies to Support Professionalism and Identity Formation*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 9, at 68, 70. Dr. Steinert observes:

> Coaching is the thread that runs through the entire apprenticeship experience and involves helping individuals while they attempt to learn or perform a task. It includes directing learner attention, providing ongoing suggestions and feedback, structuring tasks and activities, and providing additional challenges or problems. Coaches explain activities in terms of the learners' understanding and background knowledge, and they provide additional directions about how, when, and why to proceed; they also identify errors, misconceptions, or faulty reasoning in learners' thinking and help to correct them. In situated learning environments, advice and guidance help students . . . to maximize use of their own cognitive resources and knowledge, an important component in becoming a professional.

Id. (footnote and emphasis omitted). *See also* Richard L. Cruess et al., *Introduction* to TEACHING MEDICAL PROFESSIONALISM, *supra* note 9, at 1-3. (noting that "[t]he role of faculty is to assist students in understanding the process of identity formation and of socialization, and to engage them in monitoring their own journey from layperson to professional," and further observing that role modeling, mentoring, experiential learning, and reflection are the educational methods most relevant to identity formation); Hamilton & Organ, *supra* note 10, *passim* (exploring potential for reflection).

95. The Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas Law School maintains a "Learning Outcomes Database" that lists every law school that has published learning outcomes on its website and also provides links to those outcomes. *See Learning Outcomes Database*, U. ST. THOMAS, https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/ (last visited on May 23, 2018). As of February 15, 2018, more than 90 law schools had posted learning outcomes relating to professional identity formation that exceed the minimum requirements of the relevant accreditation standard, Standard 302. *See Hamilton*, *supra* note 1.

96. *See id.* (describing projects of national working groups formed by the Holloran Center).

97. *See supra* note 33 and accompanying text (discussing early adopters and how their acts of adoption might vary).

"[c]ollective innovation-decision . . . made by consensus among the members of a system" rather than an "[a]uthority innovation-decision . . . made by a relatively few individuals in a system who possess power, status, or technical expertise."[98] Individual adoptions of the idea to prioritize professional identity formation thus seem prerequisite to organizational adoption and hence the practical focal points for leaders seeking change. It is best to see an individual adoption as twofold at its minimum, entailing (1) the individual's conscious professional acceptance of the idea that the law school must purposefully support the professional identity formation of its students, and (2) a corresponding individual commitment to see fulfillment of that obligation by the school. This definition allows the possibility that an individual's station or circumstances might not lend themselves to personal educator-to-student implementation, yet recognizes that everyone in the law school can at least endorse and lend moral support to the implementation efforts of others, and also share in a responsibility to ensure that the institution delivers. This reflects realistic appreciation of resource scarcity and divisions of labor and responsibility, while positing that faculty and staff alike can and should communicate the value of professional identity formation so that the law school's "hidden curriculum" can be made an asset rather than a liability.[99]

III. ADOPTION IN THE LAW SCHOOL: QUALITIES, INTERESTS, AND FIT

Will the legal educators who next consider purposeful support of professional identity formation decide to adopt it? Will the potential early majority be influenced positively by the experiences of their early adopter colleagues? Will they perceive the innovation's key attributes favorably?

Let us consider individuals in the law school whose professional roles seem most relevant to supporting students in their professional identity formation—career services and academic success professionals; clinical professors, professors of practice, professors of legal research and writing, and externship directors; professors teaching doctrinal

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98. ROGERS, *supra* note 14, at 29-30.

99. The "hidden curriculum" refers to the acts of omission and commission within the school that signal meaning to students and others. The law school's traditional emphasis on critical thinking and analysis, combined with relatively slight attention to matters of professional identity formation, has produced a hidden curriculum that privileges cognitive prowess to an extreme and to the detriment of other essential professional attributes. For a classic and still apt discussion of this hidden curriculum, see Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. LEGAL EDUC. 247, 253 (1978). *See also* Bilionis, *supra* note 5, at 896-900 (discussing Cramton's views and relating them to professional identity formation); Hannah R. Arterian, *The Hidden Curriculum*, 40 U. TOL. L. REV. 279 (2009) (exploring other dimensions of the hidden curriculum in law school).

courses; associate deans; and the dean. Keeping with our concern for the leadership opportunity facing the coalition of the willing, we will focus on colleagues in those positions with early majority sensibilities— the deliberate but open individuals whose adoptions could make Sullivan's "possible breakthrough moment" a reality, rather than late majority skeptics and suspicious laggards whose adoptions will come later. The innovation, we shall see, presents an attractive fit for these colleagues given the institutional and professionally-related personal interests that we reasonably can suppose will inform their evaluation. Indeed, we can discern the makings of a very good fit for colleagues in all of these roles, such that it would be reasonable to expect them to adopt the idea and also personally implement it in their law school work. For some professors teaching doctrinal courses, however, the fit might appear somewhat less certain—strong enough to justify their endorsement of the law school's adoption of the innovation as a priority and their support of its implementation by others, but perhaps not strong enough (in the absence of further innovation-decision information) to induce their personal engagement with implementation in the courses they teach.

A. The Innovation's Qualities In General

All these colleagues face individual circumstances that matter, and we will take them up momentarily. It helps, however, to begin with points that seem to hold generally. The first concerns a factor that detracts from our innovation's adoptability—its low degree of observability. To illustrate observability, Everett Rogers wrote of California homeowners who first began adopting solar panels for home use. Neighbors and passersby could not help but notice those innovations on rooftops; curiosity, communication, and further adoptions were quickened.[100] Whenever someone in the law school engages in purposeful support of professional identity formation, other potential adopters almost never observe it in real time. Most teaching and counseling is conducted by faculty and staff members acting alone. Lacking natural observability on their side, leaders for change here must place a premium on communications strategies to spread the word effectively, including conversations, testimonials, illustrations, demonstrations, and networking to adopters who will share experiences. The school's learning outcomes relating to professional identity formation can be leveraged to stimulate and structure such communications. So, too, can the school's oversight of student academic success, bar passage, and employment outcomes. For a

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100. ROGERS, *supra* note 14, at 16.

number of years now, the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas Law School has been forging and fortifying networks in this realm.[101] Two of the leading professional associations serving legal education—the Association of American Law Schools (AALS) and the National Association of Law Placement (NALP)—have begun programming geared to professional identity formation, further expanding the networks for communication. Symposia, including those convened at Santa Clara University School of Law, have been and will continue to be formative and influential as well.

By measures other than observability, the stage seems generally well set for adoption. An innovation's compatibility with existing values and norms is important, and purposeful support of professional identity formation should score well on this measure. No one can contend seriously that supporting students in their professional identity formation is incompatible with a law school's values or norms, that it is repugnant with the mission or transgresses the lines of tolerable behavior.[102] Stated another way, no law school will disavow the goal of graduating well-rounded and well-grounded new lawyers who have made good progress toward their socialization in the legal profession. If incompatibility is asserted—viz., a declaration that "that's not what we're here for"—the utterance probably expresses a different, unspoken point about relative advantage or complexity for the school or the individual, given other priorities and resources. Perhaps such an objection might reflect an incompatibility with the individual's own values, but it is a possibility we should not presume quickly. Even highly risk-averse and change-resistant legal educators have aspirations for their students' success and well-being and want their schools to exhibit an ethic of care and support. And early majority candidates do not register nearly so much aversity and resistance.

Support of professional identity formation not only comports with values espoused by the law school and the individuals working there. It is the innovation that serves those values like no other contender, the best synthesis of more than a generation of thought about how to improve the socialization of women and men into the legal profession. For legal educators who feel that law schools need to do better on this front, no alternative to the professional identity formation model has presented itself that can compare for cogency, comprehensibility, practicability, and probable effectiveness. When it comes to meeting the deficiencies that *Educating Lawyers* detailed—longstanding

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101. *See supra* note 42.
102. *See* ROGERS, *supra* note 14, at 27 (defining norms as "the established behavior patterns for the members of a social system . . . [that] define a range of tolerable behavior and serve as a guide or a standard for the members of a social system").

deficiencies that have troubled legal educators for decades—this innovation presents unmatched relative advantage. The ongoing process of re-invention, moreover, continues to generate numerous variants, many of which are relatively simple to implement and which can be given low-cost, low-risk trial runs in settings across the law school. Complexity and trialability thus should pose little difficulty for this innovation—provided that the variants are made known and available to potential adopters, a proviso that underscores the importance of conscientious communications to overcome the observability challenge noted above.

The foregoing points suggest that individuals working in the law school have good reasons to perceive purposeful support of professional identity formation as a beneficial addition to the school's vision of legal education. It completes a holistic, professionally and morally satisfying picture of the development of a new lawyer and the school's role in promoting that development, one that also is truer to the legal profession's place in society and legal education's proper relationship to both. By attending more purposefully to foundational competencies that are fundamental to success—including self-awareness, leadership-of-self, self-directed learning and development, emotional intelligence, and the effective navigation of professional environments—the school enhances the probability of student success. Sustained student success, a great good in and of itself, also is necessary for sustained institutional success and the dividends that come in the form of stronger enrollment, reputation, alumni support, and philanthropic culture. Just ask any school that has experienced misfortunes on key measures of student success in passing the bar or securing meaningful employment.

B. The Innovation's Qualities As Perceived By Law School Faculty and Administrators in Their Individual Circumstances

Law school faculty and administrators contend with varying circumstances in their roles, juggling different sets of priorities under different resource conditions. An innovation that is compatible, not complex, boasts trialability, and presents relative advantage for the law school might have relative advantage for you but not for me in the day-to-day exercise of our differing responsibilities. This theoretical possibility ought not dismay the coalition of the willing. Potential adopters with early majority characteristics should detect ample relative advantage in the innovation as it applies to their own stations and situations.

1. Career Services and Academic Success Professionals

Law school colleagues working in the career services area have

much to gain by adopting professional identity formation initiatives and implementing them in their work with students. Student success in obtaining meaningful employment is a sine qua non of success in career services, and professionals in the area attest that student "ownership" of the search for employment is a critical ingredient not always in sufficient supply. What is "ownership" but the development and exercise of fundamental leadership competencies such as self-awareness, leadership-of-self, and self-directed learning and development, along with growing cultural competency and emotional intelligence?[103] Even the most rudimentary career services office engages in some coaching and counseling directed at these leadership competencies. Offices that seek to excel have begun doing professional identity formation work in earnest, hoping to position their students better in the competitive marketplace and contribute positively to their wellness and capacity for self-care in a stressful profession.[104] If these relative advantages were not enough, professional identity formation work in career services can strengthen and leverage relationships with the bench and the bar and align the office with the legal profession's trajectory toward competency-based professional development and evaluation.[105]

Colleagues working in the academic success area have relative advantage to perceive too. Schools can ill afford underperformance in bar passage, and academic success professionals will recognize that competencies such as student self-directedness, resourcefulness, resilience, and self-care figure importantly in a successful journey to licensure.[106] A program intent on success should not lightly overlook initiatives calculated to help develop those competencies, and those

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103. *See* Hamilton, *supra* note 1. (discussing "ownership" as an expression of various leadership sub-competencies).

104. *See* Bilionis, *supra* note 5, at 904-05, 907-08 (discussing professional identity formation initiatives in the career services context and benefits to be gained). For a rich compendium of adoptable variants relating to the student's pursuit of employment, see NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT (2nd ed. 2018).

105. *See* Westfahl & Wilkins, *supra* note 1, at 1716-29 (pressing the need for law firms, clients, and law schools to come into alignment with respect to the professional development of lawyers).

106. As Jerry Organ notes:

> There is some research to suggest that professional identity formation is not only not in tension with knowledge transfer and bar passage, but may be synergistically related to bar passage. The research of Larry Krieger and Ken Sheldon demonstrates that students with lower entering class credentials at one law school outperformed students with higher entering class credentials at another law school in terms of bar passage rates largely because of greater autonomy support at the law school with the lower entering class credentials.

Organ, *supra* note 10, at 474 (citing Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883, 891 (2007)).

initiatives are well adapted to the coaching-rich environments typically found in academic success and career services programs alike. Purposeful professional identity formation work seems destined for recognition in both areas as a best practice. Such work—especially when endorsed to students by faculty and administration colleagues— also signals that professionals in these areas are integral and valued co-educators in the law school's program of legal education, enhancing their effectiveness and professional satisfaction.

2. Clinical Professors, Professors of Practice, Professors of Legal Research and Writing, and Externship Directors

Legal educators teaching in clinics, practical skills courses, legal research and writing courses, and in-class components of externship programs should see relative advantage in purposefully supporting professional identity formation, for they have been doing it in deed if not in name for some time now. Their educational objectives often include competencies such as teamwork and collaboration, client counseling, active listening, communication in varied contexts, giving and receiving feedback, and the management of ethical and moral tensions—building blocks of emotional intelligence, leadership, and the effective navigation of professional environments. These legal educators also know first-hand that student learning can be promoted effectively with "guide on the side" pedagogies, including coaching, feedback, and reflection, which in the right circumstances will offer relative advantage over the more traditional "sage on the stage" teaching conducted in law school.[107] Best practices in the experiential learning and practical skills realms thus already feature ingredients fundamental to a program of purposeful support for professional identity formation. By prioritizing those practices more broadly through institutional adoption of the innovation, the law school elevates the teaching and learning occurring in clinics, practicums, and externships and signals their vital place in the academic program.

3. Professors Teaching Doctrinal Courses

Jerry Organ has depicted nicely the situation in which professors with early majority sensibilities who teach traditional doctrinal courses likely find themselves:

> Some faculty members may be inclined to move forward under the professional identity flag, but may feel like they need some help because it is a different conception of their responsibilities as

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107. *See* Bilionis, *supra* note 10, at PP/MS 491-93 (discussing coaching and "guide on the side" pedagogy in the purposeful support of professional identity formation).

professors than how they have traditionally seen themselves. . .
They may see themselves more as being engaged in "knowledge
transfer" and in helping students develop critical thinking skills—the
hallmarks of "first apprenticeship" teaching. But they may also
appreciate that the role of the lawyer as professional is distinctive
and that students would benefit from having thought more about
what it means to be a lawyer while they are gaining knowledge and
sharpening their analytical skills.

These faculty members may require a little more
direction . . .They may need help to identity one or two concepts they
could integrate into their classes without too much disruption. . . .
They may need examples . . . . But with the right support, they likely
will be willing to put more effort into adding professional identity
formation in to their conception of their responsibilities as
professors.[108]

Organ describes a case of unalleviated uncertainty which stands to
reason given the observability problem we noted previously. These
professors may be congenial to an institutional adoption, perceiving
relative advantage generally. Steeped in the cognitive apprenticeship
and assigned to work within that domain, these professors are uncertain
how the innovation, or one of its many variants, might actually apply in
their circumstances. The uncertainty is layered. At a very basic level,
the variants that might best suit a traditional doctrinal class are not
observable; professors do not see them utilized, and knowledge of their
existence thus must depend on communications networks. The value of
these variants—and hence their relative advantage—is similarly
uncertain. Will implementing one of them make an appreciable
contribution to the professional identity formation of students in the
class? And if so, will it detract from the professor's first apprenticeship
objectives, or might it actually enhance those efforts? In short, is
adoption worth the candle?

Answers that favor adoption do exist. As a professor who teaches
doctrinal courses, I personally experience the relative advantage that can
come from incorporating purposeful support of professional identity
formation into the teaching and learning in my classes. Students need a
framework that makes sense of their socialization journey to the
profession, and conscious attention to the second and third
apprenticeships in a first apprenticeship class projects a superior
framework—one that accounts for all three dimensions of their
educational experience, dignifying all and depreciating none. Openly
naming and counteracting the law school hidden curriculum[109] can be

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108. Organ, *supra* note 10, at 473.
109. *See supra* note 99 and accompanying text (discussing hidden curriculum).

liberating for the professor and beneficial for students, especially those just beginning law school. It also establishes the student-professor-relationship on broader, more satisfying ground. Empathy, trust, and support enter the picture, at no cost to analytical rigor and the transfer of knowledge. Bringing that more inclusive framework to life in the classroom, moreover, can invigorate the learning environment. In my first-year, first-semester constitutional law class, I employ variants that ask the students to concentrate on teamwork, collaboration, and the giving and receiving of feedback—all in service of a learning outcome directed to the student's ability to "participate as a member of a professional community whose members work individually and together to continuously improve their capacities to serve clients and society."[110] In the course of practicing professional identity formation competencies, the students support one another in their learning of doctrine and development of analytical and critical capacities. They report that the experience helps their learning, increases their confidence, and leads them to a greater appreciation of diverse viewpoints in the law, and I believe they learn more and perform better for it.

This testimonial to relative advantage in personally adopting the innovation highlights the problem as well as the opportunity. Leaders with their eyes on Sullivan's "possible breakthrough moment" need to recognize that their colleagues teaching in the doctrinal curriculum may be open, but probably reside at an appreciably earlier stage of decision-information acquisition than might have been surmised. Effective communications strategies directed specifically at that information deficit and calculated to reveal relative advantage could accelerate adoption.

4. Associate Deans

Associate deans with academic affairs or student affairs portfolios (we can treat them herein as combined for simplicity's sake) should perceive relative advantage in the law school's purposeful support of professional identity formation. Their charge is to deliver a sound, competitively advantageous program of legal education that prepares students well for their futures, enriches their formative opportunities, secures their success in bar passage and employment, attends to their wellness in what can be a highly stressful experience with alarming effects, and meets obligations and expectations set by constituencies of consequence (including accreditors, licensing authorities, and, for most schools, university leadership). The law school's collective, purposeful support of professional identity formation contributes directly to meeting

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110. Course syllabus on file with author and Santa Clara Law Review.

that charge.

Our examination to this point has revealed numerous benefits that students, faculty, and staff can accrue, and those benefits individually and in the aggregate bear positively on the associate dean's agenda. We need not repeat them here, but we can consolidate them into terms immediately conducive to the associate dean's perspective. Framing the educational program holistically and inclusively—placing the three apprenticeships in a peer relationship—loosens the grip of the hidden curriculum and increases the likely effectiveness of formation-oriented initiatives already underway. Increasing those initiatives, and applying them in purposeful ways, helps better equip students to be engaged and capable learners, job-seekers, and takers of the bar examination. It also helps students develop resilience and resourcefulness, valuable attributes for managing the strains of professional life. Students thus can make more for themselves of law school and the opportunities, resources, and supports it presents.

If the relative advantage for the associate dean stopped there, it would suffice as sizable. But there are additional benefits that relate to dimensions of the associate dean's responsibilities that are less visible to faculty, students, and fellow administrators. When the law school establishes purposeful support of professional identity formation as a component of its educational program, it opens for use a new array of concepts, competencies, and pedagogies, and that array can help rationalize management of the curriculum and the allocation of resources. Purposeful support of professional identity formation, with its detailed attention to a broader range of professional competencies, also dovetails with the ways and means of competency-based education, aligning the law school with models that accreditors and university leaders (and legal employers) increasingly favor, and which our peers in professional education employ.

5. The Dean of the Law School

Everything said to this point about the relative advantage of purposeful support of professional identity formation should weigh heavily enough for the school's dean. As the school's leader and steward, the dean should see that adopting and implementing purposeful support of professional identity formation delivers needed student-centered educational reform—but also much more. It places the school, as an institution, on securer footing for the present and future.

How so? It is important for the dean to note at the outset that adoption of the innovation presents all the relative advantage heretofore mentioned while necessitating no major new investment in personnel. The innovation's essence is the unleashing of untapped capacity already

possessed by the school internally and within its reach externally.[111] It brings to the surface the fact that faculty and staff members are collaborators in the education that law students receive to ready them for professional life. Effective professional identity formation work is inevitably an enterprise-wide affair, and the decision to purposefully pursue that work sets a stage where cooperation, communication, and coordination across the enterprise can (and must) be practiced constructively. A school with well-cultivated capacities of these sorts will be better positioned to face the numerous challenges ahead. Actors outside the school's employ also play roles in the student's formation of professional identity. Prospective employers, alumni, practitioners, judges, government officials, the organized bar, and professional affiliation groups all appear in the segment of the student's socialization journey running from matriculation to graduation. Adopting the innovation opens a way to more rationally integrate these external stakeholders in the law school's pursuit of its mission. Consciously coordinated work on common ground also is bound to strengthen relations that are vital to the school's success now and in years to come.

The dean also should see the innovation's implications for the school's mission and identity. Embracing professional identity formation in no way contests the importance of the first or second apprenticeships of legal education; it honors them with a galvanizing third apprenticeship. Nor does the innovation question in the least the school's commitment to and investment in research. It portends neither a redistribution of resources nor the diminution of established priorities, and has been adopted by our peers in medical education without adverse incident. What the innovation offers, when all is said and done, is an unthreatening opportunity to strengthen legal education's claim to authenticity. The American law school's mission rests on the importance of law and its practice to civil society, and the corresponding conviction that law therefore must be the subject of disciplined academic study and effective professional training. A law school applying its very best efforts to pursue that mission would adopt purposeful support of professional identity formation as a clear improvement over the status quo ante. The law school that does not adopt it deserves to have its efforts, and fidelity to mission, questioned.

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111. *See* Bilionis, supra note 10, at 491-93 (examining how enterprise-wide support of professional identity formation effectively expands the times and spaces in which legal education occurs for a students, as well as the number of individuals who participate in the student's education); Bilionis, *supra* note 5, at 911-13 (discussing approach to resources and roles of faculty and staff with respect to support of professional identity formation).

CONCLUSION

We began with the importance of leadership development to lawyers and legal education. We end with an affirmation that legal education enjoys an exceptional opportunity. Law schools can achieve a breakthrough that secures purposeful support of professional identity formation (and hence leadership development as well) in the program of American legal education. Making that breakthrough depends—not ironically, nor coincidentally, but altogether fittingly—on leadership soundly exercised. The leaders are assembled. They are the members of the coalition of the willing who have been the early adopters of this needed innovation, and they possess impressive leadership potential. Their most important prospective followers are in sight, as are the elements of a leadership strategy that can meet those colleagues where they are and assist them to move forward.

For many people, no leadership opportunity can be seized without a shared vision that links leaders and followers and enables action. A vision can be drawn from all we have observed. It is by no means a complete vision of all that a law school might or should pursue. Consider it a small but important component of that larger picture, a depiction of some irreducible precepts. Envision:

- A law school that promises its students that it will exert its best efforts to ready them for life as complete professionals.

- A law school that fulfills its promise to its students, using its resources to the best of its ability to help students advance farthest and strongest in their socialization into the profession.

- A law school that does not compromise its commitments to intellectual rigor, the cognitive and skills dimensions of legal education, and the importance of legal research and scholarship.

- A law school that sees clearly the future of professional education, higher education, and the legal profession, and positions itself for success in that future.

Like many of you, I think well of the people who have dedicated their careers to legal education. But one need not think particularly well of legal educators to see this vision's intrinsic rightness and appeal for them. The vision's simplicity should not be allowed to belie its significance. Its conscientious pursuit leads to change that could well be transformative.