Growing Number of Leadership Programs and Courses Supports Professional Identity Formation

Teague, Leah
GROWING NUMBER OF LEADERSHIP PROGRAMS AND COURSES SUPPORTS PROFESSIONAL IDENTITY FORMATION

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Through service and leadership, lawyers influence people and impact organizations and communities. Law students need to be aware of their opportunity for influence as part of their professional identity and they need to be prepared for the obligations of service that accompany the privilege of acquiring a law degree. The number of law schools with leadership development courses and programs has grown rapidly over the last ten years to: encourage law students to embrace their obligation to serve clients and society; better equip law students for positions of leadership and influence (including building relationships with clients); and inspire them to boldly seek opportunities to be difference-makers in their communities and the world. The movement to increase the development of lawyers’ professional identity also has grown during that time and will continue to advance with the proposed revisions to ABA Standard 303. The author discusses the important role of lawyers as leaders in society, examines the growth of the leadership-development movement, and offers thoughts about its relationship with the professional-identity movement. The author advocates that both professional identity and leadership development complement professional responsibility efforts and are essential to the education and training of modern law students.

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I. Introduction ............................................................................. 150

Ask thoughtful citizens in this country if their community leaders include a number of lawyers and odds are the answer is something like, “I think you are right!” That person may seem somewhat surprised, but law professors and administrators are not. We expect a significant number of law students to assume leadership positions in their communities. In fact, it is part of the professional identity of lawyers.

This comment provides an update on the significant growth of leadership development courses and programs in American legal education, which is expected to increase even further as law schools become more intentional about the development of their law students’ professional identity. Following a tribute to two giants in the field of lawyer leadership in Section II, Section III reviews key aspects of
lawyers’ professional identity as effective leaders in society. Sections IV and V discuss the need for further expansion of the movements in legal education to incorporate more professional identity formation and leadership development into law school curricula and programming. Section VI provides additional reflections on the symbiotic relationship between professional identity formation and leadership development. The conclusion of this review of leadership development and professional identity formation is that both efforts are necessary elements of a modern legal education. Working in conjunction with professional responsibility efforts, these programs will better equip students to use their legal education and training for positive influence and meaningful impact on society, while emphasizing the importance of seeking well-being and striving for success with intentionality of purpose.

II. TRIBUTE TO TWO LAWYER-LEADER TRAILBLAZERS

These comments begin with two tributes. First, my sincere admiration and appreciation to Dean Emeritus Don Polden for his dedication to this movement of establishing leadership development as a vital component of the programming in every law school in America. Dean Polden has been a tireless leader in this effort to bring attention to lawyers’ role as leaders in society. He was an early convener of conversations in legal education to consider how best to prepare law students for the obligations of service that accompany the privilege of being a lawyer. Not only is he a friend and mentor to many of us advocating for leadership development, but Dean Polden also created one of the earliest leadership development courses for his students. A prolific speaker and scholar on the subject, he helped host more leadership conferences (such as the one associated with this issue) than any other law school. Dean Polden is an exemplar lawyer leader.

Second, as we mourn the loss of a legend in legal education with the passing of Deborah Rhode, we pay tribute to her as another trailblazer in this leadership initiative. Along with Dean Polden, she was among the earliest champions for leadership development in law schools. Bringing attention to the need for legal education to improve, she wrote in her book, *Lawyers as Leaders*, “the legal profession attracts a large number of individuals with the ambition and analytic capabilities to be leaders, but frequently fails to develop other qualities that are

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1. Dean Emeritus and Professor of Law, Santa Clara University School of Law.
essential to effectiveness.”

She was a prolific and revered scholar in numerous legal fields in addition to leadership. She was a wise teacher and a caring mentor to scores of lawyers across the land. Professor Rhode’s giant spirit and her tenacious devotion to improving the legal profession will be missed, but her influence will continue.

III. IMPORTANT ROLE OF LAWYERS AS LEADERS IN SOCIETY

Throughout history, lawyers have answered the call to service and played critical leadership roles in both the public and private sectors. Today, lawyers continue to be leaders—serving as heads of organizations, governmental agencies, businesses, and nonprofit entities of all sizes. Leadership is mentioned in the mission statements of many law schools. Law school personnel know their graduates will actively engage in their communities in a variety of leadership capacities. Admission essays often mention applicants’ desire to use their legal training to make a difference. They hope to make a difference or serve a cause greater than themselves, and at some fundamental level, they realized that legal skills give the power to do good – to lead.

As Deborah Rhode often reminded us, no other occupation in the United States has supplied a greater number of its leaders, but why is that important to legal educators? For those who think lawyers’ opportunities to lead are something of a perk or reward for those with a juris doctor or that leaders are born and not developed, you are encouraged to study the history of our profession. Being leaders in society is part of our professional identity and our special status in society. In the 1830s, when Alexis de Tocqueville traveled to America

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7. Teague, supra note 5, at 18-21.
8. Rhode, supra note 3, at 1.
10. Id; see also Rhode, supra note 3, at 1 (“[L]awyers are well-represented at all levels of leadership . . . .”).
to study our democracy, he recognized lawyers’ special status in society as the keepers of the rule of law and as trained advocates and problem solvers.\footnote{ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 301-09 (Henry Reeve trans., Pa. St. U. 2002) (1835), http://seas3.elte.hu/coursematerial/LojkoMiklos/Alexis-de-Tocqueville-Democracy-in-America.pdf.} Abraham Lincoln recognized the value of legal training and experience when he decided to pursue the study of law after serving in the legislature as a young man.\footnote{TALMAGE BOSTON, RAISING THE BAR: THE CRUCIAL ROLE OF THE LAWYER IN SOCIETY 10-11 (2012).} From our current ABA Model Rules of Professional Conduct, we find in the preamble a description of a lawyer’s responsibilities:

A lawyer . . . is . . . an officer of the legal system and a public citizen having special responsibility for the quality of justice. . . . Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system.\footnote{MODEL RULES OF PROF’L CONDUCT pmbl., para. 1, 13 (AM. BAR ASS’N 2020).}

In \textit{Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century}, Professors Ben Heineman, Bill Lee, and David Wilkins reminded us of the three traditional roles of lawyers in society. Lawyers are technical experts, wise counselors, and effective leaders.\footnote{BEN W. HEINEMAN, JR., WILLIAM F. LEE & DAVID B. WILKINS, LAWYERS AS PROFESSIONALS AND AS CITIZENS: KEY ROLES AND RESPONSIBILITIES IN THE 21ST CENTURY 9 (2014), https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf.} Each aspect of this traditional view of lawyers harmonizes with society’s expectations of lawyers to be the guardians of our democracy, protectors of individual rights and liberties, advocates for the powerless, effective mediators and negotiators, creative problem solvers, sagacious counselors, and difference-makers in our communities. When we superimpose on top of those public expectations, lawyers’ ethical obligations to act with honor and integrity in all matters, and if we can instill a humble sense of self-sacrificing duty to serve society, then we have the potential for great lawyer-leaders! In \textit{Fundamentals of Lawyer Leadership}, this four-pronged approach to leadership for lawyers is presented as the essence of a complete lawyer.\footnote{TEAGUE, FRALEY & RISPOLI, supra note 9, at 404-21.}

In an article by Professor Susan Brooks, she describes a similar approach to lawyering and calls it the \textit{wholehearted} lawyer.\footnote{See Susan L. Brooks, Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students’ Professional Identity Formation, 14 U. ST. THOMAS L. J. 412 (2018). Prof. Brooks provides five principles for wholehearted lawyering: (1) kindness and curiosity; (2) everyone wants to matter; (3) importance of context; (4) strengths orientation; and (5) ethic of care. \textit{Id.} at 423-25.} The 2016 report
from the Institute for Advancement of the American Legal System encourages law students to strive to be whole lawyers with a character quotient (CQ) in addition to a “threshold intelligence quotient (IQ)” and “favorable emotional intelligence (EQ).” The report added:

[S]uccessful entry-level lawyers are not merely legal technicians, nor are they merely cognitive powerhouses. . . . New lawyers need some legal skills and require intelligence, but they are successful when they come to the job with a much broader blend of legal skills, professional competencies, and characteristics that comprise the whole lawyer. 18

These reports are a few of the more recent calls for law schools to expand the focus of legal education. Understandably, legal education has traditionally focused almost exclusively on giving law students the foundation to becoming the first prong – technical expert. 19 Undoubtedly, preparing our students to become legal technicians and experts is foundational and must continue to be our priority, but our goal should be more.

Considering the role lawyers often play in surviving moments of crisis and forging a better way forward, we need to better equip our students to address important issues that impact not only society at large but also the future of the legal profession. For example, current crises include the COVID-19 pandemic, civil unrest, protests for racial justice, and lack of access to justice for so many. Each of these serves as a call to action for the legal profession to “contribute more effectively to the struggle to make this country ‘a more perfect union’ . . . .” 20 These concepts are among the catalysts for pushing law schools to do more.

A. Different Set of Skills Needed Today and Tomorrow

Teaching students to think critically, introducing them to foundational law and legal theory, and providing training and opportunities to practice legal skills are not enough to prepare our students for today’s world, not to mention the world of tomorrow. The world will not value lawyers who are just legal technicians. That time has passed.

18. Id. at 2.
19. See HEINEMAN, JR., LEE & WILKINS, supra note 14, at 13 (noting basic training of “core competencies” of lawyering).
Before the internet, lawyers were easily able to maintain a monopoly as the literal keepers and interpreters of “the law.”21 Law books (statutes, cases, regulations, etc.) may have been available to the public in libraries, but average citizens were unable to find an answer to their legal questions with ease. Today, simply speaking into your phone to ask Siri a question provides an answer. Whether that answer is the right or the best is another matter. If lawyers are viewed only as legal technicians, the general public is not as likely to seek the help of a lawyer as they were in the past.

Competency, or being good at our craft, is the beginning point for success as practicing lawyers as lawyer-leaders, but it is not enough anymore, if it ever was enough. Lawyers who are not competent will never be sought for their wise counsel. On the other hand, lawyers whose performance is highly valued likely will be sought for their guidance on other matters or repeat matters in the future. Through those encounters and the value added by their expertise and wise counsel, opportunities for influence and impact (i.e., leadership) occur. Through those encounters, lawyers can build effective relationships that lead to leadership positions, as well as new clients.

Legal employers recognize the need for lawyers who are skilled at more than achieving a high letter grade on a law school exam.22 As noted above, decades of studies and numerous reports have recommended, advocated, implored, and pleaded for law schools to do more.23 The attention brought to the issues by these reports, likely along with other catalysts, instigated reviews that resulted in modifications to the ABA Standards requiring law schools to focus more on skills and competencies.24

B. Constituents Expect More from Legal Education

Law school faculties should consider changes to curricula and training to better prepare students for their careers and to respond to the needs and expectations of the public, applicants, employers, and supporters, as well as the ABA Section on Legal Education and Admission to the Bar. During this period of significant disruption and transition, now seems an appropriate time for law schools to consider adjustments to curriculum, programming, and even mission statements, core values and learning outcomes. As advocated in Making Progress in Legal Education: Incorporating Leadership Development Training in Law Schools, law schools should embrace the idea that a degree in law is a degree in leadership “and operationalize a shared understanding of the expectations of lawyers as leaders.” \(^{25}\) With that said, leadership programming is not a one-size-fits-all proposition for law schools. Law schools should design courses and programs that suit their particular mission statements, curricular foci, students, and students’ future clients, employers, and other opportunities. Making Progress in Legal Education offers a synopsis of approaches discussed during the 2020 Vision for Leadership Conference as well as from other sources. Approaches presented include the “whole-building” approach, \(^{26}\) VUCA\(^2\) for lawyers, \(^{27}\) Delta Model, \(^{28}\) and competency-based learning and assessment. \(^{29}\)

Regardless of the approach, several concepts are key. First and foremost, culture is determinative. \(^{30}\) Faculty must be committed to developing lawyers as leaders as a priority. Not all faculty need to be active participants in leadership courses and programs; however, a significant number must believe in the cause and be willing to support the programming. Law schools are more likely to achieve a pervasive culture when faculty understand that leadership skills and competencies can be taught and that those skills and competencies also help law students succeed as lawyers as well. Creating a culture for leadership development is more likely to occur when faculty members share an “understanding of the role of lawyers in society and a common definition or description of leadership [that] enable law schools to establish

https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20171215_notice_and_comment.pdf.

25. Teague, supra note 5, at 52.


27. Teague, supra note 5, at 55-57.

28. Id. at 57-58.

29. Id. at 59-62.

30. Id. at 47.
expectations and operationalize common rules of engagement and objectives for all faculty, staff and students. . . .”

IV. PROFESSIONAL IDENTITY TRAINING IN LAW SCHOOL

This scaffolding approach to developing lawyers (train them to first become legal experts who are then in a position to serve as wise counselors, which leads to the opportunity for effective leadership) aligns with the numerous studies and critics of legal education over the last several decades. Fifteen years have passed since the seminal work of Educating Lawyers: Preparation for the Profession of Law (more commonly referred to as the “Carnegie Report”) that described three dimensions of professional education “which are essential to full preparation for professional work.” The Carnegie Report was one of a series of studies of several professions to consider “how effectively the educational process can prepare students to develop and bring together knowledge, skill, and moral purpose in ways that advance the aims of the several professions within a democratic society.” These studies of doctors, nurses, clergy, engineers, and lawyers followed a similar framework in designating three formative apprenticeships that were “essential to full preparation for professional work.”

The Carnegie Report described the first apprenticeship in the legal profession as the traditional focus of legal education, which is to train law students in critical thinking skills and to provide an academic base of knowledge. In recent years, law schools have paid more attention to the second apprenticeship, which is “transmitting to novices the skills and craft know-how that marks expert practitioners.” The national movements to incorporate more professional identity formation and leadership development in recent years address the third apprenticeship, which is “concerned with providing entrants to the field the effective ways to engage and make their own the ethical standards, social roles, and responsibilities of the profession, grounded in the profession’s fundamental purposes.” As noted by William Sullivan, the third apprenticeship of legal education traditionally “was generally marginal and often hard to clearly identify in the curriculum or staffing plan.”

31. Id. at 52.
32. Sullivan, supra note 23, at 333-34.
33. Id. at 333.
34. Id. at 333-34.
35. Id. at 334.
36. Id.
37. Id.
A. Movement to Incorporate Professional Formation into Curriculum

The Carnegie Report encouraged law schools to expand and integrate their education by teaching students to “think like a lawyer” in simulated and real practice settings while also probing the dimensions, demands, and aspirations of the profession.\(^{39}\) Suggested were integrative and complementary efforts involving faculty with different backgrounds and experiences to help students own “responsibilities inherent in the profession’s various roles.”\(^{40}\) Building on the findings in the Carnegie Report and other reports, professors from across the nation have been working to bring attention to the need for more intentionality in preparing law students to understand and assume their professional identity.\(^{41}\) From those efforts was born a “formation-of-student-professional-identity social movement” in legal education.\(^{42}\)

At a February 2021 meeting of the Council of the Section of Legal Education and Admissions to the Bar (the “Council”), the Council presented proposed revisions to Standard 303 of the ABA Standards and Rules of Procedure for Approval of Law Schools (the “ABA Standards”) to require law schools to include the development of professional identity as part of the law school curriculum.\(^{43}\) The Council also proposed Interpretation 303-5 that “allows flexibility so that law schools can incorporate opportunities for student professional identity development into the curriculum, co-curricular activities, and professional development activities in meeting this part of the Standard while also defining “professional identity.”\(^{44}\) The Council invited comments from the profession and received thirty-eight comments, almost all of which were endorsing the need for attention to professional

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39. Id. at 335.
40. Id.
41. See generally Sullivan, supra note 23.
44. Id.
formation in law school.\textsuperscript{45} Although several, including this author, advocated for a specific reference to the role of lawyer as leader, that language was not included in the final draft.

At a Council meeting held on May 13-15, 2021, a revision to ABA Standard 303 was proposed to add 303(b)(3).\textsuperscript{46} The proposed ABA Standard 303(b) reads:

“(b) A law school shall provide substantial opportunities to students for:

(1) law clinics or field placement(s);
(2) student participation in pro bono legal services, including law-related public service activities; and

(3) the development of a professional identity.”\textsuperscript{47}

Also proposed at the May 2021 Council meeting was the following language for a new interpretation to ABA Standard 303:

Interpretation 303-5:

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities during each year of law school and in a variety of courses and co-curricular and professional development activities.\textsuperscript{48}

This new focus on professional identity (i.e., “what it means to be a lawyer and the special obligations lawyers have to their clients and society”)\textsuperscript{49} provides further support that students should be prepared for their role as leaders in society.

B. New Model for Professional Formation Prepares Law Students for


\textsuperscript{47} Id. at 7 (emphasis added). The revision also included the addition of a subpart (c) to ABA Standard 303 to read as follows: (c) A law school shall provide training and education to law students on bias, cross-cultural competency, and racism: (1) at the start of the program of legal education, and (2) at least once again before graduation. Id.

\textsuperscript{48} Id.

\textsuperscript{49} Id.
Leadership

The Holloran Center co-directors Neil Hamilton and Jerry Organ have been at the forefront of the formation-of-student-professional identity movement. Professor Hamilton advocates for the adoption of the following two foundational learning outcomes as part of a law school’s commitment to the professional development and formation of law students:

1. pro-active professional development toward excellence at all the competencies that clients, employers, and the legal system need; and
2. an internalized deep responsibility to others, especially the client...”

Working with the Holloran Center to advance and support professional identity work within legal education, a group of legal educators recently created a visualization of foundational professional development and formation efforts to help each student progress through law school “from being a new entrant to the profession to being an integrated effective lawyer serving others well in meaningful employment.”

This layered progression of law school learning outcomes provides a roadmap for developing a law student’s professional competencies and skills while in law school and sets a foundation for life-long learning.

The following describes some of the building blocks for law students’ professional formation that also are fundamental for their development as leaders.

Group 1 (Foundational Values/Commitments into Which New Entrants to All Professions Grow) recognizes that all entering law students are expected to take “ownership of continuous professional development toward excellence at major competencies needed” and to adopt a “deep responsibility and service orientation to others, especially the person served.” While foundational to lawyers in the

52. The prominence of values-based leadership development is also demonstrated in the visual model for the development of a student’s professional identity created by the Holloran Center. Their Model for Layered Progression of Learning Outcomes presents five groups of competencies as they suggest a visual layered progression of law school learning outcomes to help students “grow[] from being a new entrant to the profession to being an integrated effective lawyer serving others well in meaningful employment.” Hamilton, supra note 26, at 3-4.
53. Id. at 4.
representation of their clients, these commitments also are important aspects of lawyers’ obligation to serve society.

Group 2 (Foundational Building Blocks for Lawyers) lists legal skills that are traditionally the focus of legal education (such as legal writing and research skills, and standard law school technical knowledge), and lists other important concepts that are not as readily identifiable in traditional law school curricula.\textsuperscript{54} As law professors, we might routinely give students feedback in the form of comments on exams and papers or critiques of oral arguments. But law schools generally do not help students understand the necessity of seeking feedback as part of life-long growth and development, nor do students typically learn how to sort through the feedback to find and accept valuable tidbits. Besides seeking feedback, Group 3 lists other competencies (such as reflection, self-awareness, integrity, growth mindset, grit, and resilience) that many law students do not have when they arrive at law school.\textsuperscript{55} These concepts are important to their growth not only as a professional, but also as a leader.\textsuperscript{56} Without intentional coverage of these topics, we cannot assume our students will graduate with these attributes.

Group 3 (Basic Individual and Relational Building Block Competencies) lists basic relational building blocks that are necessary to effectively work with others: strong client service orientation, active listening, respect for others, teamwork, professional communication and cultural competencies.\textsuperscript{57} This author agrees with Professor Neil Hamilton, when he wrote: “in the author’s experience, the competencies in [Group 3] are greatly underemphasized.”\textsuperscript{58} We hope our students already hear themes of client service, respect for others, cultural competencies, integrity, trustworthiness and self-care in their law school classes, but again these competencies and values are too important to expect all students to hear, see and embrace without intentionality on our part.

Group 4 (Compound Competencies) includes some skills traditionally expected to be found in law schools. These include client-centered problem solving, client interviewing/counseling, negotiation skills, and ADR skills.\textsuperscript{59} Others—including good judgment, team leadership skills, and organization or management of legal work—are assumed to be gained with experience and maybe after

\textsuperscript{54} Id.
\textsuperscript{55} Id.
\textsuperscript{56} Id.
\textsuperscript{57} Id.
\textsuperscript{58} Hamilton, supra note 26, at 3.
\textsuperscript{59} Id. at 4.
We also hope to inspire our students to be professional and trustworthy in their work with a commitment to service and pro bono.

Group 5 (Complex Compound Competencies) is comprised of only two: “leadership and influence in organizations and communities” and “entrepreneurial mindset to meet employer/client needs in changing markets.” Although certainly some law students achieve Group 5 competencies before graduation, expecting all law students to arrive there in three short academic years is likely unrealistic. That should not stop us from trying!

A review of these Holloran Competency Milestones reveals the prominence of leadership concepts in the development of a law student’s professional identity and the professional competencies necessary to produce “an integrated lawyer serving others well in meaningful employment.” The broader mission of a values-based, competencies-driven legal education is the development of lawyers who embrace their obligation to serve clients and society, who are equipped for positions of influence, and who courageously seek opportunities to make a difference in the lives of others and in their communities. Leadership development should be specifically recognized as an important component of the education and training of modern law students.

V. GROWING NUMBER OF LEADERSHIP COURSES AND PROGRAMS PROVIDE PROFESSIONAL IDENTITY TRAINING

The number of law schools offering leadership courses or programs continues to grow from just a few courses fifteen years ago to leadership courses and programs at almost half of the American law schools. A series of articles chronicled the growth of leadership programs and courses. In an article published in the last Santa Clara leadership issue in 2018, this author chronicled “the creation of a new section within the American Association of Law Schools (AALS)—a section for Leadership—and the evolution of leadership development courses and programs in American law schools.” At that time, a search of all the law schools accredited by the American Bar Association found only thirty-seven law schools that had or were planning to have some type of

60. Id.
61. Id.
62. Id. at 3.
63. Teague, supra note 5, at 13.
64. Id. at 43; Teague, supra note 23, at 650.
65. Teague, supra note 23, at 651. The Section on Leadership’s mission seeks “to promote scholarship, teaching, and related activities that will help prepare lawyers and law students to serve in leadership roles.” Section on Leadership, Purpose, ASS’N AM. L. SCH. (Nov. 9, 2017), https://www.aals.org/sections/list/leadership/.
leadership course or program. After that article and through additional efforts to uncover information about existing or new programming, the number of identified programs expanded in 2019 to eighty-five law schools with at least one leadership development program or course for their students. While new leadership courses and programs are created each year, some of that increase in such a short time was more likely explained by the lack of intentionality to brand their leadership development as such. The creation of the American Association of Law School’s Section on Leadership likely helped bring attention and support to this important topic, resulting in more or better branding of existing programming. Also recognized is the probability that beyond specific courses, more leadership development training occurs as professors and professional staff incorporate leadership development concepts into courses, clinics, and programs where the focus is not primarily leadership development. For example, clinical experiences also provide fertile ground for leadership training, even though leadership development is not the primary purpose of the clinic.

In a spring 2021 review of websites for the ABA accredited law schools, the number of law schools with identified leadership development programs and leadership courses was ninety-eight. The majority of the programs and courses were created in the last ten years. Also recently updated was a study beginning in 2019 to review the mission statements and learning outcomes of all ABA accredited law schools. In addition to the ninety-eight with a leadership program or course, the current review of law school websites revealed an additional thirty-two law schools without leadership programs or courses but specific mentions of leadership in their mission statements or their learning outcomes. Represented is approximately sixty-five percent of American law schools that recognize their students should be prepared to serve as leaders in society, and within the last ten years, approximately one-half have created or enhanced programming to provide leadership training to their law schools. Those within the academy studying this phenomenon applaud the efforts and are prepared to support, encourage and assist further efforts to increase the number of leadership courses and to expand leadership development programs.

68. Leadership Mission Statements and Learning Outcomes, supra note 6.
69. Id.
70. Id.
71. Teague, supra note 23, at 651.
The AALS Leadership section’s purpose is to promote an understanding of the leadership skills that can be taught in law school and to support efforts to teach and research leadership for lawyers.\textsuperscript{72} By sharing resources and providing training and support for those who have an interest in teaching leadership courses, the AALS Leadership section is committed to overcoming some barriers that hamper the creation of programs and courses at some law schools.\textsuperscript{73} “These barriers include lack of support by doctrinal faculty who continue to view the first apprenticeship as the foundation for law school education; skepticism that leadership could or should be taught in a classroom setting; and concern about whether a given faculty member has sufficient qualifications to teach leadership.”\textsuperscript{74}

Speakers during the 2020 Vision for Leadership Conference discussed the importance of leadership development, addressed some of the barriers to creating programming, and offered suggestions for law schools trying to create and expand their leadership development programs and courses.\textsuperscript{75} “From the first session of the Conference to the last, speakers acknowledged that ‘[l]awyers lead.’”\textsuperscript{76} Throughout the live conference, as well as this special issue, the importance of leadership development for law students was emphasized.\textsuperscript{77}

Outside these leadership conferences, where you expect the speakers to make such a statement, the endorsement among law school deans is clear. In a recent statement signed by deans from most of the American law schools, the following passage was the last paragraph:

As law deans, our mission is to train the next generation of leaders to uphold the core values of our profession and sustain the rule of law. This should be a moment of reflection for legal educators and members of the legal profession. A sustained effort will be necessary to repair and preserve our precious democratic institutions. As legal educators and lawyers ourselves, we must redouble our efforts to restore faith in the rule of law and the ideals of the legal profession. We have enormous faith in the law’s enduring values and in our students, who will soon lead this profession. We call upon all members of the legal profession to join us in the vital work ahead.\textsuperscript{78}

\textsuperscript{72} Section on Leadership, supra note 65.
\textsuperscript{73} Teague, supra note 23, at 654-55.
\textsuperscript{74} Fraley & Teague, supra note 67, at 417.
\textsuperscript{76} Teague, supra note 5, at 18.
\textsuperscript{77} 2020: Vision for Leadership Conference, supra note 75.
Leadership development programming in law schools is not only appropriate but important as we help our students recognize their professional identity as leaders in society and embrace the opportunities that will be presented to them by reason of their education, training, and special stature in society.

VI. ADDITIONAL THOUGHTS ON RELATIONSHIP BETWEEN PROFESSIONAL IDENTITY FORMATION AND LEADERSHIP DEVELOPMENT

Some suggest that professional identity formation and leadership development are one and the same or perhaps a different perspective or ancillary path to the same end goal, which is to better prepare lawyers for their professional roles in society.79 This author offers her reflection on the differences and benefits of each and advocates that both have an important role in preparing law students for the increasingly complex and challenging future as a member of the legal profession.

A. Leadership Studies Build on Professional Identity Formation

Professional development helps a law student understand what is expected of him or her by employers, clients, and the public.80 When helping a law student embrace their professional identity, the focus is on understanding expectations and obligations as a member of our honorable profession after graduation. Acquiring and maintaining a license to practice law involves more than demonstrating a level of minimum competency in legal skills and knowledge required to receive passing grades in law school. Certain standards for professional competency, behavior, and character are also required. Professional identity efforts supplement the education and training that occurs in the traditional law school curriculum to highlight the need to do more in law school than simply to learn to think like a lawyer (i.e., the first apprenticeship of the Carnegie Report) while demonstrating competencies in a prerequisite number of substantive law courses.81 Law schools must do more to address the second and third apprenticeships.82 More intentionality is needed to adequately equip students to do tasks expected of lawyers and to better prepare them to be professional, as expected of members of our noble profession, and to better prepare them for their role in the profession with the goal of inspiring students to “own” their responsibility as a lawyer in society.

80. Id. at 616-18.
81. Id. at 618-19.
82. See Sullivan, supra note 23, at 334.
Professional development is a more individualized process of self-assessment and personal growth designed to better prepare students for their role in the profession.\textsuperscript{83}

Leadership development programming includes those basic elements of self-assessment and personal growth and then builds on those efforts that are fundamental to the professional formation of law students.\textsuperscript{84} The reality is \textit{all} lawyers are leaders. The representation of clients involves all the elements of leadership—namely, the ability to influence others to accomplish a particular objective.\textsuperscript{85} Not infrequently, lawyers are involved in convincing others to work collaboratively toward a common goal, even when they are adversaries. Sometimes the common goal simply involves resolving a dispute or closing a deal. Lawyers must persuade and work collaboratively for their clients and others.

Volunteering in the community is also leadership. Through service and guidance, lawyers influence decision-making and direction of their clients and communities. Leadership programming strives to help students see the opportunities they will have to be difference-makers in the world by using their legal education and training to positively influence and impact their clients, organizations, and communities. Those opportunities come when advising, advocating, and working with their own clients or volunteering in the community.

Serving as teachers, coaches, and mentors, law school personnel can inspire our students to see the opportunities to influence others toward a greater good and better outcome. Conversation about well-being should occur to encourage students to \textit{seek} a life of purpose and meaning beyond earning a salary and representation for hire. Without question, financial security is a worthy goal for law students and important for one’s self-actualization,\textsuperscript{86} but many lawyers can attest to the fact that working solely for monetary gain will not lead to a full and

\textsuperscript{83} Neil Hamilton & Jerry Organ, \textit{Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop An Integrated Professional Identity (Professional Formation)} 83 TENN. L. REV. 843, 847-49 (2016); see also Holloran Research on Professional Formation, U. ST. THOMAS, https://www.stthomas.edu/hollorancenter/holloranresearchonprofessionalformation/ (last visited Sept. 21, 2021);

\textsuperscript{84} Teague, \textit{supra} note 23, at 651.

\textsuperscript{85} See Teague, Fraley & Rispoli, \textit{supra} note 9, at 4-7.

\textsuperscript{86} Scott Jeffrey, \textit{The Ultimate Guide to Maslow’s Hierarchy of Needs for Understanding Motivation}, CEO SAGE, https://scottjeffrey.com/abraham-maslow-hierarchy-of-needs/ (last visited Nov. 13, 2021) (discussing that if an individual does not have sufficient resources to meet physiological and safety needs – water, food, shelter, etc. – that person does not have the capacity to focus energy on actualizing their innate potential); see also Scott Jeffrey, \textit{A Complete Guide to Self-Actualization: 5 Key Steps to Accelerate Growth}, CEO SAGE, https://scottjeffrey.com/self-actualization/ (last visited Nov. 13, 2021).
Leadership programs include attention to self-care and strategies for leaving their mark to create their legacy.

**B. Leadership Development Builds Skills Valued by Legal Employers**

Leadership development efforts are not merely lofty ideas coming from naive, idealistic law professors who live in ivory towers far above the grind of a pressure-filled, billable-hour world to which “real” lawyers are tethered. Legal employers also value the training in leadership development programming for lawyers and engage in it. Law firms recognize the benefits to their lawyers who are expected to develop relationships with clients, work within teams and advance within their organizations. William Sullivan offers this observation about success in today’s environment:

> The key tasks that make or break competitive success in today’s highly fluid, often precarious business organizations turn out to be the practices of defining purposes, reconciling divergent interests within organizations or among stakeholders, and nurturing trusting relationships without which businesses cannot prosper. Another way of pointing this point is that the age of the “organization man” is long past. Increasingly, managers must develop the skills of leaders and coaches as well as those of administrators and strategists. Especially in today’s advanced-technology industries, where knowledge is the essential resource, it is the management of personnel that has emerged as the critical discipline. Therefore, organizations gain competitive advantage when they promote creativity and collectively learn from their experience. This requires effective teamwork and leadership.

Today’s complicated legal matters, demanding employers, and impatient clients call for a different set of skills than in the past, as discussed above. The legal profession may still be a service industry, but its business operations drive decisions. Law students need to be better prepared for the complexities of modern-day law firms and other entities, the disruptions occurring in society (such as advancements in technology), and the challenge of working with people. Business schools emphasize leadership training for their students for a reason!

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89. Id.
90. Sullivan, supra note 23, at 342.
91. See supra Section II.A.
Law schools can easily add value to their students’ education and training with some intentionality to incorporate leadership training.

C. Leadership Development Better Equips Students for Service with Integrity and Honor

Leadership is also different from professional responsibility. Acknowledging the lawyer’s obligation to conduct his or her affairs in line with the rules of professional responsibility is an important aspect of a lawyer’s professional identity. In professional responsibility courses, students learn minimum standards of conduct for lawyers—the baseline of acceptable conduct. We teach students that the ethics rules are the outer boundaries that could result in censorship or exclusion from the profession if crossed. Professional identity emphasizes the public’s expectation that lawyers will adhere to those rules as well as other aspirational statements found in the preambles of their state disciplinary code, the Model Rules preamble, and other lawyers’ creeds and oaths. Professional identity efforts encourage law students to “own” the importance of professional responsibility for its members.92

We should expect the same of our leaders. At a minimum, followers, peers, and the public expect leaders to abide by all the laws, rules, and regulations, but more should be expected. The question is, how much more? Should lawyers and leaders be expected to live by some type of values-based code (i.e., morality)? Whether expected or not, knowing a leader’s core values and knowing that the leader’s words and deeds align with those values will establish a reputation of integrity. Integrity lays the foundation for trust, and trust is essential for forging strong relationships necessary to lead others. That trust is beneficial in establishing professional and personal relationships. Trust creates relationships, which often result in opportunity.

A leadership development course is a space where students contemplate the meaning of integrity and morals. Through discussions, students can explore possible consequences of having no identified value propositions that need to be non-negotiable in their life. Students can also explore the potential outcomes when a person has a steadfast commitment (i.e., integrity) to the wrong values or moral code (think pirate’s code). Time spent by students thinking about their value system and goals can help guide them in deciding what they should do. They can develop a framework for making better decisions when inevitably faced with tough calls. Determining, and committing to, a

pre-determined set of core values will help assure that words and deeds are aligned with core values.

Professional responsibility, professional formation, and leadership development are all important on a law student’s journey to success and satisfaction, both professionally and personally. Fundamental to values-based leadership development programs are concepts such as grit, growth mindset, feedback, failing with grace, self-reflection, resilience, self-care, integrity, civility, accountability, listening with empathy, cultural competency, respect for others, teamwork, emotional intelligence, problem-solving, negotiation, conflict resolution, judgment, team leadership, professionalism, and trustworthiness. Through leadership training, students better understand their strengths and weakness, work on improving their competencies, learn to embrace failure as opportunities for growth, think strategically and imagine possibilities, and enhance their ability to build stronger and more productive working relationships with others. In short, studying leadership while in law school encourages students to be the best version of themselves and gives them time and space in their busy schedules to do so.

D. Leadership Studies Broaden Focus from Service to Clients to Serving as Change Agents in Communities

Professional development focuses primarily on equipping students to serve clients, and rightly so since most law schools are preparing students for those important first positions in the practice of law. Adding a focus on lawyers’ role as leaders in society elevates professional formation from a focus on singular client matters to broader societal implications. Beyond individual representation, lawyers can utilize their talents and capabilities to have a tremendous impact on society. For example, law students learn advocacy skills that allow them to clearly articulate their positions and convince others they are right. The context for advocacy training traditionally has been to enable the lawyer to accomplish the task for which he or she has been hired by the client. Leadership is the process of employing those skills to influence a decision or an outcome not only from a self-centered perspective or

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93. See Teague, supra note 5, at 10-14; see generally TEAGUE, FRALEY & RISPOLI, supra note 9, at 41-234 (discussing growing into leadership).
Those communication skills are not the only legal skills that make lawyers valued leaders in organizations. Trained to think analytically and pragmatically, lawyers use their legal skills to identify issues, solve problems, and help others, whether working for an individual client or a huge empire. Looking at legal skills and competencies from a leadership perspective, students begin to envision using those abilities not only for a single client, but also to create innovative possibilities for a community, state, or nation. Leadership development programming encourages law students to develop skills and competencies that are useful in building a successful practice of law. Those same competencies and abilities can, and should, be used to effectuate change. Lawyer-leaders not only recognize the professional obligation to serve clients and the justice system, but also embrace the opportunity to impact individuals, organizations, and communities in order to make a positive difference in society.

E. Leadership Development Addresses Challenges Facing the Legal Profession

Exploring pressing issues facing the profession and society through leadership studies also will better prepare law students to be change agents—an important role of lawyers since the beginning of this nation. Because difficult, complex issues always have legal components and implications, helping to address the issues is part of lawyers’ special obligation to society. Leadership development programming provides an opportunity for students to study the issues and discuss, role play, or take action. Current challenges include civil discourse; access to justice; racism; and broader diversity, equity, and inclusion issues.\footnote{See Teague, supra note 5, at 5.} Law students should be aware of these issues not only because they pose significant challenges to society, but also because they directly impact the legal profession.

Imagine the difference in a polarized society, such as ours, if more lawyers were trained to defuse emotional eruptions and guide parties to conversations about common interests and possible solutions. Perhaps if the public saw more lawyers conducting themselves in a civil manner, at least a piece of the access-to-justice issue would be addressed as well.

The access-to-justice gap is a critical problem that directly affects the profession. We should be alarmed by studies finding that at least one party is not represented by a lawyer in up to eighty or ninety percent of
cases in America’s civil courts. This access-to-justice gap leaves the majority of our citizens without affordable legal representation and advice. If the legal profession does not find creative solutions to address these challenges, how can we expect the public to look to us as leaders for guidance in forging the nation’s future?

Another pressing issue is the lack of diversity, equity, and inclusion. The legal profession plays a particularly important role in efforts to increase diversity and create more inclusive environments. As guardians of society with a special obligation to advocate for justice and equity, lawyers are hired to represent others seeking equity and are expected to zealously advocate for their clients. Because of this important role in helping our nation move toward a more inclusive and equitable society, the profession should be “leading the way in creating models of inclusive diversity committed to achieving equity in the workplace.” Instead, the profession is shamefully lacking in diversity, equity, and inclusion. The legal profession should establish its own commitment to diversity, inclusion, and equity. Leadership development efforts bring awareness to these issues, equip students to be effective in addressing the challenges, and inspire students to take action.

VII. CONCLUSION

In the midst of disruption and change that defines this period of time, the legal profession is undergoing change, and legal education must pay attention or risk less prominence and influence in society. The recent revisions to ABA Standards provide another reason for law schools to consider the future of their programming. One of those mandates requires law schools to be more intentional with the formation of students’ professional identity. Because lawyers have contributed their leadership talents to impact pivotal events in society throughout history, leadership is certainly an important aspect of lawyers’ professional identity. As heads of nations, universities, foundations, companies, legislative committees, and public offices, lawyers shape our society and culture. In this ever-increasingly-complex world, law schools should take the opportunity to better prepare students for their leadership roles in society.

96. See Jessica K. Steinberg, Demand Side Reform in the Poor People’s Court, 47 CONN. L. REV. 741, 749 (2015).
98. Id. at 683.
99. See RHODE, supra note 3, at 129.
Imagine the impact on society if more leaders were trained and experienced with skills and competencies developed in law school, including issue spotting, critical thinking and analysis, strategic planning, advocacy, negotiation, effective communication, ethics, and professionalism. In the last ten years, approximately eighty-five law schools have created leadership programs and courses in recognition of the need to provide leadership training to law students. These leadership development programs help produce lawyer-leaders who strive to: make decisions that not only meet their ethical obligations, but also are guided by their values and the aspirational aspects of codes of professional responsibility; assess and reflect on their gifts and abilities as well as their shortcomings; be courageous enough to make course corrections as appropriate; value differences when working with others; and strategically select where and how to employ their skills and competencies to make a difference in the world. By working to improve themselves and enhance their professional identity, lawyer-leaders become more adept at working with others and more successful in achieving goals. Lawyers may eventually learn these skills on their own, but law schools can give them a head start by teaching these skills and competencies.

With the prominence of leadership concepts in the development of a law student’s professional identity, leadership development programs and courses should be specifically recognized as an important component of the education and training of modern law students, albeit tailored to the law school’s specific mission. Adopting a shared understanding of the expectations of lawyers as leaders will help with an implementation that melds with the school’s mission and goals. Leadership development programming that complements a law school’s culture and mission will better deliver or supplement its professional identity formation training, as well as support other important initiatives, including professional responsibility, student wellness, diversity, equity, and inclusion efforts. All are important on a law student’s journey to success and satisfaction, both professionally and personally.

Law schools can do more to equip their students to be innovative problem-solvers and difference-makers. The future of our profession depends on it, and leadership training can help. Through leadership development programming, law students can be encouraged to embrace their obligation to serve clients and society, better equipped for positions of leadership and influence (including building relationships with clients), and inspired to boldly seek opportunities to be difference-makers in their communities and the world.

100. Teague, supra note 5, at 43.