

To: Colleagues  
From: Susan Sturm and Michael Gerrard on behalf of the Leadership Development Working Group  
Re: Tuesday Lunch Workshop on Lawyer-Leadership  
Date: February 19, 2018

We are looking forward to engaging you in a discussion next Tuesday of how we cultivate “lawyer leadership” in our students—the capacities, strategies, and practices that lawyers need to achieve collective aims (our broad, working definition of leadership). To inform that discussion, we include here a brief summary of the rationale for cultivating lawyer-leadership, how we have gone about defining lawyer-leadership, and our first cut at a set of core lawyer-leadership competencies, drawing on focus groups, interviews, secondary literature, and committee deliberation. That table provides a column for you to jot down illustrations of how you are cultivating any of these capacities in your teaching.

We also provide a brief excerpt from Scott Westfahl and David Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less*, 69 STAN. L. REV. 1667 (2017). This excerpt lays out Westfahl and Wilkins’ model of how to “help students develop the leadership skills, professional skills, and rich networks that law schools have traditionally failed to teach.” Their article is part of 2017 Stanford Law Review Symposium on Leadership in Law Schools.

At our workshop, we will explore how you go about developing one or more of these competencies in your students.

### Why Undertake Lawyer-Leadership Development:

- Students increasingly will have multiple phases of a career in the changing legal economy. That reality makes imperative that students graduate with visions of different career paths, which for many will include positions of formal and informal leadership and the capacity to be entrepreneurial and intentional about their futures.
- Effective and wise lawyering demands a variety capacities related to leadership.
- Lawyers have a significant role in addressing pressing public problems and advancing justice. CLS has a responsibility to help students explore the positive impact they can have in the world by virtue of their legal training.
- Many CLS graduates will occupy positions of formal and informal leadership throughout government, private, and nonprofit sectors, for which they may not be adequately prepared.
- There is a pressing need for effective leadership in both the public and private sectors, because of the rate of change and the complexity of the challenges facing virtually every sector of society.
- Many important institutions are in need of significant redesign and change, and these changes will involve lawyers’ participation and require leadership.

- Law schools are losing enrollment; to sustain enrollment we must figure out ways to demonstrate and enhance value for the full range of positions people with legal training occupy.

### How To Define Lawyer-Leadership:

- Leadership cannot and should not be defined narrowly or limited to those who aspire to occupy formal roles as heads of organizations. Instead, we define leadership broadly to include the full range of contexts, competences, practices, and styles that lawyers will use to achieve collective aims.
- Leadership can be defined both to equip new lawyers to meet the demands they face when they graduate, as well as to equip them to rise to the challenges that lawyers face over the course of their careers. Leadership is important both to manage the everyday practice of lawyers and to enable lawyers over the course of their careers to rise to the complex and daunting challenges that require vision, strategy, improvisation and creativity. This initiative undertakes both to create learning opportunities for law students to develop basic capabilities associated with everyday practice, and to offer opportunities for more in-depth learning and development for interested students.
- Leadership develops powerfully when leadership learning is integrated with pursuing goals or aims in contexts that matter. For that reason, we strive to connect leadership development with substantive areas where possible.
- The most effective way to teach leadership competencies is through experiential learning--conceptualizing, doing, reflecting, rethinking the theory, and then starting the sequence all over again.
- For leadership to stick as something that matters at CLS, it cannot simply be a one-off occurrence. We strive to find ways to integrate leadership development into the experience of being a student at CLS, and to enable interested faculty and staff to integrate leadership into core areas of research, teaching, and policy work.
- As part of this work, we seek to develop a growing set of illustrations that demonstrate concretely why leadership is important for lawyers, how leadership is relevant for new lawyers, how it is being practiced at CLS and by its alums, and how CLS fosters leadership. Those narratives will come from faculty, staff, students, and alumni involved in the work. Those examples could then help enlist interest in, brand and communicate the power of the leadership initiative that we launch. We have already begun that process through the conversations with the Dean's Council, the Board of Visitors, and interviews and focus groups with CLS students, faculty, and staff, along with lawyers in different sectors of the profession.

## Lawyer-Leadership Competencies

Lawyer-Leadership Competencies	Lawyer Leadership Learning
<b>LEADING SELF:</b>	
<b>Self-leadership:</b> Self-awareness, self-regulation, self-motivation, reflection, listening for values, presence, and authenticity.	
<b>LEADING OTHERS:</b>	
<b>Interpersonal and social skills:</b> social awareness, empathy and perspective taking, communicating effectively, persuasion, supporting others' development, conflict management and conflict resolution, negotiation, the ability to communicate across social, economic, and cultural boundaries, developing a global mindset, and proficiency in building relationships and networks.	
<b>Teaming and group dynamics:</b> Working effectively and constructively with teams, including those that are diverse by identity, culture, discipline, function, and/or status.	
<b>Execution and Implementation:</b> Follow-through on tasks, meeting deadlines, organizing work, assume responsibility for the situation, monitor, evaluate, put in feedback cycles, delegation.	
<b>Learning and improvement:</b> Enabling individuals, groups, and organizations to learn, seek help, get and give feedback, support others' growth, experiment, recover from failure, identify and learn from what works, and sustain this ongoing learning and improvement process.	
<b>Decision making and problem solving:</b> Navigating risk, identifying and defining	

issues, making decisions in the face of value tensions; problem solving, including under conditions of uncertainty, complexity, and change.	
<b><i>Marshaling and communicating diverse forms of knowledge to diverse audiences:</i></b> Information analytics and communication, including technology and interdisciplinary knowledge.	
<b><i>LEADING CHANGE:</i></b>	
<b><i>Strategic processes:</i></b> Visioning and big picture thinking; building motivation; legal imagination and creativity; persuasion, motivation, and empowerment around a shared vision.	
<b><i>Understanding, navigating, and designing contexts:</i></b> Systems thinking, design thinking, institutional design, working within organizations/organizational culture.	
<b><i>Navigating and driving change,</i></b> including personal transitions as well as situational, organizational, and social change.	

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Needless to say, we do not mean to suggest that, either singly or in combination, these arguments will overcome the resistance of every law school or law firm that still clings to the illusion that the traditional model of professional development is working to prepare lawyers for the demands of twenty-first-century corporate practice. We are confident, however, that such arguments will be persuasive to some law schools and law firms—provided there is an alternative model that will plausibly meet the developmental needs of young lawyers without completely disrupting the law school's or law firm's existing business model. In the next Part, we offer some preliminary ideas about what such a model might look like.

#### **IV. Toward a New Model of Professional Development**

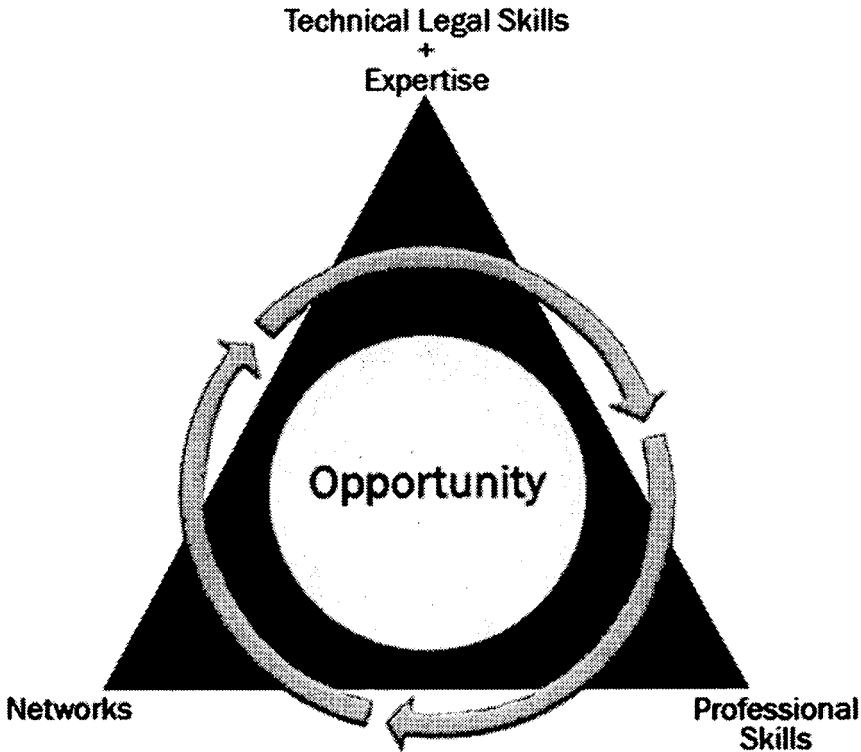
Our new model begins with this simple truth: the lawyers of the future will need to be technically capable; professionally nimble; and able to use broad, interdisciplinary networks to solve problems. Law schools, law firms, and corporate legal departments therefore have a mutual interest in collaborating in a deliberate and focused effort to redefine lawyer development across the arc of legal careers.<sup>151</sup> To be effective, this collaboration must concentrate on helping lawyers build three critical capacities: technical legal skills and expertise, professional skills that are adaptable to any professional context, and opportunity-generating networks of relationships. These need to be developed at all stages of a legal career, from law school to retirement—and even beyond, given how baby boomer lawyers continue to want to give back to their profession even after retirement from their corporate legal jobs.

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appear to listen to the preferences of important managerial constituencies . . ."). See generally Frank Dobbin & Alexandra Kalev, *Why Diversity Programs Fail: And What Works Better*, HARV. BUS. REV. (July-Aug. 2016), <https://hbr.org/2016/07/why-diversity-programs-fail> (arguing that heavy-handed diversity strategies can retrench biases and that workplaces should instead use engagement, contact, and social accountability to promote positive outcomes).

151. See HEINEMAN ET AL., *supra* note 8, at 65-66 (arguing for such a collaboration).

Figure 1



In a sense, this model is directed toward creating and maximizing lawyers' opportunities for impact in the world however they choose to define "success." If done right:

- Developing specialized legal expertise and technical lawyering skills builds credibility with clients and other stakeholders;
- Developing broad professional skills, especially around leadership of people and teams, creates more opportunity to apply and build upon technical legal skills and opens doors to higher levels of impact; and
- Developing rich internal and external networks creates opportunities for lawyers to leverage their technical and professional skills in new, interdisciplinary ways, especially as leaders and connectors of ideas, people, and possibilities.

In our proposed shared model of responsibility for lawyer development, the building of technical legal skills, professional skills, and networks begins in law school and continues across the arc of a lawyer's career. To build this model, however, law schools, law firms, and companies must be willing to

invest the resources to build the links that are essential to facilitate the movement from development to opportunity to further development. Without this connection, development becomes a zero-sum game that some will inevitably win at the expense of others. The current sink-or-swim model creates a false sense of meritocracy and entitlement for those who “win” and leaves so many other very worthy and highly capable people to dog-paddle back to shore.<sup>152</sup> The current model also perpetuates law school hazing<sup>153</sup> and negatively impacts and unfairly stigmatizes those who do not perform well on the very narrow range of competencies measured by law school exams.<sup>154</sup> The depression cycle in many cases begins during the first year and worsens over the course of law school.<sup>155</sup> This is the antithesis of education and will eventually turn the potential for a virtuous circle into the reality of a vicious race to the bottom. Students will not gain the skills they need to succeed in their careers, and law schools, law firms, and companies will find themselves with a declining number of talented lawyers who are interested in building careers in these organizations.

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152. See Wilkins & Gulati, *supra* note 10, at 1586-87 (arguing that the real rules of the tournament of lawyers are quite different from those implied by the “tournament” analogy and that these rules undermine the standard claim that those who win the tournament of lawyers are by definition the best); see also Wilkins & Gulati, *supra* note 53, at 537-38, 542 (arguing that the failure to gain access to meaningful training and development opportunities in law firms disproportionately disadvantages black lawyers).
153. The tradition of professors being “tough” on students when cold calling in the Socratic method was developed long ago when students were mostly young white men from similar backgrounds whose futures were mostly secure and for whom being ridiculed in class posed little actual risk and likely felt akin to fraternity hazing. See Morrison Torrey, *You Call That Education?*, 19 WIS. WOMEN'S L.J. 93, 104 (2004) (analogizing the Socratic method to the “bizarre male bonding experience of fraternity/military hazing”). The stakes are much higher in today's very diverse law school classes, where students struggle to feel included and able to speak freely when questioning fundamental assumptions. Analytical rigor is important to learn, as is the ability to defend an unorthodox view. The typical first-year law school classroom, though, is no longer well suited to achieve those goals. Cf. DOUGLAS LITOWITZ, *THE DESTRUCTION OF YOUNG LAWYERS: BEYOND ONE L* 29 (2006) (“[M]ost students treat law school as a hazing ritual to be endured, a bizarre rite of passage to be suffered as the price for getting the degree.”).
154. Notably, Shultz and Zedeck found that law school grades and high LSAT scores did not correlate strongly with success as a practicing attorney. See Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 LAW & SOC. INQUIRY 620, 621, 642 tbl.4 (2011).
155. See Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357, 358-60 (2009) (suggesting that fierce competition and an emphasis on achievement and linear thinking contribute to student unhappiness); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 875 (1999).



But building these connections will take sustained work. That work must begin in law schools but with the input and collaboration of professionals. And it must continue into the workplace, with the input and collaboration of academics who can help lawyers become lifelong learners.

A. Law School Realignment: From Teaching Students to Think Like (Common Law) Lawyers to Developing the Leaders of Tomorrow

Realigning legal education presupposes a common goal. Yet we highly doubt that if surveyed, a law school's faculty members would agree upon a simple mission statement for their law school. Law school deans face the nearly impossible task of balancing faculty members' often largely conflicting views as to the purposes of their allegedly common enterprise. Accepting and living with conflicting goals and without a unifying mission may be necessary to preserve academic freedom and flexibility, but it diminishes the concept of lawyer development as one of the most important reasons why law schools exist.

Thus, we propose that as a first step, law schools should explicitly elevate and acknowledge lawyer development as one of the few existential purposes of a law school.<sup>156</sup> This does not have to be controversial. No one questions that medical schools should develop excellent doctors or that business schools should develop highly capable executives and entrepreneurs. Nor do such expectations hinder medical schools and business schools from also producing excellent research and scholarship and playing an important role in the pantheon of the academy. Although there certainly are differences among law, medicine, and business,<sup>157</sup> the fact that the schools dedicated to the latter two professions have undergone far more extensive changes than have law schools in the way they prepare new graduates to enter their chosen field should be a

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156. Some law schools are already moving in this direction. For example, one of the Authors served on an advisory committee at George Washington University Law School that brought together private and public sector professional development leaders to work with faculty and the school's full-time director of professional development to redesign the law school's first-year experience. One of the primary results of this process was an initiative under the school's Inns of Court program to provide first-year students with external mentors and with career and professional skills-related training and programming. See *Career Path Profile: Susan Fine, Director of Professional Development at George Washington Law School*, A.B.A. LEGAL CAREER CENT. (Nov. 17, 2015), <http://www.abalcc.org/2015/11/17/career-path-profile-susan-fine-director-of-professional-development-at-george-washington-law-school>; *Inns of Court*, GW LAW, <https://www.law.gwu.edu/inns-of-court> (last visited June 6, 2017) (describing the Inns of Court program).

157. For example, as one of the Authors has argued, the conditions that might allow for a three-year M.D. are not the same as what would be required to have a two-year J.D.—although there is much we can learn from the debate in the medical field about these programs. See HEINEMAN ET AL., *supra* note 8, at 57-58.

strong signal to legal educators that we are not doing all we should be doing to prepare our students for the complex challenges they are likely to face as professionals.<sup>158</sup>

With lawyer development as a shared objective, law schools should adapt the lawyer development triangle shown in Figure 1 above as the new model framework around which they accomplish that goal. This would build upon law schools' traditional strengths (emphasizing the learning of legal doctrine, analytical reasoning, and advocacy) and create and maximize opportunities for students by substantially enhancing their learning of leadership and other professional skills, while helping them develop rich opportunity-generating networks as well as the skills and knowledge needed to best leverage those networks. Our focus in this Subpart is thus to suggest how law schools can build upon their traditional strengths to help students develop the leadership skills, professional skills, and rich networks that law schools have traditionally failed to teach.

Before proceeding, however, it is important to emphasize one final caveat. In presenting these proposals, we bracket the question whether the reforms we seek should be made a mandatory part of the law school curriculum or instead offered as electives. As anyone who has worked on curricular reform will attest, the attempt to introduce new mandatory courses into the law school curriculum—or to mandate how existing courses should be taught—threatens to derail any discussion about changing legal education into endless (and endlessly contentious) discussions about academic freedom and professional privilege. We therefore leave it to those who read our proposals to decide whether attempting to mandate the increased emphasis on professional skills and network development we describe is worth the candle in their own institutions or whether it is better to introduce these changes through elective offerings designed to build a “coalition of the willing” for change. From our own experience, we believe that students are hungry for the kind of instruction we propose and that professionals are eager to help supply it. But deans and faculty must be willing to allow experimentation on these issues to flower and to provide the necessary financial resources and encouragement that will be required for these new initiatives to succeed. Doing so is also part of the ethical obligation faculty and administrators owe to the legal profession and to their institutions to ensure that law school graduates have the skills and dispositions to be competent and ethical practitioners and to build satisfying

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158. See Benjamin H. Barton, *A Tale of Two Case Methods*, 75 TENN. L. REV. 233, 236-38 (2008); Rebecca C. Flanagan, *Do Med Schools Do It Better?: Improving Law School Admissions by Adopting a Medical School Admissions Model*, 53 DUQ. L. REV. 75, 90-92 (2015); Todd D. Rakoff & Martha Minow, *A Case for Another Case Method*, 60 VAND. L. REV. 597, 603-06 (2007).

and successful careers in the new global age of more for less of which they are part.<sup>159</sup>

### 1. Leadership and professional skills

The most critical component of the new model of lawyer development is the building of leadership and other important professional skills that can be applied in any professional, public sector, or even academic career setting. While the traditional law school environment currently provides opportunities to build such skills, it does so much more by chance than by design and without the consistency of instructional quality that law schools demand for the teaching of legal doctrine.

A helpful way to define and then design new ways to build students' leadership and other professional skills is to think about these skills as helping students either to have impact working *with* others or to have impact working *for* others. Building skills relating to working with others requires coordinated, experiential learning approaches. Building skills relating to working for others can be accomplished through more traditional types of learning approaches. Here is a framework showing this dichotomy:

- *Impact working with others requires a combination of the following skills:* leadership of people and teams, developing and implementing strategy, working in teams, cross-cultural competence and developing a global mindset, emotional intelligence and empathy, leveraging others' strengths, and understanding one's own strengths and working style.
- *Impact working for others requires different—but complementary—skills:* negotiating effectively; legal problem-solving; core business skills and knowledge (such as accounting, finance, and valuation); basic fluency in technology skills like coding; and skills and capabilities relating to professional presentation, design thinking, resilience, and mindfulness.

There are a number of measures that law schools could implement to improve the ability of students to work *with* others effectively. Among the most promising are the following measures:

*Building skills that enhance students' ability to have impact with others.* Because the complex problems lawyers will be asked to solve in any professional career setting will almost certainly require them to fill leadership roles and collaborate effectively, law schools should focus much more attention on

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159. See HEINEMAN ET AL., *supra* note 8, at 60-61 (arguing that law professors are fundamentally members of the legal profession with obligations to the profession's broad public goals and that they also have obligations to their institutions to support efforts to better prepare students to enter the profession).

helping students build skills that enhance these and other related skills. Specifically, law schools should consider adopting a variety of new approaches:

- *Teaching in teams, through team-based courses and projects.* Law schools should encourage faculty to have at least one-third of law school courses, assignments, and assessments be team-based and should work with faculty members to help them adapt innovative new ways to teach team-based courses.<sup>160</sup>
- *Teaching about teams, and applying related tools and technologies.* As part of creating more team-based courses, law schools should also teach students how to collaborate and work more effectively in teams. Such instruction should be based on related research and the application of team-based tools and technologies that strengthen team performance and can be applied by the students later in their careers.<sup>161</sup> Examples of such tools include team launch tools, team feedback and check-in tools, and tools that help teams reflect at the end of their projects.
- *Building cross-cultural competence.* Law schools should help students develop cross-cultural competence by introducing related research and

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160. At HLS, Jon Hanson has redefined the first-year tort-law pedagogy by emphasizing student engagement with systemic problems and social injustice in his “Frontier Torts” section, in which students work in teams. See Dick Dahl, *Hanson: On the Frontier of Teaching Torts*, HARV. L. TODAY (Feb. 12, 2014), <http://today.law.harvard.edu/hanson-on-the-frontier-of-teaching-torts>. Others have recommended incorporating design principles into the law school pedagogy model. See generally MICHAEL HUNTER SCHWARTZ ET AL., *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* (2009) (promoting the use of design principles in creating law school curricula that depart from traditional case method pedagogy).

161. For example, in our winter term Problem Solving Workshop at Harvard, which is mandatory for all first-year students, we require students to work in preassigned, five-student teams and complete all assignments together. See *Course Catalog: Problem Solving Workshop D*, HARV. L. SCH., <http://hls.harvard.edu/academics/curriculum/catalog/default.aspx?o=69509> (last visited June 6, 2017). We use team launch and feedback tools drawn from organizations like McKinsey, which has pioneered such tools for teams of diverse professionals, to teach students how to set collective goals and team norms, discuss and leverage each other’s strengths, and resolve and overcome individual and team conflicts. See Lisa Brem, *The Problem Solving Workshop: A Video Introduction*, HARV. L. SCH.: CASE STUD. BLOG (July 22, 2014), <https://blogs.harvard.edu/hlscasestudies/2014/07/22/the-problem-solving-workshop-a-video-introduction>. Designed by one of the Authors, who spent six years leading professional development for McKinsey’s D.C. office, the team launch tool helps student teams determine their mutual goals, share background information about their individual strengths and working styles, and plan how they will approach their assignments. The team feedback tools help team members reflect on what is working well and what they should focus on improving as they progress through the course. The critical takeaway is that paying attention to team process is equally important to paying attention to team output and results. We also introduce a Myers-Briggs Type Indicator (MBTI) assessment tool available from TypeCoach to help students discuss differences in working styles. See TYPECOACH, <https://type-coach.com> (last visited June 6, 2017).

exercises as part of law school orientation and in conjunction with team-based courses. Needless to say, there are many ways to accomplish this goal. At HLS, we have experimented with incorporating this kind of training into the mandatory Problem Solving Workshop for first-year students.<sup>162</sup> The jury is still out about the effectiveness of this particular intervention—and indeed of “diversity training” generally.<sup>163</sup> Given the critical role of cross-cultural competence in the increasingly global world in which future law graduates will live and work, however, it is imperative that law schools continue to search for ways to build these skills.<sup>164</sup>

- *Strengths assessment and development:* Law schools should develop assessments and exercises to help students both understand their particular strengths and also invest in those strengths more deliberately, not as an optional career services department offering but as a core part of team-based course offerings.<sup>165</sup>
- *Leadership learning and practice:* The greatest potential multiplier of student opportunities and career impact is to help students understand and build their leadership capabilities. To do so, law schools could, for example, introduce students to learning and research about leadership and develop “field” leadership experiences (similar to those now required at business schools<sup>166</sup>) in which students are challenged to lead

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162. For example, through Dean of Students Marcia Sells, HLS has recently partnered with Verna Myers Consulting Group to conduct cross-cultural competence exercises and learning sessions with all first-year law students as part of orientation and is now piloting advanced learning sessions within the mandatory Problem Solving Workshop for 1Ls. See Claire E. Parker, *Law School Aims to Level Playing Field with New Orientation*, HARV. CRIMSON (Sept. 16, 2016), <http://www.thecrimson.com/article/2016/9/16/hls-1L-orientation-changes>. Tools used in these exercises require students to share and disclose their experiences with diversity and help students learn how to more effectively communicate across differences. See *id.*

163. See Dobbin & Kalev, *supra* note 150 (arguing that traditional diversity training in the corporate context generally does not improve minority hiring or promotion and may adversely affect these goals). Whether these results apply to law schools or law firms remains to be seen.

164. See generally David B. Wilkins, *Why Global Law Firms Should Care About Diversity: Five Lessons from the American Experience*, 2 EUR. J.L. REFORM 415 (2000) (arguing that cross-cultural fluency is critical for global law firms).

165. Examples of this include instruments like Gallup’s StrengthsFinder assessment, MBTI tools like TypeCoach, and team learning exercises in which students discuss and acknowledge strengths and work together in teams to leverage each other’s strengths. See GALLUP STRENGTHS CTR., <https://www.gallupstrengthscenter.com> (last visited June 6, 2017); TYPECOACH, *supra* note 161. These tools may help students find initial postgraduation opportunities and networks that are well aligned with the strengths and interests in which they are most likely to succeed.

166. For example, first-year students at HBS must participate in the Field Immersion Experiences for Leadership Development program, which melds leadership develop-

*footnote continued on next page*

teams and receive related feedback and coaching. Schools could also introduce students to principles of strategy and engage in group strategic-thinking exercises. Successful completion of a field leadership experience could be recognized with course credit or an additional certification. To structure such an effort, law schools could partner with law firms and their professional development teams and could engage alumni; clinical staff lawyers; and volunteer lawyers from legal service providers, the government, and other public sector organizations, who could help generate and supervise field teams.

Law schools seeking to enhance student leadership could also engage in more scholarship relating to lawyers as leaders and, with student participation, create workshops, panels, and lectures outside the classroom that incorporate the knowledge and experience of prominent lawyer-leaders and alumni. Law schools should publicly celebrate the leadership roles prominent alumni have played in the profession and help students understand the career paths of such alumni as well as how they developed the specific skill sets and experiences that contributed to their success.<sup>167</sup>

Law schools should also consider taking concrete steps to help law students translate these critical leadership and professional skills to improve their ability to deliver value for the clients and other constituents for whom they work.

*Building skills that enhance students' ability to have impact for others.* To varying degrees, law schools are already helping students develop skills that enhance their ability to influence others. The core skill of "thinking like a lawyer" remains critical. Our model goes further, however, by requiring law schools to explicitly delineate and then deliberately design ways to teach specific, client-impact-enhancing skills. We offer below some examples of where law schools should focus such efforts:

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ment workshops with a practical product or service design problem. See *The Field Method: Bridging the Knowing-Doing Gap*, HARV. BUS. SCH., <http://www.hbs.edu/mba/academic-experience/Pages/the-field-method.aspx> (last visited June 6, 2017). The year-long program first lays the foundation through interactive workshops focused on self-reflection and team development and culminates with a final project for which each team of students must use human-centered design principles to solve a customer problem for a global partner organization. See *id.*

167. As one example, some law schools display current and former faculty member portraits prominently in classroom building hallways. See, e.g., Lorin Granger, *Harvard Law School's Faculty Portraits: A Backdrop for Daily Life at HLS*, HARV. L. TODAY (Apr. 24, 2015), <https://today.law.harvard.edu/a-sense-of-continuity-harvard-law-schools-faculty-portraits>. We suggest that law schools consider also displaying the photo portraits of alumni lawyer-leaders, captioned to describe their paths to success and to inspire students about the many career paths they might take to impact the world. Such alumni portraits could be rotated among alumni classes each year, chosen by class leaders, to ensure that they represent and celebrate a diverse group.

- *Contextual problem-solving:* Law students should be challenged like business and medical students to solve problems contextually. Medical education involves continuous observation and hands-on training with real patients. Business schools provide “field” experiences and use a case method that most often describes a challenging, real-world, fact-based situation and requires students to engage and apply learned theory to solve problems encountered in the case.<sup>168</sup> For the past several years, HLS’s Problem Solving Workshop has provided such contextual learning for all first-year HLS students. The workshop involves cases and exercises that place students in the roles of lawyers who need to figure out how to help a client whose issue is not neatly defined as a “property” issue or a “torts” issue. Students learn the basic problem-solving approach lawyers apply through interviewing clients, thinking broadly about client goals and potential positive outcomes, applying facts to law, and designing a legal strategy.<sup>169</sup> Ideally, such cases would also be incorporated directly into core curriculum courses rather than isolated in special workshops, so that students would be periodically challenged to apply the legal doctrine they are learning in their traditional courses to real-world situations.
- *Negotiation skills:* While many law students learn some negotiation skills in law school, this training should be available to every student who wants it—and from our experience that is almost every student—and should be incorporated into cases and exercises interwoven with core doctrinal courses.
- *Presentation skills:* The traditional lawyer development model at most law schools teaches professional presentation skills through cold calls in class and by providing optional opportunities for students to speak or present publicly (through moot court or student activities, for example). To maximize opportunities for students across their careers, law schools should create multiple opportunities for professional presentation experiences that provide students with practice and feedback to substantially enhance their own authentic presentation styles. Such experiences could be tailored to specific exercises for students entering particular careers (for example, courtroom presentations for litigators, policy presentations for those headed to government service, and business or board presentations for those headed toward corporate and business law or business generally).

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168. See Barton, *supra* note 158, at 235-37 (describing the business school case method); Rakoff & Minow, *supra* note 158, at 603-04 (describing the same).

169. HLS’s Problem Solving Workshop cases are available online with teaching notes. See *Problem Solving*, HARV. L. SCH.: CASE STUD., <http://casestudies.law.harvard.edu/problem-solving> (last visited June 6, 2017).

- *Basic business skills:* As we have noted, lawyers in the corporate bar are challenged to solve increasingly complex problems beyond the narrow boundaries of legal rights and obligations.<sup>170</sup> Often, these problems require basic fluency in core business topics like accounting, valuation, finance, and strategy. Law schools should collaborate with business schools to create case-based learning and experiential exercises through which law students would develop an appreciation for and basic fluency in these core business principles.<sup>171</sup> Not only will these skills help future lawyers provide better service to their corporate clients but also, in a world in which government and public interest lawyers are also required to solve complex problems at the intersection of law and business, developing business fluency will make lawyers who begin their careers in large law firms better able to transition and create value in these settings as well.
- *Technology skills:* Law schools should engage in interdisciplinary efforts to help law students understand—and for some, learn to practice—basic coding and related technological skills. The purpose of building these skills is not necessarily to develop the next generation of expert programmers. Rather, the goal is to help law students develop basic familiarity with the methods, problem-solving approaches, and tools that are being applied to solve complex problems outside the legal context. This will help maximize law students' opportunities to collaborate across professional boundaries to find innovative approaches to legal problems.
- *Design thinking:* Law schools should provide all students with the opportunity to participate in exercises to teach the core principles of human-centered design. Through such experiences, law students will develop enhanced abilities to empathize with clients and think creatively using tools and processes that will help them succeed in any professional setting. Perhaps most importantly, law students will learn

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170. See *supra* notes 111-13 and accompanying text.

171. For example, for the past two years, HLS has partnered with HBS to offer HLS students the opportunity to take the online HBX CORE program at a highly subsidized rate to develop a foundational understanding of core business skills. See *Harvard Law Students Will Be Offered 'CORE' Business Fundamentals Through HBS Program*, HARV. L. TODAY (Mar. 21, 2016), <https://today.law.harvard.edu/harvard-law-students-will-be-offered-the-core-of-business-fundamentals-through-hbs-program>. One of the Authors has confirmed with the Office of the Dean of HLS that the program has received very favorable comments from students and has been oversubscribed each year, indicating that many law students are highly interested in learning these skills. See *id.* ("In 2015, 89% of HLS survey respondents indicated that CORE increased their confidence in discussing business topics.").



how to prototype, experiment, and iterate when solving problems rather than expecting their first efforts to be perfect.<sup>172</sup>

- *Resilience and mindfulness.* Since the brain is a lawyer's best problem-solving tool, law students should be required to understand its functioning and what neuroscience research informs us about how people can develop resilience, optimism, and creativity. All law students should also be trained in simple mindfulness practices that have been positively correlated with improved focus, decisionmaking, and physical health.<sup>173</sup>

If law schools take these steps to dramatically improve their teaching of leadership and professional skills, they will provide a much firmer foundation for students to have impact in the world doing whatever they choose to do.

## 2. Enhancing student networks

In concert with continued teaching of legal doctrine and related technical skills and a new focus on leadership and professional skills, law schools should treat as equally important the third component of the new model for lawyer development we propose. This component concerns networks and the power

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172. Legal education and practice have both traditionally placed such a high burden on out-of-the-gate perfection and attention to detail that we fear that lawyer creativity is negatively impacted. Law students who are also prepared to prototype, fail, and try again are more likely to generate creative solutions to complex problems and be seen by other professionals as helpful collaborators rather than as nit-picking, hole-poking, narrow-thinking cynics. We exaggerate, of course, but we believe there is some truth in that perception. In our new HLS course "Innovation in Legal Education and Practice," we are teaching design thinking principles and having students work in small teams to generate innovative proposals to change legal education or practice. See *Course Catalog: Innovation in Legal Education and Practice*, HARV. L. SCH., <http://hls.harvard.edu/academics/curriculum/catalog/default.aspx?o=69508> (last visited June 6, 2017). The course has been receiving rave reviews from students, and we believe this is because it is tapping into latent creativity that traditional legal education does not fully engage. The inspiration for this course is the innovative Law Without Walls (LWOW) program, in which one of the Authors has closely participated since it began in January 2011. Founded by Michele DeStefano and hosted through the University of Miami Law School, where she teaches, LWOW challenges students from thirty law and business schools from fifteen countries to work in small teams to design and pitch creative solutions to a wide variety of legal/business, compliance/ethics, legal practice, and social justice issues. For a more detailed description and related materials, see *All About LWOW*, LAW WITHOUT WALLS, <http://lawwithoutwalls.org/about-lwow> (last visited June 6, 2017).

173. See David S. Ludwig & Jon Kabat-Zinn, *Mindfulness in Medicine*, 300 JAMA 1350, 1351 (2008) (linking mindfulness training with beneficial effects on "acceptance of pain, severity of general medical symptoms, physical functioning, and ability to cope with daily life"); cf. Martin E.P. Seligman et al., *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, 35, 50 (2001) (offering positive psychology and greater cooperation as solutions to lawyer discontent).

they have to create and maximize opportunities for people. There is an enormous opportunity for law schools to invest in helping students build more effective networks and understand how to leverage them across the arc of their careers. The traditional legal education model too often fosters an unhealthy spirit of competition among classmates that impedes the building of effective networks. Worse, unlike business schools, law schools do little to signal to their students that their classmates are one of the most important resources the schools provide, even though the schools work so hard to select and admit promising, talented students from all over the world. The spirit of student camaraderie may vary somewhat from law school to law school, but all law schools should explicitly help students build and leverage their networks through proactive measures that tie network development directly to the schools' mission of lawyer development. Many such measures are imaginable:

*Network theory exposure.* Law schools could teach first-year students about network theory.<sup>174</sup> This could be done as part of orientation, with the introduction of network-building exercises and presentations featuring speakers and alumni whose stories of leveraging networks can inspire students to think beyond whether their grades will qualify them for law review.

*Team-based instruction that emphasizes network development.* To help students build deeper, trust-based relationships that endure beyond graduation, law schools should introduce significantly more team-based instruction and experiences (including within clinics and workshops), together with team launch,<sup>175</sup> feedback, and reflection tools. The experience of working together on substantive issues and learning to appreciate each other's strengths will enhance the likelihood that students develop more robust networks among their peers.

*Collaborative technology.* Law schools should develop technology solutions to help students network with each other, faculty, and alumni more effectively

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174. For example, students should learn about the important research done by Rob Cross on what distinguishes the networks of high-performing people. See, e.g., Rob Cross & Robert J. Thomas, *How Top Talent Uses Networks and Where Rising Stars Get Trapped*, 37 ORGANIZATIONAL DYNAMICS 165, 166 (2008) (emphasizing that high performers' networks demonstrate similarities in structural, relational, and behavioral dimensions). According to Cross and Thomas, high performers "position themselves at key points within . . . network[s]," invest in expertise-building relationships, and "engage in behaviors that lead to high-quality relationships" with other individuals in their networks. *Id.*

175. See Carolyn O'Hara, *What New Team Leaders Should Do First*, HARV. BUS. REV. (Sept. 11, 2014), <https://hbr.org/2014/09/what-new-team-leaders-should-do-first> (emphasizing the importance of building rapport and sharing goals among team members at the outset of a team project).

and to map the growth of their personal and professional networks during law school and thereafter.<sup>176</sup>

All such efforts should be directed at encouraging students to appreciate the power of networks to create and maximize their opportunities while at law school and throughout their careers. Law schools, however, can only be the beginning of this journey of discovery. Notwithstanding all of the changes to legal practice discussed in Part II above, the fundamental proposition underlying the Cravath System—that young lawyers must ultimately learn the fundamental skills and dispositions that they need to *be* lawyers on the job—remains as true in the early decades of the twenty-first century as it was in the early decades of the twentieth. This is why we continue to speak about the “practice of law,” a phrase that implies that lawyers must be given the opportunity to practice and develop the skills they need to be competent, satisfied, and ethical practitioners. The difference today is that we now realize that the “skills” young lawyers need to be able to practice and develop go far beyond the technical legal skills law firms have traditionally emphasized and include the professional and network-building competencies described above. To give associates a realistic opportunity to practice these critical skills, both law firms and their corporate clients must change their traditional approaches to professional development.

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176. For example, HBS students and faculty use a terrific “classcard” database system and related mobile app as a directory and network-building tool. See *IT Tools in Support of HBS Students—Check!*, HBS TIMES (Feb. 16, 2014), <https://hbstimes.com/2014/02/16/it-tools-in-support-of-hbs-students-check/> (“Classcards are an invaluable source of information on your classmates’ careers and lives—consider them an internal HBS LinkedIn sy[s]tem . . .”). As confirmed by one of the Authors in conversations with several joint HBS/HLS students, HBS also (i) creates mandatory “study groups” among first-year students that meet before class every day to prepare cases and (ii) has developed network-enhancing gatherings prior to graduation where students connect with others who are going to be working in particular geographic areas or industries. See Patrick Mullane, *The Best Little Secret of the Harvard MBA*, HARV. BUS. SCH.: MBA VOICES BLOG (Dec. 21, 2016), <http://www.hbs.edu/mba/blog/post/the-best-little-secret-of-the-harvard-mba> (describing the confidence-building breakfast review sessions that help students prepare for in-class discussion of assigned cases). In discussions with joint-degree students who spent their first year at HBS and then started their first year at HLS, we have noted students’ shock and surprise that the law school does not emphasize or meaningfully support the building of strong networks among peers. Halfway through the first semester in a ninety-student business school section, most students have had lunch or coffee with all of their sectionmates, for example. The model of instruction may also play a role. One of our HLS colleagues who regularly coteaches courses at HBS with many cross-registered law students in his classes reports that on numerous occasions business school students have asked him, “Why are the law students so mean in class?” The courtesy of building upon others’ ideas that business schools actively promote culturally supports the building of long-term relationships.