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Where the Rubber Hits the Road: How do Law Schools Demonstrate a Commitment to Training Leaders?

Elizabeth M. Fraley

Leah Witcher Jackson Teague

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ARTICLE

WHERE THE RUBBER HITS THE ROAD: HOW DO LAW SCHOOLS DEMONSTRATE A COMMITMENT TO TRAINING LEADERS?

Elizabeth M. Fraley and Leah Witcher Jackson Teague

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I. Introduction

Research into the current generation of law students and young lawyers reflects a desire to be agents for change. *Before the JD*, a study based on a national survey conducted by Gallup for the Association of American Law Schools (AALS), sought to understand student views on law school, including why they chose to attend law school rather than another professional school.

¹ The “public-spirited motivations” found to be top reasons for considering law school are the type of leadership aspirations that draw many to law school.²

¹ GALLUP & ASS'N OF AM. LAW SCH., *BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL* (2017).

² *See id.* at 3; *see* Martha Minow, *Why Do Law School Graduates Become Leaders*, HARV. L. BULL., Fall 2012, at 1. (“Many people with aspirations to serve as leaders are drawn to law school.”).

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Aspiring undergraduates reported they perceived a J.D. could open a door to careers in public service and allow them to help others while “advocate[ing] for social change.”³ The study reported 44% believed law school to be “a pathway to a career in politics, government, or public service”⁴; 42% were passionate or had a “high interest in this type of work”⁵; 35% believed they would have “opportunities to be helpful to others” or useful to society/giving back⁶; and 32% wanted to “advocate for social change.”⁷ Meaningful numbers of those considering professional school believed law school could be a leadership training ground, but the belief was far from universally held.

Those of us in legal education applaud applicants for their desire to be change agents. We encourage them to apply to our law schools to fulfill that hope. The authors are among a growing number of faculty and administrators who believe law school should prepare students for leadership. After all, lawyers have a long history of serving as leaders. Lawyers such as Thomas Jefferson and Abraham Lincoln led our country at critical junctures. Of those men who have held the office of president of the United States, 57% have been lawyers,⁸ while lawyers comprise less than one-half of one percent of the population.⁹ Despite the relatively small number of lawyers in America, their influence is significant and

³ See GALLUP & ASS'N OF AM. LAW SCH., *supra* note 1, at 43.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Presidents' Occupations*, INFOPLEASE, <https://www.infoplease.com/us/government/executive-branch/presidents-occupations> [<https://perma.cc/T2T7-YMCU>].

⁹ DEBORAH L. RHODE, *LAWYERS AS LEADERS* 1 (2013).

their impact on decisions made every day is important.¹⁰ Today's lawyers advocate for causes, counsel businesses, and serve nonprofits. Their effective leadership, through their many roles and responsibilities, advances these causes and enhances these enterprises.

Alexis de Tocqueville recognized in the 1830s that the special training of lawyers as problem solvers and advocates and the role of lawyers as keepers of the rule of law ensured for them "a separate station in society."¹¹ de Tocqueville referred to lawyers as the "American aristocracy" with a duty to protect our democracy.¹² In the modern era, however, the public appears to have forgotten lawyers' leadership contributions to American society. While lawyers still serve as heads of government, business, and nonprofit organizations, our influence appears to be declining. For example, the percentage of the members of Congress who are lawyers has gone from nearly 80% in the mid-19th century to less than 60 percent in the 1960s.¹³ Today that number is approximately 39% – less than half of what it was a century earlier.¹⁴ Does having fewer leaders trained and

¹⁰ *Id.*

¹¹ ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 302–09 (Henry Reeve trans., Pa. State Univ., 2002) (1835), <http://seas3.elte.hu/coursematerial/LojkoMiklos/Alexis-de-Tocqueville-Democracy-in-America.pdf> [<https://perma.cc/JBY2-LNTQ>].

¹² *Id.* at 307.

¹³ Nick Robinson, *The Decline of the Lawyer-Politician*, 65 *BUFF. L. REV.* 657, 671 fig. 1 (2017).

¹⁴ See JENNIFER E. MANNING, *CONG. RESEARCH SERV.*, R45583, *MEMBERSHIP OF THE 116TH CONGRESS: A PROFILE* 3–5 (2019), <https://fas.org/sgp/crs/misc/R45583.pdf> (Out of 541 members of Congress, including nonvoting delegates from the District of Columbia and U.S. territories, 192, or 35.5%, reported "law" as their occupation. A total of 214 members, or 39.6 %, reported having law degrees) [<https://perma.cc/LKY2-2SLE>].

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experienced in strategic planning, advocacy, and negotiation make a difference?

This decline in congressional leadership positions may simply be emblematic of the disappearing role of lawyers in serving and advocating for ordinary citizens. It also reflects, however, that law schools do need to place a premium on the intentional training and development of leadership skills. How will lawyers learn to be leaders if the skills needed for effective leadership are not part of the law school curriculum? Deborah Rhode noted in her book *Lawyers as Leaders* that “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 essential to effectiveness.”¹⁵ Attorneys are not given sufficient leadership training, either while in law school or after leaving.

Ben Heineman articulately wrote about the low priority and presence leadership and leadership training have in legal education:

The profession and the law schools should more candidly recognize the importance of leadership and should more directly prepare and inspire young lawyers to seek roles of ultimate responsibility and accountability than they do today. Why do I advance this thesis? First, our society is suffering from a leadership deficit in public, private, and non-profit spheres. The core competencies of law are as good a foundation for broad leadership as other training. Second, the legal profession, by many accounts, is suffering from a crisis of

¹⁵ RHODE, *supra* note 9, at 1.

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morale, from a disconnect between personal values and professional life. Providing leadership can affirm—and test—our vision and core values. Third, other professional schools—business and public policy—have as their explicit mission the training of leaders for the public, private, and non-profit sectors. The graduates of our law schools are at least as talented as those who enter other professional and graduate schools. And law schools should have a similar vision to enhance the careers of their outstanding students, thus serving society and addressing the values crisis that affects portions of the profession. But today’s law schools are muted or ambivalent about leadership.¹⁶

In this article, we discuss in Part I a series of reports spanning the last twenty-plus years which encouraged law schools to expand their educational programming beyond a traditional primary focus on intellectual training. Uniformly, the studies recommended including training to better prepare students for their professional obligations and leadership opportunities. In Parts II and III, we seek to evaluate the mission statements and learning outcomes of law schools to see if leadership can be identified as an articulable goal. Beyond mission statements and learning outcomes, we also provide an update on law schools’ curricular, co-curricular and extra-curricular offerings that include leadership training. As we wrote this article we created a

¹⁶ Ben W. Heineman, Jr., *Lawyers as Leaders*, 116 YALE L.J. POCKET PART 266 (2007), <https://www.yalelawjournal.org/forum/lawyers-as-leaders> [<https://perma.cc/5KUQ-WKY6>].

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table that includes each law school's mission statement, any learning outcomes that mention leadership development, as well their leadership programs, course and designations. The comprehensive table is too large to attach as an appendix to this article. A link is provided to the table.¹⁷ In Part IV, we comment on a non-exclusive group of schools which seem to highlight their commitment to leadership across the spectrum. What we found was that schools who fail to be intentional in their use of leadership language in these areas do not communicate, internally or externally, a commitment to this important aspect of development. We assert in Part V that a commitment to leadership development efforts in law schools not only benefits law students but also is essential for the future the legal profession and the preservation of the rule of law in our society.

II. Leadership Development Requires Training Beyond Analytical and Skills-Based Learning

What process do law students undergo in their training, and what role does leadership training play in that process? While the study of legal education has been going on since at least the early 1900s, the more recent works include the *MacCrate Report* of the American Bar Association (ABA) in 1992,¹⁸ *Educating Lawyers:*

¹⁷ See *Leadership Mission Statements and Learning Outcomes*, BAYLOR, <https://www.baylor.edu/law/facultystaff/doc.php/354686.pdf> [<https://perma.cc/5Y6P-U9PF>].

¹⁸ See ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) 138–41 (1992) [hereinafter THE MACCRATE REPORT].

Preparation for the Profession of Law (known as the “Carnegie Report”) in 2007¹⁹ which included references to the 2006 *Best Practices for Legal Education*.²⁰ The Carnegie Report in particular references a “three apprenticeships” model of professional education and applies the apprenticeships to legal education.²¹

These three apprenticeships represent steps through which a professional needs to progress for true professional competence. As described by William Sullivan, the first apprenticeship consists of “intellectual training to learn the academic knowledge base and the capacity to think in ways that are important to the profession” – often described as learning to think like a lawyer.²² The second apprenticeship is skills based – teaching novices the skills and craft know-how that marks expert practitioners of the domain.²³ At the time of the *Carnegie Report*, law schools did not do a particularly good job of teaching usable skills – learning

¹⁹ See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) [hereinafter THE CARNEGIE REPORT].

²⁰ STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION (2006); see also Leary Davis, *Competence as Situationally Appropriate Conduct: An Overarching Concept for Lawyering, Leadership, and Professionalism*, 52 SANTA CLARA L. REV. 725 (2012).

²¹ See THE CARNEGIE REPORT, *supra* note 19, at 27 (“In these recent Carnegie Foundation studies and reports on professional education, we use the metaphor [of apprenticeships] but extend it to the whole range of imperatives confronting professional education. So we speak of three apprenticeships.”).

²² Anne Colby & William M. Sullivan, *Formation of Professionalism and Purpose: Perspectives from the Preparation for the Professions Program*, 5 U. ST. THOMAS L.J. 404, 409–10 (2008).

²³ *Id.* at 410.

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to act like a lawyer – and did not use clinics or simulation learning techniques routinely in the curriculum.²⁴ More damaging to legal education was the fact that schools also did not integrate learning to think like a lawyer with learning to act like a lawyer. This silo-based approach was not effective in legal education and did not prepare students for practice where one rarely had the luxury of merely sitting around and thinking like a lawyer. “The third apprenticeship is concerned with providing entrants to the field with 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.”²⁵ Put another way, at some point, students headed into practice had to learn to BE a lawyer, with all that entails.²⁶

The educational methods used by law schools received poor grades in the reports when evaluated on teaching the second and third apprenticeship skills.²⁷ Law schools did a good job on the first apprenticeship, using case analysis and Socratic method to teach students to think like a lawyer.²⁸ Schools fared worse on the second apprenticeship of skills-based training. The lowest grade, however, came in teaching the third

²⁴ THE CARNEGIE REPORT, *supra* note 19, at 189–92.

²⁵ William M. Sullivan, *After Ten Years: The Carnegie Report and Contemporary Legal Education*, 14 U. ST. THOMAS L.J. 331, 334 (2018).

²⁶ Another way to consider the apprenticeships as learning to (1) Think, (2) Act, and (3) Be like a lawyer.

²⁷ Susan Swaim Daicoff, *Expanding the Lawyer’s Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 SANTA CLARA L. REV. 795, 810 (2012).

²⁸ See Davis, *supra* note 20, at 732.

apprenticeship, how to “be” a lawyer with all that the profession would require of them.²⁹ The key notion from the Carnegie report was that the existing common core of legal education needed to tie basic components together, “organized by an overarching aim of educating students for the full range of legal competence, including the skills of practice as well as legal analysis and commitment to the defining values of the profession.”³⁰ Not only did these defining values of the profession need to be taught, but they needed to be taught, internalized, analyzed and absorbed by students in ways that were not abstract and hypothetical but woven into the fiber of their concept of what being a lawyer meant. Additionally, *Best Practices* reminds legal educators that we should address what is expected of lawyers “by the public and by the best traditions of the legal profession.”³¹

Law schools were not alone in the world of professions where the student at some point had to become a member of the profession. Medical schools and residency programs struggled with the process of helping students and house staff “be” doctors, with all the ethical, moral and practical dilemmas that entailed. “[M]ovements to reclaim professionalism have gained increasing traction in recent decades.”³² In the business world, as human capital become more valuable, schools struggled to develop the third apprenticeship for students. As the margins between law and business blur, teaching how to “be” becomes more important.

Many articles have categorized this third apprenticeship in terms of professional formation or

²⁹ Sullivan, *supra* note 25, at 334.

³⁰ *Id.* at 335.

³¹ Paula Schaefer, *Building on the Professionalism Foundation of Best Practices for Legal Education*, 14 U. ST. THOMAS L.J. 320, 321 (2018).

³² Sullivan, *supra* note 25, at 340.

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identity, which it certainly encompasses.³³ This article, however, suggests that to teach students what it means to “be” a lawyer requires teaching them to be leaders, consistent with the mores of our profession, and that those leadership concepts should be clearly discernible in the mission statements and educational objectives of law schools.

**A. Distinguishing between Professional
Development and Leadership Development**

It may be worth discussing the difference between professional formation or development and leadership training, as the concepts overlap but are also distinctly different in other ways. The *MacCrate Report* highlighted professional development as a value of the legal profession, suggesting it should occur “in an employment setting where [the lawyer] can effectively pursue his or her professional and personal goals.”³⁴ Both professional formation and leadership target individual growth with an eye toward pursuing professional and personal goals. Those writing and teaching leadership agree that a fundamental principle of leadership development is an individual focus sometimes referred to a leadership of self.³⁵ Some professional formation programs extend

³³ *Id.*

³⁴ THE MACCRATE REPORT, *supra* note 18, at 220.

³⁵ See Barry Z. Posner, *Leadership Development in Law Schools: Myths, Principles, and Practices*, 52 SANTA CLARA L. REV. 399, 409 (2019) (noting that “[w]hen difficult, generally unexpected, circumstances emerge, these provide teachable moments to examine the consistency between values and actions (whether at a personal, individual, or organizational level); a *key leadership* test.” (emphasis added)). See generally Neil Hamilton, *Leadership of Self: Each Student Taking*

beyond individual development, formation and identity and examine the interplay within various practice areas and situations but tend to remain focused on the individual's role. Professional formation tends to focus on ethics, professional responsibility and how those concepts are interwoven into practice. UC Irvine has offered a Legal Profession Course for first year students, designed to "squarely" address the Carnegie challenge to teach the third apprenticeship.³⁶ The focus of this well-regarded course, however, is not teaching leadership.

Teaching leadership is more than teaching professional identity or formation.³⁷ Leadership seeks to

Ownership over Continuous Professional Development/Self-Directed Learning, 52 SANTA CLARA L. REV. 567, 574 (2019).

³⁶ The first-year Legal Profession course at UC Irvine Law School "teaches students what it is like to practice law in a variety of settings, including large law firms, small law firms and government offices. The course also teaches students about the sociology, psychology, and economics of being a lawyer, while teaching legal ethics from the very beginning." UC Irvine's curriculum is "designed to incorporate real-world learning by requiring in-house legal clinic experience of every student . . . working with an actual client or clients under close supervision in an environment designed to encourage reflection on the values and responsibilities of the legal profession." *Redefining Legal Education*, UCI SCH. L., <https://www.law.uci.edu/academics/> [<https://perma.cc/PS7J-89UQ>].

³⁷ This distinction, however, is not universally so. For instance, "[a]mong the legions of leadership books in publication, we found most focus on individual practices and personal character traits. We also observed that many corporate leadership training programs and management consulting firms do the same. But without a team . . . there can be no leadership." JOCKO WILLINK & LEIF BABIN, *EXTREME OWNERSHIP* 8 (2015). We would argue that even team leadership stops short of the ultimate leadership goal: leadership of community or leading change for good.

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develop lawyers who not only have mastery of self but are inspired to make a difference.³⁸ Lawyer leaders not only recognize the professional obligation to serve but also embrace the opportunity to impact individuals, organizations and communities in order to make a positive difference in society.

The ABA Model Code points out the obligation to serve:

A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice... a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.³⁹

Leadership development efforts in law schools also help law students see the opportunities to use their legal training and law degrees in ways that will enhance their professional performance and positively impact the world around them.

This article suggests that full development as lawyer should incorporate being a lawyer leader, which in itself incorporates leadership of self, leadership of others and leadership of community. Helping students learn to be lawyers involves wiring them into the rich history and traditions of leadership in today's world. Mastering leadership of themselves, learning to lead in a firm, corporate or governmental setting and then taking

³⁸ Posner, *supra* note 35, at 400, 404.

³⁹ MODEL RULES OF PROF'L CONDUCT: PREAMBLE (2019).

those leadership skills and using them in a larger context of governmental service or otherwise promoting the rule of law and the system of justice are what constitute true mastery of the third apprenticeship.⁴⁰

B. Law Schools Have Been Slow to Promote Professional Development

While advocates of the third apprenticeship can publish and argue at length for teaching professional development and leadership, there are significant barriers to implementation. The McCrate and Carnegie reports highlight a fundamental barrier: law schools historically have focused on thinking like a lawyer and have been slow, even in the face of admonitions from a variety of sources, to expand that to a skills-based curriculum. There has been poor integration of thinking and doing skills in the classroom, but at least students are exposed to skills training since the ABA mandated experiential learning through what is now Standard 303.⁴¹ Since “doing” or “acting” skills can be assessed,⁴²

⁴⁰ To address this gap in leadership training for lawyers, sectors of the profession have begun incorporating in a more intentional and systematic approach to leadership. The American Association of Law Schools created a Leadership Section whose stated purpose is to “promote scholarship, teaching and related activities that will help prepare lawyers and law students to serve in leadership roles.” *Section on Leadership*, ASS’N OF AM. LAW SCH. (2017), <https://www.aals.org/sections/list/leadership/> [<https://perma.cc/MA7X-KE7A>].

⁴¹ Sullivan, *supra* note 25, at 332–40; *see also* AM. BAR ASS’N, *Standard 303: Curriculum*, in STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2018–2019 11 (2019).

⁴² The Carnegie Report highlighted that “[l]aw schools demonstrated an underdeveloped state of assessment as

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and now must be assessed to comply with ABA Standard 304, skills training will continue to grow. As additional studies such as the *Foundations for Practice*⁴³ link the skills to desires of legal employers, those skills serve as a marketable commodity in a tight legal market.

By contrast, the “soft” skills of leadership and professional formation are more difficult to quantify in terms of whether they are being learned and what marketable value they bring. Despite this fact, a specific finding of the Carnegie report noted that failing to provide systematic and effective training in the full range of capacities needed for legal practice neglected developing the ethical and contextual dispositions essential to professional identity. The *Foundations for Practice* report included similar findings. In other words, if we do not put students in the type of positions they actually may face, complete with ethical, moral and financial dilemmas, they will be ill-prepared to respond. If we do not teach them leadership skills, we cannot be surprised when lawyers fail to lead. And if we do not instill leadership as a core professional value for lawyers, they will not believe leadership to be fundamental to the profession.

We must rethink our role as legal educators. We need to produce skilled, analytic, productive professionals who can serve and grow beyond their own bounds. And we need that process to begin in law school.

compared with other professional fields and should pay more attention to the formative as well as the summative uses of assessment in order to enhance student learning.” Sullivan, *supra* note 25, at 335.

⁴³ INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT 1 (2016), <https://bit.ly/2mvKJM9> [<https://perma.cc/DWQ9-8U8D>].

If law schools do not provide the needed third-apprenticeship training to achieve these goals, schools deprive their students of the tools to become leaders for change and good. Given the economic pressures on law firms, we can hardly expect leadership training to happen on the job after an individual has supposedly completed his or her legal training.

C. The Impact of Law School's Hidden Curriculum is Significant

An additional factor in the analysis of how and whether we teach leadership is the role of the hidden curriculum in law school. If law schools are teaching leadership, it is largely through a hidden curriculum, and law schools may actually be discouraging leadership through that hidden curriculum.

The concept of a hidden curriculum contrasts the formal curriculum.⁴⁴ The 'formal' curriculum consists of the syllabus, readings and lectures in specific subjects and lessons which professional accreditation organizations, law schools, professors and bar examiners boards (for example) design to promote the educational achievements.⁴⁵ "The Hidden Curriculum refers to the unwritten rules, values and normative patterns of behavior which students are expected to conform to and learn while in school."⁴⁶ We learn much from the way things look and feel, from spaces that are warm and

⁴⁴ See generally PHILIP W. JACKSON, *LIFE IN CLASSROOMS* (1968) (discussing this widespread phenomena which is not unique to legal education).

⁴⁵ *The Hidden Curriculum and School Ethos*, REVISESOCIOLOGY, <https://revisesociology.com/2017/11/09/the-hidden-curriculum-and-school-ethos/> [<https://perma.cc/C9LK-NDQR>].

⁴⁶ *Id.*

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inviting or cold and forbidding. The hidden curriculum absorbs these messages.

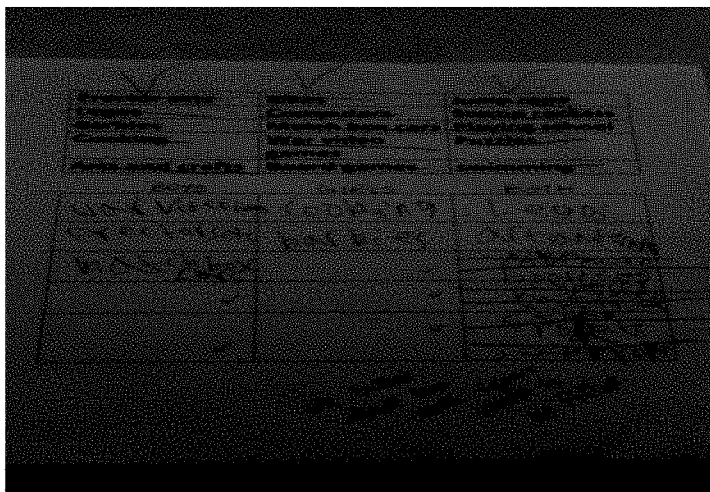
The hidden curriculum can be positive or negative. For example, even in medicine the hidden curriculum can teach respect for authority, respect for others' opinions, ethical patterns, work ethic, etc.⁴⁷ A negative hidden curriculum can inject stereotyping, bias, or discrimination.⁴⁸ Early elementary education provides good examples of a gender stereotyping hidden curriculum, such as the one below, where a young student altered the assignment to suggest both genders could enjoy toys rather than their being sex-specific.⁴⁹

⁴⁷ See Lisa Soleymani et al., *Hidden Curricula, Ethics, and Professionalism: Optimizing Clinical Learning Environments in Becoming and Being a Physician: A Position Paper of the American College of Physicians*, ANNALS INTERNAL MED. 506, 506–08 (2018).

⁴⁸ See Gwen Sharp, *Gender in the Hidden Curriculum*, SOCIETY PAGES (Nov. 16, 2012), <https://thesocietypages.org/socimages/2012/11/16/gender-in-the-hidden-curriculum/> (discussing the reinforcement of gender stereotypes) [<https://perma.cc/USB8-REGR>].

⁴⁹ See *id.* (notably, an updated version of the article, premised on the comments of one user, suggests that this assignment was meant to demonstrate bias, rather than premised on hidden curriculum associated biases, however, the preceding analysis regarding hidden curriculum remains valid).

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The hidden curriculum assumes that toys are gender-specific, that boys don't play with Barbies, and girls don't play war video games.⁵⁰

The hidden curriculum may be reflected in a school's 'ethos'—the character, atmosphere, or climate of the school. That ethos might reflect whether there is an emphasis on academic success versus athletic or artistic success; whether there is an emphasis on equal opportunities for all student, whether there is an emphasis on respect for diversity reflected in not only programming but also attitudes among faculty and staff.⁵¹

In the law school context, the very style of traditional teaching communicates a hidden curriculum. Moss noted that:

in front of a Socratic model large class, one might extol the benefits of team work, brainstorming, collaborative inquiry, effective communication, and problem

⁵⁰ *See id.*

⁵¹ *See id.*

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solving, along with other skills deemed essential not only for resolution dispute but for lawyering in general. However, when doing so from the front of an auditorium-style classroom, where students' voices are only acknowledged on a limited basis, the message that is conveyed may be at odds with the message that is actually heard.⁵²

In this format, there seems to be only one leader: the professor. Given the doctrinal emphasis on the first apprenticeship – thinking like a lawyer – this curricular reality conveys clear messages about the merit of various learning experiences across the three years of a legal education program including seriously distorted messages about law and lawyers. By focusing heavily on the first and second apprenticeships, law schools fail to convey additional needed information and skills about being a lawyer rather than merely thinking and doing. This hidden curriculum inaccurately suggests that lawyers mostly analyze and argue appellate law and that other functions are less common or important.⁵³ Lost in the formal curriculum in most schools is curricular direction on being a leader, being a professional, healthy boundaries and lifestyles to battle the depression and substance abuse common to the profession. Since these are not doctrinal topics, are they being addressed by the

⁵² David M. Moss, *Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform*, 2013 J. DISP. RESOL. 19, 22 (2013).

⁵³ John Lande & Jean R. Sternlight, *The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering*, 25 OHIO ST. J. ON DISP. RESOL. 247, 256 (2010).

hidden curriculum? We maintain that entrusting leadership solely to a hidden curriculum deprives students of needed instruction and experience in the third apprenticeship: being a lawyer.

III. How Can Law Schools More Effectively Train in the Third Apprenticeship?

Given the need for third apprenticeship integration into law school and the desires of students to be forces for good, should law schools more explicitly endorse, both in their mission statements and their learning objectives, leadership as a core value of legal education and the profession? We believe strongly that law schools should, so we undertook to study the current state of leadership as a core value or principle in law school mission statements.

If law schools want to be more intentional about preparing students for leadership, where do they begin? The starting point should be in the law school's mission statement. Successful change requires identification of core values and an institution that embraces those values. As Sullivan wrote, "successful change requires the wide dispersion of a new, catalytic reframing of the goals of professional preparation, including an articulation of overreaching goals."⁵⁴ Presumably, a law school's mission statement, then, should articulate the overarching goals of the institution.

⁵⁴ Sullivan, *supra* note 25, at 343–44.

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A. The Relation between Mission Statements and the Third Apprenticeship

Law schools have a love/hate relationship with mission statements.⁵⁵ Every law school approved by the American Bar Association (“ABA”) is required to have a mission statement.⁵⁶ As part of the self-study process, schools are required to create “a statement of the law school’s mission and of its educational objectives in support of that mission.”⁵⁷ Used as part of the accreditation process, the mission statement should allow the site visit committee as well as the school, its students and prospective students and the profession to understand those core concepts central to the mission of that school and educationally, how that mission is supported.

The Association of American Law Schools (“AALS”) does not require member schools to adopt a mission statement but does expect that member schools

⁵⁵ Irene Scharf & Vanessa Merton, *Your Mission, Should You Choose to Accept It: Taking Law School Mission Statements Seriously*, 56 WASHBURN L.J. 289, 292 (2017) (“Most who have been involved in devising, amending, or employing [mission statements] in their organizations consider them to be useless.”).

⁵⁶ See AM. BAR ASS’N, *Standard 204: Self Study*, in STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2018-2019 11 (2019) (“Before each site evaluation visit the law school shall prepare a self study comprised of (a) a completed site evaluation questionnaire, and (b) a law school assessment that includes [] a statement of the law school’s mission and of its educational objectives in support of that mission” and an assessment of the “educational quality” of the law school’s program).

⁵⁷ *Id.*

will subscribe to a set of “Core Values.”⁵⁸ The AALS’ Core Values have been described by a recent Association president as intended to provide guidance to member schools. He said:

The core values of AALS emphasize excellent class room teaching across a rigorous academic curriculum. They focus on the importance of faculty scholarship, academic freedom, and diversity of viewpoints. The core values also establish an expectation that member schools will value faculty governance and instill in our students commitments to justice and to public service in the legal community. All of these objectives are to be supported in an environment free of discrimination and rich in diversity among faculty, staff, and student body. These core values combine to provide an environment where students have opportunity to study law in an intellectually vibrant institution capable of preparing them for professional lives as lawyers instilled with a sense of justice and an obligation of public service. In this environment our students are exposed to the best kinds thinking in a culture of learning from a talented and engaged faculty and from fellow students who enrich the learning environment in and out of the classroom.⁵⁹

⁵⁸ *Bylaws of the Association of American Law Schools* § 6-1, in ASS’N OF AM. LAW SCH. 2019 HANDBOOK (adopted Dec. 29, 1971; amended through Jan. 2016), <http://www.aals.org/about/handbook/bylaws/> [<https://perma.cc/F27R-VU2P>].

⁵⁹ H. Reese Hansen, President, Ass’n of Am. Law Sch., Presidential Address to the House of Representatives

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A law school's mission statement, then, should identify not only the school's mission but also its educational objectives in support of that mission.⁶⁰ While the ABA requires mission statements, not every school has one published⁶¹ and most law schools "seldom review the mission statement between accreditations."⁶² In other words, a significant number of law schools treat their mission statement either as a required box to check in the accreditation process or a helpful marketing tool to be quoted in glossy recruiting materials. This view of mission statements causes schools to miss a key opportunity to clearly identify their core values and to get significant organizational buy-in to those values.

"A *mission statement*" is intended to be "a statement of the fundamental reason for an organization's existence."⁶³ In broader use, mission statements are recognized as powerful tools within the

(Jan. 9, 2010), in *Principles to Guide Us*, ASS'N OF AM. LAW SCH. (Mar. 2010), <http://www.aals.org/services/presidents-messages/principles-guide-us/> [<https://perma.cc/8X2W-ZBM6>].

⁶⁰ AM. BAR ASS'N, *supra* note 56.

⁶¹ We reviewed the 202 law schools listed as ABA-accredited law schools at https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/in_alphabetical_order/ [<https://perma.cc/5ZTG-RT6Y>]. A list with known mission statements, and leadership learning outcomes and leadership development courses and programming is contained in the table created as a companion to this Article. See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17.

⁶² Gordon T. Butler, *The Law School Mission Statement: A Survival Guide for the Twenty-First Century*, 50 J. LEGAL EDUC. 240, 240 (2000).

⁶³ *Id.*

organization. Steven Covey, in *The Seven Habits of Highly Effective People*, notes that “[a]n organizational mission statement – one that truly reflects the deep shared vision and values of everyone within that organization – creates a great unity and tremendous commitment. It creates in people’s hearts and minds a frame of reference, a set of criteria or guidelines, by which they will govern themselves.”⁶⁴ This is true for mission statements only if what gets put on paper (or website) actually reflects a process of introspection, goal setting and clarity of purpose that has then been encapsulated into the language of the mission statement.

Since law schools, like most organizations, have finite resources, those charged with guiding the institution have to make intentional choices about how resources are used and the direction of the particular curriculum. And should these choices not be clearly articulated in the school’s mission statement? “Absent a defined mission and the identification of attendant student and institutional outcomes, a law school lacks focus, and its curriculum becomes a collection of discrete activities without coherence.”⁶⁵ A law school mission statement, then, should identify both for readers within the institution and for those considering whether to attend the school’s educational objectives and priorities as well as how the school intends to achieve those goals. Where, then, does leadership fit into the frame of reference, criteria or guidelines for schools educating tomorrow’s lawyers?

A recent survey of law school mission statements included a word cloud of the key themes in the

⁶⁴ STEVEN COVEY, *THE SEVEN HABITS OF HIGHLY EFFECTIVE PEOPLE* 143 (1989).

⁶⁵ GREGORY S. MUNRO, *OUTCOMES ASSESSMENTS FOR LAW SCHOOLS* 3–4 (2000).

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statements.⁶⁶ The word “leaders” was in the next to smallest font, hidden in the cloud.⁶⁷ “Leaders” and “Leadership” did not occupy as much real estate as “Committed” and “Commitment” (arguably duplicative concepts)?⁶⁸ “Committed” – one of the least prominent words -- is depicted using 2-3 font sizes bigger than is “Leaders.”⁶⁹



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If we as a profession recognize our heritage as leaders, we need to train the next generation of lawyer leaders, both in how to lead as well as understanding why lawyer leaders are so important to society.

1. Methodology Used for Study of Mission Statements

We undertook to survey and analyze all ABA-accredited law schools’ mission statements to identify the

⁶⁶ Scharf & Merton, *supra* note 55, at 290–91; *see also* Irene Scharf & Vanessa Merton, *Table of Law School Mission Statements*, (2016), <https://bit.ly/2lgdxbD> [hereinafter *Table of Law School Mission Statements*] [<https://perma.cc/Q7UB-G2GA>].

⁶⁷ *See* Scharf & Merton, *supra* note 55, at 291.

⁶⁸ *See id.*

⁶⁹ *See id.*

⁷⁰ *Id.*

extent to which leadership is reflected as a part of the law school's mission and the education objectives that support the mission.⁷¹ We first identified those law schools with a discernible mission statement and looked for use of the words "lead," "leader(s)" and "leadership." We looked at the context in which those words were used and the message and strength of message those words conveyed about the leadership development of their students as a core value. We evaluated whether the

⁷¹ We reviewed and included the 202 law schools listed as accredited by the ABA as of August 2019. *List of ABA-Approved Law Schools in Alphabetical Order*, ABA, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/in_alphabetical_order/ [<https://perma.cc/2AFD-FP CZ>]. This did not include Arizona Summit Law School because of a notice of closure posted on the school's website. *Welcome to Arizona Summit Law School*, ARIZ. SUMMIT L. SCH., <https://www.azsummitlaw.edu/index.php> [<https://perma.cc/3X X5-P5QN>]. Much of the data contained in the table created as a companion to this Article was originally published in a chart by Irene Scharf and Vanessa Merton. See *Table of Law School Mission Statements*, *supra* note 66. To create this chart, the existing data was verified by checking each school's mission statement from the provided web address shown on the previous table. If the web address was no longer active or valid, the law school's home web page was visited and the key words "mission statement" and "mission" were searched. Then the web addresses, where needed, were updated. After locating the mission statement on the law school's web page, all the statements were checked against the previously published data. If a mission statement was different from the previously published table, those updates were recorded in this chart. Additionally, there were several law schools who did not have a mission statement when the previous table was published. All of those schools were contacted, multiple times via phone, and at the time of this publication, only a few have responded either confirming that their respective school has no mission statement or provided their school's mission statement.

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method of achieving this mission was also part of the mission statement as required by the ABA.⁷² Where leadership was not explicitly part of the mission statement, we looked to see if the mission statements identified competencies central to most leadership values and core concepts.⁷³ We tried to gauge whether the mission statement, even though not using explicit language about leadership, still communicated commitment to leadership as a core value or goal of the institution to those looking at the mission statement. We noted those schools whose mission statements contained neither express nor implicit endorsement of leadership. Because there was not a well-definable way to construct this evaluation, we then went beyond mission statements and looked at the learning outcomes espoused by the schools and whether there were specific leadership classes or programming at the school. In other words, we attempted to evaluate both in messaging and in substance what we could tell as outsiders looking in the overt commitment to teaching leadership as the third apprenticeship.

⁷² The mission statement should also state the school's educational objectives in support of that mission. AM. BAR ASS'N, *supra* note 56.

⁷³ Rhode explains that while effective leadership must vary by context and situations, "certain competencies are central" to most all leadership positions. She focuses on five such core capabilities: (1) individual and group decision-making, (2) influence (i.e., strategies that motivate followers), (3) fostering innovation and managing change, (4) conflict management (how to negotiate, mediate, and resolve disputes), and (5) communication skills. RHODE, *supra*, note 9, at 4, 40–81.

2. Review of Mission Statements that Include Leadership

Explicit use of “lead,” “leader,” or “leadership” terminology seemed an appropriate place to begin the inquiry, but a deeper reading of the mission statements showed significant variability in whether the word choice conveyed the role of leadership development for their students as a part of the mission or core values of the institution.

We reviewed 201 ABA-accredited law schools and found 91 with mission statements that specifically used the words “lead,” “leader(s),” or “leadership.” The table created as a companion to this Article is a chart of 201 ABA accredited that includes a column with the mission statement that are available.⁷⁴ In the mission statement column, the leadership words are bolded. A closer examination of the mission statements reveals that 27 law schools use a leadership word in reference to the law school’s reputation or standing in some respect, not in reference to a desire to enable or train their students in leadership. For example, Elon aspires to “[b]e a national leader in examining and addressing opportunities and problems in the legal profession and legal education through research, publish service and innovation,”⁷⁵ focusing its leadership goals on the institution rather than its students.

The 64 law schools that use a leadership word in reference to their students differed significantly in how the words were used and whether the words captured core values or offered much guidance in the educational

⁷⁴ See *Leadership Mission Statements and Learning Outcomes*, supra note 17.

⁷⁵ *Mission Statement*, ELON L. SCH., <https://www.elon.edu/e/law/about/mission-statement.html> [<https://perma.cc/84HU-FLH2>].

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objectives that supported that mission. Several of the statements used leader or leadership without those words comprising a significant part of the mission statement. For example, Case Western indicates that its “campaign for support will continue to attract high-quality students with outstanding leadership potential . . .”⁷⁶ but seems to limit its interest in students who already arrive with leadership potential rather espousing a focus on developing leaders or leadership qualities during law school. Appalachian notes that many of their graduates “remain in the region . . . and serve as . . . community leaders.”⁷⁷ Beyond that, however, the mission statement is silent on whether the school plays a role (and how) in those alumni becoming community leaders.⁷⁸

The University of Missouri states it is a “national leader in the field of dispute resolution”⁷⁹ and that it “seeks to graduate well-rounded lawyers . . . ready to be leaders in promoting justice,”⁸⁰ a fairly narrow view of leadership in the mission statement context. Moreover, the statement is purely aspirational in terms of seeing to graduate students who are ready to lead. Ave Maria School of Law “graduates are equipped for leading positions in law firms, corporate legal offices, the

⁷⁶ See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17; see also *Table of Law School Mission Statements*, *supra* note 66, at 16 (synthesizing Case Western’s mission statement).

⁷⁷ See *Our Mission*, APPALACHIAN L. SCH., <http://www.asl.edu/?s=mission+statement> [<https://perma.cc/2687-5E7E>].

⁷⁸ See *id.*

⁷⁹ *Mission Statement*, MO. SCH., <http://law.missouri.edu/about/mission/> [<https://perma.cc/EF4W-BEBM>].

⁸⁰ *Id.*

judiciary and . . . government”⁸¹ but the mission statement offers no information about how that process happens.⁸² The mission of the University of Baltimore School of Law is “providing the region with highly educated leaders who make distinctive contributions to the broader community.”⁸³ Their vision is “[t]o be the premier regional university for career advancement, where leaders grow, thrive and learn to apply their skills for solving local and global challenges.”⁸⁴ “New York Law School “creates a bridge from scholarship and service to leadership and practice.”⁸⁵

Wayne State “trains the next generation of lawyers, advocates and leaders”⁸⁶ which may well be true but does not connect that as a goal or value of the institution as opposed to a fact or by-product of going to school there. Emory “cultivate[s] leaders who serve the community through roles in the judiciary, government, legal education, public interest law, corporations and law firms;”⁸⁷ whether those roles require different training or how those leaders get cultivated is not disclosed.

⁸¹ *Mission*, AVE MARIA L. SCH., <https://www.avemarialaw.edu/campus-life/catholic-law-schools/> [<https://perma.cc/CU4X-RBU9>].

⁸² *See id.*

⁸³ *University of Baltimore Mission*, U. BALT. L. SCH. (May 22, 2019), <http://www.ubalt.edu/about-ub/ub-strategic-plan.cfm> [<https://perma.cc/S25A-AKF5>].

⁸⁴ *Id.*

⁸⁵ *Mission*, N.Y.L. SCH., https://www.nyls.edu/about_the_school/mission_and_history/ [<https://perma.cc/5DCT-ZJ77>].

⁸⁶ *See Leadership Mission Statements and Learning Outcomes*, *supra* note 17; *see also Table of Law School Mission Statements*, *supra* note 66, at 116 (for Wayne State’s mission statement).

⁸⁷ *Mission*, EMORY L. SCH., <http://law.emory.edu/about/history-mission.html> [<https://perma.cc/775F-YP7V>].

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Other schools used express leadership language and provided some information about the educational objectives to achieve that goal. Concordia “provides an experiential legal education that integrates the knowledge, skills, and values necessary for our graduates to become engaged servant leaders.”⁸⁸

The next tier of mission statements provided more depth, both about the role of leadership and how the school’s mission and leadership values get communicated to the students. UCLA

seek[s] to be the model publicly-supported law school in the nation, devoted not just to serving the interests of our own students, faculty, and alumni, but also the needs of the legal profession and community at large . . . best reflected in the school’s commitment to providing our students with the most sophisticated interdisciplinary education imaginable, while at the same time instilling within them a deep understanding of their obligations to society as future leaders in the legal, business and political worlds.”⁸⁹

Capital University Law School’s entire mission statement is that it “offers dedicated students the intellectual, ethical and practical foundation to become successful lawyers and leaders.”⁹⁰ The University of Arkansas “is dedicated to producing students who are

⁸⁸ *Mission and Values*, CONCORDIA L. SCH., <https://law.cu-portland.edu/academics/academic-catalog/mission-and-values> [<https://perma.cc/845T-WY2Q>].

⁸⁹ *See Leadership Mission Statements and Learning Outcomes*, *supra* note 17; *see also Table of Law School Mission Statements*, *supra* note 66, at 79 (for UCLA’s ongoing mission statement).

⁹⁰ *Mission Statement*, CAP. L. SCH., https://law.capital.edu/Strategic_Plan/ [<https://perma.cc/TB5L-3WBK>].

prepared to contribute to their community.”⁹¹ It prepares students to be “leaders in their communities,” and identifies that this objective (among others) “can best be realized by a talented and dedicated full-time faculty working in partnership with an interested and involved bench and bar.”⁹² Arizona identifies a couple of ways it “trains ethical and effective lawyers and leaders,” including by providing an “intensive, individualized learning experience” and by engaging the “imagination, participation and support of our alumni, friends and the broader university community.”⁹³

Finally, a small subset of schools not only endorsed leadership as a core value but were fairly explicit in how that training took place. Duke’s mission statement notes that its commitments to leadership and other core values are “memorialized in the Duke Blueprint to LEAD, a set of principles for leadership growth that informs the development of committed, ethical lawyers, well-equipped for the 21st century.”⁹⁴ The idea of a blueprint for leadership embodying the core principles seems a very effective way to communicate Duke’s views and goals vis a vis leadership. Columbia notes that its “mission of teaching and research serves

⁹¹ *Service & Outreach*, U. ARK., <https://law.uark.edu/service-outreach/> [<https://perma.cc/97GH-WK64>].

⁹² See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17 (for Arkansas’ s Mission Statement); see also *School of Law: Mission and Objectives*, U. ARK., <https://catalog.uark.edu/undergraduatecatalog/collegesandschools/schooloflaw/schooloflaw.pdf> [<https://perma.cc/EV3G-29FB>].

⁹³ See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17; see also *Table of Law School Mission Statements*, *supra* note 66, at 76 (for Arizona’s mission statement).

⁹⁴ *About Duke Law*, DUKE L. SCH., <https://law.duke.edu/about/> [<https://perma.cc/7VLN-PZY3>].

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the world at large and instills in our students a cosmopolitan worldview that prepares them to be exceptionally capable, ethical and resourceful leaders.⁹⁵ Northwestern's mission statement identifies that its strategic plan "Plan 2008: Preparing Great Leaders for the Changing World" not only identifies core values related to leadership but also that there is an articulated plan for how those goals are accomplished.⁹⁶ Maryland, "[t]hrough excellent teaching in both classroom and clinical settings...seeks to prepare our students for productive leadership and professional roles in the law, public service, business and government."⁹⁷ The mission statement nicely articulates robust methodology and core values.

Baylor's mission statement explains:

The obligation to develop students prepared for professional leadership also mandates that Baylor Law expose students to the history, traditions, and values of the legal profession. Among these values is a commitment to public service and leadership within one's community and profession, a commitment to ensuring meaningful public access to our system of justice, and respect for and

⁹⁵ *Mission Statement*, COLUM L. SCH., <https://www.law.columbia.edu/zzz/about> [<https://perma.cc/WB6H-D3AD>].

⁹⁶ *See Leadership Mission Statements and Learning Outcomes*, *supra* note 17; *see also Table of Law School Mission Statements*, *supra* note 66, at 48–49 (for Northwestern's mission statement).

⁹⁷ *Maryland Carey Law*, U. MD. FRANCIS KING CAREY SCH. L. (Aug. 28, 2018 1:47 PM), <https://www.law.umaryland.edu/About/> [<https://perma.cc/T9PP-NSQA>].

adherence to the ethical standards of the profession.

Perhaps the most fundamental value in a profession dedicated to service of clients, however, is the value of attaining and maintaining competence in one's field of practice. Meeting the obligation of preparing students to assume their responsibilities within an honorable profession therefore is the principal mission of Baylor Law.⁹⁸

The impression left after reading these mission statements is that there is a clear and articulable vision and commitment to training law students as leaders, endorsing leadership as a core value of the institution and with, in many instances, a specific and written plan for leadership development.

3. Review of Mission Statements that Include Leadership Concepts

Recognizing that leadership qualities could comprise part of a school's core values and mission statement without using specific language, we attempted to analysis and categorize mission statements based upon Rhode's five characteristics of leadership.⁹⁹ As Professor Rhode noted, the "most well documented characteristic cluster in five categories."¹⁰⁰ Those categories are "values (such as integrity, honesty, trust and an ethic of service)"; "personal skills (such as self-

⁹⁸ *Mission Statement*, BAYLOR L. SCH., <https://www.baylor.edu/law/index.php?id=930089> [<https://perma.cc/FZN6-XPZR>].

⁹⁹ See RHODE, *supra* note 9, at 4 (listing "[t]he most well-documented characteristics [that] cluster in five categories . . .").

¹⁰⁰ *Id.*

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awareness, self-control and self-direction”); “interpersonal skills (such as social awareness, empathy, persuasion and conflict management”); “vision (such as forward-looking and inspirational”); and “technical competence (such as knowledge, preparation and judgment).”¹⁰¹ While the characteristics were well recognized, the results were fairly disappointing in terms of the clarity of purpose when other language or attributes were used. First, when the mission statements did not use explicit language about leadership, analyzing whether a characteristic or language in the mission statement actually could be imputed to leadership as a core value as opposed to expressing a different value. Technical skills like knowledge and preparation are not specific to the third apprenticeship; it is part and parcel of thinking like a lawyer and “doing” like a lawyer. Persuasion is a lawyerly skill but again, not unique to leadership. This overlap in other areas made it difficult to attribute developing these characteristics to leadership as a goal. Second, the characteristics of leadership could not readily be searched in a statistically significant way or to get consistent and reproducible results. At the end of these efforts, what we learned was that leadership has to be identified specifically to have much utility or meaning in a mission statement.

Some examples illuminate the difficulty in imputing leadership as part of a given school’s mission. The language “[p]repare students to anticipate and adapt to future developments in the law” and to “[e]ngage in ongoing self-assessment to ensure that the institution is

¹⁰¹ *Id.*

meeting its stated goals”¹⁰² could be consistent with “vision” as a leadership characteristic, but it could also be consistent with a wide variety of other core values and goals. Similarly, the statement “[c]reate and foster ideas and knowledge to advance and transform the law and our society”¹⁰³ is consistent with leadership but is consistent with a tremendous range of other goals as well.

When evaluating whether mission statements identify “values,” the vast majority aspire to the type of values Rhode ascribes as traits of leadership: “teaches and reinforces the ethical core of good lawyering, the values of professionalism and service”;¹⁰⁴ “we seek to train lawyers of high intellectual and practical ability who are committed to ethical practice”;¹⁰⁵ “professional values that they need to excel in a diverse and dynamic world”;¹⁰⁶ “whose aim, guided by transcendent values, is to develop lawyers who possess moral conviction”;¹⁰⁷ “to provide an education that is spiritually strengthening, intellectually enlarging, and character building”;¹⁰⁸ “prepare [students] for their roles as competent and

¹⁰² *The AJMLS Mission*, ATLANTA J. MARSHALL L. SCH., <https://www.johnmarshall.edu/about/mission/> [<https://perma.cc/9GWA-9GTG>].

¹⁰³ *Mission Statement*, PITT L. SCH., <https://www.law.pitt.edu/pitt-law-mission-statement> [<https://perma.cc/F9LV-STFZ>].

¹⁰⁴ *Mission Statement*, MICH. ST. L. SCH., <http://www.law.msu.edu/studentaffairs/handbook/mission.html> [<https://perma.cc/69QJ-LPGQ>].

¹⁰⁵ *Mission & Vision*, MISS. C. L. SCH., <https://law.mc.edu/about/mission> [<https://perma.cc/9BGJ-QZN2>].

¹⁰⁶ *Our Mission*, LEWIS & CLARK L. SCH., <https://law.lclark.edu/about/> [<https://perma.cc/ZW7K-WXVA>].

¹⁰⁷ *Our Vision*, CAMPBELL L. SCH., <https://law.campbell.edu/about/our-school/our-vision/> [<https://perma.cc/KM7D-2QR9>].

¹⁰⁸ *Mission & Goals*, BYU L. SCH., <https://law.byu.edu/mission/> [<https://perma.cc/N9KG-CMDW>].

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ethical members of the legal profession”;¹⁰⁹ and “train[] students to become excellent lawyers with a high degree of professional skill and a special sensitivity to ethical and moral concerns.”¹¹⁰ Seventy-one of the 201 law schools had mission statements that referred to values, but they could not universally be identified as traits of leadership.¹¹¹ Commitment to an ethical practice of law is not in and of itself a leadership trait. The picture was compounded by the fact that several of the schools linked the values in their mission statement to the religious

¹⁰⁹ See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17; see also *Table of Law School Mission Statements*, *supra* note 66, at 24 (for Faulkner’s mission statement).

¹¹⁰ *Mission Statement*, DUQ. L. SCH., <https://www.duq.edu/academics/schools/law/about/mission-statement> [<https://perma.cc/TLZ5-8DAM>].

¹¹¹ See generally *Leadership Mission Statements and Learning Outcomes*, *supra* note 17; *Table of Law School Mission Statements*, *supra* note 66.

tradition associated with their law school,¹¹² a geographic identification,¹¹³ or an affiliation with race or ethnicity.¹¹⁴

B. A Commitment to Leadership was Difficult to Discern from a Review of Learning Outcomes

After reviewing the mission statements for language about leadership and leaders, we next attempted to evaluate both in messaging and in substance what we could tell as outsiders looking in about the overt commitment to teaching leadership. We

¹¹² See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17 (for mission statements belonging to: Ave Maria, Baylor, Belmont, Boston College, Brigham Young, Catholic University, Concordia University, Dayton, Detroit Mercy, Duquesne, Faulkner, Georgetown, Gonzaga, Liberty, Loyola – Chicago, Loyola-Los Angeles-Marymont, Loyola-New Orleans, Marquette, Mercer University, Mississippi College, Notre Dame, Pepperdine, Regent University, Saint Louis, San Francisco, St. Mary’s, St. Thomas-Florida, St. Thomas-Minnesota, Touro, and Villanova); see also *Table of Law School Mission Statements*, *supra* note 66, at 4–5, 6–7, 9, 10, 16, 22, 24, 30, 35, 37–38, 38, 38–39, 39, 41–42, 49, 55, 58, 64, 64–65, 72, 83, 84, 102, 104.

¹¹³ See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17 (for mission statements belonging to: Appalachian, Charleston, Florida International University, Hawaii, Iowa, Maine, Memphis, Nebraska, New Mexico, North Dakota, South Dakota, Southern University, Utah, and West Virginia); see also *Table of Law School Mission Statements*, *supra* note 66, at 3, 85, 96–97, 98–99, 99–100.

¹¹⁴ See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17 (for mission statements belonging to: Atlanta’s John Marshall, Barry, CUNY, District of Columbia, Howard, North Carolina Central, North Texas, and Southern University, Thurgood Marshall School of Law, and Western New England School of Law); see also *Table of Law School Mission Statements*, *supra* note 66, at 4, 6, 32, 44, 106–07.

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began our study by reviewing the published learning outcomes of law schools.

1. Law Schools' Inexperience with Learning Outcomes

Identifying and publishing learning objectives is a new phenomenon in legal education with law schools laboring to create, implement and then assess them as a now mandatory part of the ABA accreditation process. Ultimately, learning objectives should reflect the school's mission statement, but how those outcomes are stated and then measured continues to be a challenge. Recognizing that leadership skills likely will be included in the learning outcomes for schools committed to leadership development, we also attempted to evaluate law school's learning outcomes as they relate to teaching leadership.

In 2014, the American Bar Association amended the ABA Standards and Rules of Procedure for Approval of Law Schools to include Standard 302 which for the first time required American law schools to establish and publish learning objectives as follows:

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

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(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.¹¹⁵

Law schools are instructed to formulate learning outcomes that are “clear and concise statements of knowledge that the students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives.”¹¹⁶ The guiding principles confirm that schools are not required to ensure “that every student achieve each outcome.”¹¹⁷ With that said, the importance of the learning outcomes to the “mission” of a law school is also emphasized in the guidance from the ABA. “The outcomes should identify the desired knowledge, skills, and values that a school believes that its students should master.”¹¹⁸

Neil W. Hamilton, Holloran Professor of Law and Founding Director of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law, along with his colleague, Professor Jerry Organ, created a website to gather and study the learning outcomes developed by law schools in compliance with ABA Standard 302.¹¹⁹

¹¹⁵ *Managing Director’s Guidance Memo, Standards 301, 302, 314 and 315* 1, 4, A.B.A. SEC. ON LEGAL EDUC. & ADMISSIONS TO Bar (June 2015), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf [https://perma.cc/V4X8-HHU2] [hereinafter *Managing Director’s Guidance Memo*].

¹¹⁶ *Id.*

¹¹⁷ *See id.* at 3.

¹¹⁸ *Id.* at 4.

¹¹⁹ *See Learning Outcomes Database*, U. ST. THOMAS SCH. L. (Aug. 2018) <https://www.stthomas.edu/hollorancenter/resource/esforlegaleducators/learningoutcomesdatabase/#> [https://perma

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This ongoing project to collect and study the learning outcomes for all American law schools serves to create a repository of learning outcomes and derive knowledge from them. As law schools gain experience with learning outcomes and competency-based education, schools likely will modify their outcomes to ensure they can assess them. We believe that as law schools engage in future strategic review of their programs, learning outcomes likely will be realigned to more accurately reflect their mission statements or mission statements will be modified to more accurately describe what they seek to assess.

The Holloran Center database for law school learning outcomes includes an index of law schools by topics.¹²⁰ Through that database and our own search of websites, we are aware of only thirteen law schools that

a.cc/UC98-GJZZ] [hereinafter *Learning Outcomes Database*]. “The Holloran Center’s mission is to provide innovative interdisciplinary research, curriculum development and programs focusing holistically on the formation of both students and practicing professionals into ethical leaders in their communities.” *Holloran Center Mission*, U. ST. THOMAS SCH. L., <https://www.stthomas.edu/hollorancenter/about/mission/> [https://perma.cc/4EV2-WKVU].

¹²⁰ When last reviewed on September 9, 2019, the Holloran Center Learning Outcomes database included learning outcomes available to them in August 2018. See *Learning Outcomes Database*, *supra* note 118. Eleven schools were listed with leadership as an outcome. See *Holloran Center: Learning Outcomes 302(c) and (d)*, U. ST. THOMAS SCH. L., <https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/learningoutcomes302c/> [https://perma.cc/YYZ8-2UAT]. Baylor’s learning outcomes were not included in the database, but were furnished to the Holloran Center database after that time by the authors of this article.

mention “lead” or “leadership” in their learning outcomes.¹²¹ Just as some mission statements were not overt in their language about leadership, a review of other schools’ learning outcomes reveals aspects of leadership development for their students without being intentional in their language. We first discuss the learning outcomes with specific leadership language and then describe language from other learning outcomes that ascribe to the type of values Rhode ascribes as traits of leadership as discussed above.

2. Review of Learning Outcomes that Include Leadership

The majority of schools that specifically mention leadership in a learning outcome lists it as an ABA Standard 302(d) professional skill. For example, Virginia expects students to “develop professional skills, such as leadership, collaboration, and advocacy, and foster a commitment to public service through extracurricular activities.”¹²² “Villanova University Charles Widger School of Law recognizes the need to educate students holistically, fostering . . . a portfolio of metacognitive skills (including leadership, determination, self-awareness, and relationship building).”¹²³ Specifically, in Learning Outcome 6.3, Villanova associates leadership with teamwork by expecting graduates to “work as part of a professional team, demonstrating leadership,

¹²¹ *See id.*

¹²² *J.D. Program Learning Outcomes*, U. VA. SCH. L. (Aug. 15, 2016), <https://www.law.virginia.edu/academics/jd-program-learning-outcomes> [<https://perma.cc/K7UW-7SZN>].

¹²³ *Learning Outcomes & Associated Performance Criteria*, CHARLES WIDGER SCH. L., <https://www1.villanova.edu/villanova/law/academics/learningoutcomes.html> [<https://perma.cc/5PV2-3LND>].

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collaboration, and conflict-resolution skills.”¹²⁴ Indiana University Robert H. McKinney School of Law has a similar association of leadership with teamwork.¹²⁵ University of Nevada – Las Vegas similarly lists leadership as an interpersonal perspective their graduates should be able to demonstrate along with “[e]motionally intelligent engagement, team building, collaboration, [and] cooperation.”¹²⁶

As the introduction to its learning outcomes, Chicago describes its program as “designed to train superb lawyers who will be leaders in all parts of the profession.”¹²⁷ Texas Tech School of Law has a goal to “[e]mpower students to be community leaders, agents of needed reform and change, and exemplars of ethical conflict resolution.”¹²⁸ Hawaii wants to “enable them to provide leadership.”¹²⁹ Loyola University Chicago’s curriculum will “[p]repare[] [L]oyola [s]tudents to be

¹²⁴ *Id.*

¹²⁵ *See Mission Statement*, IND. U. ROBERT H. MCKINNEY SCH. L., <https://mckinneylaw.iu.edu/about/administration/mission-statement.html> [<https://perma.cc/CWM5-6CM4>] (stating that one educational objective is that a graduate will “[s]erve as a leader or contributing team member in professional settings . . .”).

¹²⁶ *Learning Objectives*, WILLIAM S. BOYD SCH. L., <https://www.unlv.edu/degree/jd> [<https://perma.cc/2QBV-CELV>].

¹²⁷ *Learning Outcomes*, U. CHI. L. SCH, <https://www.law.uchicago.edu/learning-outcomes> [<https://perma.cc/FX8F-U7K5>].

¹²⁸ *Strategic Plan*, TEX. TECH. L. SCH., <http://www.depts.ttu.edu/law/about/strategic-plan.php> [<https://perma.cc/Y3N5-EVYK>].

¹²⁹ *Student Learning Outcomes*, U. HAWAII WILLIAM S. RICHARDSON SCH. L., <https://www.law.hawaii.edu/content/jd-program-student-learning-outcomes> [<https://perma.cc/7JZK-DZTD>].

[a]ccomplished and [e]thical [l]eaders in the [l]egal [p]rofession and the [l]arger [c]ommunity.”¹³⁰

Four schools focus not on the act of leadership or the “doing” or “being,” but instead on developing understanding of the leadership roles that lawyers are expected to play in society. Southwestern wants its students “to appreciate the role of the legal profession in fostering justice and diversity through leadership, public service, and community involvement.”¹³¹ Appalachian expects its graduates to “develop and embrace a sense of civic responsibility and leadership...”¹³² Baylor wants its graduates to “understand lawyers’ obligation to provide service and leadership to clients, courts, the profession, one’s community and the public.”¹³³ Kansas expects its students to “recognize service obligations and opportunities for service and leadership.”¹³⁴ Southwestern students are expected “to appreciate the role of the legal profession in fostering justice and

¹³⁰ *Mission: Specific Goals*, LOY. U. CHI. SCH. L., <https://www.luc.edu/law/about/mission/index.cfm> [<https://perma.cc/49ZL-7SZ5>].

¹³¹ *Learning Outcomes*, SW. L. SCH. L.A., <https://www.swlaw.edu/curriculum/learning-outcomes> [<https://perma.cc/7HAA-PNZD>] [hereinafter *Sw. Learning Outcomes*].

¹³² APPALACHIAN SCH. OF LAW, *Curricular Learning Outcomes*, in APPALACHIAN SCHOOL OF LAW 2018-2019 CATALOG & STUDENT HANDBOOK 4-1 (2018), <https://www.stthomas.edu/media/hollorancenter/pdf/2018-2019AcademicCatalogandStudentHandbook18-08-03.pdf> [<https://perma.cc/3GGE-DP9E>].

¹³³ *Baylor Law Learning Outcomes*, BAYLOR L. SCH, <https://www.baylor.edu/law/index.php?id=957567> [<https://perma.cc/DUT9-LR3Y>].

¹³⁴ *Student Learning Outcomes*, KAN. U. SCH. L. (Aug. 21, 2016), <http://law.ku.edu/learning-outcomes> [<https://perma.cc/Q8XW-RVG5>].

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diversity through leadership, public service, and community involvement.”¹³⁵

3. Review of Learning Outcomes that Include Leadership Concepts

In looking for indication of leadership development as a learning outcome, we reviewed those associated with ABA Standards 302(c) and (d) which address competency in “(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.”¹³⁶ We again used the Holloran Center Learning Outcomes database.

As part of the description for the listing of learning outcomes related to ABA Standard 302(d), the Holloran Center adds, “[t]his includes some ‘other professional skills’ associated with professional and ethical responsibilities such as cultural competence, integrity, diligence, self-directedness, teamwork, etc.”¹³⁷ These “other professional skills” fall within Deborah Rhode’s characteristics of leadership so we limited our review to learning outcomes published in the Holloran Learning Outcomes Database listed as learning outcomes in compliance with ABA Standard 302(d).

As with mission statements, we attempted to analyze and categorize mission statements based upon Rhode’s five characteristics of leadership and focusing primarily on “values (such as integrity, honesty, trust and an ethic of service)”; “personal skills (such as self-

¹³⁵ *Sw. Learning Outcomes*, *supra* note 131.

¹³⁶ *Managing Director’s Guidance Memo*, *supra* note 115, at 1.

¹³⁷ *Learning Outcomes Database*, *supra* note 119.

awareness, self-control and self-direction); “interpersonal skills (such as social awareness, empathy, persuasion and conflict management); “vision (such as forward-looking and inspirational); and ignoring “technical competence.”¹³⁸ The results were perhaps more disappointing than with the review of missions statements and again what we learned was that leadership has to be identified specifically to have much utility or meaning in a mission statement or a learning outcome. Here are a few examples:

- American University Washington College of Law: “Professionalism and ethics (including integrity, community involvement, promotion of the public interest, commitment to service, networking, entrepreneurship and business development).”¹³⁹
- University of Massachusetts School of Law: PC3.3.1: “Graduates will understand their role as legal professionals as a form of service to others that transcends their personal interest.”¹⁴⁰
- Illinois College of Law: “Demonstrating an understanding of lawyers’ distinctive role in society and how participation in public service and pro bono representation fulfills

¹³⁸ RHODE, *supra* note 9, at 4.

¹³⁹ *Learning Outcomes*, AM. U. WASH. C. L., <https://www.wcl.american.edu/academics/academicservices/oaa/learning-outcomes/> [<https://perma.cc/X2VJ-TBFC>].

¹⁴⁰ *Learning Outcomes*, U. MASS. L. SCH., <https://www.umassd.edu/law/about/learning-outcomes/> [<https://perma.cc/NB2L-YU56>].

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their responsibility to contribute to society.”¹⁴¹

- University of St. Thomas School of Law Learning Outcome 1: “Graduates will demonstrate an understanding of their professional and ethical responsibilities in serving clients, the profession, and society. Whether working in law, business, government, or the non-profit sector, each graduate will be able to describe his or her evolving professional identity, which is grounded in a moral core, includes a commitment to self-directed professional learning, and reflects a concern for the disadvantaged and those who lack access to justice.”¹⁴²
- University of St. Thomas School of Law Learning Outcome 6: “Graduates will demonstrate competence in initiating and sustaining professional relationships and working with others toward common goals. Graduates will also demonstrate competence in interacting effectively with people across cultural differences.”¹⁴³

¹⁴¹ *Mission & Learning Outcomes*, ILL. C. L., <https://law.illinois.edu/about/mission-learning-outcomes/> [http s://perma.cc/S95J-9GMA].

¹⁴² *About St. Thomas Law*, U. ST. THOMAS L. SCH., <https://www.stthomas.edu/law/about/> [https://perma.cc/HE4J-NGHY] (to access the outcomes, select the “Learning Outcomes” tab).

¹⁴³ *Id.*

IV. Updated Review of Leadership Development Offerings in Law Schools Shows Growth in the area

Some law schools no longer assume their students will naturally become leaders. As described in *Training Lawyers for Leadership*,¹⁴⁴ a growing number of law schools acknowledge the need for, and now offer, leadership courses or programs.¹⁴⁵ This trend represents a sea change: ten years ago, the number of leadership courses in American law schools could be counted on one hand.¹⁴⁶ The steadily increasing number of leadership courses has been aided by a new section on Leadership within the American Association of Law Schools.¹⁴⁷ 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.”¹⁴⁸

The table created as a companion to this Article lists known leadership development programs and leadership courses at the 201 ABA accredited law schools.¹⁴⁹ This chart contains the information gathered for the *Training Lawyers for Leadership* article and published in 2018.¹⁵⁰ The search was conducted by looking for courses and programs that had “lead” or

¹⁴⁴ Leah Witcher Jackson Teague, *Training Lawyers for Leadership: Vitally Important Mission for the Future Success (and Maybe Survival) of the Legal Profession and Our Democracy*, 58 SANTA CLARA L. REV. 633 (2019).

¹⁴⁵ *Id.* at 650–56.

¹⁴⁶ *Id.* at 650.

¹⁴⁷ *See id.* at 651–54.

¹⁴⁸ *See Section on Leadership, supra* note 40.

¹⁴⁹ *See generally Leadership Mission Statements and Learning Outcomes, supra* note 17; *Table of Law School Mission Statements, supra* note 66.

¹⁵⁰ Teague, *supra* note 143, at 665–72.

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“leadership” in the title or in the description. In that article, 37 law schools were listed with a program or course on leadership. Since that article, professors and deans have reached out to report what they are doing in the area of leadership development for their students and additional searches of each law school’s website continued to uncover information about existing or new programming. As a result, the table created as a companion to this Article contains 85 law schools with at least one leadership development program, course or designation for their students.¹⁵¹ This significant increase does not necessarily represent a tidal wave of new courses and programming in the area, but rather highlights the lack of attention paid to this important topic in the past.

The table created as a companion to this Article includes the following information: (1) law school name; (2) mission statement (with leadership words in bold); (3) leadership development programs; (4) any leadership certificate or designation for students; (5) course(s) with leadership development as a significant component of the program, at least based on the description.¹⁵² To the best of our knowledge, the majority of the programs and courses were created in the last six to seven years. Efforts will continue to chronicle the progress and growth of this movement.

In addition to the schools listed in the table created as a companion to this Article,¹⁵³ we are aware of faculty at other law schools who believe that developing

¹⁵¹ See generally *Leadership Mission Statements and Learning Outcomes*, *supra* note 17; *Table of Law School Mission Statements*, *supra* note 66.

¹⁵² See generally *Leadership Mission Statements and Learning Outcomes*, *supra* note 17.

¹⁵³ See generally *id.*

leadership skills is as important to their students' future success as equipping them with the analytical skills viewed as fundamental to legal education. Implementing this commitment has been hampered by barriers which prevent the creation of leadership courses or programs at some schools. 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.¹⁵⁴ The new Leadership Section of the American Association of Law Schools plans to address such concerns by promoting an understanding of the leadership skills that can be taught and enhanced in a law school environment.¹⁵⁵ By sharing resources and providing training and support for those who have an interest in teaching leadership courses, the new section will facilitate the creation of programs and courses at other law schools.

Where teaching a separate leadership course is not yet feasible, some professors are likely incorporating leadership development concepts in courses, clinics and programs where the focus is not primarily leadership development. For example, at Pitt Law, Professor Michael Madison, through the Innovation Practice Institute that he directs, offers an annual short leadership course.¹⁵⁶ The Leadership and Innovation Forum meets once a week to provide leadership development programming for all interested students, graduates, faculty and staff.¹⁵⁷ The forum is free but does

¹⁵⁴ Teague, *supra* note 144, at 652.

¹⁵⁵ *See Section on Leadership*, *supra* note 40.

¹⁵⁶ *The Leadership and Innovation Forum*, MADISONIAN, <http://madisonian.net/leadership/> [<https://perma.cc/AZS9-PV2D>].

¹⁵⁷ *Id.*

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have required readings and work and the students do not receive any course credit.¹⁵⁸

Clinical experiences, as well as other co-curricular and extra-curricular activities, also provide fertile ground for leadership training, even though leadership development is not the primary purpose of the clinic.¹⁵⁹ New efforts by individuals and the AALS Leadership Section to develop resources will include modules and exercises that can be utilized in a variety of courses, clinics and programs.¹⁶⁰

V. Commitment to Leadership Development Requires Intentionality

If a law school fully embraces the benefit of intentionality when it comes to teaching leadership values and skills, consistent messaging should be expected. From their guiding documents (mission statements, core values and learning outcomes) students should see and hear that developing leadership characteristics and values and honing leadership skills is important to their future success as a positive influencer in society. Opportunities through courses and programs should be prevalent or at least discoverable in its curricular and extra-curricular offerings. Only a handful of law schools have consistent messaging to students that they need to be aware of lawyers' obligation and opportunities as leaders and they need to be prepared to assume those roles. We then reviewed in combination the law school mission statements, learning outcomes and

¹⁵⁸ *Id.*

¹⁵⁹ See Louis D. Billionis, *Law School Leadership and Leadership Development for Developing Lawyers*, 58 SANTA CLARA L. REV. 601, 618 (2019).

¹⁶⁰ See Teague, *supra* note 144, at 651–54.

curricular and extra-curricular offerings to determine which law schools weave leadership development into the fiber of their teaching and training of their law students.

Searching for law schools whose mission statements, learning outcomes, program descriptions and course catalogs include specific mention of leadership yields only a few law schools. Recognizing that we are still in the process of discovering what law schools are actually doing (now that attention is being brought to this subject), we will broaden our discussion in this section to law schools with leadership focus in most of the categories in the table created as a companion to this Article.¹⁶¹

The University of Virginia School of Law is one of only two law schools with leadership components listed in all 5 categories in the table created as a companion to this Article.¹⁶² Virginia's mission statement notes that it was founded in 1819 by one of the country's founding leaders and includes a dedication to instilling in their students "a commitment to leadership, integrity and community service."¹⁶³ Virginia created a learning outcome that "[s]tudents should be able to develop professional skills, such as leadership, collaboration, and advocacy, and foster a commitment to public service through extracurricular activities, such as involvement in student organizations, participation in moot courts and academic journals, and engagement with pro bono service."¹⁶⁴ Virginia has both a leadership development program, "the Tri-Sector Leadership Fellows Program,"

¹⁶¹ See *Leadership Mission Statements and Learning Outcomes*, *supra* note 17.

¹⁶² See *id.*

¹⁶³ *J.D. Program Learning Outcomes*, U. VA. SCH. L. (Aug. 15, 2017), <https://www.law.virginia.edu/academics/jd-program-learning-outcomes> [<https://perma.cc/V7CG-QP6A>].

¹⁶⁴ *Id.*

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and it offers noncredit leadership workshops.¹⁶⁵ The Tri-Sector Program, developed in 2014, identifies eight third-year law students and eight students from each of the Darden School of Business, and Frank Batten School of Leadership and Public Policy who meet with guest speakers.¹⁶⁶ The guest speakers guide the students through discussions about leadership and decision-making from a “tri-sector approach” in which private, public, and social institutions working together to address complex issues.¹⁶⁷

The other law school including leadership development across all five categories is Baylor Law. We recognize it may seem as if we identified these particular categories to highlight our program. That was not our motivation or our methodology. One of the objectives of this article is to invite, and hopefully ignite, conversation about the “how” and “what” of leadership development. Given the relative newness of leadership training as a part of law school curricula, we felt it important to identify concrete characteristics and programming schools looking to develop leadership programs could use as a base. We hope to encourage those with leadership development programming to share their experience and approach so that all of our efforts are increased and enhanced for the sake of our profession and society.

At Baylor Law, we have been thinking about leadership development as part of our training. This was driven in no small part by our awareness of the many and varied leadership roles our alumni assumed during their careers. We took that awareness and sought to be more

¹⁶⁵ *Lessons in Leadership*, U. VA. SCH. L. (Mar. 10, 2017), <https://law.virginia.edu/news/201703/lessons-leadership> [<https://perma.cc/73T6-VMTL>].

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

purposeful and effective in providing knowledge, skills-training and experiences during law school to better equip students for those leadership roles. In approximately 2013, we implemented specific programming directing students to seek opportunities for impact and influence in their communities. At Baylor Law, our mission statement, our learning outcomes and our marketing communicate our commitment to developing lawyers who are prepared to lead. The Baylor Law website announces our credo: “Baylor Lawyers. Ready to practice. Prepared to lead.”¹⁶⁸

Baylor Law’s mission statement recognizes that as a professional school, we “ha[ve] a particular obligation to develop students who have the character, maturity, skills, and values needed to assume leadership positions...”¹⁶⁹ Our learning outcomes include an expectation that all graduates will “understand lawyers’ obligations to provide service and leadership to clients, courts, the profession, one’s community and the public.”¹⁷⁰ We begin conversations about the role of lawyers as leaders at orientation, and we carry that training throughout their law school experience in the required Professional Development Program and our infamous third-year, rigorous and required Practice Court Program.¹⁷¹ Students can augment their training through an elective course and Leadership Development Program which can lead to a designation at graduation

¹⁶⁸ *Baylor Law*, BAYLOR U., <https://www.baylor.edu/law/index.php?id=929874> [<https://perma.cc/US5R-7VRM>].

¹⁶⁹ *Mission Statement*, BAYLOR U., <https://www.baylor.edu/law/index.php?id=930089> [<https://perma.cc/VD2V-HGMP>].

¹⁷⁰ *Baylor Law Learning Outcomes*, BAYLOR U., <https://www.baylor.edu/law/index.php?id=957567> [<https://perma.cc/HNS2-VUJ5>].

¹⁷¹ *Professional Development Program*, BAYLOR U., <https://www.baylor.edu/law/currentstudents/index.php?id=933502> [<https://perma.cc/T69X-AMNU>].

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as a Leadership Fellow.¹⁷² A number of faculty and staff are involved in the students' journey of self-discovery and growth, moving to what Lou Billions, former Dean of the University of Cincinnati College of Law, refers to as the whole-enterprise or whole-building approach.¹⁷³ With this approach, everyone in the building takes a vested interest in the professional development and personal growth of our students to move them from novice law students to mature lawyer-leaders.

While not covering all five categories, several schools have adopted a comprehensive approach to leadership training. New York University Law takes a similar whole enterprise approach. "At NYU Law, leadership is more than a buzzword; it's a mindset that infuses the entire Law School experience. As soon as students arrive on campus, we begin providing opportunities for them to develop their leadership capacity and preparing them to be leaders in their chosen fields."¹⁷⁴ The NYU first-year *Lawyering* program takes students on a journey through their coursework to learn "what it means to be a leader."¹⁷⁵ NYU supplements their leadership training with elective courses and programs.¹⁷⁶

¹⁷² *Leadership Development*, BAYLOR U., <https://www.baylor.edu/law/currentstudents/index.php?id=935914> [<https://perma.cc/39TN-RY9X>].

¹⁷³ Louis D. Bilionis, Presentation at Holloran Center Professional Development Workshop, Minneapolis, MN (June 30, 2019).

¹⁷⁴ *Leadership Mindset*, N.Y. U. SCH. L., <https://www.law.nyu.edu/about/leadership-mindset> [<https://perma.cc/R5UG-RXV3>].

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

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George Mason Law describes the “The Scalia Law Advantage” as “LEARN. CHALLENGE. LEAD.”¹⁷⁷ Their mission statement adds that the school has “the aim of producing the leaders of bench, bar, business, government, education and scholarship in service of the public good.”¹⁷⁸ George Mason students can earn a certificate through their Leadership and Professional Development Program Training.¹⁷⁹

Boston College proclaims, “A Tradition of Leadership. A Commitment to Justice.”¹⁸⁰ Their mission statement does not identify intentional leadership development, but it recognize a “commitment to the advancement of the common good,” and a desire to “train a diverse student body not merely to be good lawyers, but to be lawyers who lead good lives, and who will be prepared to seek and to find meaningful work in service to others that will enrich their communities.”¹⁸¹ They credit the success of the law school to “shaping leaders prepared to grapple with society's most important moral and ethical questions.”¹⁸² The school offers training to current students through courses such as Mindfulness & Contemplative Practices for Lawyers and the Leaders Entering and Advancing Public Service (LEAPS)

¹⁷⁷ *The Scalia Law Advantage*, GEO. MASON U. ANTONIN SCALIA L. SCH., https://www.law.gmu.edu/about/law_school/ [https://perma.cc/DZ3W-FZNR].

¹⁷⁸ *Strategic Mission of the School of Law*, GEO. MASON U. ANTONIN SCALIA L. SCH., <https://www.law.gmu.edu/about/mission> [https://perma.cc/PW2T-AS72].

¹⁷⁹ *Leadership and Professional Development Program*, GEO. MASON U. ANTONIN SCALIA L. SCH., https://www.law.gmu.edu/career/leadership_professional_development/ [https://perma.cc/MD3F-7CJV].

¹⁸⁰ *About the Law School*, B.C. L., <https://www.bc.edu/content/bc-web/schools/law/about.html> [https://perma.cc/ZZV5-L4LH].

¹⁸¹ *Id.*

¹⁸² *Id.*

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Program where can earn the designation of a LEAPS Scholars.¹⁸³

Similarly, the mission statement for the University of Chicago does not specifically mention leadership development.¹⁸⁴ Identifying (or even implying) that the school focuses on developing their students as leaders is also difficult. The preamble to their learning outcomes, however, makes clearer their intention to develop leaders. “The Law School’s program of instruction is designed to train superb lawyers who will be leaders in all parts of the profession.”¹⁸⁵ That instruction begins before classes begin with an off-site retreat for all their first-year law students as part of the Kapnick Initiative originated in 2014.¹⁸⁶ “Through a series of team-building exercises, leadership challenges, and social events, 1Ls are introduced to their classmates and learn about their own leadership style and effectiveness in team situations.”¹⁸⁷ The instruction continues during the first year with “a number of “modules” related to specific areas of leadership development, which include such topics as personality and leadership, building relationships and influencing others, and public speaking.”¹⁸⁸ In their second-year, law students can continue to participate as the facilitators for

¹⁸³ *Leaders Entering and Advancing Public Service*, B.C. L., <https://www.bc.edu/content/bc-web/schools/law/centers/leaps.html> [<https://perma.cc/35TW-M6WH>].

¹⁸⁴ *Mission of The Law School*, U. CHI. L. SCH., <https://www.law.uchicago.edu/school/mission> [<https://perma.cc/24QS-V9UU>].

¹⁸⁵ *Learning Outcomes*, U. CHI. L. SCH., <https://www.law.uchicago.edu/learning-outcomes> [<https://perma.cc/BF58-3TYY>].

¹⁸⁶ *Student Engagement*, U. CHI. L. SCH., <https://www.law.uchicago.edu/engagement> [<https://perma.cc/Z93S-F49D>].

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

the Kapnick Initiative. As result of the Kapnick Initiative, “students gain insights about cultivating their own leadership abilities and are better prepared for the challenges and opportunities in their careers.”¹⁸⁹

Ohio State University’s Moritz College of Law proclaims “a deep commitment to teaching and professional training, and the development of future leaders.”¹⁹⁰ Their mission statement supports this commitment with a goal that their students “become outstanding legal professionals equipped to aid and improve society.”¹⁹¹ While their learning outcomes do not include a specific reference to leadership, learning outcome number 6 emphasizes the need for leadership develop in the form of “Interpersonal Skills and Professionalism.” “To succeed, lawyers need skills such as motivating others; influencing others; working as a team; and relating to people who differ culturally, economically, linguistically, or in other ways.”¹⁹²

Ohio uses the current need for well-trained and effective leaders to market their Program on Law and Leadership. “As calls for effective leadership grow louder, the preparation of a new generation of skilled lawyer-leaders begins here.”¹⁹³ They seek, through their leadership program, to provide students with “a deeper understanding of leadership that is both intellectually stimulating and personally significant.”¹⁹⁴ They recognize that the leadership training received will

¹⁸⁹ *Id.*

¹⁹⁰ *About Moritz*, OHIO ST. U. MORITZ C. L., <https://moritzlaw.osu.edu/about/> [<https://perma.cc/LEH6-9WHY>].

¹⁹¹ *Id.*

¹⁹² *Vision, Mission, Goals*, OHIO ST. U. MORITZ C. L., <https://moritzlaw.osu.edu/about/about-moritz/vision-mission-goals/> [<https://perma.cc/KHA4-7EME>].

¹⁹³ *Program on Law and Leadership*, OHIO ST. U. MORITZ C. L., <https://moritzlaw.osu.edu/pll/> [<https://perma.cc/6S9G-XTPF>].

¹⁹⁴ *Id.*

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benefit law students in their careers while also enabling them to help their communities.¹⁹⁵

In her welcome to viewers of the Columbia website, Dean Gillian Lester notes that “[f]or more than 150 years, Columbia Law School has been known as a wellspring of leading scholarship and as a center for ideas that shape the path of law and policy, both domestic and abroad. We draw on that legacy to inspire a forward-looking culture that will equip our students to become leaders in solving the world’s most difficult problems.”¹⁹⁶ Listed as a strategic initiative at Columbia, the Davis Polk Leadership Initiative is “a new, cross-disciplinary initiative designed to prepare students to succeed as leaders in a wide range of sectors.”¹⁹⁷

Indiana University Robert H. McKinney School of Law’s commitment to leadership development is stated more subtly than those identified above. Indiana’s mission statement and learning outcomes mention leadership and the school offers a course on law and leadership. Understanding how their program will “empower students to be leaders” is not apparent.¹⁹⁸ In Dean Andrew Klein’s welcome message, he offers that

¹⁹⁵ *Id.*

¹⁹⁶ *Dean’s Welcome*, COLUM. L. SCH., <https://www.law.columbia.edu/about/dean-welcome> [<https://perma.cc/LS7M-JXEG>].

¹⁹⁷ *Davis Polk Leadership Initiative*, COLUM. L. SCH., <https://www.law.columbia.edu/about/dean-welcome> [<https://perma.cc/34V6-S5LH>].

¹⁹⁸ *Mission Statement*, IND. U. ROBERT H. MCKINNEY SCH. L., <https://mckinneylaw.iu.edu/about/administration/mission-statement.html> [<https://perma.cc/LZC3-P6NP>].

their “faculty is passionate about mentoring a new generation of lawyers and leaders.”¹⁹⁹

One of the newer comprehensive leadership development efforts for law students is occurring at Brigham Young University under the leadership of Gordon Smith. “Over the past two years, we have employed a ‘whole-building approach’ to leadership training with the aspiration to develop a common vocabulary, shared goals, and vital skills for contributing to the development of students at every touch-point, in and out of the classroom,” shared Dean Smith.²⁰⁰ In answering the question of “Why BY Law” BYU responses by describing how they create leaders.²⁰¹ “Pursuing solutions in the areas of practice that interest them most, students and alumni share how their BYU Law experience has equipped them to make an impact.”²⁰² Beyond this initial message, the website is replete with ways BYU commits to training students to impact and influence their firms and communities. BYU graduates are portrayed as “Influencers. Empowered to Make an Impact.” The admissions webpage offers the simple message “Leaders. Thinkers. Doers. Welcome Home.”²⁰³ While these messages may be intended to attract applicants who already view themselves as, or aspire to be, leaders, BYU has created programming to enhance their leadership abilities.

¹⁹⁹ *Message from the Dean*, IND. U. ROBERT H. MCKINNEY SCH. L., <https://mckinneylaw.iu.edu/about/deans-message.html> [https://perma.cc/64JK-CHZJ].

²⁰⁰ Email from Gordon Smith to Leah Jackson Teague (Jan. 20, 2020) (on file with author).

²⁰¹ BYU L. SCH., <https://law.byu.edu/> [https://perma.cc/NQN5-H5TT].

²⁰² *Influencers*, BYU L. SCH., <https://influencers.law.byu.edu/> [https://perma.cc/J7JU-BTJ5].

²⁰³ *Admissions*, BYU L. SCH., <https://law.byu.edu/departments/admissions/> [https://perma.cc/R586-A6DN].

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A total of 118 law schools listed in the table created as a companion to this Article have some indication of a commitment to leadership development.²⁰⁴ A number of those law school have strong indicators even though they do not check every category or even a majority of them. For example, Harvard Law School's mission statement is "to educate leaders who contribute to the advancement of justice and the wellbeing of society."²⁰⁵ They have leadership courses and regular programming as indicated in the table created as a companion to this Article.²⁰⁶ In the closing paragraph of Dean John F. Manning's welcome message on the Harvard website he exclaims, "no law school better prepares lawyers, public servants, and leaders for a changing world than does Harvard Law School."²⁰⁷ Although leadership development is not mentioned as a specific learning outcome for Harvard, the preamble states, "Harvard Law School prepares students to be outstanding lawyers who will achieve success in all parts of the profession and become leaders who further the best ideals of law and justice across many fields."²⁰⁸

²⁰⁴ See generally *Leadership Mission Statements and Learning Outcomes*, *supra* note 17.

²⁰⁵ See *Table of Law School Mission Statements*, *supra* note 66, at 31. The link in that table no longer works. A search of the Harvard Law School website does not locate any mission statement.

²⁰⁶ See generally *Leadership Mission Statements and Learning Outcomes*, *supra* note 17.

²⁰⁷ *Dean's Welcome*, HARV. L. SCH., <https://hls.harvard.edu/about/deans-welcome/> [<https://perma.cc/7MXD-78HR>].

²⁰⁸ *I. (B) Statement of Learning Outcomes*, HARV. L. SCH., <https://hls.harvard.edu/dept/academics/handbook/rules-relating-to-law-school-studies/requirements-for-the-j-d-degree/first-year-j-d-course-and-credit-requirements/> [<https://perma.cc/C9PB-MU37>].

Other law schools have programs and courses but do not express a specific commitment to leadership development in their mission statements or learning outcomes. In the table created as a companion to this Article, we list law schools which now have leadership courses or programs or both.²⁰⁹ Some in this category offer strong messages on commitment to leadership development of their students. For example, from University of Tennessee webpage, we see the following language: “CHANGING LIVES TOGETHER. We are fostering the next generation of leaders and lawyers through academic diligence, experiential learning, and a call to improve the lives of those in our communities.”²¹⁰ On Santa Clara’s homepage, they advertise that “Santa Clara University is home to generations of leaders innovating with a mission. Ethical global citizens who transform lives, shape society, and aspire to make the world a better place.”²¹¹ Finally, Cleveland State identifies that “[w]e are an iconic, 122-year-old student-centered law school committed to both excellence and opportunity, social justice and producing lawyers that are also leaders . . . The Groundbreaking P. Kelly Tompkins Leadership in law program is one of the first in the nation to provide core leadership training to law students.”²¹²

VI. Committing to Leadership Development Benefits Law Schools, Law Students, the Legal Profession and Society

²⁰⁹ See generally *Leadership Mission Statements and Learning Outcomes*, *supra* note 17.

²¹⁰ *Changing Lives Together*, U. TENN. C. L., [https://law.utk.edu/\[https://perma.cc/2MZ2-DWWE\]](https://law.utk.edu/[https://perma.cc/2MZ2-DWWE]).

²¹¹ SANTA CLARA U. SCH. L., [https://law.scu.edu/\[https://perma.cc/QR3A-T7CR\]](https://law.scu.edu/[https://perma.cc/QR3A-T7CR]).

²¹² *Overview*, CLEV.-MARSHALL C. L., [https://www.law.csuohio.edu/meetclaw\[https://perma.cc/FCU6-6P2C\]](https://www.law.csuohio.edu/meetclaw[https://perma.cc/FCU6-6P2C]).

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As noted in the introduction to this article, the ability to use a law degree as a pathway to service or change significantly motivated undergraduates considering law school. This suggests that law schools should create leadership development opportunities to better prepare students for these desired positions of influence and impact. Of the 22,189 undergraduates surveyed in the *Before the J.D.* report, we note that only 71% were likely to attend a graduate or professional school and of that group, only 15% expressed an interest in law school.²¹³ While the report was viewed as good news for legal education,²¹⁴ does that relatively small percentage demonstrate that undergraduates do not perceive law school as a vehicle that could drive their desire to change the world and be a force for good? Could better messaging in law school's mission statements, websites, learning outcomes and other marketing materials more clearly demonstrate our commitment to developing leaders? The authors believe this report should motivate law schools to educate prospective students and the public and make our profession more appealing and accessible. "Our country needs diverse, talented, and well-educated lawyers and judges if it is to continue to strengthen and benefit from the rule of law."²¹⁵ In the current terse and adversarial political

²¹³ GALLUP, BEFORE THE JD STUDY, METHODOLOGY REPORT 12 tbl.8 (2018), <https://www.aals.org/wp-content/uploads/2018/09/BJDMethodologyReport.pdf> [<https://perma.cc/X4KP-R9QX>].

²¹⁴ See Paul Caron, *Before The J.D.: Undergraduate Views On Law School*, TAX PROF BLOG (Sept. 20, 2018), https://taxprof.typepad.com/taxprof_blog/2018/09/before-the-jd-undergraduate-views-on-law-school.html [<https://perma.cc/P8UV-QF27>].

²¹⁵ ASS'N OF AM. LAW SCHS., HIGHLIGHTS FROM BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL 1 (2017),

climate, law schools could become a strong voice for teaching effective leadership which is not built on personal attack but on an understanding of the rule of law.

Promoting a Juris Doctor as the best training ground for leadership skills and a life of positive impact is an important endeavor for legal education. Because of the important role that lawyer-leaders should hold in society, attracting the best and the brightest to law school is also critical to the legal profession and society. Law schools therefore need to make clear through their messaging the role they can play in developing the future leaders of our country.

VII. Conclusion

Intentionality seems to be the key to including leadership in messaging and core values. In our review, we expended significant effort simply trying to locate language about leadership at the various law schools. If trained researchers specifically looking for leadership language struggled to find it, will a prospective student really get the message that a given school is committed to leadership development? If law schools want to take advantage of the findings of the Before the J.D. report and help train the next generation of leaders, we need to be clear in our messaging that leadership development happens, and happens effectively, at law schools. Not only can we identify our commitment in websites, mission statements and learning outcomes, we can tout our graduates who have taken our training and put it to use in making an impact. This cradle-to-grave approach takes leadership training out of the theoretical and into the practical for undergraduates trying to decide how

<https://www.aals.org/wp-content/uploads/2018/09/BJDReportsHghlights.pdf> [<https://perma.cc/2E3J-Z3ZY>].

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best to change the world. As law schools, we love to see our graduates make their mark; promoting their leadership accomplishments should not be a controversial move for most schools.

One difficulty with this holistic approach to leadership as a promoted part of law school lies in whether the school as a whole actually recognizes leadership training and development as central to the mission of the school. Can faculty and administrators agree on whether leadership training, even if a core value, can be taught and who is qualified to teach it? While these are important and practical considerations, a commitment to leadership and inclusion in the values and learning outcomes of a school can and should take place even if the method of delivery is not yet perfected. Professors routinely include in their teaching opinions just released by courts even though we may not have a full understanding of the ramifications of those opinions. We teach newly adopted statutes on the eve of their implementation, even though the full impact of the new statute is unknown. The mere fact that leadership skills training is still being developed in the law school setting is hardly an acceptable excuse to avoid the attempt. Open conversations about leadership and its role at the school can be an important step in adopting it as a core value. Creating scholarship and sharing scholarship with colleagues can add validity to the endeavor. Actively soliciting and monitoring student feedback can lend support as well. Using intentional, specific and consistent language in the mission statement and learning outcomes highlights in a meaningful way the role of leadership.

Going forward, we hope to see the AALS Leadership section provide guidance on leadership training and resources, including encouraging its

members to author leadership training materials, suggest concrete ways to add leadership training to the overt doctrinal curriculum and to develop a robust and current set on exercises for use in leadership courses, professional development activities and student bar-sponsored events. Our experience teaching leadership suggests the need for a variety of types of exercises and for a nimble and evolving set of prompts depending on the particular characteristics of an individual class. Working in conjunction with the Holloran Institute, the section and schools should develop some concrete learning outcomes to identify what we want students to “learn” as they become leaders and to quantify those outcomes. If leadership training is truly part of the third apprenticeship, we want to measure movement toward competence in this area.

This partnership between law schools which define their leadership training goals and the AALS providing resources and guidance provide a strong framework to create the lawyer leaders of tomorrow. We look forward to the fruits this burgeoning academic field will bear.