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## LEADING NEW LAWYERS: LEADERSHIP AND LEGAL EDUCATION

Michael J. Madison

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# LEADING NEW LAWYERS: LEADERSHIP AND LEGAL EDUCATION

MICHAEL J. MADISON\*

*Lawyers may become leaders, but leaders also may become lawyers. The path to leadership can begin in law school. This short essay describes a leadership development course developed and implemented at a law school over the last four years.*

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## I. A STORY

I played competitive soccer until I finished high school and played in uniform off and on again until my mid-40s. I played on horrible teams and magnificent teams. I played for coaches who were tactical masters, experienced former professionals, veterans of soccer on several continents, and, occasionally, complete amateurs. Members of the first three groups taught me about soccer. A member of the last group was the best leader. That was Mark Speckman, my soccer coach during my junior year of high school.

Mark Speckman was only about five years older than his players that year, and he was just starting his coaching career. He was a football coach—that is, he knew so-called “American-rules” football. He knew next to nothing about soccer. In fact, he likely knew nothing at all about soccer. (He was hardly alone; in the mid-1970s, soccer was just finding its feet in suburban California, where I grew up.) He had been a football player in college, earning national recognition as a linebacker at Azusa Pacific University in the NAIA.<sup>1</sup>

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1. The National Association of Intercollegiate Athletics.

He had a knack for intercepting the football. He was hanging around our high school, helping with the football team, when the regular soccer coach had to step aside unexpectedly. Mark Speckman was asked to take the reins of the soccer program for a year, and he agreed.

Coach Speckman didn't teach strategy, tactics, or skills; he couldn't. Picture a non-soccer playing linebacker, whose relatively simple job it had been to hit people—hard—to stop them from scoring, coaching a bunch of kids whose relatively complex job it was to put a round ball in the goal using any part of their bodies except their arms and hands. In part, he was smart and a quick study, and he put eleven men on the field in mostly the right places. But what I remember most is that at every practice and at every game, Coach Speckman was on fire. *En fuego*, as we said at the time. By virtue of his energy and enthusiasm for us and for the cause, by virtue of his own history and presence, and by virtue of his sheer relentlessness on both counts, Mark Speckman was a one-man force of nature. One-to-one, in the group, whatever it took, Mark Speckman goaded us, cheered us, and validated us loudly and publicly whenever we made great plays and sometimes when we were merely OK but he and we all knew that better was there for the taking, with extra effort. He didn't teach us what to do. He taught us what needed to be done. His was always the loudest, most positive, and most relentless voice on the sideline. Did I mention his relentlessness?

I should mention at this point that Mark Speckman was born without hands. As a teenager, he gave up wearing prostheses. His different ability did not matter, to him or to us. Or, to put it another way, no hands for the coach; no hands for the players. Everyone was singing the same tune.

I honestly don't remember our record, though the team did reasonably well. We were competing against schools that were five and ten times our size. Occasionally there was a college coach lurking here or there, looking for recruits, but to my knowledge, none of us went on to college careers, while a number of our opponents did. What I do remember, however, is that just about to a person, we would run through walls for Coach Speckman and for each other. I played on better and more successful teams. The following year, my club team won a state championship. But that year with Mark Speckman is the one that I remember most.<sup>2</sup>

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2. After one year of soccer, Mark Speckman returned to football and eventually achieved recognition and success as the head football coach at Willamette University and as a motivational speaker. He has served as the running backs coach of the Montreal Alouettes of the Canadian Football League (CFL) and is currently the Offensive Coordinator of the football team at Lawrence University, in Wisconsin.

## II. TRANSFORMING

I share that anecdote with my students. Not my law students in my law classes, but in a leadership course that I am developing at my law school and that is the subject of this essay. A growing chorus of practitioners and scholars calls for leadership training for lawyers.<sup>3</sup> Relatively few people call for leaders to enter the legal profession. Few of those writers move beyond talking about leadership to training leaders. I'm trying to bridge that gap, not by theorizing a field at the intersection of law and leadership, but instead by helping to create that field in the classroom.<sup>4</sup> I am not a

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He recently published a memoir, titled—"Figure It Out: How I Learned to Live Without Digits in a Digital World." MARK SPECKMAN & W. JASON NIEDERMAYER, *FIGURE IT OUT: HOW I LEARNED TO LIVE WITHOUT DIGITS IN A DIGITAL WORLD* (2d ed. 2015). Coach Speckman does not let up.

3. Deborah Rhode, the leading voice among that group, notes: "Although leadership development is now a forty-five billion dollar industry, and an Amazon search reveals close to 88,000 leadership books in print, the topic is largely missing in legal education." DEBORAH L. RHODE, *LAWYERS AS LEADERS* 1 (2013). Other notable works in the law/lawyers/leadership literature include: THOMAS C. GRELLA, *LESSONS IN LEADERSHIP: ESSENTIAL SKILLS FOR LAWYERS* (2013); SUSAN MCCARTY, *LAW AND LEADERSHIP: INTEGRATING LEADERSHIP STUDIES INTO THE LAW SCHOOL CURRICULUM* (Paula Monopoli & Susan McCarty eds. 2013); DEBORAH L. RHODE & AMANDA K. PACKEL, *LEADERSHIP: LAW, POLICY, AND MANAGEMENT* (2011); HERB RUBINSTEIN, *LEADERSHIP FOR LAWYERS* (2d ed. 2008); Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. ST. THOMAS L.J. 358 (2009); Ben W. Heineman, Jr., *Lawyers as Leaders*, 116 YALE L.J. POCKET PART 266 (2007); Deborah L. Rhode, *Lawyers as Leaders*, 2010 MICH. ST. L. REV. 413 (2010); Karen Cochran, *Leadership and Law: An In-House Counsel's Perspective*, 32 DEL. LAW. 24 (2014). Amid thousands of thoughtful words on leadership, almost all of them address the importance of leadership in law, relevant theories of leadership, and appropriate ethical frameworks for discussing and pursuing leadership. Few of them are directed to producing or describing the "how-to" of leadership in legal education. One notable exception is Faith Rivers James, *Engaging Law Students in Leadership*, 31 ST. LOUIS U. PUB. L. REV. 409 (2011).

4. That's not to say that leadership programs in law schools are non-existent; they do exist. See, e.g., HOLLORAN CENTER FOR ETHICAL LEADERSHIP IN THE PROFS., <http://www.stthomas.edu/hollorancenter/> (last visited Apr. 27, 2016) (at the University of St. Thomas School of Law); INST. FOR PROF. LEADERSHIP, <http://law.utk.edu/centers/leadership/> (last visited Apr. 27, 2016) (at the University of Tennessee College of Law); PARRIS INST. FOR PROF. FORMATION, <http://law.pepperdine.edu/parris-institute/default.htm> (last visited Apr. 27, 2016) (at Pepperdine University School of Law); PROGRAM ON L. AND LEADERSHIP, <http://moritzlaw.osu.edu/pll/> (last visited Apr. 27, 2016) (at the Ohio State University Moritz College of Law); and THE LEADERSHIP PROGRAM, <https://www.elon.edu/e/law/leadership/index.html> (last visited Apr. 27, 2016) (at Elon University School of Law).

leadership researcher;<sup>5</sup> I do not run a leadership center or program. But one need not commit to a life of leadership teaching in order to advance the state of leadership or the legal profession. One person, in one classroom, can make a difference. I'm a volunteer. Below, I describe what I do.

Because definitions matter from time to time, and because theories and theorists of leadership abound, I note at the outset that, in my view, leadership is not about running things or about being in charge. Leadership is about vision, voice, and change. The next section, which gets to the details of my course, explores those things in more detail. The key notions are these. There are lots of people running organizations in this world who are poor leaders or not leaders at all. People in charge may be great managers (or poor ones). They may get things done. But getting things done, or directing others to get things done, is not necessarily the exercise or the product of leadership. There are lots of people who are *not* running organizations who are nonetheless great leaders. They may not have the power to get things done, but they can and do lead. They shape visions; they guide; they inspire. Through that combination, they change lives. They have a clear sense of their own agency in the world, using their voices and identities to help others realize their own agency, leading—eventually—to life-changing impacts. This essay is not the place to unpack and explore all of those propositions. They emerge clearly and distinctly from much of the rich and deep leadership literature published over the last several decades.<sup>6</sup> I note them only to ensure that I situate what follows in a broader context that matters to me.

By profession, I am a law professor and formerly a practicing lawyer, and this brief essay about leadership, law, and legal

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Elon Law also hosts the fledgling *Journal of Leadership and the Law*, [http://www.elon.edu/e-web/law/leadership\\_journal/default.xhtml](http://www.elon.edu/e-web/law/leadership_journal/default.xhtml) (last visited Apr. 27, 2016).

5. My primary research fields are intellectual property law and knowledge commons. See, e.g., GOVERNING KNOWLEDGE COMMONS (Brett M. Frischmann, Michael J. Madison & Katherine J. Strandburg eds., 2014).

6. The field of leadership development has more than its fair share of jargon and sloganeering, and I don't mind appropriating some of that. My emphasis on "voice" in leadership stems in part from the writings of the late Stephen Covey, author of *THE SEVEN HABITS OF HIGHLY EFFECTIVE PEOPLE* (1989). The eighth habit is "Find Your Voice and Inspire Others to Find Theirs." See STEPHEN R. COVEY, *THE 8TH HABIT: FROM EFFECTIVENESS TO GREATNESS* (2004). I find the slogan to be a helpful teaching tool, but I don't need to borrow the entirety of Covey's program. The reading list that follows in the text points to the portions of the relevant literature that I find most useful.

education has not yet touched meaningfully on the latter two topics. That's primarily because in entering an emerging conversation about leadership and lawyers, I do not presume that there is anything unusual or distinctive or special about the challenges or impacts of leadership in the legal profession or law-related institutions.

Many people start from a different presumption. Virtually all of the existing conversation about leadership in law uses distinctive attributes of lawyers and the legal profession as basic premises. The question to be answered by that conversation is why lawyers should study leadership, or why law firms need trained leadership. Lawyers first, leaders second, in short. That's one useful way of framing the leadership and law question, because it is said that most lawyers do not think of themselves as potential leaders. Worse, most lawyers don't think of themselves as needing leadership skills, or benefiting from them. Yet leadership matters to lawyers, law practice, and law firms. The initial question yields useful answers. The legal profession is a group of people with a set of shared values and goals, and the profession and its subsidiary groups (also with shared values and goals) need leadership to get them where they want to go and to have the impacts that they want to have.

Nonetheless, it is my ambition to move beyond that framework, to reverse the polarity of the leadership and law question, in order to ask why leaders should study law, or should become lawyers, members of the legal profession, or, most broadly, members of what is now sometimes called the legal services industry. Why not transform the very idea of the legal profession and the personal agency that it embodies and represents?<sup>7</sup> Why not leaders first, lawyers second? My answer is this: If you want to transform the world and the lives of people within it—even if you only want to change your own world, in a very specific, micro-way—then law, law practice, and the legal profession offer rich sets of tools for doing just that.<sup>8</sup> But law and the legal profession do not as such offer insights about leadership. One who chooses leadership may well also choose law, but need not. Yet *why not?* To borrow the old joke about the

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7. It is mostly coincidental, but happily so, that conversations about the future of legal education and the legal profession have started to embrace questions of professional identity and identity formation. See generally WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 126-61 (2007) (the so-called "Carnegie Report") (describing the purposes and dimensions of legal education in forming professional identity and purpose).

8. For more on this theme, see Stephanie A. Dangel & Michael J. Madison, *Innovators, Esq.: Training the Next Generation of Lawyer Social Entrepreneurs*, 83 UMKC L. REV. 967 (2015) (describing a planned program for training new lawyers to lead social change through innovation and entrepreneurship).

origins of the Reese's Peanut Butter Cup: One may look at this as getting the peanut butter of law mixed up with the chocolate of leadership. Or one may look at this as getting the chocolate of leadership mixed up with the peanut butter of law. Either way, a tasty combination follows. The path to leadership may begin almost anywhere. It may certainly begin in law school.

I come to the idea of transformation and transformative leadership via an unorthodox and very personal route. (Amid the many strengths of the new law-and-leadership literature is the weakness of its adherence to a very lawyerly de-personalization of the material. Again, my approach differs.) Twenty years after graduating from law school, with that time divided roughly equally between ten years of law practice and ten years of law teaching, I expressed in full the most deeply conventional ideas of my personal role within the legal profession. As a lawyer, I represented clients; I managed cases. Later, as a law professor, I taught my students; I wrote my scholarly articles. Beginning in 2006, however, what had been a relatively modest volunteer career participating in alumni activities at Yale, where I went to college, took a new turn.

The alumni association at Yale has long done what most people think college alumni associations do. It helps local chapters and classes of graduates organize social events, some of which are linked, directly or indirectly, to fundraising activities. In 2006, however, new professional leadership at the association<sup>9</sup> challenged its volunteer board of directors to imagine a different role, a new and non-traditional role, organized around volunteerism, service, and leadership. The board wrote a strategic plan; volunteers were recruited and trained; and small and later large service programs were developed and implemented. Those programs continue today. I was a member of that board from 2004 to 2014; from 2010 to 2012 I served as the chair of the board. In that role, among many other things, I helped organize, draft, and implement a strategic plan for Yale's alumni association that was and is themed around service at local and global levels.<sup>10</sup> That plan aims explicitly to share the ideas of alumni service, volunteerism, and leadership with other alumni associations and alumni networks around the world, in partnership

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9. Here I mean leadership, not merely management.

10. For more, see *Strategic Plan*, YALE ALUMNI ASS'N, <http://www.aya.yale.edu/content/strategic-plan> (last visited Apr. 27, 2016) (providing .pdf versions of the inaugural 2008 Strategic Plan and the 2012 update). Leadership development is part of the Yale alumni program. See also *Leadership Forums*, YALE ALUMNI ASS'N, <http://www.aya.yale.edu/content/leadership-forums> (last visited Apr. 27, 2016) (describing a leadership forum "to ensure that volunteers are effectively motivated, inspired, and equipped to lead alumni organizations at Yale").

with other volunteer service organizations, some related to Yale in some respect, some not. I was trained in volunteer leadership, practiced it, and helped to train others in it.

My experience in that setting and in that role was *transformative* in exactly the sense that bears on how I think about leadership in general. I was *transformed* in my sense of agency and impact, in learning about my voice and the voices of others, and in the power of a shared vision to inspire and shape action. In no sense did that experience depend on or derive from my training as a lawyer or as a professor. But I wondered: What if I could introduce my students to those same ideas?

### III. GIVING

I wonder no longer. What follows is an outline of a five-week introductory leadership development course that I have offered to the students, staff, faculty, and alumni community at the University of Pittsburgh School of Law (“Pitt Law”) three times: first in early 2014, and again in early 2015 and early 2016. I piloted a one-day, micro version of the course in 2012 and in 2013 as a service item that I donated to the annual fundraising auction, sponsored by the public interest student organization at Pitt Law. Each of those pilots involved five or six students spending the better part of a day at my house, with breakfast and lunch supplied by me, in an in-depth conversation about leadership and their lives.<sup>11</sup> The feedback from those students was so overwhelmingly positive that I resolved to expand the program and offer it to the whole school.

The outline requires some background. This was and is still not a Pitt Law course or program or formal offering. It is an extracurricular activity, offered on a volunteer basis by me. I get no compensation from anyone, and I get no “credit” from the law school for the hours served. I teach a package of four classroom courses at Pitt Law (13 credit hours) directed primarily to intellectual property law. Attendees at the leadership course are likewise volunteers. Current students get no course credit or transcript recognition. I offer a certificate of completion acknowledging that they have completed the program, but that’s no more than a relatively minor merit badge. Participants who are not current students (current law school faculty members and staff members have participated, along

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11. I wrote about the first pilot workshop at *Leadership for Lawyers*, MADISONIAN.NET (Mar. 6, 2012), <http://madisonian.net/2012/03/06/leadership-for-lawyers-2/>.



with graduates of the law school) get whatever life and career lessons they wish to take away.

At Pitt Law, I am the Faculty Director of a program called the Innovation Practice Institute (IPI), which coordinates relationships with community-based organizations and academic units elsewhere at Pitt and at Carnegie Mellon University in which we “embed” volunteer law students. Law students get a preliminary sense of what it is like to work alongside their non-lawyer peers, including budding entrepreneurs and innovators of various sorts. The professional development skill set needed to thrive in “innovation law” environments (which is to say, today, just about all legal profession environments today) includes many of the skills to which a leadership course introduces students, so I have branded my leadership course the “IPI Leadership Forum” and publicly aligned leadership development with the broader goals of the IPI. But there is nothing obligatory about that relationship. The IPI would thrive without the leadership component, and the Leadership Forum would be useful to law students even in the absence of the IPI.

The course runs for ten hours of meeting time, broken up into five two-hour segments, with meetings held one evening per week for five consecutive weeks. I have scheduled the course in February, largely because not much happens in February in Pittsburgh, and I have been able to arrange to be physically present in Pittsburgh on five consecutive Tuesday evenings.<sup>12</sup> I advertise the program in advance to the entire law school community, welcoming anyone who wishes to attend but requiring an advance commitment that attendees will be present at all class sessions. I also distribute information about homework and course readings (in part to signal that the course requires doing some real work, and in part to signal that the work involves some modest expense). It’s possible, I am sure, to devise an arrangement that would allow meeting the goals of the course via Skype or other virtual or online course environment, but I much prefer engagement face to face.

For the first version of the course, in 2014, I distributed information about the course to the law school community and learned that it had “leaked” to recent graduates. For the second version, I posted invitations online where I expected recent graduates would learn about the course, and then the invitation “leaked” to less recent graduates. None of this was truly a surprise,

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12. Any schedule inevitably makes the course more accessible to some people and less accessible to others. The number of participants that I report is net of some prospective participants telling me that the evening meetings conflict with family or work obligations, and others telling me that they can attend some but not all of the sessions.

nor was it unwelcome. Both classes were comprised of current JD students (including both first-year and upper-level students), LLM students, non-professional degree students, law school staff, and law school graduates (some more recent, some less so). Before 2016, no full-time faculty members participated, though I received notes from a couple of colleagues praising my initiative. The first two versions each entailed a group of roughly ten people in addition to me; the 2016 edition comprised fifteen people in total, and some of the attendees were “word of mouth” recruits, having talked to prior years’ participants rather than responding to my marketing. It is possible, of course, to conduct the course with a larger group or a smaller one.

With that as a background and context, the following summarizes the class-by-class design and content of the IPI Leadership Forum. The summary is presented in a form that can be excerpted from this essay and distributed “as is,” on a standalone basis.

## LEADERSHIP FORUM OUTLINE

Michael J. Madison – University of Pittsburgh School of Law

### VISION

This is a course in how to be an effective leader, rather than a course about leadership.

I define leadership, as others have done, in broad terms: Finding your own voice and inspiring others to find theirs. Leadership for my purposes operates at a high, almost metaphorical level. My focus is on helping students and new lawyers identify and build confidence in their capabilities as professionals and as individuals. I also want to push students to see themselves in social context. Leadership development is not only about them; it is also about how they affect others. In a profession increasingly dominated by ominous signs of institutional change and challenges to traditional careers, new law school graduates need tools for authoring their own lives and careers and for understanding the impacts that they have on their colleagues and communities.

A course on leadership is intended eventually to become part of a suite of short courses that supplement classroom-based and clinical legal education with training in skills and visions sometimes associated with management education (training in business planning and strategic planning, teamwork, project management, finance and accounting, technology use, and marketing) but also more broadly associated with successful professional engagement with the broader world.

### GOALS

A short course in leadership (five weeks, at one session per week) can only introduce students to ideas of leadership and can only begin to draw students into reflection and engagement about their own histories, capabilities, and trajectories. By the end of the Leadership Forum, students should have developed an enhanced, more optimistic sense of their capabilities to build and guide their own careers and lives amid the challenges of shifting marketing and changing professional expectations and norms.

### BACKGROUND

In addition to serving as Faculty Director of the IPI, since 2006 I have been a leader in the alumni community at Yale University, where the global ambitions of the University's

alumni community have focused on volunteer leadership and service. I have participated in leadership training at Yale as both volunteer and leader, and I put those leadership lessons to use as chair of the alumni association from 2010 to 2012. I received both alumni association and university awards for leadership and service. The vision and format of the IPI Leadership Forum are inspired by the vision and format in use at Yale.

## OVERVIEW OF THE COURSE

### READINGS

(students are expected to read the entirety of each book)  
(ordered alpha by first author)

ORI BRAFMAN & ROD A. BECKSTROM, *THE STARFISH AND THE SPIDER: THE UNSTOPPABLE POWER OF LEADERLESS ORGANIZATIONS* (2006)

DAVID R. CARUSO & PETER SALOVEY, *THE EMOTIONALLY INTELLIGENT MANAGER: HOW TO DEVELOP AND USE THE FOUR KEY EMOTIONAL SKILLS OF LEADERSHIP* (2004)

JIM COLLINS, *GOOD TO GREAT: WHY SOME COMPANIES MAKE THE LEAP . . . AND OTHERS DON'T* (2001)

FRANCES HESSELBEIN, *MY LIFE IN LEADERSHIP: THE JOURNEY AND LESSONS LEARNED ALONG THE WAY* (2011)

THOMAS A. KOLDITZ, *IN EXTREMIS LEADERSHIP: LEADING AS IF YOUR LIFE DEPENDED ON IT* (2007)

## CLASS-BY-CLASS SUMMARY

### Class 1

Reading: DAVID R. CARUSO & PETER SALOVEY, *THE EMOTIONALLY INTELLIGENT MANAGER: HOW TO DEVELOP AND USE THE FOUR KEY EMOTIONAL SKILLS OF LEADERSHIP* (2004).

In-class material: Video excerpts from *TWELVE O'CLOCK HIGH* (20th Century Fox 1949) (this is a "classic" leadership film, widely used in management courses) (focus on the scene in which the new commander takes charge of the bomber wing); video consisting of *Celebrate What's Right with the World* (Star Thrower 2001), produced by Dewitt Jones.

Discussion prompts: What is leadership? What has been your own journey to leadership? Why are you here? Where do you see barriers in your journey? Where do you see opportunities?

Intended outcome: Students should begin to engage in critical – but not negative – self-reflection, and to start to gain confidence that they can share their stories, or some of them, in a trusted, open setting. Step one is helping students to find their own voices, and suggesting to them that they can use their voices, along with others, to forge visions for themselves and groups and organizations of which they are a part.

### **Class 2**

Reading: FRANCES HESSELBEIN, *MY LIFE IN LEADERSHIP: THE JOURNEY AND LESSONS LEARNED ALONG THE WAY* (2011).

In-class material: Video excerpts from *BUTCH CASSIDY AND THE SUNDANCE KID* (20th Century Fox 1969) (focus on the knife fight at the Hole-in-the-Wall).

Discussion prompts: (i) Who inspires you? Who do you want to inspire? Why? (ii) Deconstruct the *BUTCH CASSIDY* clip using emotional intelligence tools from CARUSO & SALOVEY.

Intended outcome: Students should begin to be aware of their own voice, values, and vision, as those relate to personal skills (awareness of self) and interpersonal skills (awareness of others). The emotional intelligence lesson is that this bundle of skills can be systematized, just as other kinds of knowledge and information can be systematized. Students learn to be conscious and aware of their emotions, their sources, their normalcy, their power, and the emotions of others, and how those are key skills in negotiating situations to enhance and advance voice and vision.

### **Class 3**

Reading: THOMAS A. KOLDITZ, *IN EXTREMIS LEADERSHIP: LEADING AS IF YOUR LIFE DEPENDED ON IT* (2007).

In-class material: Video excerpts from *INSIDE OUT* (Pixar Animation Studios 2015) (focus on the penultimate scenes with Joy and Sadness).<sup>13</sup>

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13. Earlier versions of the Leadership Forum relied on excerpts from *THE DEVIL WEARS PRADA* (20th Century Fox 2006) (focus on the “cerulean blue” belt

Discussion prompts: (i) Reflect on Frances Hesselbein and her journey. What impressed you about her life story? What puzzled you? What discouraged you? (ii) Describe an opportunity to lead. Why is it an opportunity? What needs to be done?

Intended outcome: Students should begin to understand the elements associated with shaping or building a vision, for themselves and for and with others. What does “vision” mean? What is a vision? How do you find and/or build a vision? How do you figure out who you are? What are your values (what do you believe in)? How do you figure out who others are? How do you translate that into outcomes? Students should begin to see the range of things in play, from questions of hierarchy, collaboration, power, ethics, vulnerability, and demeanor (at the more abstract end) to questions of project management, tasks, roles, responsibility, and accountability (at the more concrete end), among other things.

#### **Class 4**

Reading: JIM COLLINS, *GOOD TO GREAT: WHY SOME COMPANIES MAKE THE LEAP . . . AND OTHERS DON’T* (2001).

In-class material: Video excerpts from *ANIMAL HOUSE* (Universal Pictures 1978) (focus on the scene that features the immortal line, “Was it over when the Germans bombed Pearl Harbor?”).

Discussion prompts: Share reactions to the Kolditz book. What would Frances Hesselbein make of Kolditz? Describe a situation (in your own experience) where power and ethics issues could have been handled better; describe a situation where they were handled well. In each case, why? Discuss the *ANIMAL HOUSE* clip using Kolditz’s scheme.

Intended outcome: Students should understand the need to manage change, the dimensions of risk, and the dynamics of groups. These combine technical competence (knowledge, preparation, judgment, and the importance of combining inspiration and personal investment) and normative values (ethical issues and power dynamics).

**Class 5**

**Reading:** ORI BRAFMAN & ROD A. BECKSTROM, *THE STARFISH AND THE SPIDER: THE UNSTOPPABLE POWER OF LEADERLESS ORGANIZATIONS* (2006).

**In-class material:** Video clips from *LEGALLY BLONDE* (MGM 2001) (focus on the bend-and-snap scene); *DEAD POETS SOCIETY* (Touchstone Pictures 1989) (focus on the “tear it out” scene). Discuss the *LEGALLY BLONDE* clip or the *DEAD POETS SOCIETY* clip using any of the tools and frameworks introduced in the course.

**Discussion prompts:** What do you do next? How do you keep the questions and lessons from this course alive in your own lives and experiences?

**Intended outcome:** Students should take away the joint questions of accountability and legacy. How does the vision outlast you? Who is responsible? Film clips are fun and useful prompts for classroom discussion and debate, but in the real world (as, occasionally, in film), actions and words have consequences, and leadership includes being aware of what those are and what those might be and of how to integrate that knowledge into one’s behavior.

## IV. RECEIVING

As many people would anticipate, the content of each class meeting is heavily improvised by me, even given the reading and video frameworks that I bring in. I spend a lot of time reflecting on what is working well and what is working poorly, both overall and in each class session, and adapting both as I go and as I update the course from year to year. What I have learned, I reflect back, below.

*A. The Classroom Experience*

The in-person class sessions are heavily personal. I work hard to create a space in which every participant feels comfortable sharing stories and experiences from her or his own life. Those may be grounded in work experiences, educational experiences, volunteer or faith-based experiences, and even in family experiences. It is usually the case that just about everyone in the room has stories about themselves that connect in some way to the leadership themes that I want to focus on. I've talked to many law students who self-report that they are not leaders or have no leadership experience. When I draw out some of their life experiences, that almost always turns out not to be true. Sometimes they have positive experiences to share; sometimes they have negative or hurtful experiences. Both matter. Both are welcome.

To create that safe conversational environment, I need to do my own storytelling, and I do. That's both to model the kind of sharing that helps the group learn and also to demonstrate a species of the vulnerability that binds the entire group together and eventually gives the course as a whole the sort of emotional and practical impact that I try to achieve. That vulnerability can be signaled in all sorts of ways. In my regular classes, I am "Professor Madison" to my students; in the Leadership Forum, I am "Mike" or "Michael." I talk about Coach Speckman. I talk at times about some of my own leadership misses and failures.

One otherwise obvious leadership topic that is largely absent from the conversation is appreciating and understanding the lives and choices of celebrated leaders through history. I both hypothesize and find in practice that people will come to find and understand their own leadership identities more readily through their own experiences and through the experiences of those similar to them and in close proximity to them, rather than by studying others' experiences.



*B. Structural Choices*

In designing the course, I consciously reach out to the entire law school community. Participants come from a variety of backgrounds—age, gender, life experience, professional status—and that diversity seems to breathe useful life into the classroom conversation.

I believe that the voluntary character of the course is important to its impact. Likewise, its relative brevity (five weeks in all) helps. The course is relatively intensive and at times emotionally intense. It would be difficult to sustain either characteristic over a longer period of time or with a roomful of people who were required to participate.

Despite its voluntary and personal character, the course needs some rigor, and I supply that by requiring that participants complete one book per week.<sup>14</sup> The books are sequenced so that each one builds loosely on its predecessors (readers who are leadership studies insiders will recognize some of the personal and professional links among the authors). But the Leadership Forum is not a book club; we talk about the books and their authors in class sessions to the extent that the reading offers context for more personal stories.

Film clips are different. I use film clips for typical or standard reasons. Visuals engage students in different ways. Visuals offer different sorts of emotional resonance, and visuals offer different sorts of focal points for discussion and analysis. The tradeoff with film clips is that any choice of film or scene (as with any choice of written text) simultaneously includes and excludes in all sorts of ways. I believe that the benefits outweigh the costs for the film choices that I have made, but I am continuously alert to the fact that I might improve the course by using different examples.<sup>15</sup>

I sequence the readings and the classroom conversations with a specific linearity in mind. I want participants to begin by focusing on themselves—their goals, interests, values, voices, and opportunities—and progressively to expand their range to see

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14. I choose books that are available as inexpensive used books. The Barco Law Library at Pitt Law generously agreed to purchase a set of the books and hold them on course reserve for the benefit of participants who choose not to purchase their own copies.

15. I talk about my choices with participants and solicit suggestions from them regarding additional or different clips to use. I prefer film to television, largely because the story arc of a film often lends itself to extracting scenes that are the right length for class discussion (television scenes often depend on context that is less accessible) and partly because I'm a film buff and not a TV buff. I play the film clips from authorized DVD copies of the relevant movies.

connections with and impacts on others. They start with a degree of self-directedness and close with a degree of other-directedness. Readings about organizational dynamics appear at the end, for example. Readings that are more personal and memoirist appear at the start. Still, the line between the two is never neat, and the best outcome would involve students seeing explicit linkages and reciprocal relationships between them.

Introducing participants first to concepts clustered in the emotional intelligence domain is both a signal and a substantive move intended to distance participants from the conventionality of readings in primary and secondary “legal” sources. I want to prompt students to reflect over the duration of the course on unanticipated links between our leadership conversations and what they otherwise might imagine to be their purpose in studying law. To be clear, as I am eventually in the leadership course, my implicit claim here is that the skills and capabilities that one develops in the context of leadership training are quite valuable, even critical, in domains that have little nominally to do with leadership. A law student or lawyer who begins to develop a broader and deeper sense of personal agency may put that sense to use in many different ways.

### *C. Challenges and Barriers*

Regarding the values embedded in my stylistic and organizational choices, few choices are ever tension-free or final.

For example, can (and should) anyone participate in this sort of program? Can anyone be a leader? Can leadership be taught? I believe that the answer to the first question is yes, and I believe that this answer moots the second question. I believe that anyone may derive something valuable for him or herself by participating in this program. It doesn't matter to me whether that value manifests in the near term or in the longer term, whether it manifests in a visible, run-an-organization way or in a law practice context, or whether participants self-identify as “leaders” now or later.<sup>16</sup>

Questions of gender, class, race, ethnicity, sexuality, age, and power, both individual and collective, permeate the course to greater and lesser degrees, as they do leadership itself. As facilitator of the conversations and organizer of the materials, I have to be respectful and careful to ensure that all people and topics are as welcome as I can make them. Inevitably and, I believe, productively,

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16. Some people do not agree. For a brief introduction to the proposition that leadership instruction is neither conceptually nor practically coherent, see Duff McDonald, *Can You Learn to Lead?*, N.Y. TIMES (Apr. 7, 2015), <http://www.nytimes.com/2015/04/12/education/edlife/12edl-12leadership.html>.

conversations and participation get fraught. I've been through different versions of the program's predecessors myself several times both as participant and as facilitator, so like any teacher I can anticipate some challenging moments—but never all of them. And my handling of delicate moments is inevitably imprecise. No two participants will experience the course in the same way or take away all of the same lessons for themselves.

In five weeks and ten hours of face-to-face meetings, I can only initiate conversations and push and pull participants gently along a pathway that leads in lots of different directions. I don't sugar-coat the future; leadership isn't easy. At the same time, I want to make leadership accessible, because even taking potentially problematic personal histories into account, leadership is not categorically off-limits to anyone, least of all to people who find themselves studying law or having graduated from law school. Anecdotally, the feedback that I receive says this: People who came to law school thinking that they are there primarily to learn the law come away enhanced, even inspired, by the sense that they have not only the abstract power to change the world but also some preliminary skills that will help them to do it. People who came to law school intending to change the world (and who may be disappointed by the conventional focus of legal education on analytic skills) are restored in their faith that they are in the right place after all.

To borrow one of the key themes from the course itself: There are few obstacles that cannot be seen instead as opportunities. Part of leadership is a relentless faith in the possible.

## V. BEGINNING AGAIN

What will the future bring? For me, I plan to continue to offer the course more or less as described above. I am always looking for ways to extend it and build complements, whether inside the law school or beyond it. New audiences? New partnerships? Added modules to focus on complementary skills and capabilities, which my introduction to the course design hints at? Extensions of this foundation into modules framed in terms of legal education's emerging emphasis on experiential learning? I've had expressions of interest in each of these things from students who have participated in the course, from alumni of our law school and from faculty at other schools at my university.

For participants in the course, I emphasize that they have acquired not merely an initial acquaintance with leadership concepts and an awakening of leadership capabilities in themselves, but also the power to share their knowledge and capabilities with others. I begin the training of a generation of leaders as lawyers, and in the best of worlds that group puts their capabilities into motion,

inspiring and enacting productive change and beginning the process of training yet more generations of leaders in law and elsewhere.

The Leadership Forum itself is only one example of this principle at work. I put my leadership ideas into practice at my law school not only via the Forum but also via my guidance of two of our law journals (the *University of Pittsburgh Law Review* and the *Pittsburgh Journal of Technology Law & Policy*). My relationship with the journals' editors-in-chief is based explicitly on the leadership model that I describe above, with an emphasis on each student leader's taking that model and running with it in executing each journal's mission. I want participants in the Leadership Forum to pay it forward similarly, in their own experience. The certificate of completion that I distribute to them does not just mark their accomplishment. It characterizes them as "Leadership Ambassadors."

Will that characterization pay off? I hope so, but I don't know. In addition to thinking about extensions of and enhancements to the Leadership Forum, I continue to consider how to assess its impact, both in the short term and in the long run.

I didn't consciously think about Mark Speckman, my soccer coach, for almost thirty years after I finished my season with him. Beginning nearly a decade ago, my Yale alumni experience re-awakened those dormant memories. Drawing clear and direct connections among my high school athletic experiences, my alumni leadership experiences, and my legal profession experiences would be a mistake. Life for me, as for many people, has been too variable and unpredictable, and context and culture have been too different in too many places and at too many different times, for me to say that leadership has always been a top priority and an effective personal strategy. What strikes me instead is the consistency of the themes and practices that inspired and moved cultures forward in my different experiences—things that changed lives—when changing a culture was both desirable and deemed to be possible. Perhaps I am writing this essay for precisely that reason, because I envision how leadership development can and perhaps should be a part of the professional development of law students—all law students. Law students, no less than any other cohort of emerging professionals, should be given the opportunity to learn about the full range of their capabilities as people, not only as lawyers. They can lead. Law can be one of their tools, or one of their vehicles.

Am I right? Time will tell. I am, of course, open to all ideas and suggestions.

