

EDUCATING LAWYER-LEADERS: THE MECHANICS AND ARTISTRY OF CASE STUDY TEACHING AND DISCUSSION LEADERSHIP

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INTRODUCTION

Leaders and leadership come in a variety of shapes, styles, and approaches. Although leadership is a widely acknowledged and accepted phenomenon, the teaching of the topic remains as varied as its multiple definitions.¹ For me, teaching law students about leadership is about helping students think critically about what leadership means, how people become leaders, how they exercise

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1. See JOSEPH S. NYE, JR., THE POWERS TO LEAD 21 (2008) (internal quotation marks omitted) (“There are no generally accepted definitions of what leadership is, no dominant paradigms for studying it, and little agreement about the best strategies for developing and exercising it.”) (quoting J. Richard Hackman & Ruth Wageman, *Asking the Right Questions About Leadership: Discussion and Conclusions*, 62 AM. PSYCHOLOGIST 43, 43 (2007)).

power and influence in leadership roles, and how organizations and context influence leadership success and failure. The ultimate goal of this process is to help shape each student's professional identity as a leader. In other words, my class is not just a course about leadership; rather, it is a leadership development course. Accordingly, this leadership development goal heavily influences the conceptual design and delivery of my course. This essay presents a practical view of the process, benefits, and challenges of using case studies at the heart of a leadership development course.

Case studies have been widely used in business and public policy schools for decades.² I find them particularly useful for leadership education because they offer opportunities for individual reflection, in-depth analysis of a given problem, and group interaction and discussion among students and the professor. Of course, in a sense, cases are not new to legal education. In fact, for more than 150 years law schools have been using the case method developed by Christopher Columbus Langdell at Harvard Law School.³ But the use of case studies is quite different from the use of legal cases (most often appellate judicial opinions) that form the basis for the traditional case method in law schools.⁴ Most notably, in contrast, case studies do not contain the expert analysis of a judge who analyzes and critiques. Rather, they are often descriptions of open-ended situations with multiple problems, perspectives, interpretations, solutions, and themes to spark discussion. As one scholar has noted, “[B]y using an inductive approach, instructors can start from a real situation and help students to understand and combine different theoretical constructs to analyze not only the case under scrutiny but also other analogous situations.”⁵

In addition to using case studies written for business and public policy school classrooms, I have constructed case studies that draw

2. See Michelle M. Harner & Robert J. Rhee, *Deal Deconstructions, Case Studies, and Case Simulations: Toward Practice Readiness with New Pedagogies in Teaching Business and Transactional Law*, 3 AM. U. BUS. L. REV. 81, 92 (2014) (“Case studies are standard fare in business school pedagogy.”); Todd D. Rakoff & Martha Minow, *A Case for Another Case Method*, 60 VAND. L. REV. 597, 603 (2007) (noting that analysis of an “open-ended situation” is a common exercise in business and public policy schools).

3. Thomas C. Grey, *Langdell's Orthodoxy*, 45 U. PITT. L. REV. 1, 1-2 (1983); David S. Romantz, *The Truth About Cats and Dogs: Legal Writing Courses and the Law School Curriculum*, 52 U. KAN. L. REV. 105, 105-06 (2003).

4. Benjamin H. Barton, *A Tale of Two Case Methods*, 75 TENN. L. REV. 233, 235 (2008); Harner & Rhee, *supra* note 2.

5. Sandro Cabral, *Presentation to MARCOS LIMA & THIERRY FABIANI, TEACHING WITH CASES: A FRAMEWORK-BASED APPROACH* 18 (2014).

on other narrative sources, such as long-form magazine features, newspaper articles, and selected excerpts from autobiographies. In this essay, I describe these case studies and the process of case discussion-based teaching. I argue that the case study approach is a powerful pedagogical tool, in part because of its capacity to engage students in the active construction of their own learning and professional identities. Case studies offer the opportunity to observe effective and ineffective activity in different organizational contexts and career stages and to present a diverse variety of career models and pathways that may help law students “to re-define (or at least to re-emphasize) the concept of ‘lawyer’ to include ‘lawyer as leader.’”⁶

I. UNDERSTANDING, DOING, BECOMING

Since academic year 2005-06, I have taught a three-credit elective leadership development course titled “Lawyers as Leaders.” The course was designed to focus on understanding the dynamics of power and influence and learning to use them as effective tools for analyzing organizational behavior and achieving institutional and personal goals. Of course, no single course could plausibly claim to create a leader on its own. Thus, I endeavored to develop a learning experience that had the capacity to jump-start or advance students on their own leadership journey.⁷

Because leadership education for law students was still a novel concept when I began preparing the syllabus for my first class, there were no teaching or curricular materials available from any legal education publishers.⁸ I decided that giving students a combination of theory (through assigning scholarly articles and book chapters) and practice (through the use of case studies) would offer the best pedagogical approach to achieving my learning objectives of

6. Ben W. Heineman, Jr., *Lawyers as Leaders*, 116 Yale L.J. Pocket Part 266 (2007), available at <http://yalelawjournal.org/forum/lawyers-as-leaders>.

7. See generally WARREN BENNIS, ON BECOMING A LEADER, at xxxiii (2d ed. 2003) (discussing the transformation process of leadership); BILL GEORGE WITH PETER SIMS, TRUE NORTH: DISCOVERING YOUR AUTHENTIC LEADERSHIP 2 (2007) (discussing “the journey to authentic leadership”); JAMES M. KOUZES & BARRY Z. POSNER, THE LEADERSHIP CHALLENGE, at xxv (3d ed. 2002) (describing the book “as a field guide to take along on your leadership journey”).

8. Stanford law professor Deborah Rhode and her colleague published the first teaching resource designed for law school leadership courses in 2011. See DEBORAH L. RHODE & AMANDA PACKEL, LEADERSHIP: LAW, POLICY, AND MANAGEMENT (2011); Wolters Kluwer, *About the Book*, ASPENLAW SCHOOL.COM, http://aspenlawschool.com/books/rhode_packel/default.asp (last visited Apr. 9, 2016) (“This is the first course book targeted for leadership courses in law schools . . .”).

complicating the way students think about leadership, developing a leadership mindset, and changing the ways they interact with others. Accordingly, the course curriculum includes literature drawn from leadership theory, case studies, skill development exercises, and self-assessment tools.

The course seeks to help students improve their critical thinking and analysis of leadership concepts and leadership problems. But, equally important, it encourages students to begin to think about their own experiences with and understanding of organizational politics, power, and influence, both to advance their careers and to get things done effectively.

One classroom hour each week is devoted to social science leadership literature, offering conceptual frameworks and analysis of leadership questions, including such topics as motivating others, followership, leadership communication, ethics, gender and leadership, and race and leadership. The remaining two hours are reserved for a single session devoted to a case study, each with a different protagonist who is always a lawyer-by-training but may be drawn from the public sector (elected politics/appointed government), the private sector (law/business), or the charitable sector (nonprofit/advocacy). Allocated approximately two-thirds of class time, the case studies are the centerpiece of the course.

If the weekly theory class session is about advancing the students' "understanding," then the case study session is about "doing," with the ultimate goal that the combination of the two will support students in "becoming."⁹ I firmly believe that there is great value in an approach to leadership education that emphasizes students' formal acquisition of knowledge, because developing an understanding of and grounding in leadership research helps prepare leaders for effective practice. Yet, I find—perhaps in keeping with the times and the broader experiential learning trends in legal education—that students also have a strong appetite for the "doing" and the "becoming" pieces of leadership education. They want to consider such questions as: How exactly do I make these concepts work? What does effective leadership performance look like in a variety of contexts and over the span of careers? How do outsiders like me (women, minorities, LGBT individuals, first-generation college graduates, from a small town, etc.) navigate the profession and foster a successful career? Who am I as a leader? How can I lead?

9. See generally Herminia Ibarra, Scott Snook, and Lauren Guillen Ramo, *Identity-based Leaders Development*, in *HANDBOOK OF LEADERSHIP THEORY AND PRACTICE* 657, 657-58 (Nitin Nohria & Rakesh Khurana eds., 2010) (discussing gaps between knowing, doing, and being in leadership and identity).

II. TEACHING WITH CASES

Like all good teaching, case teaching is an art, rather than a science. Just as there is no magic formula to leadership itself, I cannot presume to offer definitive tips that automatically lead to great case teaching. But for law professors interested in teaching a leadership course or experienced leadership instructors considering teaching with case studies for the first time, I offer my own experience and views about what to expect and how this approach could work for other law teachers.

A. *What is a Case Study?*

Fundamentally, a case study is a story. Case studies are fact-intensive descriptions that involve real-life scenarios in which a protagonist interacts with multiple actors and faces one or more critical problems or decisions. Some are more biographical, and others are predominantly situational. For example, the biographical Margaret Thatcher case study describes her personal background starting from her youth and progressing to her rapid rise to leadership in Great Britain's Conservative Party in the late 1970s and her election as a world leader. Class discussion often focuses on her transition from outsider to powerful insider, an analysis of how power accrues over the course of a career, issues of gender and leadership, and techniques used to enhance influence. One of the situational cases presents a dilemma faced by Steve McCormick, the newly appointed chief executive officer of The Nature Conservancy, when considering a major reorganization of and a change initiative at the global nonprofit institution. With the plan half implemented, the case describes the moment at which McCormick was questioning whether to press ahead or slow down the entire project. The class discussion usually addresses the consequences of each decision, how success is measured in different contexts, stakeholder analysis and sources of political conflict, the tensions between autonomy and oversight, and how to be an effective agent of change in organizations.

Most cases range in length from twelve to forty pages and often include several additional pages of exhibits. Furthermore, "they all have a common purpose: to represent reality, to convey a situation with all its cross currents and rough edges—including irrelevancies, sideshows, misconceptions, and little information or an overwhelming amount of it."¹⁰

10. WILLIAM ELLET, *THE CASE STUDY HANDBOOK: HOW TO READ, DISCUSS, AND*

On the surface, a case study may appear to be a straightforward narrative description, but well-formulated questions can turn the cases into vehicles for rich debate and personal reflection. Case narratives are generally open-ended and require readers to tease out the relevant facts, identify the key problem, formulate solutions, and synthesize the material to form an assessment and glean insights.¹¹ These texts often ask readers to make inferences based on the information provided, but rarely offer definitive conclusions.¹² As a result, case studies often produce multiple meanings.

While most of the cases assigned in the Lawyers as Leaders course are drawn from those produced by Harvard Business School and the Harvard Kennedy School,¹³ case discussion teaching does not require the use of formal cases written solely for educational purposes.¹⁴ For instance, I have used magazine features, newspaper articles, and book excerpts as case study source material. Regardless of the format, every case must present at least one significant issue to have educational value. The twelve Lawyers as Leaders case studies, not surprisingly, illustrate a variety of leadership principles, patterns, and behaviors. In addition, many of the case studies have accompanying supplementary materials, videos and follow-up handouts.

B. The Case Study Classroom Exchange

To be clear, teaching with cases is, like the act of leadership itself, messy, uncertain, and challenging. As a result, it demands a lot from both the students and their instructor.

For the students, the case-based instruction requires them to:

[B]e able to analyze a case, to give it meaning in relation to its key issues or questions that have been asked about it. The

WRITE PERSUASIVELY ABOUT CASES 13 (2007).

11. See Michelle M. Harner & Robert J. Rhee, *Teaching LLCs Through a Problem-Based Approach*, 71 WASH. & LEE L. REV. 489, 498 (2014) (describing case studies and contrasting them with the “sterilized” presentation of facts in legal cases).

12. See ELLET, *supra* note 10 (noting that a case study’s facts can simulate uncertainties that arise in the world).

13. Cases are also available from Northwestern University Kellogg School of Management, Stanford Graduate School of Business, University of Virginia Darden School of Business, and Canada’s Western University Richard Ivey School of Business.

14. ESPEN ANDERSEN & BILL SCHIANO, *TEACHING WITH CASES: A PRACTICAL GUIDE 2* (2014) (noting instructors may use “a book, a newspaper article, a film, or just a question”).

goal is to come to conclusions congruent with the reality of the case, taking into account its gaps and uncertainties. Second, students have to be able to communicate their thinking effectively.¹⁵

In the context of a leadership development course, however, case-based instruction also asks students to draw from their own experiences and knowledge to construct personal insights and new directions of discussion. Considering the fact that most law students are relative novices when it comes to leadership knowledge and full-time work experience,¹⁶ the selected cases need to strike a balance between providing the level of depth that allows for rich and detailed analysis and not providing so much detail or complexity that they become overwhelming.

Case-based teaching is designed to be student-centered. The value of the practice comes from the students' active participation. As the primary participants, students learn collaboratively from each other, from me, and from the collective experience in the room. Students are expected to "prepare a case" for class. This means reading the case and its exhibits carefully, of course, but it also means reflecting "critically and creatively about what is happening and why."¹⁷ Case preparation entails consideration of the problem, addressing the questions raised, and placing themselves in the position of the protagonist.

In the classroom, a typical case discussion includes summarizing the case, defining the issue(s), analyzing the issue through data (which may include organizational and cultural assessment), generating alternative options, developing action plans, evaluating pros and cons of paths taken and those not taken, making sense of results, and offering a conclusion (with a postscript description of real-life events if necessary). However, the main goal of the

15. ELLET, *supra* note 10, at 6.

16. See generally John H. Matheson, *Transforming Trepidation into Transactional Lawyering*, 59 ST. LOUIS U. L.J. 841, 844-45 (2015) ("[L]aw students are coming to law school with relatively little non-academic experience . . . [whereas business schools] typically require several years of work experience . . ."). A study of law school applicants from 2005 to 2009 revealed that more than half of law school applicants were between twenty-two and twenty-four years old. KIMBERLY DUSTMAN & PHIL HANDWERK, LAW SCH. ADMISSION COUNCIL, ANALYSIS OF LAW SCHOOL APPLICANTS BY AGE GROUP 3 (2010). In comparison, the Graduate Management Admission Council reported that in 2005 the median age of students at time of enrollment in a full time MBA program was twenty-eight. GRADUATE MGMT. ADMISSION COUNCIL, APPLICATION TRENDS SURVEY: EXECUTIVE SUMMARY OF KEY FINDINGS 4 (2005).

17. See LIMA & FABIANI, *supra* note 5, at 78.

discussion is not to provide specific answers, but rather “to help students achieve their own insights and . . . make the transitions between key conclusions on their journey of discovery.”¹⁸

For the instructor, case teaching requires simultaneously playing the roles of planner, facilitator, fellow-student, time manager, and evaluator. However, the primary art associated with leading a case study discussion centers on asking questions, listening closely, and responding to comments. This requires a great tolerance for ambiguity and a willingness to embrace spontaneity.

A central element to the case discussion learning process is effective questioning by the instructor. In case study teaching, questions are used to drive the discussion forward by promoting learning, generating student interest, and compelling students to practice analytical leadership skills. For instance, questions may focus on problem identification (“What’s the problem [protagonist] faces?,” “What’s at stake here?”); attention drawing (“What did you notice about . . . ?”); skill application (“Who are the key stakeholders and what are their concerns?”); problem solving (“How might you have dealt with . . . ?,” “Why would you do that?,” “What evidence supports that approach?”); group sharing (“Any reactions?,” “What about that?,” “Does everyone agree with [previous student’s] point?,” “Do any of you want to take issue with that?”); values and emotions (“How do you think [a specific subgroup] will feel about that approach?,” “Do their feelings matter to you?,” “Are [protagonist’s or another student’s] values consistent with yours on this issue?”); or synthesis (“What’s a takeaway from today’s discussion/case?,” “What’s the moral of this story?”).¹⁹ While I do most of the questioning, occasionally students question one another. My primary desire is to get (and keep) them talking to each other.

Once discussion has been sparked, active listening begins. As experienced case teachers James Erskine and his colleagues explain, “[l]istening means much more than just hearing words.”²⁰ Listening requires both students and case instructors to pay attention to specific comments and general themes, to how something is said, to what is unsaid, to points of connection and disconnection with prior comments. Since good class discussions often emerge in unexpected ways, it helps to remain flexible and willing to travel in the directions the students take the conversation. Of course, good listening is comprehensive, including the strategic use of nonverbals: smiling, nodding, eye contact, pointing (to the board or other

18. *Id.* at 85.

19. *See generally id.* at 78.

20. JAMES A. ERSKINE, MICHEL R. LEENDERS & LOUISE A. MAUFFETTE-LEENDERS, *TEACHING WITH CASES* 119 (3d ed. 2003).

students to signify connections),²¹ all with the goal of encouraging engagement, discovery, and the sharing of personal reflections.²²

The final task in managing case discussion requires responding to student comments. Deciding whether to respond involves paying close attention to the balance between energy and patience. I consider whether there is enough energy in the room and if I am being patient enough for students to form their own insights. Responding may take many forms, including paraphrasing student contributions, probing with follow-up questions, summarizing discussion themes, thanking students (especially for sharing personal reflections), recording on the board, or even nonverbal acknowledgement.²³ Of course, a key decision an instructor makes in facilitating a group discussion is when to speak and when to be silent. Sometimes a little silence helps a conversation move forward more than another question or response.

Certainly questioning, listening, and responding is something all law teachers do. Of course, in many ways the teaching process of the two case methods is complementary. For instance, in discussing appellate legal decisions, students are asked to “discern legal principles” through analysis of substantive and procedural legal issues.²⁴ In leadership case studies, students are asked to tease out leadership lessons and principles by assuming the role of the protagonist or through an analysis of the protagonist’s choices.

Yet, after years of teaching with both approaches, I believe the open nature of case study teaching and discussion differs from traditional law teaching in some meaningful ways. First, compared to the less directed flow of the case study approach, Socratic law teaching usually seeks to reach predetermined conclusions and lead students through a particular line of reasoning. Much like a graduate-level seminar analyzing a poem or a short story, however, a case study discussion focuses on what the students find important and interesting with the primary goal that students accept and maintain ownership of the discussion. Second, analysis of leadership

21. See LIMA & FABIANI, *supra* note 5, at 88.

22. See CAROL KINSEY GOMAN, *THE SILENT LANGUAGE OF LEADERS: HOW BODY LANGUAGE CAN HELP – OR HURT – HOW YOU LEAD* 101 (2011) (“smiles and nods of a listener signal interest . . . which in turn encourage the speaker to share more personal insights and speculation”).

23. See ERSKINE ET AL., *supra* note 20, at 120.

24. See Celeste M. Hammond, *Borrowing from the B Schools: The Legal Case Study as Course materials for Transaction Oriented Elective Courses: A Response to the Challenges of the MacCrate Report and the Carnegie Foundation for Advancement of Teaching Report on Legal Education*, 11 *TRANSACTIONS: TENN. J. BUS. LAW* 9, 29-30 (2009).

case studies emphasizes contextualization and a review of how environmental factors impact situations, whereas appellate case studies “do[] not provide the necessary context in which legal problems exist.”²⁵ Third, there may be less talking by the instructor in case study teaching since the instructor primarily facilitates the students’ active construction of their own knowledge. In traditional law teaching, as teachers, we primarily rely on our specialized expertise to convey substantive subject matter knowledge. When it comes to personal leadership development, however, while I certainly introduce students to theories and frameworks, my primary goal is to help students learn from their own insights as they develop their own leadership style and approach. This often means a lighter touch for the instructor so that student contributions remain front and center in the discussion.

Based on my experience, I have come to the conclusion that much of the case method’s success depends on preparation and participation. Active reading and active engagement in the discussion—by the students—are the drivers of a successful case study experience. What do I look for in measuring the success of any given class session of case study discussion? Ultimately, without a “correct” answer to a case, success is determined by the degree to which we find ourselves in a penetrating and revelatory discussion, if the amount of energy from the students is high for much of the discussion (although ebbs and flows are typical in the discussion of a case), and if students’ comments include different interpretations of the same information and make links to other cases and topics in the course.

C. The Benefits of Cases and Case Discussion Teaching

The case study method is not without its faults and challenges. Since case discussion is student driven, it can be stimulating and exhilarating, but sometimes it may feel untidy and aimless.²⁶ Students have to be willing to give of themselves, listen intensively for 100 minutes, and take responsibility for contributing to the shared learning. Like leadership, the case method “succeeds or fails on students’ willingness to take risks and contribute to the evolving understanding of a case situation.”²⁷ This characterization is not to imply that teaching does not matter. To the contrary, a case study teacher helps bring coherence and “connect the dots” so that

25. Harner & Rhee, *supra* note 2, at 83; see also Minow & Rakoff, *supra* note 2, at 600.

26. ELLET, *supra* note 10, at 89.

27. *Id.* at 91.

discussions make sense to students.²⁸ Especially in a law school environment, where case study teaching is not the norm, it is important to help students understand how to “learn from each other (in addition to the instructor) and learn[] to teach one another . . . why cases are an integral part of the course, what benefits can be expected from using cases in the course, and how participants should do their part.”²⁹

Despite the risks, teaching law students about leadership through case studies rather than the traditional lecture method alone offers students many advantages. Specifically, case studies apply knowledge to problems, present leadership role models, promote diverse and inclusive perspectives on leadership, provide memorable mental maps for leadership lessons, and require an approach that develops leadership skills. This section will examine each of these issues in turn.

1. Application of Leadership Theories

To prepare for contemporary leadership, students need to understand and internalize lessons of organizational theory and behavior, power and influence tactics, managing organizational change, and so forth. Reading leadership literature may be sufficient to explain, for example, the importance of leaders in comprehending the complex patterns of interdependence among organizational constituents or diagnosing power relationships or identifying the challenges of major organizational change. But those lessons tend to carry a level of abstraction that may limit turning knowledge into practice. A significant challenge for law students still early in their careers, without substantial on-the-job work experience,³⁰ is learning how to connect the theoretical perspectives to real-world practice. Engaging students with case studies helps them see how the leadership theories and lessons are applied in the world, making up for an experience gap.

Case studies force students to engage and diagnose the political landscape in organizations presented in the case assignments.³¹ Even just seeing how theories operate in concrete examples may be

28. See LAURENCE E. LYNN JR., *TEACHING AND LEARNING WITH CASES: A GUIDEBOOK* 86 (1999).

29. ERSKINE ET AL., *supra* note 20, at 219-20.

30. See *supra* text accompanying note 16 (describing the relative lack of real world work experience of law students).

31. See generally Barton, *supra* note 4, at 236 (noting that the case study method teaches “management skills by placing [students] in the role of manager and asking them to perform the same tasks that managers perform in practice”).

illuminating. For example, it may be helpful to read about the advantages of leveraging personal, positional, and relational power bases through influence tactics to advance personal and organizational goals, but a supplemental case study can demonstrate powerfully the process of executing such a strategy in ways students can visualize, understand, and critique. Such an approach helps students gain a deeper understanding of theory, see it in the context of practice, and demonstrate an ability to apply theory in order to analyze leadership problems.

Beyond transmitting information, case study teaching seeks to prevent students from being passive recipients of theories and frameworks, and instead moves them to a deeper level of participation and integration that emphasizes the application of theory as an analytical tool.³² In so doing, turning knowledge into practice becomes second nature and part of each student's personal leadership toolkit.

2. Presenting Models of Leadership Success

The inclusion of the case studies in the Lawyers as Leaders class also provides students with vivid examples of the transformative and expansive role lawyers can play in many walks of life and careers. Ordinarily, the traditional law school curriculum emphasizes case facts, doctrinal analysis, and abstract reasoning through the frame of appellate legal decisions.³³ Often missing from that approach is a broader perspective on how those skills are transferred (sometimes successfully, sometimes not) to a variety of settings. The case study pedagogy offers up a wide range of career models for students to study, consider, and, potentially, emulate.

Particularly, as this next generation of law students seeks ways to channel their passions into their careers, the case study models of lawyer-leaders expose or make tangible alternative career possibilities and pathways. These narratives can be especially helpful to first-generation lawyers and others still forming a professional identity and trying to understand how an unfamiliar

32. See ANDERSEN & SCHIANO, *supra* note 14, at 89.

33. See Susan Frelich Appleton & Susan Ekberg Stiritz, *Going Wild: Law and Literature and Sex*, 69 *STUD. L. POL. & SOC'Y* 11, 18 (2016); Howell E. Jackson, *Analytical Methods for Lawyers*, 53 *J. LEGAL EDUC.* 321, 321 (2003); Stefan H. Krieger, *The Effect of Clinical Education on Law Student Reasoning: An Empirical Study*, 35 *WM. MITCHELL L. REV.* 359, 361 (2008). These are undoubtedly important skills for a lawyer. Moreover, it is important to note that today's legal education also includes substantial skills education through clinics, writing, and other critically important experiential and simulated courses.

profession operates to open opportunities. In addition, one theme I emphasize through the course is the need to separate leadership from authority. The cases provide examples to highlight leadership exercised by people at the top, middle, and bottom of an organization or group.

Of course, students are advised that not every protagonist encountered in the course will necessarily serve as a personal role model. Inevitably, different students with different interests and experiences connect to different cases. Ultimately, the course helps students understand how leaders get things done, build and wield power and influence, and manage career choices and transitions that enhance development. I find that it is not necessary for a student to share similar career goals with, identify with, or even like a particular protagonist to get value from a case; cases can still impart generally applicable lessons, enabling all students to learn from the protagonists' experiences.

3. Diversity

The diversity of the case study protagonists is critically important. The students enrolled in the course are always racially and ethnically diverse. Female and minority students, in particular, are especially interested in courses that showcase the lives of diverse professionals in ways that go beyond the superficial. Moreover, these narratives bring the voice of "others" into the curriculum. Accordingly, the collection of case studies in the course—which feature protagonists of different ages, genders, ethnicities, nationalities, and races—presents diverse models of success that have the potential to ignite students' aspirations and imaginations.

Recently, an African-American student enrolled in the class stopped me outside of the classroom to discuss the latest case study we had tackled. He told me how inspired he was to see a successful African-American working in business and that the class opened up an opportunity for him to talk about issues associated with race and leadership in corporate settings that had been on his mind. This exchange reminded me of the capacity of case studies to expand students' appreciation of their place in the world.

Of course, the diversity of the case protagonists is not just relevant for women and students of color. As an explicit effort to shape the perceptions and identities of young leaders, leadership development education must be cognizant of the fact that all students need to see women and people of color as leaders. Alternatively, a lack of diversity among case study protagonists may implicitly signal that women and minorities are not suited for leadership. Therefore, exposure to a diverse range of case studies can promote deep thinking and personal growth by providing insights

into the experiences of various types of people working in diverse organizations and settings in a globalized world. Moreover, the students are exposed to a variety of contexts throughout the semester by the cases, including large businesses, entrepreneurial start-ups, local government, federal government, nonprofit organizations, and law firms.

In a post-*Grutter* world,³⁴ law schools are recognizing the importance of exposing students to other cultures and diversifying the student educational experience along with the student population.³⁵ Exposure to cross-cultural learning experiences is an integral part of the mix necessary to foster the educational benefits of a diverse student body. The concept of leadership has the potential to open up the legal profession in race- and gender-specific ways and to be used by selection committees in race- and gender-neutral ways. In my experience, hearing diverse and various perspectives on the case studies from students with a mix of racial backgrounds, genders, socioeconomic backgrounds, work experiences, international backgrounds (a few foreign LL.M. students have enrolled), career goals, and other differences enriches classroom exchange. The diverse range of the case studies considered in the course (those assigned in the syllabus and the case subjects selected by the students for their final writing assignments)³⁶ brings diversity and inclusion efforts into the curriculum and offers opportunities to support students as they construct new professional identities.

4. Internalizing, Recalling, and Applying Lessons Learned

In teaching about leadership, one hopes that eventually students will apply the skills and lessons to real-life problems and use what they have learned to get things done in organizations. Ultimately, students will need to put the material of the course into practice. Given that students most likely will not have their class notes, the course readings, or me readily available to them as they face leadership challenges, the value of their leadership education lies in the degree to which it is internalized and has become second nature. Therefore, one of my goals is that the case studies help students internalize the learning, ideas, feelings, and beliefs about power and influence developed during the course. Research confirms that

34. *Grutter v. Bollinger*, 539 U.S. 306 (2003).

35. See Phoebe A. Haddon, *Leadership Studies for Lawyers of the Future*, in *LAW AND LEADERSHIP: INTEGRATING LEADERSHIP STUDIES INTO THE LAW SCHOOL CURRICULUM* 5, 15 (Paula Monopoli & Susan McCarty eds., 2013).

36. See *infra* Part III.

effective storytelling greatly enhances information recall³⁷ and supports the ability to process and make sense of complex concepts.³⁸

A few years ago, I experienced a moment every teacher relishes. I ran into a former student who had completed the Lawyers and Leaders course several years prior, and he mentioned the importance of the class to his life and career. What was striking was that his comments revealed the power specifically of the case-based instruction in leadership development. Now several years into his career, the former student was working abroad. As he explained some of the challenges with his current position, he described himself as “having a Pamela Thomas Graham problem” and how he had adopted a similar set of strategies used by Graham to deal with his problem. (Graham is the lead protagonist in a case that discusses issues related to networks and organizational politics.) Not only had he recalled one of the course’s case studies, but he had clearly internalized the key themes. This example demonstrates the ability of cases to be powerfully stored, indexed, and recalled from memory and then accessed and applied in personal leadership situations years later. In this case, the application of the course’s leadership lessons occurred in a very direct and explicit way; I suspect (and hope) that other former students apply the course’s leadership lessons as well, even if they may not always be quite as aware of the source of their ability to process and problem-solve salient leadership challenges.

5. Using the Classroom as an Occasion for Learning and Practicing Leadership and Its Lessons

The case study classroom can be a laboratory for leadership. In fact, some of the very lessons of leadership and effective leadership practice are actually on display with case-based instruction, adding further synergy between the course subject and the pedagogical form. For instance, the case study method highlights the power of listening, collaboration, storytelling, and diagnostic practice in the class itself. Students may use the classroom to observe and practice these concepts, all substantive behaviors associated with effective leadership, and elements of the classroom exchange.

First, listening and paying attention to what is said and unsaid is an important leadership skill.³⁹ It is also a key ingredient in the

37. See, e.g., Katie L. Glonek & Paul E. King, *Listening to Narratives: An Experimental Examination of Storytelling in the Classroom*, 28 INT’L J. LISTENING 32, 34 (2014).

38. See *id.* at 36-37; see also NICK MORGAN, *GIVE YOUR SPEECH, CHANGE THE WORLD: HOW TO MOVE YOUR AUDIENCE TO ACTION* 24 (2003).

success of case-based discussion; the collective group work of generating fluid, cumulative discussion of a case inevitably involves practicing critical listening. Many student comments exhibit a great capacity to absorb and build thoughtfully on the contributions of their peers as well as to listen to the characters in the case studies. The very best students engage in what leadership experts refer to as listening at multiple levels: surface listening (i.e., listening to the words), issues-based listening (i.e., paying attention to the underlying message and its implications), and emotions-based listening (i.e., paying attention to the agenda, emotion, motivation, and values at work).⁴⁰

Second, the cooperative nature of the case-based learning environment mirrors models of collaborative or shared leadership.⁴¹ The case discussion process mandates a partnership between students and the professor working together. Students help teach themselves and one another, set the discussion agenda, and determine the pace and emphasis of the discussion.⁴² Thus, the students participate in a collective leadership experience, in which each individual can decide to influence (or not) the direction of the group learning community that emerges.

Third, the emerging power of storytelling as a recognized leadership tool⁴³ is on full display in the case study method process. In “Leading Minds,” Harvard psychologist Howard Gardner argues that effective leaders tell or embody stories that speak to other people.⁴⁴ For Gardner, fashioning stories is the single most powerful

39. See KOUZES & POSNER, *supra* note 7, at 148-51; Ronald E. Riggio & Rebecca J. Reichard, *The Emotional and Social Intelligences of Effective Leadership: An Emotional and Social Skill Approach*, 23 J. MANAGERIAL PSYCH. 169, 178 (2008) (“social sensitivity, which is a combination of effective listening and ability to decode and understand social situations, seems to be critically important for a leader’s success”).

40. See AMY JEN SU & MURIEL MAIGNAN WILKINS, OWN THE ROOM: DISCOVER YOUR SIGNATURE VOICE TO MASTER YOUR LEADERSHIP PRESENCE 113-16 (2013).

41. See NYE, *supra* note 1, at 2 (“Leadership theorists speak of ‘shared leadership’ . . . suggest[ing] images of leaders in the center of a circle rather than atop a hierarchy.”).

42. See Alicia J. Davis, *Think Like a Businessperson: Using Business School Cases to Create Strategic Corporate Lawyers*, 59 ST. LOUIS U. L.J. 823, 827 (2015).

43. See STEPHEN DENNING, THE SECRET LANGUAGE OF LEADERSHIP: HOW LEADERS INSPIRE ACTION THROUGH NARRATIVE 105 (2007) (“Acceptance of the use of narrative in organizational leadership has been slow in coming . . . Yet it is increasingly recognized in business that storytelling is what effective leaders actually do.”).

44. HOWARD GARDNER, LEADING MINDS: AN ANATOMY OF LEADERSHIP 9-11 (1995).

tool in a leader's toolkit.⁴⁵ As described earlier, the assigned cases themselves are stories for the students. By making connections with the case studies, students may better perceive the ways in which storytelling offers the capacity to persuade, move others to action, and help people connect emotionally to content. Put another way, the very use of case studies as the linchpins for a course on leadership demonstrates the value of strategic storytelling.

Finally, the various leadership case studies provide students with the tools to engage in diagnostic and reflective practice. A leader's ability to understand and analyze various situations and then respond based on the circumstances demands diagnostic capabilities.⁴⁶ In addition, leadership behaviors surely emerge, in part, based on past experiences, but those experiences are only useful if one has the capacity to be reflective and consider their lessons.⁴⁷ Through case analysis and discussion, students may begin analyzing complex interpersonal situations in detail. My hope is that they can begin to apply these same diagnostic techniques to their own lives—including engaging in reflective inquiry to analyze their personal goals, strategies, barriers, and experiences to improve the ways they may work.⁴⁸

III. GRADING PARTICIPATION AND WRITTEN ASSIGNMENTS IN THE CASE METHOD CLASS

Since participation is vital to the success of the case method, it is not uncommon to include classroom participation as a substantial part of the grading.⁴⁹ In *Lawyers as Leaders*, grades are based on two components: (1) class participation (including class attendance, contribution to class discussions, and completion of the various assessments and simulations), which accounts for forty percent of

45. *Id.*; see also STEPHEN DENNING, *THE LEADER'S GUIDE TO STORYTELLING: MASTERING THE ART AND DISCIPLINE OF BUSINESS NARRATIVE* 159 (2011); NOEL TICHY, *THE LEADERSHIP ENGINE* 173-75 (1997).

46. See Jennifer A. Chatman & Jessica A. Kennedy, *Psychological Perspectives on Leadership*, in *HANDBOOK OF LEADERSHIP THEORY AND PRACTICE*, *supra* note 9, at 159, 161.

47. See Nitin Nohria & Rakesh Khurana, *Advancing Leadership Theory and Practice*, in *HANDBOOK OF LEADERSHIP THEORY AND PRACTICE*, *supra* note 9, at 3, 22.

48. See Susan Sturm, *Lawyers and the Practice of Workplace Equity*, 2002 WIS. L. REV. 277, 324-25; Susan Sturm, *Law Schools, Leadership, and Change*, 127 HARV. L. REV. F. 49, 53 (2013), http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/for_voll27_sturm.pdf.

49. See ANDERSEN & SCHIANO, *supra* note 14, at 36.

the final grade, and (2) the final paper assignment, which requires students to write a case study of their own and accounts for the remaining sixty percent.

A system in which forty percent of the course grade is based on class discussion and participation may seem unusual for law schools. In business schools that employ the case study method, however, it is not uncommon for the participation percentage to be as high as fifty percent.⁵⁰ Some scholars have noted that allowing students to earn a larger portion of their grade throughout the semester may be “more rational than law school grading.”⁵¹ Participation takes account of both the quantity and the quality of the contributions.⁵² Quality comments advance learning by “sharing knowledge, asking a critical question, explaining a tricky detail, raising a new possibility, synthesizing from examples, summarizing arguments, [] pointing out a conundrum, . . . [or] building on earlier points.”⁵³

Students are required to write a leadership-focused case study about the lawyer-leader of their choice and an accompanying analysis essay of that case. The case may either focus on the protagonist’s personal biography or describe a specific situation or dilemma he or she faced. A case typically includes an opening designed to generate interest, a description of the key issues and the context of the problem through storytelling, a closing summary of the central issues, and any exhibits to provide context or helpful background. The student is also required to prepare an analysis essay that functions as the “teacher’s manual” to his or her case. The analysis essay provides a synopsis, summarizes the objectives, contains an analysis of the main problems (often employing a framework drawn from academic leadership literature), and even includes questions that might be used if the case were actually taught. Based on my review of more than 150 student papers

50. See Harvard Business School, Academic Experience, The HBS Case Method, <http://www.hbs.edu/mba/academic-experience/Pages/the-hbs-case-method.aspx> (stating that “[c]lass participation is so important to the learning model at HBS that 50 percent of a student’s grade in many courses is based on the quality of class participation”).

51. Barton, *supra* note 4, at 238-39.

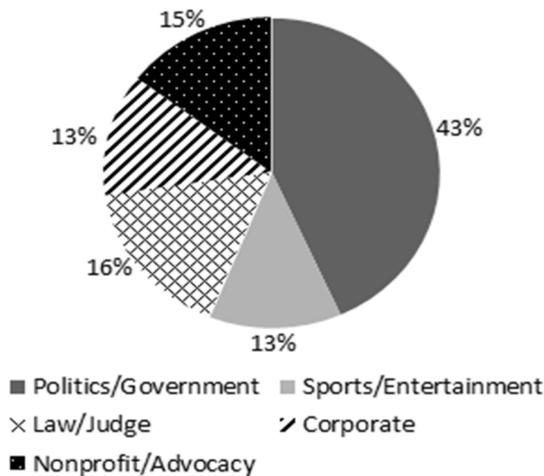
52. I reserve fifteen minutes after every class session to review and record student performance in a spreadsheet. I find that notecards with student photos helps me recall the discussion and the individual contributions made that day. The key to the system is to be systematic. Of course, accommodations have to be made for the occasional illness, important interview, moot court competition, clinic court appearance, etc. For more on grading and capturing participation, see ANDERSEN & SCHIANO, *supra* note 14, at 37, 133.

53. See *id.* at 132.

covering nine semesters, some dating as far back as spring 2006, about fifteen percent of the students chose to rely on primary interviews and field research for their case study projects. The remaining eighty-five percent wrote papers entirely from secondary sources.

Figure 1

Student Paper Topics By Field of Case Study Protagonist Chosen



My analysis of the sample group of student papers shows that students choose case study protagonists from a range of enterprises.⁵⁴ Figure 1 demonstrates that more than forty-three percent of students chose lawyer-leaders from politics and government and nearly the same proportion, forty-one percent, selected lawyer-leaders in nontraditional careers (i.e., 15% from nonprofit/advocacy, 13% from business and industry, 13% from

54. Students may choose any lawyer-leader, living or deceased, of interest to them. However, the twelve case study protagonists on the course syllabus discussed in class are ineligible for selection. In addition, the students are required to meet with me individually for a 15-minute meeting to discuss their proposed topic, and I may advise or even suggest potential protagonists based on their stated interests during those sessions. While my goal is to help students identify a rich topic that excites them, it is possible that my biases and suggestions affect the students' selection of their case study subjects and some of their choices may have been different without my guidance or input. The final selection, of course, remains with the student.

sports and entertainment). The remainder (16%) selected practicing lawyers and judges.

The most frequently selected case study subjects through the years, as noted in Figure 2, have included a mix of public sector, private sector, and nonprofit sector leaders. The single most frequently selected case study subject by the students over the past decade is former NBA commissioner David Stern,⁵⁵ followed closely by Presidents Bill Clinton and Barack Obama. While the most common subjects are well-known international and national figures, at least one regional community leader in Central Ohio (where I taught from 2004-2016) made the most frequent list.

Figure 2



55. David Stern retired in 2014, after serving as NBA commissioner for 30 years. See Ben Bolch, *The NBA's Big Man*, L.A. TIMES, Jan. 26, 2014, at C4. So, I would not be surprised to see his successor, Adam Silver, also a lawyer-by-training, move up the list over the next decade.

	Mohandas Gandhi, activist
	Janet Jackson, president, United Way of Central Ohio
	Herb Kelleher, co-founder and former chief executive officer, Southwest Airlines
	Christine Lagarde, managing director, International Monetary Fund
	Tony La Russa, baseball executive
	Thurgood Marshall, former associate justice, U.S. Supreme Court
	Michelle Obama, First Lady of the United States
	Sargent Shriver, former politician and ambassador
	Tim & Nina Zagat, co-founders, Zagat Survey

Although six women and six people of color appear on the most frequently selected list, female case study subjects were selected just twenty-one percent of the time, and people of color represented eighteen percent over the overall case study subjects. It is important to note that the overwhelming majority of the student case studies of women were written by women (79%). Similarly, the majority of student case studies with a person of color as the protagonist were selected by students of color (61%). This suggests that many students may use the opportunity of writing a case study to connect to role models and career maps, reflecting their endeavors to develop an identity and style as a lawyer-leader that encompasses their whole selves, including their gender or racial identity.

CONCLUSION

Leadership education has the capacity to affect the way students think, act, and define themselves. Of course, many varied techniques and approaches may be used in leadership education, but case-based instruction is especially helpful when the goal is personal development. In many ways, case studies are a form of storytelling—a particularly sticky way of conveying and reinforcing certain analytical concepts—but the process of case analysis and group discussion also requires students to imagine themselves in various leadership roles and actively engage in doing leadership work. The highly interactive nature of the case study methodology offers a means of applying theoretical knowledge, engaging students in the

practical application of leadership lessons, and imbuing students with the identity of leadership.

According to leadership scholars Lee Bolman and Terrence Deal, “Consciously or not, leaders create a personal leadership story to guide their work.”⁵⁶ Leadership development case studies and discussion can help shape and break the mental maps that may be used and applied to future situations. Case studies do not replace experience and practice, but they can work effectively to supplement the theoretical approach in leadership classrooms by highlighting insights from experiences lived and imagined together for the benefit of students embarking on their own leadership journey.

56. LEE G. BOLMAN & TERENCE E. DEAL, *HOW GREAT LEADERS THINK: THE ART OF REFRAMING* 190 (2014).