

LEADERSHIP LESSONS

DEBORAH L. RHODE*

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|---|-----|
| INTRODUCTION | 713 |
| I. LESSONS FOR LAWYERS | 714 |
| A. <i>The Leadership Paradox</i> | 714 |
| B. <i>Leadership as a Relationship Not a Status</i> | 717 |
| C. <i>Traits and Contexts</i> | 719 |
| D. <i>Self-Awareness, Self-Discipline, and Self-Development</i> ... | 721 |
| E. <i>A Leader's Legacy</i> | 722 |
| II. LESSONS FOR LEGAL EDUCATION | 724 |
| A. <i>Educational Priorities</i> | 724 |
| B. <i>An Integrated Approach</i> | 726 |

INTRODUCTION

It is a shameful irony that the occupation that produces the nation's greatest share of leaders does so little to prepare them for that role. Leadership development is a \$45 billion industry, and a search for the term "leadership" on Google Scholar reveals 2,640,000 entries.¹ Yet legal educators have either come late to the party or failed even to put in an appearance.² Although many law schools claim to be producing leaders, only a handful offer courses in the subject.³

This essay explores what lawyers are missing and how legal education should respond. The stakes are substantial. Although attorneys account for less than one percent of the population, they are well represented at all levels of leadership, as governors, state

* Ernest W. McFarland Professor of Law and Director of the Center on the Legal Profession, Stanford University. This essay draws on DEBORAH L. RHODE, *LAWYERS AS LEADERS* (2014).

1. Doris Gomez, *The Leader as Learner*, 2 INT'L J. LEADERSHIP STUD. 280, 281 (2007).

2. *Id.*; JEFFREY PFEFFER, *LEADERSHIP BS: FIXING WORKPLACES AND CAREERS ONE TRUTH AT A TIME* 8 (2015).

3. Of the 38 law schools whose website mission statements claim to be fostering leadership, only two actually offer a leadership course. Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. ST. THOMAS L.J. 358, 370 (2009) (citing Mary Dienhart, *Compilation of Research on ABA Approved Law Schools with Mission Statements Including Language Indicative of Leadership, Professionalism or Ethics and Corresponding ABA Approved Law Schools Offering Courses in Leadership* (Jan. 6, 2009) (unpublished research) (on file with author)).

legislators, judges, prosecutors, general counsel, law firm managing partners, and heads of corporate, government, and nonprofit organizations.⁴ Even when they do not occupy top positions in their workplaces, lawyers lead teams, committees, task forces, and charitable initiatives. Their performance in those roles too often leaves much to be desired. Only eleven percent of Americans have a great deal of confidence of leaders in charge of running law firms.⁵ In another poll, which asked people what profession they trusted least, lawyers ranked highest; they received twice as many votes as Congressional representatives and used car salesmen.⁶ Over two thirds of Americans believe that the nation faces a leadership crisis.⁷ Lawyers have, at times, been more part of the problem than the solution.

The discussion that follows proceeds in two parts. Part I explores leadership lessons for lawyers: What are five critical lessons that lawyers should draw from the research on leader effectiveness? Part II identifies lessons for law schools: What does the research on leadership development suggest about the most effective strategies for educating future leaders?

I. LESSONS FOR LAWYERS

A. *The Leadership Paradox*

A fundamental paradox arises from the disconnect between the qualities that enable lawyers to achieve leadership positions and the qualities that are necessary for lawyers to succeed once they get there. What makes leaders willing to accept the pressure, hours, scrutiny, and risks that come with their role? For many individuals,

4. For lawyer representation in the population, see James Podgers, *State of the Union: The Nation's Lawyer Population Continues to Grow, But Barely*, A.B.A. J. (July 1, 2011, 5:59 AM), http://www.abajournal.com/magazine/article/state_of_the_union_the_nations_lawyer_population_continues_to_grow_but_barely/. Approximately ten percent of the CEOs of Fortune 50 companies are lawyers. Mark Curriden, *CEO, Esq.*, A.B.A. J. (May 1, 2010, 9:50 AM) http://www.abajournal.com/magazine/article/ceo_esq/.

5. HARRIS INTERACTIVE, *The Harris Poll Annual Confidence Index Rises 10 Points*, (Mar. 5, 2009, 5:00 AM), <http://www.businesswire.com/news/home/20090305005071/en/Harris-Poll%C2%AE-Annual-Confidence-Index-Rises-10>.

6. Marc Galanter, *The Faces of Mistrust: The Image of Lawyers in Public Opinion, Jokes, and Political Discourse*, 65 U. CIN. L. REV. 805, 809 (1998).

7. S.A. Rosenthal, *National Leadership Index 2012: A National Study of Confidence in Leadership* 3 (Center for Public Leadership, Harvard University, 2012).

it is not only commitment to a cause, an organization, or a constituency. It is also attraction to money, power, status, and recognition. Yet successful leadership requires subordinating these self-interests to a greater good. The result is what is often labeled the “leadership paradox.”⁸ Individuals reach top positions because of their high needs for personal achievement. Yet to perform effectively in these positions, they need to focus on creating the conditions for achievement by others.

So too, as Stanford Business School professor Jeffrey Pfeffer notes the qualities people say they value in leaders are not those they actually use in selecting leaders.⁹ For example, people value modesty and research finds that it is common among the most effective leaders. Jim Collins’ *Good to Great* observes that humility is a key trait of “Level 5 leaders,” the highest performing executives who create extraordinary results over long periods.¹⁰ These leaders give others credit for collective accomplishments, and it comes as no surprise that this is an effective strategy. People are more likely to work hard for a project that they identify as “their” project or “our” project. Time that leaders do not spend on self-promotion allows more of their attention to focus on organizational objectives. Yet, Collins was focusing on people who had already attained the role of CEO; traits that might be useful to get to the top may be different. Pfeffer’s book, *Leadership BS*, has a chapter titled “Modesty: Why Leaders Aren’t,” which makes the obvious point that self-promotion is often essential for actual promotion.¹¹ Narcissistic individuals are frequently selected for leadership positions because they project confidence and charisma.¹²

Those same characteristics, however, can translate into a sense of entitlement, overconfidence, and an inability to learn from mistakes. If left unchecked, the ambition, self-confidence, and self-centeredness that often enable lawyers to achieve leadership roles may sabotage their performance once in those roles. Strong ego needs can also prevent leaders from letting go of their positions

8. Jennifer A. Chatman and Jessica A. Kennedy, *Psychological Perspectives on Leadership*, in HANDBOOK OF LEADERSHIP THEORY AND PRACTICE 159, 163-64 (Nitin Nohria & Rakesh Khurana eds., 2010).

9. PFEFFER, *supra* note 2, at 81-82.

10. Jim Collins, *Level 5 Leadership: The Triumph of Humility and Fierce Resolve*, HARV. BUS. REV., July 2005, at 136, 138.

11. PFEFFER, *supra* note 2, at 63.

12. Robert Hogan & Robert B. Kaiser, *What We Know About Leadership*, 9 REV. OF GEN. PSYCHOL. 169, 176-77 (2005); *see also* JEFFREY PFEFFER, POWER: WHY SOME HAVE IT—AND OTHERS DON’T 199-200 (2010).

when an organization would benefit from change.¹³ These personal weaknesses are compounded by the environments in which leaders function, which often fail to supply honest criticism. Subordinates may be understandably unwilling to deliver uncomfortable messages. And the perks that accompany leadership may inflate self-importance and self-confidence. Being surrounded by those with less ability or less opportunity to display their ability encourages what psychologists label the “uniqueness bias”: people’s belief that they are special and superior.¹⁴ Such environments reinforce narcissism and entitlement; leaders may feel free to disregard rules of ethics, or norms of courtesy and respect that apply to others.¹⁵ Abraham Lincoln is credited with the observation that “nearly all men can stand adversity, but if you want to test a man’s character, give him power.”¹⁶

The most effective leaders are those who can see past their own ambitions and retain a capacity for critical reflection on their own performance. In Peter Drucker’s phrase, successful leaders “think and say ‘we.’”¹⁷ As Marshall Sashkin and Molly Sashkin put it in *Leadership That Matters*, effective performance requires “prosocial power:” the use of influence to secure organizational not personal goals.¹⁸ Those who leave enduring legacies have learned to advance collective purposes and to transcend individual needs in pursuit of common values.

13. PFEFFER, *supra* note 12, at 221-22. In the nonprofit sector, the problem is sufficiently common with founders of organizations, and experts have coined the label “founder’s syndrome.” LESLIE R. CRUTCHFELD & HEATHER MCLEOD GRANT, FORCES FOR GOOD: THE SIX PRACTICES OF HIGH IMPACT NONPROFITS 169-71 (2008).

14. George R. Goethals, David W. Messick & Scott T. Allison, *The Uniqueness Bias: Studies of Constructive Social Comparison*, in SOCIAL COMPARISON: CONTEMPORARY THEORY AND RESEARCH, 149, 153-55 (Jerry Suls & Thomas Ashby Wills eds., 1991).

15. *Id.*; Manfred Kets de Vries & Elisabet Engellau, *A Clinical Approach to the Dynamics of Leadership and Executive Transformation*, in HANDBOOK OF LEADERSHIP THEORY AND PRACTICE 183, 195 (Nitin Nohria & Rakesh Khurana eds., 2010); Terry L. Price, *Explaining Ethical Failures of Leadership*, in ETHICS, THE HEART OF LEADERSHIP 129, 130 (Joanne B. Ciulla ed., 2d ed. 2004); *see also* Roderick M. Kramer, *The Harder They Fall*, HARV. BUS. REV., Oct. 2003, at 61.

16. Sources credit this quotation to Lincoln. *See* Kamri Michael, ABRAHAM LINCOLN PRESIDENTIAL LIBRARY FOUNDATION (Feb. 5, 2016), <http://www.alplm.org/272viewessay.aspx?id=775>.

17. Peter Drucker, *What Makes an Effective Executive?*, HARV. BUS. REV., June 2004, at 63.

18. MARSHALL SASHKIN & MOLLY G. SASHKIN, LEADERSHIP THAT MATTERS 58 (2003).

B. Leadership as a Relationship Not a Status

What defines a leader? That issue has generated a cottage industry of commentary, and by some researchers' accounts, over 1,500 definitions and forty distinctive theories.¹⁹ Although popular usage sometimes equates leadership with power or position, most experts view it rather as a relationship. John Gardner, founder of Common Cause, noted that heads of organizations often mistakenly assume that their status "has given them a body of followers. And of course it has not. They have been given subordinates. Whether the subordinates become followers depends on whether the executives act like leaders."²⁰ Leaders must be able to inspire, not just compel or direct their followers. To borrow a metaphor from Harvard Professor Joseph Nye, holding a title is like "having a fishing license; it does not guarantee that you will catch any fish."²¹ Moreover, some leaders exercise influence without the formal status that would convey their role. For example, Nelson Mandela led from a prison cell.

Focusing on leadership as a relationship rather than a status also can help dislodge some of the leader-centrism that clouds our judgment. Too much of our thinking about leadership suffers from the "leader attribution error," the tendency to overvalue the role of leaders and to underestimate the importance of followers.²² As researchers remind us, "[l]eadership is not a solo act, it's a team effort."²³

Because their relationships with followers are so critical, leaders need to ensure that they are responsive to subordinates' concerns. Yet this is not one of most leaders' core strengths. James Kouzes and Barry Posner put it bluntly: "[M]ost leaders don't want honest feedback, don't ask for honest feedback, and don't get much of it unless it's forced on them."²⁴ In Kouzes and Posner's survey of some

19. BERNARD M. BASS, BASS AND STOGDILL'S HANDBOOK OF LEADERSHIP: THEORY, RESEARCH, & MANAGERIAL APPLICATIONS (3d ed. 1990); Gareth Edwards, *In Search of the Holy Grail: Leadership in Management* (Leadership Trust Foundation, Working Paper No. LT-GE-00-15, 2000).

20. JOHN W. GARDNER, ON LEADERSHIP 3 (1990).

21. JOSEPH S. NYE, THE POWERS TO LEAD 19 (2008).

22. RICHARD HACKMAN, LEADING TEAMS: SETTING THE STAGE FOR GREAT PERFORMANCES 199 (2002); see also BARBARA KELLERMAN, THE END OF LEADERSHIP 180 (2012).

23. JAMES KOUZES & BARRY POSNER, THE LEADERSHIP CHALLENGE 223 (4th ed. 2007).

24. JAMES M. KOUZES & BARRY Z. POSNER, A LEADER'S LEGACY 28 (2006); see also Larry Richards, *Herding Cats: The Lawyer Personality Revealed*, 29 REP. LEGAL

70,000 high-ranking individuals, the least frequent of some thirty leadership behaviors was a request by a leader “for feedback on how his/her actions affect other people’s performance.”²⁵ Lawyers who lead do not appear to be an exception. Most legal workplaces do not institutionalize feedback from subordinates. Only forty percent of law firms offer associates the opportunity to evaluate their supervisor, and of those who engage in the process, only five percent report a change for the better.²⁶

Yet without feedback, leaders may fail to identify problems in their own performance. Harvard economist John Kenneth Galbraith once noted that “[f]aced with the alternatives between changing one’s mind and proving it unnecessary, just about everybody gets busy on the proof.”²⁷ Defensiveness and denial are of particular concern when leaders’ own self-evaluations are at issue because various cognitive biases help shield individuals from uncomfortable insights. One common bias is the “self-serving” or “self-enhancing” tendency to see ourselves in a favorable fashion and to attribute successes to factors such as competence and character, while attributing failures to external circumstances.²⁸ A related problem stems from confirmation and assimilation biases. People tend to seek out evidence that confirms a favorable view of themselves and avoid evidence that contradicts it. They also assimilate information in ways that favor their preexisting beliefs and self-images.²⁹ In one random sample of adult men, seventy percent rated themselves in the top quarter of the population in leadership capabilities; ninety-eight percent rated themselves above average.³⁰ To counteract these

MGMT. 9 (Altman Weil, 2002) (noting that lawyers score low on resiliency, which means that they tend to be defensive and resistant to negative feedback).

25. KOUZES & POSNER, *supra* note 24, at 28.

26. NATIONAL ASSOCIATION FOR LAW PLACEMENT FOUNDATION [NALPF], HOW ASSOCIATE EVALUATIONS MEASURE UP: A NATIONAL STUDY OF ASSOCIATE PERFORMANCE ASSESSMENTS 74 (2006).

27. ROBERT HARGROVE, MASTERFUL COACHING 302 (2008) (quoting John Kenneth Galbraith).

28. For the classic description, see Lee Ross, *The Intuitive Psychologist and His Shortcomings: Distortions in the Attribution Process*, in COGNITIVE THEORIES IN SOCIAL PSYCHOLOGY: PAPERS FROM ADVANCES IN EXPERIMENTAL SOCIAL PSYCHOLOGY 337-42 (Leonard Berkowitz ed., 1978).

29. For discussion of such biases, see THOMAS J. PETERS & ROBERT H. WATERMAN, JR., IN SEARCH OF EXCELLENCE 58 (1982); Leary Davis, *Competence as Situationally Appropriate Conduct: An Overarching Concept for Lawyering, Leadership and Professionalism*, 52 SANTA CLARA L. REV. 725, 764 (2012).

30. David G. Myers, *The Inflated Self: How Do I Love Me? Let Me Count the Ways*, PSYCHOL. TODAY, May 1980, at 16.

biases, leaders need to seek candid evaluations from subordinates and mentors, and to take care not to shoot the messenger.

C. *Traits and Contexts*

What qualities are necessary for leadership? The answer depends partly on context. Effective leadership turns on a match between individuals' strengths and situational requirements. What some commentators label the "leadership sweet spot" is the intersection of individuals' competencies and organizational needs.³¹ The skills needed to run a thousand-person law firm with multiple branches in multiple countries are not the same as those needed to launch a small public interest organization or to win a state governor's race. Over the last half century, some 1,000 studies on leadership characteristics have produced no clear profile of the ideal leader.³² Even the much-celebrated quality of charisma is not necessarily related to performance. Charisma does not explain popular support or organizational success.³³ Indeed, some studies find that the leaders of the most continuously profitable businesses have tended to be self-effacing and lacking in the attributes commonly considered charismatic.³⁴ The qualities that appear most important across a wide range of contexts cluster in five categories:

- Values (such as integrity, honesty, trust, and an ethic of service);
- Personal skills (such as self-awareness, self-control, and self-direction);
- Interpersonal skills (such as social awareness, empathy, persuasion, and conflict management);
- Vision (such as a forward-looking and inspirational); and
- Technical competence (such as knowledge, preparation, and judgment).³⁵

31. JOHN H. ZENGER & JOSEPH FOLKMAN, *THE EXTRAORDINARY LEADER* 118 (2002).

32. NYE, *supra* note 21, at 121-22.

33. For popular support, see GEORGE C. EDWARDS, *ON DEAF EARS: THE LIMITS OF THE BULLY PULPIT* 87, 105 (2003). For organizations, see ROGER GILL, *THEORY AND PRACTICE OF LEADERSHIP* 253 (2006); Collins, *supra* note 10, at 144.

34. GILL, *supra* note 33, at 253; Collins, *supra* note 10, at 142-43.

35. For values, see WARREN BENNIS, *ON BECOMING A LEADER* 40-41 (2d ed. 1994) (citing integrity, trust); ROBERT W. CULLEN, *THE LEADING LAWYER: A GUIDE TO PRACTICING LAW AND LEADERSHIP* 34-41 (2010) (discussing integrity); MONTGOMERY VAN WART, *DYNAMICS OF LEADERSHIP IN PUBLIC SERVICE: THEORY AND PRACTICE* 112-14 (2005) (citing integrity and an ethic of public service); KOUZES

A 2010 survey of leaders of professional service firms (including law firms) similarly found that the most important leadership qualities involved personal values and interpersonal skills, such as integrity, empathy, communication, and abilities to listen, inspire, and influence.³⁶

Yet the relative importance of those qualities varies across contexts, and successful leadership requires a match between what the circumstances demand and what the individual has to offer.³⁷ So, for example, Ralph Nader was extraordinarily effective during the activism of the 1960s and 1970s in galvanizing a progressive consumer movement. But he was far less successful decades later in running a presidential campaign on similar issues.³⁸ The self-righteous iconoclasm that stood him well in one historical era worked against him as a third-party candidate in a different political climate.³⁹

& POSNER, *THE LEADERSHIP CHALLENGE*, *supra* note 23, at 226 (citing honesty). For personal skills, see DANIEL GOLEMAN, RICHARD BOYATZIS, & ANNIE MCKEE, *PRIMAL LEADERSHIP: REALIZING THE POWER OF EMOTIONAL INTELLIGENCE* 253-54 (2002) (citing self-awareness, self-management); VAN WART, *supra* note 35, at 94 (citing self-direction). For interpersonal skills, see GOLEMAN, BOYATZIS, & MCKEE, *supra* note 35, at 253-56 (citing social awareness, empathy, persuasion, and conflict management). For vision, see BENNIS, *supra* note 35, at 33 (citing vision); CULLEN, *supra* note 35, at 42 (discussing inspirational); KOUZES & POSNER, *supra* note 24, at 4-5 (citing forward-looking in terms of legacy, inspiring). For competence, see CULLEN, *supra* note 35, at 41 (discussing technical competence); Jay Lorsch, *A Contingency Theory*, in *HANDBOOK OF THEORY AND PRACTICE* 418 (Nitin Nohria & Rakesh Khurana eds., 2010); NOEL M. TICHY & WARREN G. BENNIS, *JUDGMENT: HOW WINNING LEADERS MAKE GREAT CALLS* (2007) (describing importance of judgment).

36. These included ability to influence and build coalitions (42 percent); inspiration and passion (34 percent); vision (29 percent); listening (24 percent); good communication (25 percent); ability to attract followers (21 percent); empathy (21 percent) integrity (17 percent); courage (16 percent); humility (16 percent); respect for others (12 percent). Only one quality, business understanding (21 percent) involved technical and analytical skill. Maureen Broderick, *The Art of Managing Professional Services*, in *LEADING GENTLY, THE AMERICAN LAWYER*, 63-64 (2010).

37. For early development of the contextual approach, see FRED E. FIEDLER, *A THEORY OF LEADERSHIP EFFECTIVENESS* (1967); Fred E. Fiedler, *Leadership: A New Model*, in *LEADERSHIP* 230-41 (Cecil Austin Gibb ed., 1969). For discussion of its contemporary applications, see Robert Goffee & Gareth Jones, *Why Should Anyone Be Led by You?*, *HAR. BUS. REV.*, Sept. 2000, at 63-64; Lorsch, *supra* note 35, at 411-24 (2010).

38. Cheryl Lavin, *Nader the Dragonslayer Still Breathing Fire*, *CHI. TRIB.*, July 13, 1986, at C1.

39. Tamara Straus, *From Hero to Pariah in One Documentary*, *S. F. CHRON.*, Mar. 11, 2007, at PK-28 (reviewing the documentary *An Unreasonable Man*).

Thus, as Jeffrey Pfeffer notes, “answering the question ‘what should I do to be a better leader?’ depends not just on what your personal objectives are and how you define ‘better’” It also depends on “the environment you are in, its norms, and most important, what . . . actions will signal strength confidence, and skill.”⁴⁰

D. Self-Awareness, Self-Discipline, and Self-Development

The first step on the path to leadership is self-knowledge. Leaders and aspiring leaders must be reflective about what they want and what experiences and abilities will be necessary to achieve it.⁴¹ What are their aspirations, what qualities are they missing, and what is standing in their way?⁴² In thinking through objectives, lawyers must be honest about their tolerance for risk, failure, conflict, competition, pressure, and extended hours. At every stage of their careers, they also need occasions to step back and think deeply about their talents and passions. If the position they hold is not a good fit, or at least a useful training ground, lawyers should look for an alternative.⁴³

The most effective leaders are those who have a good sense of their capabilities and are able to place themselves in positions where their strengths are critical and where they can minimize or compensate for their weaknesses. According to the Center for Creative Leadership, self-awareness is the primary characteristic that distinguishes successful leaders; it provides the foundation for professional development.⁴⁴ Other research similarly finds that leaders who are rated as exceptional performers constantly seek to improve and look for developmental opportunities.⁴⁵

What also distinguishes these exceptional performers is that they are extremely effective in a few areas. Rather than try to fix every weakness, they concentrate on developing their strengths. Outstanding work along a few key dimensions creates a “halo effect,”

40. PFEFFER, *supra* note 2, at 211.

41. JOHN GARDNER, ON LEADERSHIP 117 (1990); see Doug Lennick & Fred Kiel, *Moral Intelligence for Successful Leadership*, LEADER TO LEADER, Spring 2006, at 13-14.

42. Lennick & Kiel, *supra* note 41, at 13-14.

43. Richard Leider, *The Ultimate Leadership Task*, in THE LEADER OF THE FUTURE: NEW VISIONS, STRATEGIES, AND PRACTICES FOR THE NEXT ERA 189-98 (Frances Hesselbein et al. eds., 1996).

44. JEAN B. LESLIE, CENTER FOR CREATIVE LEADERSHIP, WHAT YOU NEED AND DON'T HAVE WHEN IT COMES TO LEADERSHIP TALENT 4 (2009).

45. Zenger and Folkman, *supra* note 31, at 103-08.

which skews evaluations of other competencies in a positive direction.⁴⁶

“If we are honest with ourselves,” writes John Maxwell in *The Leadership Handbook*, “the toughest person to lead is ourselves.”⁴⁷ Self-awareness needs to be coupled with self-discipline and a willingness to take charge of one’s own development. That requires being intentional about priorities. As Carl Sandburg noted: “Time is the most valuable coin in our life Be careful that you do not let other people spend it for you.”⁴⁸

E. A Leader’s Legacy

Leadership offers many rewards, but those that are most fulfilling are generally not the extrinsic perks accompanying positions of power. A wide array of psychological research suggests that workplace satisfaction generally depends on feeling effective, exercising strengths and virtues, and contributing to socially valued ends that bring meaning and purpose.⁴⁹ As one British military leader put it, “You make a living by what you get; you make a life by what you give.”⁵⁰ Individuals who are motivated by “intrinsic aspirations,” such as personal growth and assisting others, tend to be more satisfied than those motivated primarily by “extrinsic aspirations,” such as wealth or fame.⁵¹ Part of the reason is that extrinsic desires, expectations, and standards of comparison increase as rapidly as they are satisfied.⁵² Leaders can become trapped on a

46. Zenger and Folkman, *supra* note 31, at 154-55; *see also* Pierre Gudijian et al., *Why Leadership Development Programs Fail*, MCKINSEY Q., Jan. 2014, at 2 (suggesting that leadership development should focus on a small number of leadership capabilities).

47. JOHN MAXWELL, *THE LEADERSHIP HANDBOOK* 13 (2008).

48. *Id.* at 116 (quoting Sandburg).

49. DAVID G. MYERS, *THE PURSUIT OF HAPPINESS: WHO IS HAPPY—AND WHY* 32-38 (1992); CHRISTOPHER PETERSON & MARTIN E.P. SELIGMAN, *CHARACTER STRENGTHS AND VIRTUES: A HANDBOOK AND CLASSIFICATION* (2004); Ed Diener et al, *Subjective Well-Being: Three Decades of Progress*, 125 *PSYCH. BULL.* 276 (1999); David G. Myers & Ed. Diener, *Who is Happy*, *PSYCHOL. SCIENCE* 10, 17 (1995). *See generally* WILLIAM C. COMPTON, *INTRODUCTION TO POSITIVE PSYCHOLOGY* 48-49, 53-54 (2004).

50. CHAIM STERN, *DAY BY DAY-REFLECTIONS ON THE THEMES OF THE TORAH FROM LITERATURE, PHILOSOPHY, AND RELIGIOUS THOUGHT* 171 (1998) (quoting Norman MacEwan).

51. Christopher P. Niemiec, Richard M. Ryan, & Edward L. Deci, *The Path Taken: Consequences of Attaining Intrinsic and Extrinsic Aspirations*, 43 *J. RES. PERSONALITY* 291, 292 (2009).

52. *Id.* at 303.

“hedonic treadmill”: the more they have, the more they need to have.⁵³ So too, money and status are positional goods; individuals’ satisfaction depends on how they compare relative to others, and increases in wealth or position are readily offset by changes in reference groups.⁵⁴ Leaders who look hard enough can always find someone getting more.

How then can individuals with high needs for achievement and recognition find greatest fulfillment? Laura Nash and Howard Stevenson of the Harvard Business School studied leaders who, by conventional standards, had achieved “success that lasts.” Their research

uncovered four irreducible components of enduring success: happiness (feelings of pleasure and contentment); achievement (accomplishments that compare favorably against similar goals others have strived for); significance (the sense that you’ve made a positive impact on people you care about); and legacy (a way to establish your values or accomplishments so as to help others find future success).⁵⁵

The challenge for leaders is how to set priorities that strike a balance among all four domains.

“Legacy” is often the hardest form of success to measure. Ethicists have long argued that the greatest use of life is to spend it on something that outlasts it, but what that something should be depends on personal values. Contemporary leadership experts agree. They underscore the need for a larger purpose, but warn against confusing fame with legacy.⁵⁶ A focus on ensuring public recognition of one’s legacy can get in the way of achieving it; leaders can be tempted to hoard power, status, and credit. Too much emphasis on

53. MARTIN E. P. SELIGMAN, *AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT* 49 (2002); Ed Diener, Richard E. Lucas, & Christie Napa Scollon, *Beyond the Hedonic Treadmill: Revising the Adaptation Theory of Well-Being*, 61 *AM. PSYCHOL.* 305 (2006).

54. See SONJA LYUBOMIRSKY, *THE HOW OF HAPPINESS* 48 (2008); MYERS, *supra* note 49, at 39; Robert H. Frank, *How Not to Buy Happiness*, 133 *DAEDLUS* 69, 69-71 (2004).

55. Laura Nash & Howard Stevenson, *Success that Lasts*, *HARV. BUS. REV.*, Feb. 2004, at 102, 104. For an extended version of their argument, see LAURA NASH & HOWARD STEVENSON, *JUST ENOUGH: TOOLS FOR CREATING SUCCESS IN YOUR WORK AND LIFE* (2004).

56. For the need for a higher purpose, see THOMAS J. DELONG, *FLYING WITHOUT A NET* 48 (2011). For fame and legacy, see J. Patrick Dobel, *Managerial Leadership and the Ethical Importance of Legacy*, 8 *INT’L PUB. MGMT. J.* 225, 228-30 (2005).

others' perception can deflect attention from leaders' own goals.⁵⁷ Leaders need to distinguish between "making a difference and making 'my' difference and making sure everyone knows it."⁵⁸ No one can ever control how others will ultimately interpret their contributions; pigeons may nest on their monuments.⁵⁹

Thinking about legacy is helpful only if it directs attention to ultimate goals and values, not if it diverts energy into futile quests for lasting glory. That concern with values should begin sooner rather than later. Priorities and relationships formed early in a career create the foundations for later achievements. It is never too soon for leaders to think about their eulogy.

Leaders cannot fully determine their legacies, but they can be conscious of how their daily interactions and priorities affect other individuals and institutions.⁶⁰ For a lasting contribution, leaders' priorities should include supporting the careers of subordinates as well as their own. As one former director of executive development notes, "the ultimate test of a leader is not whether he or she makes smart decisions . . . but whether he or she teaches others to be leaders and builds an organization that can sustain its success even when he or she is not around."⁶¹

When asked how he wished to be remembered, Supreme Court Justice Thurgood Marshall responded: "That he did what he could with what he had."⁶² Leaders have many ways to leave a legacy. For most, it is less through grand triumphs than through smaller cumulative acts that improve the lives around them.⁶³

II. LESSONS FOR LEGAL EDUCATION

A. Educational Priorities

Law schools influence leadership capabilities and aspirations in a variety of ways, but most are not intentional. The hidden

57. Robin J. Ely, Herminia Ibarra & Deborah M. Kolb, *Taking Gender into Account: Theory and Design for Women's Leadership Programs*, 10 ACAD. MGMT., LEARNING & EDU. 474, 487 (2011).

58. Dobel, *supra* note 56, at 241.

59. *Id.* at 242.

60. Dobel, *supra* note 56, at 228.

61. Ray Blunt, *Leaders Growing Leaders for Public Service*, reprinted in THE JOSSEY-BASS READER IN NON-PROFIT PUBLIC LEADERSHIP 41 (2010) (quoting Noel Tichy).

62. Ruth Marcus, *Plain-Spoken Marshall Spars with Reporters*, WASH. POST, June 29, 1991, at A1, A10.

63. Dobel, *supra* note 56, at 228.

curriculum sends signals about what skills are valued in legal careers, and it marginalizes capabilities that are critical for leadership. Legal education rewards technical competence and analytic ability and devalues interpersonal skills.⁶⁴ Yet studies of lawyers' personalities find that it is precisely these skills that are lacking in the profession.⁶⁵ Many law students need help in developing "emotional intelligence."⁶⁶ For them, "the soft stuff is the hard stuff."⁶⁷

There are, of course, limits to what can effectively be taught in academic settings, particularly to students with limited work experience. But as researchers note, skills relevant to leadership not only *can* be taught, they *are* being taught, although not always deliberately.⁶⁸ The process would be more effective if it were more intentional and more informed by research on leadership. At a minimum, formal leadership programs can increase individuals' understanding of how to exercise influence and what cognitive biases, interpersonal responses, and organizational dynamics can sabotage effectiveness. Through exposure to leadership research, case studies, historical examples, simulations, and guided analysis, individuals can discover role models and prepare for dilemmas that they will face in practice.⁶⁹

Even seemingly fixed traits are not entirely beyond influence. Law schools cannot directly teach integrity, but they can teach about it in ways likely to be useful to future leaders. Significant changes occur during early adulthood in basic strategies of moral reasoning, and well-designed curricula can assist the developmental process.⁷⁰

64. Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1381 (1997).

65. *Id.* at 1390-91; Larry Richard, *Herding Cats: The Lawyer Personality Revealed*, 29 REP. LEGAL MGMT. 1, 4, 9 (Altman Weil 2002).

66. See DANIEL GOLEMAN, RICHARD BOYATZIS & ANNIE MCKEE, *PRIMAL LEADERSHIP: LEARNING TO LEAD WITH EMOTIONAL INTELLIGENCE* (2002); Susan Swain Daicoff, *Expanding the Lawyer's Toolkit of Skills and Competencies*, 52 SANTA CLARA L. REV. 795, 840-42 (2012).

67. Leider, *supra* note 43, at 189.

68. Marshal Ganz & Emily Shin, *Learning to Lead*, in *HANDBOOK OF LEADERSHIP THEORY & PRACTICE*, *supra* note 15, at 353, 365.

69. NYE, *supra* note 21, at 24; Jay A. Conger, *Leadership Development Initiatives*, in *HANDBOOK OF LEADERSHIP THEORY AND PRACTICE*, *supra* note 15, at 712; Deborah L. Rhode, *Ethics by the Pervasive Method*, 42 J. LEGAL ED. 31, 46 (1992).

70. See MENTKOWSKI & ASSOCIATES, *LEARNING THAT LASTS: INTEGRATING LEARNING, DEVELOPMENT AND PERFORMANCE IN COLLEGE AND BEYOND* 120-21 (2000); WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 135 (2007); Muriel Bebeau, *Promoting Ethical Development and*

Case histories, problem solving, and simulations all can enhance skills in ethical analysis and build awareness of the situational pressures that skew judgment.⁷¹ Moreover, the best ways to promote ethical conduct are often through regulatory standards and organizational reward structures, and educational programs can equip future leaders to design those strategies. Law schools and continuing legal education could also do much more to teach crucial leadership skills such as problem solving, teamwork, influence, organizational dynamics, and conflict management.⁷²

B. An Integrated Approach

If law schools were serious and intentional about preparing students for leadership, what would a model approach look like? First, it would offer at least one course focused on the topic, and it would integrate material on leadership issues throughout the curriculum. For example, courses in family law or constitutional law could focus on divisions within the leadership of the gay rights community over how best to seek same-sex marriage.⁷³ Courses on corporate law can focus on scandals like Enron's moral meltdown and Hewlett Packer's pretexting abuses, which raise questions about how such smart leaders could make such bad decisions.⁷⁴ Students could be given opportunities for guided reflection concerning leadership issues raised in externships, clinics, and pro bono work. Schools could also integrate leadership issues in extracurricular programs. For example, Stanford's Center on the Legal Profession has a series of guest lectures on leadership, and other schools have

Professionalism: Insights from Educational Research in the Professions, 5 U. ST. THOMAS L.J. 366, 384-85 (2008) (summarizing research); Rhode, *supra* note 69, at 46. See generally Neil Browne, Carrie L. Williamson & Linda L. Barkacs, *The Purported Rigidity of an Attorney's Personality: Can Legal Ethics be Acquired?*, 30 J. LEGAL PROF. 55 (2006).

71. National Research Council, *Learning and Transfer*, in HOW PEOPLE LEARN 51-78 (John D. Bransford et al. eds., 2000); Steven Hartwell, *Promoting Moral Development Through Experiential Teaching*, 1 CLINICAL L. REV. 505 (1995); Neil Hamilton & Lisa M. Brabbit, *Fostering Professionalism Through Mentoring*, 37 J. LEGAL EDUC. 102 (2007). For the role of film, see DEBORAH L. RHODE & AMANDA K. PACKEL, *LEADERSHIP: LAW POLICY AND MANAGEMENT* 565-66 (2011). For the pressures that need to be addressed, see Deborah L. Rhode, *If Integrity Is the Answer, What Is the Question?*, 72 FORDHAM L. REV. 333 (2003).

72. For examples of teaching materials, see PAUL BREST & LINDA HAMILTON KREIGER, *PROBLEM SOLVING, DECISION MAKING, AND PROFESSIONAL JUDGMENT: A GUIDE FOR LAWYERS AND POLICYMAKERS* (2010); RHODE & PACKEL, *supra* note 71.

73. See materials in RHODE & PACKEL, *supra* note 71, at 473-84.

74. See materials in RHODE & PACKEL, *supra* note 71, at 115-18; 239-44.

sponsored similar programs, workshops, and conferences such as the one that occasioning this essay.

Leadership also needs to be part of the agenda of legal scholars. Relatively little academic attention centers on leadership for lawyers, and the field in general is underdeveloped. As Harvard Business School professor Rakesh Khurana notes, “leadership as a body of knowledge remains without either a widely accepted theoretical framework or a cumulative empirical understanding”⁷⁵ Legal academics need to focus more efforts on exploring what makes for effective leadership in law and what stands in the way. Only through more opportunities like this symposium can law schools more effectively prepare the leaders that the profession and the public so urgently need.

75. RAKESH KHURANA, FROM HIGHER AIMS TO HIRED HANDS 357 (2007).