

Leadership in Legal Education

Leadership for Lawyers  
Professor Cullen  
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## **I. Introduction**

Law school, more than any other graduate program, is infamous for its “cut throat” nature, evil professors, and vindictive classmates. Daunting stories plague the mind of the incoming 1L. Tales of pages ripped from library books, the student who dared to come to class unprepared, and the famous quote from a law school professor allegedly stated the first day of class: “look at the students sitting next you, one of you will not make it through the first year.” While these stories may not always be totally accurate, there is no question that law school is a very intense and challenging environment. The curve is real, the competition is evident, and there is no doubt that not every one who starts, will finish. Under such circumstances, we ask: does law school create leaders? Does law school promote leadership development? In thinking about a leader superficially, images of great political figures come immediately to mind, and we envision a very noble, trust worthy, and hard working person able to rally people together to work for a common goal, and “lead” them to a common good. In thinking of leadership in such a way and comparing it to the law school setting previously described, it seems that the concept of leadership in law school is the punch line of another bad lawyer joke.

For the first time at Santa Clara, a class was offered this year to address the issue of leadership in law school. Assuming for a moment that lawyers need to be good leaders, a major premise of this course was that necessary leadership development is not part of the law school curriculum. As law students we agreed that this class is certainly the first course offered that is dedicated principally to leadership development, but we wondered whether law school alone, in its traditional curriculum, provides ANY opportunity to become a better leader, and whether it even should.

In order to explore the role of leadership in law school, we decided to examine two aspects of legal education: the classroom environment and the clinical experience. We interviewed two professors from Santa Clara University School of Law and two supervising attorneys from the Katherine and George Alexander Community Law Center, as well as five Santa Clara law students, in order to understand their perspectives on leadership development in law school, particularly with respect to the classroom and clinic. We developed a set of common questions that we addressed to each individual, focused on their impression of what a good leader should be, what a good lawyer should be, and whether law school provides an opportunity to develop the skills necessary to be an effective leader. Going into the interviews, it was our goal to keep an open mind, knowing well that our impressions of leadership, given the fact that we elected to take a course focused on its development, might not be shared by the individuals we interviewed. With that in mind, we set out to determine whether law school prepares its students to not only be effective lawyers, but be good leaders in the legal profession.

## **II. Leadership in Legal Education: Law School Classes**

In pursuing our investigation of leadership development in law school classrooms, we spoke to two professors, “Linda”<sup>1</sup> and “Hank,”<sup>2</sup> and two students, “Stan”<sup>3</sup> and “Chuck.”<sup>4</sup> Both professors teach bar courses as well as upper division elective courses. Stan is a second-year law student at Santa Clara University School of Law and Chuck is a first-year.

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<sup>1</sup> Interview with “Linda” [pseudonym used to preserve the confidentiality of our subjects], law student, Santa Clara University School of Law, in Santa Clara, Cal. (April 4, 2006) [hereinafter *Linda*].

<sup>2</sup> Interview with “Hank” [pseudonym used to preserve the confidentiality of our subjects], law student, Santa Clara University School of Law, in Santa Clara, Cal. (April 4, 2006) [hereinafter *Hank*].

<sup>3</sup> Interview with “Stan” [pseudonym used to preserve the confidentiality of our subjects], law student, Santa Clara University School of Law, in Santa Clara, Cal. (April 4, 2006) [hereinafter *Stan*].

<sup>4</sup> Interview with “Chuck” [pseudonym used to preserve the confidentiality of our subjects], law student, Santa Clara University School of Law, in Santa Clara, Cal. (April 4, 2006) [hereinafter *Chuck*].

### **A. Leadership qualities**

Above all, the professors felt that a lawyer who excels in his or her respective field of work will naturally rise to a position of leadership.<sup>5</sup> This relationship was drawn from a belief that success in the workplace naturally engenders respect, builds trust and draws in others who aspire to learn. In essence, our conversations with Linda and Hank lead to a general premise that leadership, to a certain degree, is derived from competence in professional ability and skill.

When asked about the characteristics that make a competent lawyer, the professors responded that to thrive in the legal profession requires provocative intellect and excellence in legal skill, guided by a strong moral compass.<sup>6</sup> The professors felt that these qualities, in conjunction with a strong work ethic, are the essential components in the make-up of a competent lawyer.<sup>7</sup>

In sum, the characteristics that the professors associated with leadership are hard work, intelligence, workplace competence and sound moral judgment. Additional qualities of leadership touched upon by the professors included self-confidence, credibility, vision and overall likeability as an individual.<sup>8</sup>

While both Stan and Chuck agreed with the professors that intelligence and hard work are essential qualities of an effective leader, they also gave us a different viewpoint from that of the professors. Both students thought likeability and personality were important qualities.<sup>9</sup> Each felt that it was important for a leader to be able to communicate and relate to his or her

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<sup>5</sup> *Linda, supra* note 1; *Hank, supra* note 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Stan, supra* note 3; *Chuck, supra* note 4.

constituents on an equal level to prevent situations from seeming as if the leader was *telling* others what to do.<sup>10</sup>

Stan also focused on a leader's ability to articulate what they want to say in a clear and concise manner.<sup>11</sup> He described an effective leader as needing the ability to explain issues and ideas in an understandable well, being an effective communicator.<sup>12</sup> While Chuck agreed that communication skills are essential, he stressed the importance of a leader being a good listener and staying even tempered.<sup>13</sup> Chuck described a leader as someone who could step back from a discussion and listen to everyone's ideas without trying to force his opinion onto the group.<sup>14</sup>

Overall, the professors and students agreed on some of the most important qualities essential to leadership, like intelligence and hard work. However, it was also interesting that the students each discussed the importance of a leader's ability to effectively communicate with others without giving the impression that he was just giving orders.

## **B. Educational Goals of the Professors**

According to the professors, their leading educational concern is the development of the critical thinking and analytical skills of their students. Equally important, is their interest in fine-tuning ethical and moral judgment. The encouragement of communication with others and desire to enhance their students' techniques in persuasive advocacy were also mentioned as educational goals of high priority. We felt that it was of general consensus, that the teaching efforts of the professors are primarily directed towards building those skills essential to being a good lawyer along with presenting the information necessary to pass the bar examination.

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<sup>10</sup> *Id.*

<sup>11</sup> *Stan, supra* note 3.

<sup>12</sup> *Id.*

<sup>13</sup> *Chuck, supra* note 4.

<sup>14</sup> *Id.*

From our interviews with Stan and Chuck, it appears that law students are able to pick up on the educational concerns of their professors. To Chuck, law school classes do a good job in promoting cognitive development, specifically analytical and objective thinking.<sup>15</sup> On the other hand, while Stan recognized what the law professors' main educational concerns were, his two years of law school experience have led him to believe that the classroom is mostly centered on learning just the law itself rather than the skills to use the law.<sup>16</sup> Neither student mentioned the importance of developing ethical and moral judgment as a message they have received. However, it is of note that neither student has taken the course specifically tailored to that area, Legal Profession.

When asked about the development of student leadership skills in the classroom, both professors responded that it had never been an affirmative objective of their educational efforts.<sup>17</sup> In fact, it appeared that the professors had never thought of their roles as educators to include leadership development. Nonetheless, as a seemingly unintended consequence of their educational objectives, it became apparent that many of the skills cultivated by the professors in their respective classrooms are also those they feel important to effective leadership. For both professors, hard work, skillful thinking, and the need for sound moral judgment are ideals and values they inspire to instill in their students as well as qualities that are, for them, cornerstones of leadership.<sup>18</sup>

This was an area where, for the most part, the students and professors agreed. Neither Stan nor Chuck saw the development of leadership skills as an affirmative goal of law school professors. However, like the professors, neither student thought that developing leadership

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<sup>15</sup> *Id.*

<sup>16</sup> *Stan, supra* note 3.

<sup>17</sup> *Linda, supra* note 1; *Hank, supra* note 2.

<sup>18</sup> *Id.*

skills fit very well into the curriculum, especially in the bar courses.<sup>19</sup> Chuck, a first-year taking all bar courses, has found that his professors have done a good job of improving some of the skills he views as important to leadership, albeit incidentally.<sup>20</sup> Chuck's views on the development of essential skills are further discussed in the next section.

It follows, that although the professors have not characterized their respective educational goals in terms of leadership development, they are actively pursuing the growth of certain characteristics they feel important to effective leadership. In the words of Linda, her objective when entering the classroom is “not to create the legal leaders of tomorrow.”<sup>21</sup> Nevertheless, leadership development, in some aspects, appears to be an incidental consequence of their affirmative educational goals.

### **C. Leadership Development in the Classroom**

When discussing the connection between leadership development and the classroom experience, the professors and students all felt that since different types of classes generate different learning settings, the development of leadership in any given class primarily depends on the structure of the class itself. In particular, we discussed distinctions between bar courses and upper division elective courses. Although Chuck was not able to offer an opinion on the distinctions since he has not yet taken any upper division elective courses.

It was of general understanding, that in the required bar courses the potential for leadership development is at it lowest. Although certain qualities of leadership are not neglected in these courses, such as the importance of preparation, sharp analysis and sound ethical

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<sup>19</sup> *Stan*, *supra* note 3; *Chuck*, *supra* note 4.

<sup>20</sup> *Chuck*, *supra* note 4.

<sup>21</sup> *Linda*, *supra* note 1.

judgment, the professors felt these classes tended to stymie leadership growth.<sup>22</sup> They commented that since the focus is primarily geared to teaching the subject matter itself in a lecture setting, the class format has a way of encouraging passivity, deterring ownership of ideas and degrading one's self image.<sup>23</sup> When combined with the difficulty the professors saw for students to assume leadership roles in these courses, it was understood that beyond the leadership qualities that are inadvertently promoted by teaching the core material, there is very little opportunity for student leadership development in bar courses.

While Chuck agreed that bar courses do not offer much potential for *leadership* development, he believes that the bar courses have done a good job of developing the qualities and skills important to becoming a leader at a later time.<sup>24</sup> His ability to develop clear ideas and confidently explain his thoughts in front of a group of people has improved a great deal during his first year.<sup>25</sup> His courses have also helped develop Chuck's ability to speak thoughtfully about a subject, take in and process changing situations and effectively adjust.<sup>26</sup> Qualities that are certainly important to being a leader.

The tone regarding classroom leadership development shifted when discussing upper division elective courses. This change is attributable to the fact that such classes are characterized by objectives and goals distinct from those of the bar courses. According to one professor, they are catered to developing interest areas that students believe they will be eventually practicing in.<sup>27</sup> Additionally, they are structured in a discussion format and not lecture. Stan has found the discussion based elective courses enjoyable because formulating and

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<sup>22</sup> Linda, *supra* note 1; Hank, *supra* note 2.

<sup>23</sup> *Id.*

<sup>24</sup> Chuck, *supra* note 4.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Linda, *supra* note 1.

articulating an opinion is more important than simply the textbook reading and law.<sup>28</sup> By providing the specialized tools for subsequent success in law practice and being driven by the student via in-class participation, Stan and the professors felt that elective courses provide a more expansive forum for leadership development when compared with their bar course counterparts.<sup>29</sup>

In the bar courses, Stan and Chuck had different opinions on the effect of the nature of the classroom on leadership development. By “nature of the classroom,” we are referring to the size, the lecture dominated format, and the manner in which students can volunteer or be required to participate. As discussed earlier, Chuck enjoys contributing in class and does not feel any negative effects of the nature of the classroom.<sup>30</sup>

On the other hand, even though Stan enjoys speaking and contributing to class discussions, he feels that the classroom experience in bar courses detracts from the development of leadership qualities.<sup>31</sup> This belief is based on his observations that everyone just sits, listens and types; that the classroom setting is not tailored to fit the needs of individuals, specifically that no attention is given to those students afraid or too shy to speak up; and that the classroom provides a forum for those with developed skills to practice yet it does not help those students who are lacking skills to develop.<sup>32</sup> One interesting point that Stan discussed was the balance between the positive feeling of saying something that the professor and/or his fellow students respond well to, versus the negative feelings that result when the professor and class do not

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<sup>28</sup> *Stan, supra* note 3.

<sup>29</sup> *Stan, supra* note 3; *Linda, supra* note 1; *Hank, supra* note 2.

<sup>30</sup> *Chuck, supra* note 4.

<sup>31</sup> *Stan, supra* note 3.

<sup>32</sup> *Id.*

understand or agree with what he says.<sup>33</sup> Fortunately for Stan, saying something smart or funny has a much greater effect than saying something that does not receive a positive response.<sup>34</sup>

#### **D. Leadership and the Practice of Law**

In Gregory Williams's article, *Teaching Leaders and Leadership*,<sup>35</sup> he discussed the late Robert E. Mathews, former President of the Association of American Law Schools, and his view on the importance of leadership in the legal profession.<sup>36</sup> Mathews state in 1953 that "[l]eadership is an integral function of membership in the legal office consultation and representation in negotiation."<sup>37</sup> Further, Mathews argued that lawyers have a "greater responsibility than other citizens to assume functions of leadership."<sup>38</sup> During our interviews, we wanted to see whether the professors and students we talked to had feelings similar to Mathews.

Both professors felt that the role of leadership skills in the legal workplace primarily depended on the nature of one's position.<sup>39</sup> The distinction was principally drawn upon seniority of one's position in a legal firm where the work product is generated through a top-down assembly type organization. They believed that lower positions in this scheme provided little opportunity for leadership.<sup>40</sup> Since these lower level positions are generally assigned tasks representing a small portion of a case, without more involvement in the process, there is a disconnect with the need to exercise certain qualities of leadership. These leadership

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Gregory H. Williams, *Teaching Leaders and Leadership*, <http://www.aals.org/presidentsmessages/leaders.html> (last visited April 18, 2006) [hereinafter Williams].

<sup>36</sup> *Id.*

<sup>37</sup> Williams, *supra* note 35 (quoting Robert E. Mathews, *The Lawyer, The Law Schools, and Responsible Leadership*, 25 ROCKY MTN. L. REV. 482 (1953)).

<sup>38</sup> *Id.*

<sup>39</sup> Linda, *supra* note 1; Hank, *supra* note 2.

<sup>40</sup> *Id.*

characteristics included vision and creative thinking. In essence, the institutional dissection of legal responsibilities divulges the need for leadership skills beyond a strong work ethics and skillful legal ability.

Alternatively, a relationship between promotion within a legal firm structure and the corresponding expectation of leadership was drawn. For one professor, the longer-term commitment to a firm went hand in hand with assuming roles of leadership.<sup>41</sup> These roles, the professor felt, incorporated leadership skills not necessary to lower level work. Primarily, this reflected the assumption of managerial duties, that although critical to career advancement, were believed to represent skills pushed aside by competing priorities of law school curriculum and rather learned via on-the-job training.

Stan discussed the importance of leadership in dealing with both clients and other attorneys. Since clients are unfamiliar with the legal system, it is important to take charge and lead them through such unfamiliar territory.<sup>42</sup> When dealing with other attorneys, Stan hypothesized that it would be important to be able to communicate your ideas and vision.<sup>43</sup>

In Chuck's view, most skills that are valuable to being a leader are also the skills you would need to be an effective advocate.<sup>44</sup> However, as Chuck noted, even though they go hand in hand, all good leaders are not necessarily good advocates, and vice versa.<sup>45</sup> Chuck also brought up the importance of being able to balance what your client wants, with your own ability to see what is best for the client, and decide the best course of action.<sup>46</sup>

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<sup>41</sup> *Linda, supra* note 1.

<sup>42</sup> *Stan, supra* note 3.

<sup>43</sup> *Id.*

<sup>44</sup> *Chuck, supra* note 4.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

### III. Leadership in Legal Education: Clinical Experience

In pursuing our investigation of the clinic aspect of legal education and the role it plays in leadership development, our research led us to the *Katherine and George Alexander Community Law Center* in San Jose, California (“clinic”). The clinic provides an environment in which law students are able to handle real cases for actual clients, under the supervision of a practicing attorney. In an effort to understand the relationship between leadership and the clinic experience, we interviewed two supervising attorneys, “Roger”<sup>47</sup> and “Mary,”<sup>48</sup> as well as three of their students, “Kelly,”<sup>49</sup> “Liz,”<sup>50</sup> and “John.”<sup>51</sup> In speaking with these four individuals, it was our goal to learn both the attorneys’ and the students’ perspectives on how the clinic, as part of legal education, contributes to a student’s development of leadership skills as they pertain to the practice of law.

#### A. Leadership Qualities

As we began our research, we tried first to understand the attorneys’ own perception on leadership and the role it plays in teaching in the clinic. We thought it best to begin by identifying what they perceived as the most important qualities for effective leadership. Roger indicated that a leader should be organized, intelligent and focused. Interestingly, of the traits Roger listed, only one of them, namely intelligence, was listed on Posner’s international list of characteristics of admired leaders.<sup>52</sup> Mary, however, focused more on actions, equating a good

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<sup>47</sup> Interview with “Roger” [pseudonym used to preserve the confidentiality of our subjects], Supervising Attorney, Katherine and George Alexander Community Law Center, in San Jose, Cal. (April 6, 2006) [hereinafter *Roger*].

<sup>48</sup> Interview with “Mary” [pseudonym used to preserve the confidentiality of our subjects], Supervising Attorney, Katherine and George Alexander Community Law Center, in San Jose, Cal. (April 7, 2006) [hereinafter *Mary*].

<sup>49</sup> Interview with “Kelly” [pseudonym used to preserve the confidentiality of our subjects], law student, Santa Clara University School of Law, in Santa Clara, Cal. (April 5, 2006) [hereinafter *Kelly*].

<sup>50</sup> Interview with “Liz” [pseudonym used to preserve the confidentiality of our subjects], law student, Santa Clara University School of Law, in Santa Clara, Cal. (April 5, 2006) [hereinafter *Liz*].

<sup>51</sup> Interview with “John” [pseudonym used to preserve the confidentiality of our subjects], Santa Clara Law Student, Katherine and George Alexander Community Law Center, in San Jose, Cal. (April 8, 2006) [hereinafter *John*].

<sup>52</sup> James Kouzes & Barry Posner, *The Leadership Challenge* 25 (Jossey-Bass 3d ed. 2002) [hereinafter *Kouzes*].

leader with someone who is able to take in the various factors and issues significant to the situation and in turn see the steps that need to be taken as a result.<sup>53</sup> She focused on a leader's ability to envision the goals of the community and encourage others to strive for that goal.<sup>54</sup> The most effective leaders, she explained, will not impose their agendas on the group, but will maintain a more collegial environment in which everyone feels engaged and can together see the direction of the group.<sup>55</sup>

The answers provided by the students encompassed the ideas expressed by both Roger and Mary. Kelly repeatedly focused on the ideas of consistency, integrity, competence, and confidence.<sup>56</sup> She described an effective leader as one who identifies a goal, develops a plan, and most importantly "sticks to it."<sup>57</sup> Liz, like Mary, discussed a leader's ability to be aware of the circumstances, to "know how to interact with other people, how to effectively judge a situation, and how to be flexible, without losing integrity."<sup>58</sup>

Though the answers provided by each individual student and attorney differed slightly, the basic ideas were the same. When thinking about a good leader the focus fell primarily on intelligence and the ability to be personally driven and to drive others to work towards a common objective of the group. The questions then remained: are attorneys in the clinic leaders? Do they promote leadership skills? Does the clinical experience make students better leaders and as such, better lawyers?

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<sup>53</sup> *Mary, supra* note 48.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Kelly, supra* note 49.

<sup>57</sup> *Id.*

<sup>58</sup> *Liz, supra* note 50.

## **B. Leadership Development in the Clinic**

A recurring theme between both the professors and the supervising attorneys whom we interviewed, was the shared belief that neither type of educator expressly strove to promote the development of leadership skills in their classroom or clinic. Roger indicated that when working with students, he did not “think about teaching leadership skills.”<sup>59</sup> Since the clinic is a place to develop the litigation skills of a student, it is not an environment in which he strives to foster leadership skills in his students. Furthermore, he believed that the lack of focus on leadership training was the “model used at the clinic.”<sup>60</sup>

Mary, however, identified a slightly different model. Though she agreed that the development of leadership skills is not an educational goal “set out in the syllabus or in our mission statement, specifically, [leadership development] is alluded to and woven in.”<sup>61</sup> For Mary, however, her primary educational goals reside in the broadening of her students’ educational experience through networking, attending conferences, and symposiums, and through exposure to different cultures and languages.<sup>62</sup> While Roger focused on teaching practical litigation skills and not on consciously developing leadership skills, Mary believed that promoting leadership is at least a partly conscious decision, despite the fact that it is not expressly presented as a goal of the clinic experience.<sup>63</sup>

There seemed to be no question as to whether leadership is an obvious and articulated goal and focus of the attorneys’ in the clinic; it clearly is not. Nonetheless, as our discussions progressed, both attorneys explained that they did believe that the clinic plays a very significant role in leadership development. Upon being asked about whether students are inadvertently

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<sup>59</sup> *Roger, supra* note 47.

<sup>60</sup> *Id.*

<sup>61</sup> *Mary, supra* note 48.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

taught leadership skills at the clinic, Roger replied, that in fact he did think that students were developing these abilities.<sup>64</sup> The clinic does not aim to teach students leadership skills, but its structure is modeled in such a way as to give students confidence in their own person and in their litigation skills and from this confidence students can become better leaders.<sup>65</sup> He went on to explain that while “[the supervising attorneys] don’t teach them the skills,” they develop them by allowing students to act as lead counsel on cases.<sup>66</sup> This requires them to speak to opposing counsel, speak to judges and speak to clients. He believes that it is this experience which breeds the confidence that fosters other leadership skills.<sup>67</sup> His belief is also consistent with the view of the students, as Kelly named confidence was one of the first few qualities she associates with an effective leader.<sup>68</sup>

The direct relationship between the students and the clients is the aspect of the clinic that Mary emphasized in describing how the clinic helped develop leadership skills. By having the students work directly with the client and take on the role of the decision maker, the person guiding the actions, and the individual ultimately responsible for the case, the students are able to take on a role very different from that which they play in a classroom setting. Kelly explained this difference. “As far as classes are concerned, law school teaches you not to lead, but to be led.”<sup>69</sup> The clinic, on the other hand, “makes you feel like you can do something, that you are important, that you can contribute, and that you can make a difference for the client. The client looks to you for direction and for answers and you are forced to stand up and take action.”<sup>70</sup>

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<sup>64</sup> Roger, *supra* note 47.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Kelly, *supra* note 49.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

When Mary first spoke of the qualities of a good leader she described a situation in which the leader is able to engage others and enable the individual members to adopt a direction for the whole.<sup>71</sup> In talking about the students' interaction with the client and the inherent leadership development that occurs in the clinic through that relationship, Mary returned to this idea of engaging others. "A good leader is one that can hand power over to others, and empower others. In the cases of domestic violence [handled at the clinic], for example, students empower their clients, by giving them control, and making them proactive."<sup>72</sup> Kouzes and Posner articulated this important aspect of leadership as one of the ten commitments of leadership: "strengthen others by sharing power and discretion."<sup>73</sup> "[E]xemplary leaders make other people feel strong . . . [l]ong before *empowerment* was written into the popular vocabulary, exemplary leaders understood how important it was that their constituents felt strong, capable, and efficacious."<sup>74</sup> While the classroom setting might contribute to a *professor's* leadership skills as they strengthen their students through increased knowledge of the law, as far as a student's growth, the classroom is more individualized as compared to the clinic which provides the opportunity to go beyond yourself and empower others.

In this sense, the clinical experience and classroom experience are complementary of one another. The classroom is a place where students are taught legal skills and competence in an environment where they are being led by the professors. The clinic is an environment in which the students are able to put these learned skills to work, which allows them to both test out the skills they have learned and to gain the confidence they will need to be better lawyers and leaders.

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<sup>71</sup> *Mary, supra* note 48.

<sup>72</sup> *Id.*

<sup>73</sup> Kouzes, *supra* note 52, at 281.

<sup>74</sup> *Id.*

Though both supervising attorneys seemed to articulate the development of leadership as an inherent result of the clinical model and structure, the students we interviewed were under the impression that although not expressly communicated as such, leadership development was a very definite and intended goal of the attorneys.<sup>75</sup> The students thought that the supervising attorneys were in fact attempting to teach these leadership skills, by taking the very affirmative step of providing little guidance and direction and forcing the student to not be dependent, but to take the “lead.”<sup>76</sup> Comparing the clinic to the classroom setting, Kelly commented that traditional legal education in the classroom environment, “teaches you to be led, not to lead,” while the clinic does the very opposite.<sup>77</sup> This indicates that the attorneys may be unwittingly incorporating leadership skills into their work much more than they realize. Perhaps this fact can be attributed to their own leadership skills and *their* role as leaders in the clinic.

### **C. Leadership Roles in the Clinic**

When we asked the supervising attorneys whether they saw themselves as holding a position of leadership, the answers were closely tied to their perspective on professors as leaders. Roger indicated that the model of the clinic is to allow students to play the role of the leader and to assume the position of lead counsel on each case.<sup>78</sup> This unique dynamic renders students in the leadership position and relegates supervising attorneys to a role resembling that of a mentor or project manager. Thus, the work is more collaborative and the students are made to feel like they remain the ultimate decision makers. Roger explained that in order to preserve an environment where students felt as though they were handling the cases on their own, and not merely supplementing the work of the attorneys, he “resisted being called Professor [Roger]

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<sup>75</sup> Kelly, *supra* note 49; Liz, *supra* note 50.

<sup>76</sup> *Id.*

<sup>77</sup> Kelly, *supra* note 49.

<sup>78</sup> Roger, *supra* note 47.

because [he] didn't want to feel like [he] was in a teaching role.”<sup>79</sup> However, despite resisting this role, it is “impossible not to take a leadership role” for his students.<sup>80</sup>

Interestingly, the professors we interviewed expressed similar reluctance to hold a leadership role while recognizing that this role was somewhat inevitable in the educational environment, be it the classroom or a clinic. Roger seemed to believe that the educational goals of the clinic were best served when supervising attorneys minimized their leadership role and allowed the students to act the leaders. Mary identified this separation as well, but focused on the attorneys' leadership “in how they bring groups together, raise and illicit ideas, tie students into the broader networks and committees and encourage students to incite projects to look for those are gaps, and think of ways to address them.”<sup>81</sup> In this way, Mary feels as though attorneys in the clinic are not visible leaders, in the traditional sense, but act behind the scenes to create the environment in which students can themselves be the leaders. Playing this role, she believes, is an act of leadership.<sup>82</sup>

This form of leadership is discussed by Kouzes and Posner and fits perfectly within their practice of ‘enabling others to act.’<sup>83</sup> By corroborating with students and allowing them the independence to manage their own cases, supervising attorneys help facilitate the positive interdependence which characterizes this leadership practice.<sup>84</sup> Another aspect of “enabling other to act” is the development of social awareness and social skills.<sup>85</sup> “Leaders at all levels must be socially competent.”<sup>86</sup> Mary also spoke of this sort of development through the clinical experience. When asked whether students are better leaders because of their involvement at the

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<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Mary, supra* note 48.

<sup>82</sup> *Id.*

<sup>83</sup> Kouzes, *supra* note 73, at 242.

<sup>84</sup> *Id.* at 250.

<sup>85</sup> *Id.* at 284.

<sup>86</sup> *Id.*

clinic, Mary responded in the affirmative, but gave an answer very different from the topics of our previous discussions.<sup>87</sup> “[T]he diverse community- language, economic, and cultural- teaches perspective, humility, better understanding of different people, and immersion.”<sup>88</sup> Therefore, it seems that despite the attorneys’ position that they do not expressly teach leadership, according to Posner and Kouzes, the nontraditional model utilized by the clinic fits within some of the five practices of leadership and therefore helps foster positive leadership development.

#### **D. Deterrents to Leadership at the Clinic**

In addition to focusing on the positive role the clinic plays in promoting and developing leadership skills in the students, we also inquired as to whether any aspect of the clinical experience detracts from teaching leadership. The supervising attorneys had varied responses. Roger indicated that in the clinical environment, students have no readily available forum to “assert their leadership skills or to practice them” because they rarely work in groups with other students.<sup>89</sup> Roger seemed to believe that the classroom and other group environments were more conducive to teaching and demonstrating leadership skills. He viewed leadership development as a skill set which is fine-tuned in the context of a group, where leaders emerge, as opposed to in an individual setting.<sup>90</sup> Echoing Roger’s concern, John felt that the individualized nature of the clinical experience had the potential to detract from the development of leadership skills. He felt that this could easily be remedied by “allowing students to work on cases together and bounce ideas off each other, or ask one another how they would deal with certain issues.”<sup>91</sup>

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<sup>87</sup> *Mary, supra* note 48.

<sup>88</sup> *Id.*

<sup>89</sup> *Roger, supra* note 47.

<sup>90</sup> *Id.*

<sup>91</sup> *John, supra* note 51.

Much like Roger, John believed that the component of a collaborative environment is inherent in leadership development.

Mary, on the contrary, did not see the clinic as individualized. She focused on the interaction between the student and the client, and the student and the supervising attorney, and on the collaboration in those relationships.<sup>92</sup> In terms of detracting from leadership, Mary discussed her regret that she can not be entirely indirect in her supervision, but must at times take on a more direct role and tell the student what to do as opposed to letting him or her figure it out on their own.<sup>93</sup>

We want to be indirect, but these are real cases, this is the real world, there are deadlines and things must be done at certain times in order to not jeopardize the case. Because of these deadlines, the supervising attorneys have to be more direct [on occasion] and tell the student what to do, instead of raising discussion.<sup>94</sup>

Kelly and Liz also identified the direct approach articulated by Mary as the aspect of the clinic that has the potential to detract from leadership. “If the supervising attorneys begin telling the students what to do, and putting more restraints on what they can do themselves, it would foster dependence and detract from a leadership role.”<sup>95</sup>

### **E. Opportunities for Leadership Growth at the Clinic**

Assessing the positive influence the clinic has on developing leadership in light of potential to detract from such growth, the question remains: are students better leaders because of their involvement at the clinic? Roger believes that although the clinic works on a model which does not outwardly advance the education of leadership skills, this type of development is, nonetheless, implicit in the structure of the work done by the students.<sup>96</sup> He explained, once

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<sup>92</sup> *Mary, supra* note 48.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Kelly, supra* note 49.

<sup>96</sup> *Roger, supra* note 47.

again, that the goal of the clinic is to teach students lawyering skills, but that by becoming competent in those skills, the students gain confidence and inadvertently become better leaders.<sup>97</sup> Mary also focused on the cause and affect notion that Roger discussed, but maintains that the clinic does provide an environment to not only learn the skills to become a good leader, but actually and effectively put those skills to use.<sup>98</sup> Additionally, Mary has noticed that those students who are involved in the clinic have begun to step out of the clinic, into the university setting, and taken on leadership roles in other groups and organizations because of the experience they have had at the clinic.<sup>99</sup> Again, it is clear that while the clinic and its attorneys do not affirmatively teach leadership skills and traits to the law students, they are confident that the students are acquiring these skills through this educational experience.

Do the students agree? Both Kelly and Liz believe that they are better leaders because of their involvement at the clinic, and have already seen the impact as they take on leadership roles in other activities and organizations.<sup>100</sup> John felt that “clinic definitely prepares students to have more self confidence and develop interpersonal skills related to client communication as well as communication with practitioners in the field of law.”<sup>101</sup> In contrast he believed that, “professors fail miserably to take classroom time for anything other than discussing case after case.”<sup>102</sup> John felt very strongly that the classroom was in no way focused on cultivating the leadership and real world skills which lawyers may need to be better leaders.

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<sup>97</sup> *Id.*

<sup>98</sup> *Mary, supra note 48.*

<sup>99</sup> *Id.*

<sup>100</sup> *Kelly, supra note 49; Liz, supra note 50.*

<sup>101</sup> *John, supra note 51.*

<sup>102</sup> *Id.*

## F. Leadership and the Practice of Law

In concluding our interviews with the professors, the supervising attorneys and the students, we inquired about each interviewee's belief that effective leadership skills are important aspects of practicing law. The responses obtained were relatively similar and consistent. Both the supervising attorneys and the students agreed that the amount of leadership skills a lawyer needs is primarily dependent on the type of office or practice in which one works. In particular, large firms have the greatest need for leadership skills, while solo practice and the clinical environment do not have the same demand. Liz notes that even in the large firms, however, the individual's position in the hierarchy of the firm will determine the impact of leadership on their job.<sup>103</sup> "I know as a first year associate I will be little more than a peon to start, and it will be difficult for me to take on a leadership role."<sup>104</sup>

Roger introduced another theory with respect to large firms, believing that in many cases a collaborative environment most often found in large firms can often be detrimental to the legal work at hand.<sup>105</sup> He thinks that the breaking up of legal work into small research projects performed by different attorneys with one leader in the group could impair the overall effectiveness of the team and thereby harm the client.<sup>106</sup> Roger believes that the value of leadership skills in a legal environment is therefore context-specific.<sup>107</sup> Mary, however, notes that regardless of the context, all lawyers should strive to be leaders of some sort because of the way in which people perceive the role of lawyers in the community.<sup>108</sup> "Lawyers are often looked to as leaders, whether in a position of government, in a large firm, or just within a small

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<sup>103</sup> *Liz, supra* note 50.

<sup>104</sup> *Id.*

<sup>105</sup> *Roger, supra* note 47.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Mary, supra* note 48.

group. People look to them for answers.”<sup>109</sup> This automatic response, therefore, should encourage each lawyer to pursue leadership training and to seek opportunities to develop the skills that will enable them to lead others. After speaking with students and supervising attorneys, it is clear that participation in clinical education is a very effective place to start.

#### **IV. Conclusion**

In order to obtain a broader understanding of how leadership skills are developed in the education of lawyers our investigation centered not on raw numerical data, but on in-depth interviews with clinicians and professors and students. After hearing their objectives, their concerns and their educational goals, one thing became clear; when it comes to teaching leadership in legal education, the relationship between clinical work and the classroom experience is complementary, and together it is possible for a student to receive some leadership training despite the fact that leadership is not affirmatively taught or emphasized in law school.

The classroom is a place where professors neither strive to teach leadership skills, nor where the students believe they are learning such skills. What the professors do accomplish, are teachings designed to promote the enrichment of skills important to the success of their students in the practice of law. Incidentally, some of these skills cross over into the realm of leadership development. These skills include the value of a strong work ethic, effective communication skills, in-depth analysis and moral soundness. It thus follows that although the professors did not acknowledge student leadership development as an affirmative educational objective, a component of their teaching efforts includes the desire to enhance certain qualities of their students that lead to effective leadership practices.

As a compliment, the clinic is an environment which allows students to put these life skills, many of which are fostered by professors in the classroom environment, to practice in a

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<sup>109</sup> *Id.*

real office with real clients, real judges and real consequences. While most students will eventually leave law school and put these skills to work at their first legal job, the clinic provides a safer environment in which the students can practice these skills while still in school.

Additionally, the clinic provides a forum for leadership development. By allowing students to test the legal skills and life skills that they have obtained through law school in their work in the clinic, students are engendered with the confidence and self-assurance which fosters leadership.

Therefore, it is the interplay between the group-oriented, professor-led classroom experience and the individualized, student-led clinic which, we have come to believe maximizes a law student's ability to obtain leadership development while in law school. The importance of obtaining clinical experience and not just a classroom education cannot be understated. As John stated in his interview, "It has been a great disappointment to me to see how impersonal and detached law school is from the actual real work practice of law. I believe that law school only teaches you how to work hard, how to manage your time, and how to cut corners by reading supplements."<sup>110</sup> More than likely, John is not alone in this criticism of law school education. Thus, the clinical experience, and its unique teaching model and educational objectives, takes on a weightier role in both legal education and leadership development. Since the law school classroom often fails to provide the appropriate forum and agenda for fostering leadership and practical legal skills, our research has led us to believe that within legal education, the clinical experience can provide an ideal, and greatly needed, compliment to the classroom experience.

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<sup>110</sup> *John, supra* note 51.