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## Engaging Law Students in Leadership

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## ENGAGING LAW STUDENTS IN LEADERSHIP

FAITH RIVERS JAMES\*

### ABSTRACT

*The new challenge of legal education is preparing civic-minded lawyers to assume leadership roles in their communities, law firms, the legal profession, and in the public square. Defined as the process of influencing and persuading others to achieve a common purpose, leadership describes the lawyers' task with individual and organizational clients; considered as a characteristic of people in positions of power, lawyers often assume the mantle of leading organizations. Whether defined as process or position, lawyering involves leadership in the private sector or in the public realm.*

*This article considers the progressive structure of a comprehensive law and leadership program and prescribes the Public Law and Leadership course as a model of engaged learning and leadership development that offers replication opportunities for programs that seek to engage students in public law and policy issues that affect local and national communities. Looking to collegiate and graduate leadership service learning, as well as legal pro bono programs and professional development initiatives, law and leadership studies and experiences will better prepare students for professional practice, prime them to exercise leadership within their communities, and position law graduates to engage in leadership of the profession and the public square.*

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## I. INTRODUCTION

A. *Law and Leadership*

There is a natural nexus between legal training and leadership. Lawyers' analytical skills and unique qualification to draft, assess, and adopt laws and regulations place attorneys in the intersection of leadership in the public arena of business, politics, and civic life. Professor Ben Heinemann makes the case for lawyers as leaders, noting "the concept of being a lawyer should encompass the broadest kind of leadership because our core skills, properly conceived, of understanding how values, rules, and institutions interrelate with social, economic, and political conditions is as central to the demands of leadership as any other professional or disciplinary background."<sup>1</sup> In the legal marketplace, acquiring leadership skills and professionalism proficiencies can provide a competitive advantage for law graduates.

Traditionally, leadership is not a part of the law school curriculum—but it should be. Warren Bennis suggests that "[l]eadership opportunities should be offered to executives early in their careers, because they build drive, trigger a can-do spirit, and inspire self-confidence."<sup>2</sup> Creating opportunities to explore leadership as a part of the law school curriculum is an important first step in the process of building leadership capacities within the legal profession. In his introduction to Herb Rubenstein's *Leadership for Lawyers*, published by the American Bar Association, Lawrence Center observed that "[t]he majority of lawyers in the legal profession have developed what leadership skills they have the hard way: through experience, through mistakes, and, if they are fortunate, from mentors with years of leadership experience."<sup>3</sup> Pondering why "legal organizations, including law firms, dragged their feet on leadership development," Carter declares that "[a] paradigm shift must take place."<sup>4</sup> Dean Donald J. Polden of Santa Clara University School of Law affirms that leadership skills and attributes are fundamental lawyering skills and calls for a new movement to include leadership skills training to the core law school curriculum. He also suggests that law schools embrace and prepare students for upcoming leadership opportunities during their careers.<sup>5</sup>

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1. Ben W. Heineman, Jr., Yale Law School Preiskel-Silverman Lecture: Law and Leadership (Nov. 27, 2006), available at [http://www.law.yale.edu/documents/pdf/News\\_&\\_Events/HeinemanLecture.pdf](http://www.law.yale.edu/documents/pdf/News_&_Events/HeinemanLecture.pdf) (advocating that law schools recognize the importance of leadership and more intentionally prepare graduates for leadership roles in society); see also Ben W. Heineman, Jr., *Law and Leadership*, 56 J. LEGAL EDUC. 596, 612–13 (2006) (reflecting upon the debate about the role and place of leadership in the law school curriculum).

2. WARREN BENNIS, ON BECOMING A LEADER 179 (1989).

3. HERB RUBENSTEIN, LEADERSHIP FOR LAWYERS ix (2d ed. 2008).

4. *Id.* at xi, xiii.

5. Donald J. Polden, *Educating Law Students for Leadership Roles and Responsibilities*, 39 U. TOL. L. REV. 353 (2008).

[E]ducating law students for leadership roles and responsibilities advances efforts to expose our students to a broader array of fundamental lawyering skills and values . . . . Law schools can and should be educating their students for the leadership roles they will be playing in an increasingly complicated global profession because our communities and societies need greater leadership manifested in business, government, public policy, and in the legal profession.<sup>6</sup>

Embracing leadership as a critical lawyering skill, Elon University School of Law's Leadership Program prepares law graduates for the responsibility and demands of leadership in professional, political, and community endeavors.<sup>7</sup> Building upon its recognized engaged learning, leadership, service learning, and civic engagement initiatives, Elon Law School provides a foundational model for engaged learning and leadership as innovative, foundational pedagogies to complement doctrinal law programs.

*B. Assessment, Challenge, and Support Model*

*"The most successful leaders have a higher than average level of self-awareness."*<sup>8</sup>

Knowing one's behavioral dimensions and understanding how one is perceived by peers, managers, and subordinates can help a law student become a better lawyer.<sup>9</sup> Self-assessments recognize leadership strengths to capitalize upon, and identify challenges that should be addressed. To this end, an "Assessment, Challenge, and Support" leadership development model,<sup>10</sup> derived from research at the Center for Creative Leadership (CCL), may be a beneficial component.<sup>11</sup> The model is designed to assess student strengths and weaknesses, create challenging experiences that will help students close gaps

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6. *Id.* at 353, 359.

7. See *The Leadership Program*, ELON LAW, <http://www.elon.edu/e-web/law/leadership/default.xhtml> (last visited Aug. 7, 2011).

8. RUBENSTEIN, *supra* note 3, at 85 (citing Julia Hayhoe, *Leading Lights: Leadership tips for the Modern Law Firm*, 8 MANAGING PARTNER (2005), available at [http://www.mpmagazine.com/xq/asp/sid.0/articleid.D8A9E8D4-6BFB-410E-B8D8-81E4B2911854/eTitle.Lighting\\_Leadership\\_tips\\_for\\_the\\_modern\\_law\\_firm/qx/display.htm](http://www.mpmagazine.com/xq/asp/sid.0/articleid.D8A9E8D4-6BFB-410E-B8D8-81E4B2911854/eTitle.Lighting_Leadership_tips_for_the_modern_law_firm/qx/display.htm)).

9. See RUBENSTEIN, *supra* note 3, at 87.

10. See generally ELON LAW SCHOOL LEADERSHIP TASK FORCE REPORT 6-7 (John Alexander ed., 2008). John Alexander is a former President of CCL, and has served as the Isabella Cannon Distinguished Professor of Leadership from 2007-2009, when he assumed the role as Leadership Coach in Residence. Professor Alexander played a critical role in the development of Elon Law School's Leadership Program, and he works with all components of the leadership program. Senior Researcher Dr. Roland Smith teaches the Lawyering, Leadership and Professionalism course with Dean George R. Johnson.

11. CENTER FOR CREATIVE LEADERSHIP, <http://www.ccl.org/leadership/index.aspx> (last visited Aug. 7, 2011). All Elon Law School faculty have attended the Leadership Development Program at CCL.

between their current and desired states of personal and/or professional endeavors, and provide support through faculty and executive coaching.<sup>12</sup> Through first and second year courses, students undergo a number of self-reflective assessments to understand and adapt their study methods and lawyering skills to the legal professional's norms and standards.<sup>13</sup> Empowered with self-assessments and skills training at the outset of their professional school training, students develop lawyering skills and emotional intelligence capacities that support their professional development later in their careers.<sup>14</sup>

### C. *Lessons of Experience: Leadership Lecture Series*

A core fundamental of leadership development, promoted by research at the Center for Creative Leadership, is learning from experience.<sup>15</sup> Elon Law's Leadership program builds on that experience with lessons from the leadership experiences of state and national leaders through the Leadership Lecture Series, sponsored by the Joseph M. Bryan Foundation.<sup>16</sup> Elon Law Board of Advisors David Gergen, former North Carolina Governor James B. Hunt, Jr., former North Carolina Chief Justice Henry Frye, and Red Cross President Bonnie McElveen-Hunter engaged in conversations about their leadership experiences.<sup>17</sup> CNN legal analyst Jeffrey Tobin and NPR's Nina Totenberg shared observations about trends in Supreme Court jurisprudence and judicial appointments, and Newark Mayor Cory Booker and Democratic Leadership Council Chairman Harold Ford, Jr., reflected on the challenges and rewards of political service.<sup>18</sup> Former Supreme Court Justice Sandra Day O'Connor challenged students to join the effort to improve the judicial selection process and the level of citizen education.<sup>19</sup> Learning lessons about law-making through the legislatures and interpretation on the bench, governing, and assessing the political and popular ramifications of the law uniquely equip these law students to follow in the leadership footsteps of these lecturers.

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12. JOHN ALEXANDER, AMERICAN BAR SELF-STUDY REPORT 59 (2009).

13. See DON C. PETERS & MARTHA M. PETERS, JURIS TYPES: LEARNING LAW THROUGH SELF-UNDERSTANDING 11–23 (2007); Bonnie McAlister & Stephen Friedland, *Changing the Filed: Recognizing the Importance of Communication Methodology in the 21st Century American School*, 3 WEB J. CURRENT LEGAL ISSUES (2009), <http://webjcli.ncl.ac.uk/2009/issue3/mcalister3.html>.

14. See Daniel Goleman, *What Makes a Leader?*, 76 HARV. BUS. REV. 93, 94 (1998).

15. RICHARD HUGHES, ROBERT GINNETT & GORDON CURPHY, LEADERSHIP: ENHANCING THE LESSONS OF EXPERIENCE 69 (6th ed., McGraw-Hill Irwin 2009).

16. See *Joseph M. Bryan Distinguished Leadership Lecture Series*, ELON LAW, [http://www.elon.edu/e-web/law/bryan\\_lecture\\_series/bryan\\_lecture\\_home.xhtml](http://www.elon.edu/e-web/law/bryan_lecture_series/bryan_lecture_home.xhtml) (last visited Aug. 6, 2011).

17. *Id.*

18. *Id.*

19. *Justice Sandra Day O'Connor Dedicates Elon Law School*, ELON UNIVERSITY, <http://www.elon.edu/e-net/note.aspx?id=42293> (last visited Aug. 6, 2011).

#### D. Leadership Fellows

A Leadership Fellows Program can be utilized to recruit and support a core group of students who have participated in leadership and who are committed to pursuing some form of leadership in their professional careers.<sup>20</sup> Selected through a competitive application process, Fellows meet with renowned Leadership Lecturers to discuss the role of lawyers in leadership, and serve in leadership roles in the law school and broader communities.<sup>21</sup> The Leadership Fellows have endeavored to launch a leadership journal in furtherance of the Law School's goal of promoting engaged learning and leadership in legal education. Fellow scholarships support legal studies and summer externship placements with nonprofit and government entities. The inaugural class of Fellows endeavored to render service to the legal community through publication of articles about law and leadership; and they have volunteered for community service as a cohort.<sup>22</sup>

#### E. The Business of Law

The legal academy and the bar have engaged in an ongoing colloquy about the extent to which the law is a profession or a business, and whether to employ standard business practices (where possible) to the practice of law. Making the case for a "both/and" rather than an "either/or" construction, scholars and practitioners have argued an interdisciplinary approach to the law business.<sup>23</sup>

Rather than denying the business nature of the legal profession, legal practitioners can instead proactively respond to these ideas and incorporate them into their professional work. By so doing, legal practitioners of all sorts, whether in small practices or large firms, stand to not only gain competitive

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20. In 2009, Elon Law instituted a Leadership Fellows program. *Elon Law's Leadership Fellows Program*, ELON LAW, <http://www.elon.edu/e-web/law/admissions/LEADERSHIP%20FELLOWS.xhtml> (last visited Aug. 6, 2011).

21. ELON UNIV. SCH. OF LAW, LEADERSHIP FELLOWS APPLICATION, available at [http://www.elon.edu/docs/e-web/law/admissions/LeadershipFellowsApp2010\\_ElonLaw.pdf](http://www.elon.edu/docs/e-web/law/admissions/LeadershipFellowsApp2010_ElonLaw.pdf) (a team of Admissions staff and Leadership faculty interview and recommend students for admissions to the Leadership Fellows program).

22. See Danielle Appelman, *Elon Law Leadership Fellows give back to Greensboro Community*, ELON LAW, <http://www.elon.edu/e-net/Note.aspx?id=946201> (last visited Aug. 7, 2011).

23. See Shawn W. Cutler & David A. Daigle, *Using Business Methods in the Law: The Value of Teamwork Among Lawyers*, 25 T. JEFFERSON L. REV. 195, 201 (2002) ("[T]he contemporary practice of law is properly understood not simply as a profession or only as a business, but as structural hybrid of two well-suited and compatible realities."); Carol A. Needham, *Permitting Lawyers to Participate in Multidisciplinary Practices: Business as Usual or the End of the Profession as We Know it?*, 84 MINN. L. REV. 1315, 1316-17 (2000).

advantages over rivals, but they can also improve the overall function of their legal operations and the quality of their service.<sup>24</sup>

While undergraduate and other professional disciplines have explored leadership in fuller capacities, legal education lags behind the curve in leadership development.<sup>25</sup> Within firms and in business organizations, which are more frequently turning to lawyers for leadership, leadership is an essential tool for practice.<sup>26</sup> Leadership is much more integrated within business schools and organizational management disciplines.<sup>27</sup> Yet, despite the integral role of client development and service, financial risks and rewards, and organizational management challenges within law firms,<sup>28</sup> the business of practicing law remains largely unaddressed in the traditional law school curriculum.<sup>29</sup>

Daigle and Cutler surmise “those lawyers who are not restricted by conventional wisdom and are ahead of the curve in adapting business methods will have a greater chance for success.”<sup>30</sup> On the practice front, the situation has become dire for new law firm associates. At the 2010 “Future Ed: New Business Models for U.S. and Global Legal Education” conference, Chester Paul Beach, Associate General Counsel of United Technologies Corporation, indicated that his company will not pay for first or second year associates because “they’re worthless.”<sup>31</sup> Beach called for more skill development in the law school curriculum because companies like his are “not going to pay for

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24. Cutler & Daigle, *supra* note 23, at 202 (citing Frederick L. Trilling, *The Strategic Application of Business Methods to the Practice of Law*, 38 WASHBURN L.J. 13, 78 (1998)).

25. RUBENSTEIN, *supra* note 3, at xi.

26. See Mark Curriden, *CEO, Esq.: Why Lawyers are Being Asked to Lead some of the Nation's Largest Firms*, A.B.A. J., May 1, 2010, [http://www.abajournal.com/magazine/article/ceo\\_esq](http://www.abajournal.com/magazine/article/ceo_esq); Mike France & Louis Lavelle, *A Compelling Case for Lawyer-CEOs*, BUSINESS WEEK, Dec. 13, 2004, at 88.

27. See ROBERT W. CULLEN, *THE LEADING LAWYER: A GUIDE TO PRACTICING LAW AND LEADERSHIP* 6–7 (2009).

28. Roland B. Smith, *The Struggles of Lawyer-Leaders and What They Need to Know*, N.Y. ST. BAR ASS'N J., Mar./Apr. 2009, at 38–40; see also Roland B. Smith & Paul B. Marrow, *The Changing Nature of Leadership in Law Firms*, N.Y. ST. BAR ASS'N J., Sept. 2008, at 33.

29. See RUBENSTEIN, *supra* note 3, at 13 (citing JEFFREY L. NISCHWITZ, *THINK AGAIN! INNOVATIVE APPROACHES TO THE BUSINESS OF LAW* (2007)).

30. Cutler & Daigle, *supra* note 23, at 210; see also Stephen P. Gallagher, *How Should Law Firms Respond to New Forms of Competition?*, 52 SYRACUSE L. REV. 1049, 1061 (2002) (“Lawyers need to reinvent the industrial landscape, and new core competencies will be needed to create new benefits or ‘functionalities’ . . . . Law firms will need to look much beyond the top 2% of law school graduates to identify the individuals with the leadership skills and abilities needed to address consumer demands.”).

31. See Irene Plagianos, *And Now for Something Completely Different: The Future of Legal Education*, AMLAW DAILY (Apr. 11, 2010), <http://www.amlawdaily.typepad.com/amlawdaily/2010/04/futureoflegaled.html>.

people who can't add value.”<sup>32</sup> Paul Lippe has called for a new phase in legal education, “Law School 4.0,” which would include an accelerated curriculum that provides a year of traditional case method, a year of clinical study, and a year of externships, while pointing to law schools as the “logical source” of skills development for students and young-lawyer alumni.<sup>33</sup> The state of the legal industry has added a sense of urgency to the call for skills development within the law school curriculum.

With speed few anticipated and permanence even fewer are willing to predict, the legal industry has changed. While it remains to be seen just what will constitute the ‘new normal,’ and how different it will be from what was a stable, profitable, and growing profession just a year ago, we believe that a skills-based lens provides important insights into today’s legal climate and crucial focus for those seeking success in tomorrow’s legal reality.<sup>34</sup>

In addition to personal growth and increased professional proficiencies for client work, experienced practitioners advise that leadership development courses that improve lawyers’ ability to provide community and civic leadership place lawyers in a more favorable light in the community, which may be more cost effective than advertising and public relations initiatives.<sup>35</sup> Accordingly, professionally relevant law schools must prepare students for both the doctrine and business of the practice of law.

Participating law students have the benefit of developing technical proficiencies in the study of law,<sup>36</sup> along with the emotional intelligence to recognize and craft behavioral competency skills that can position them for success in law firm or government practice.<sup>37</sup> Through first year and second year required courses, students increase their personal understandings of professionalism through lectures and panel discussions with state and national leaders.<sup>38</sup>

## II. LEADERSHIP CURRICULUM OVERVIEW

Elon Law has pioneered a unique leadership program that develops legal skills, leadership skills, and professional proficiencies. The program is a three-year progression, evolving from leadership of self (first year), to leading teams

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32. *Id.*

33. See Paul Lippe, *Welcome to the Future: Time for Law School 4.0*, AMLAW DAILY (June 22, 2009), <http://www.amlawdaily.typepad.com/amlawdaily/2009/06/school.html>.

34. See Steve Gibson, *Introduction: The Business Case for a Legal Skills Continuum*, in NATIONAL INSTITUTE FOR TRIAL ADVOCACY, *THE FUTURE OF LEGAL EDUCATION: A SKILLS CONTINUUM 1* (2009).

35. See RUBENSTEIN, *supra* note 3, at 79.

36. See generally HEATHER BOCK & ROBERT RUYAK, *CONSTRUCTING CORE COMPETENCIES: USING COMPETENCY MODELS TO MANAGE FIRM TALENT 1–3* (2006).

37. See generally CULLEN, *supra* note 27, at 130–33.

38. *The Leadership Program*, *supra* note 7.

(second year), and leading the community and profession (third year).<sup>39</sup> The program employs a variety of teaching methods to help students understand the connection between law and leadership, to facilitate their professional development, and to expose and prepare graduates to assume leadership roles in law firms, communities where they practice, and in the legal profession.

TABLE 1

Elon Law Leadership Program	Leading Self (First Year)	Leading Others (Second Year)	Leading the Profession & Community (Third Year)
Course	“Lawyering, Leadership, and Professionalism”	“Public Law and Leadership” Experience	Capstone Experience
Methods	Understanding Leadership & Case Simulations	“Hands-On” Team Work for Nonprofit Clients	Initiate “Hands-On” client work to create Capstone Projects
Understanding	Self-Awareness	Knowing / Leading Practice Teams	Knowing / Leading Organizations & the Profession

A. *Leading Self: Lawyering, Leadership, and Professionalism*

1. Orientation

A week-long orientation will provide students with an opportunity to interact and build collegial relationships, and to undergo a preparatory “Boot Camp” prior to the outset of the first semester of law school. The Leadership Orientation introduces the concept of leadership in law study. Leadership faculty provide a roadmap and portfolio for students’ leadership studies. In collaboration with Elon University’s Kernodle Center for Service Learning, students participate in a series of team building and diversity exercises. The Leadership Orientation concludes with a day of student-led community service coordinated through the Student Bar Association and the Leadership at Elon by Advising First-year Students (LEAFS) Program. The experiential introduction introduces students to effective team efforts, and lays the foundation for leadership studies and civic engagement throughout law school.

39. ELON LAW SCHOOL LEADERSHIP TASK FORCE REPORT, *supra* note 10.

## 2. Preceptors

The Preceptor Program connects students with a cadre of forty practicing attorneys from the local community.<sup>40</sup> Elon Law pioneered this unique program, which revives the traditional concept of apprenticeship.<sup>41</sup> Under the direction of Professor Margaret Kantlehner, the program structures interaction between Preceptors and students throughout the first year. Preceptors are trained in Elon's study skills program and meet with and observe assigned students' classroom performance throughout the first semester.<sup>42</sup> During the winter term, Preceptors work with students to undertake an Individual Development Plan.<sup>43</sup> In the second semester, Preceptors develop opportunities for students to observe them in the actual practice of law, ranging from attending depositions, to trials, to negotiations. Serving as mentor and coach, preceptors provide a critical link to the professional legal community.

## 3. Skills Training

The inaugural self-awareness activity for Elon students is the Myers-Briggs Type Indicator (MBTI) assessment. The MBTI assessment was developed to implement Carl Jung's theory, which posits that "human behavior is naturally influenced by innate inclinations regarding the exercise of basic personality functions."<sup>44</sup> Several scholars considered the cognitive style implications of MBTI types, discovering a confluence of MBTI styles and law school learning styles.<sup>45</sup> From their research, Eric A. DeGroff and Kathleen A. McKee concluded that in the age-old law school quest to teach students to "think like lawyers," a legal educators' success "may well be related to their capacity to *learn* like lawyers."<sup>46</sup> Prior to enrolling, students take the assessment; during orientation, students are informed about those results.<sup>47</sup> Dr. Martha Peters explains how these types are connected to the learning styles, and relates these styles to study skills for law school.<sup>48</sup> During the first

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40. *The Preceptor Program*, ELON LAW, <http://www.elon.edu/e-web/law/leadership/preceptor.xhtml> (last visited Aug. 7, 2011).

41. *Id.*

42. *Id.*

43. See discussion *infra* Part II.A.5.

44. Don Peters, *Forever Jung: Psychological Type Theory, The Myers-Briggs Type Indicator and Learning Negotiation*, 42 DRAKE L. REV. 1, 2 (1993).

45. See generally *id.*; Vernellia R. Randall, *The Myers-Briggs Type Indicator, First Year Law Students and Performance*, 26 CUMB. L. REV. 63, 70 (1995); M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139, 141 (2001).

46. Eric A. Degroffe & Kathleen A. McKee, *Learning Like Lawyers: Addressing the Differences in Law Student Learning Styles*, 2006 BYU EDUC. & L.J. 499, 501 (2006).

47. *Academic Skills Program*, ELON LAW, <http://www.elon.edu/e-web/law/development/> (last visited Aug. 7, 2011).

48. PETERS & PETERS, *supra* note 13, at 11.

semester of law school, Dr. Peters meets with each student to review their learning style and to develop a study plan.<sup>49</sup>

Executive Coach in Residence Bonnie McAlister undertakes a communications diagnostic with each student. Using video technology, the diagnostic evaluates each student's communication and advocacy performance.<sup>50</sup> Students are empowered to improve their classroom, moot court, and interviewing communications through this skills training component.

#### 4. Lawyering, Leadership, and Professionalism

Elon Law School's first year course, Lawyering, Leadership, and Professionalism, is designed to expose students to key leadership concepts that will enhance their ability to make a positive impact as lawyers and to increase the probability that they will make a difference in their communities.<sup>51</sup> Under the auspices of Professors Roland Smith and Dean George Johnson, students engage in simulated vignettes that give students an opportunity to put their first semester doctrinal understandings into practice, and learn about the importance of expert power and ethics in law practice. In a multiple-day experience at the Center for Creative Leadership, students are immersed in a series of self-assessment exercises.<sup>52</sup> Students then take the reins to garner "Lessons of Experience" from lawyers from a variety of fields, receiving first-hand observations about the importance of leadership in law practice.<sup>53</sup> Students synthesize this information into collaborative presentations.<sup>54</sup> Throughout the course, students journal their experiences, and the summary assessments enable students to reflect on some aspect of leadership in lawyering.<sup>55</sup>

#### 5. Individual Development Process

A team of executive coaches and preceptors meet with first-year law students to undergo an individual leadership development planning process. Students identify goals they would like to achieve in their law school and

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49. *Academic Skills Program*, *supra* note 47.

50. Bonnie McAlister, *Doing Diagnostics: Accounting for Progress in Student Communication and Advocacy*, UK CENTRE FOR LEGAL EDUCATION, <http://www.ukcle.ac.uk/re-sources/learning-and-learner-support/mcalister/> (last visited Aug. 7, 2011).

51. Roland Smith & George Johnson, *Lawyering, Leadership, and Professionalism Syllabus* (Winter 2010) (on file with author).

52. Elon University School of Law, *The Leadership Program: The First-Year Experience*, <http://www.elon.edu/e-web/law/leadership/firstyear.xhtml> (last visited Aug. 7, 2011).

53. STEVE FRIEDLAND & ROLAND SMITH, *LAWYERING AS LEADERSHIP: ACHIEVING FUNCTIONAL COMPETENCY IN A CHALLENGING GLOBAL ENVIRONMENT* 140-41 (2010) (on file with author).

54. Smith & Johnson, *supra* note 51.

55. *Id.*

professional careers, and they plot out strategies and benchmarks to guide their progress.<sup>56</sup> Law firms are now utilizing individual development plans to guide associates as they progress through the firm.<sup>57</sup> Undergoing a reflective development planning process in law school, under the guidance and support of executive coaches and Preceptors, makes students more intentional about their law study progression and consideration of areas of practice. Experience in goal setting better prepares students to assume responsibility for self-managing their legal careers.

*B. Leading Others: Public Law and Leadership*

Implementing a two-week winter term course in the second year of law school provides students with the opportunities to apply their foundational courses in leadership. Initially offered at Elon Law in 2008, the “Public Law and Leadership” course is one of the first to combine leadership and law, providing students an opportunity to apply leadership theory and concepts to collaborative legal problem solving.<sup>58</sup> Articulating the best practices for legal education, Professor Roy Stuckey makes the case for problem-solving instruction, because “students cannot become effective legal problem solvers unless they have opportunities to engage in problem-solving activities in hypothetical or real legal contexts.”<sup>59</sup>

In this experience, student teams assist nonprofit organizations with public law issues. Client projects require students to utilize a variety of substantive skills, including strategic planning; interpreting ordinances, statutes, and regulations; analyzing implications of various policies; and making recommendations to the client. Students practice lawyering skills through client interviews and site visits (enabling them to understand and experience the problems first-hand); drafting documents; preparing client memoranda; presenting their findings to the client; and consideration of leadership, within

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56. JOHN ALEXANDER, AMERICAN BAR ASSOCIATION SELF-STUDY REPORT (2009) (on file with author).

57. See Ellen Gregg, Elon Univ. Sch. of Law Advisory Bd., Lecture for Public Law and Leadership Course at Elon Univ. School of Law, Greensboro, NC (Jan. 2010) (on file with author).

58. Faith Rivers James, Public Law and Leadership Syllabus (Winter 2008-2010) (on file with author); see also Elaine McArdle, *Inside the Classroom: Beyond the Case Method*, HARVARD LAW BULLETIN (Summer 2010), <http://www.law.harvard.edu/news/bulletin/2010/summer/classroom.php> (describing Harvard Law School’s 2010 problem-solving workshop). A core legal skill, problem solving is the essence of a strategic lawyers’ craft. See CULLEN, *supra* note 27, at 111–36; J. OGILBY, L. WORTHAM, & LISA G. LERMAN, *LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS* (2d ed. 2009); see also F. Leary Davis, *Back to the Future: The Buyer’s Market and the Need for Law Firm Leadership, Creativity, and Innovation*, 16 CAMPBELL L. REV. 147, 175–76 (1994).

59. ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* 109 (2006).

the law firm context, in professional associations, and community service round out the experience. Students emerge from the class with a view of the leadership skills expected of lawyers in practice, business, and community leadership.

Public Law and Leadership teaches students how to work in practice teams, provides skills training, and allows students to work with real nonprofit and government clients.<sup>60</sup> Building upon traditional methodologies of service learning and pro bono programs, course students experience civic engagement with communities throughout the state.<sup>61</sup>

One basic notion of leadership particularly applicable to the legal profession is problem solving. Leaders are people who solve problems, and often see problems and understand them before others recognize them as problems. One important skill set for a lawyer is to analyze a client’s course of action and be able to predict, and find ways around, expected legal problems and challenges that may thwart a client from achieving his or her goals.<sup>62</sup>

TABLE 2

Lawyering Skills	Methods
Problem Solving	<ul style="list-style-type: none"> <li>• Nonprofit Organization Public Law Problem</li> <li>• Administrative Law &amp; Legislative Process</li> <li>• Strategic Litigation</li> </ul>
Practice Skills	<ul style="list-style-type: none"> <li>• Client Interviewing &amp; Counseling</li> <li>• Managing Practice Teams</li> <li>• Legal Research</li> <li>• Written &amp; Oral Advocacy</li> </ul>
Interpersonal Skills	<ul style="list-style-type: none"> <li>• Interpersonal Relations Orientation Behaviors (FIRO-B) Assessment</li> <li>• Video Feedback—Global Leaders Exercise<sup>63</sup></li> <li>• Change Style Indicator Assessment</li> <li>• Executive Coaching</li> </ul>
Preparing for Professional Practice	<ul style="list-style-type: none"> <li>• Leadership in Law Firms</li> <li>• Leadership in the Legal Profession</li> <li>• Civic Leadership</li> </ul>

60. *The Second Year Experience*, ELON LAW, <http://www.elon.edu/e-web/law/leadership/secondyear.xhtml> (last visited Aug. 7, 2011).

61. *Id.*

62. See RUBENSTEIN, *supra* note 3, at 14.

63. *Distinguished Associates*, CENTER FOR CREATIVE LEADERSHIP, <http://www.ccl.org/leadership/about/honoredAlumni.aspx?pageId=9> (last visited Aug. 7, 2011).

C. *Leading the Community and Profession: Capstone Projects*

Once students understand their leadership styles, garner lessons in lawyering and leadership through the examples of lawyers, and experience leadership in practice teams, they are prepared to structure a leadership Capstone project.<sup>64</sup> Undertaking a Capstone project provides an opportunity for third-year students to apply leadership skills in service of a tangible product, outcome, or effort aimed at creating a positive sustainable impact on the legal profession, the law school, or the community.<sup>65</sup> Capstone students identify a community problem or need and demonstrate leadership by developing a solution to address the problem.<sup>66</sup>

The capstone experience allows us to be entrepreneurs, building a course around a project that can benefit others and that we're passionate about. It provides a model for how to make long-term positive impacts as we prepare to enter the profession.<sup>67</sup>

While the second year course provides structured community problem-solving for students, third-year students may elect to build their own experience in community problem-solving through the Capstone course. In addition to elective students, all Elon Leadership Fellows participate in the Capstone course during their third year of law school.<sup>68</sup>

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64. A capstone is a culminating course that provides an opportunity for students to design, lead, and present a project which addresses a problem in law and society. Capstone courses enable students to assess personal values, enhance professional skills and competencies, and integrate theory and practice. *See generally* Dickinson McGaw & Louis Weschler, *Romancing the Capstone: The Jewel of Public Value*, 5 J. PUB. AFF. EDUC. 89, 92 (1999).

65. ELON UNIV. SCH. OF LAW, CATALOG: 2009-2010 ACADEMIC YEAR 28 (2010), available at <http://www.elon.edu/docs/e-web/law/Academic%20Catalog%202009-2010%20Academic%20Year.pdf>.

66. Margaret Robison Kantlehner, *Elon Law Capstone Course Syllabus* (2010) (on file with author).

67. ELON UNIV. SCH. OF LAW, THE LEADERSHIP PROGRAM AT ELON LAW SCHOOL (2010), [http://www.elon.edu/docs/e-web/law/leadership/elonlaw\\_leadership\\_program.pdf](http://www.elon.edu/docs/e-web/law/leadership/elonlaw_leadership_program.pdf). Jeb Brooks is Chief Executive Officer of the Brooks Group and a graduate of the Elon University School of Law, Class of 2010.

68. Capstone projects have included advancing a counseling initiative for children through the North Carolina Coalition Against Domestic Violence, measuring the interest of a mentoring program among Wake County, North Carolina lawyers, spearheading an initiative to get young professionals involved in civic life, and a review of students' attitudes toward the Leadership program at Elon Law. *See Elon Law Student Jeb Brooks Leads Initiative to Draw Young Professionals into Civic Life*, ELON UNIV. (Nov. 12, 2009), <http://www.elon.edu/e-net/Note.aspx?id=941089>; *see also New report by Elon Law Students Reveals Strong Interest in Mentoring Program Among Lawyers in Wake County*, ELON UNIV. (May 8, 2009), <http://www.elon.edu/e-net/Note.aspx?id=937566>.

### III. PUBLIC LAW AND LEADERSHIP IN ACTION

#### A. *Engaged Learning*

The Public Law and Leadership course engages second-year law students with local nonprofit organization and government entities in “real world” problem-solving. As an example, the 2010 class addressed public law issues for a range of organizations: 1) City of Greensboro; 2) Housing Greensboro (an offshoot of Habitat for Humanity); 3) Piedmont Conservation Council; and 4) Center for Youth, Communities, and Families (University of North Carolina at Greensboro).<sup>69</sup> In preparation for completing the projects, students attended a University Roundtable meeting; met housing rehabilitation clients; toured areas and a farm imperiled by urban sprawl; and engaged with administrators, judges, and elected officials on an array of policy matters.<sup>70</sup>

The Community Client experience was highly rated by students, followed closely by their assessment of their experience working in practice teams.<sup>71</sup> The second-year students were primed to put their first-year leadership learning into practice that year, and many students embraced the opportunity to develop project management skills.<sup>72</sup> In the final evaluation, students noted feelings of accomplishment, greater appreciation for lawyering skills they can use in practice, and a commitment to giving back to the community through professional service.<sup>73</sup>

#### 1. Problem Solving and Public Law

After an introduction to basic administrative, legislative, and litigation problem-solving, student teams tackle public law and policy problems faced by nonprofit organizations in North Carolina. Under the supervision of law faculty serving as “partners,” students practice client interviewing and then utilize research and communication skills, both written and oral, to develop team memoranda and presentations for their organizational clients.<sup>74</sup> In this structured interaction with “real-life” clients, students have an opportunity to

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69. See *Elon University Law Students Advance Nonprofit Initiatives through Public Law and Leadership Course*, ELON UNIV. (Jan 26, 2010), <http://www.elon.edu/e-net/Note.aspx?id=942676>.

70. *Id.*

71. See Public Law and Leadership Student Feedback Assessment Survey (Jan. 2010) (unpublished survey, on file with author); see also FAITH RIVERS JAMES, REPORT TO BOARD OF ADVISORS, ELON UNIVERSITY SCHOOL OF LAW (Oct. 9, 2010) (unpublished report, on file with author).

72. *Id.*

73. See generally *Elon University Law Students Advance Nonprofit Initiatives through Public Law and Leadership Course*, *supra* note 69.

74. Rivers James, *supra* note 58.

experience the interconnection between leadership and lawyering skills by engaging in the civic life of the community through their public service.<sup>75</sup>

TABLE 3

Nonprofit Clients	Public Law Project
Action Greensboro	Analyze federal “Rails to Trails” program and recommend strategy for acquisition of lands or easements for a greenway loop around Greensboro.
Guilford Child Development	Analyze Head Start Reauthorization bill and make recommendations to implement changes to the board governance structure.
North Carolina Legal Aid	Research RESPA regulations, usury laws, and mortgage and broker licensure provisions for strategic litigation to halt predatory lending practices.
Self Help Credit Union	Research local ordinance restrictions on group home placement and make recommendations regarding anticipated subprime loan foreclosure acquisitions.
Action Greensboro	Research university collaborative and recommend organizational structure for a permanent higher education collaborative in Greensboro.
East Market Development Corporation	Research legal ramifications of developing & managing a Municipal Service District for the East Market Street Corridor.
Greensboro Housing Coalition	Research fair housing and affordable housing laws and make policy recommendations to promote equal access to safe, affordable housing in Greensboro.
The Volunteer Center	Research liability issues and develop risk management tools for the implementation of a volunteer background check program for nonprofit organizations.
Center for Youth, Family, & Community Partnerships	Research regulations and develop an informed consent protocol for juvenile offenders.
City of Greensboro	Formulate a strategic assessment of the University Roundtable Collaborative.
Housing Greensboro	Review policies and draft transactional documents to protect and recapture housing rehabilitation investments.
Piedmont Conservation Council, Inc.	Research planning and zoning policies and draft recommended farmland protection ordinance.

75. See generally *Elon University Law Students Advance Nonprofit Initiatives through Public Law and Leadership Course*, *supra* note 69.

## 2. Client-Centered Practice Skills

A core component pedagogical strategy of the Public Law and Leadership course is to engage students with nonprofit organizations and government entities and help them solve legal problems.<sup>76</sup> While students might clerk or intern with law offices after the first year of law school, few have the opportunity to engage directly with a client at such an early point of their law school career. Elon Law invites community organizations to submit proposals, and a team of students reviews the applications with faculty.<sup>77</sup> The team then selects four proposals, which typically include a broad range of public law topics.<sup>78</sup> Course faculty work with the organizations to refine the problem-solving request into an associate assignment memorandum.

Instruction on client counseling and interviewing provides students with an overview of interviewing strategies and a guide on interacting with clients. Client representatives introduce their organizations and present their legal problem; student teams then have an opportunity to ask follow-up questions in the classroom setting.<sup>79</sup> Clients set up a site visit to introduce students to the organization, their clients and constituencies, and the problem.<sup>80</sup> Students engage by witnessing the problem and the needs first-hand.

Working with faculty who serve as “partners” for the team firms, students debrief the client interaction and develop a research and communications strategy to address the problem.<sup>81</sup> The client interaction is structured and guided by faculty members who work with each team. At the conclusion of the intensive winter term, student teams convey their findings and propose solutions to each client in a live presentation with an accompanying client memorandum.<sup>82</sup>

The nonprofit and government entity clients are important collaborative partners in the learning experience. Students experience the challenge of working with clients that may have difficulty clarifying goals and relaying unconsidered ramifications of strategies to achieve client objectives.

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76. See Rivers James, *supra* note 58.

77. *Elon Law Invites Proposals from Non-profit Organizations to Receive Legal Insights and Analysis from Law Students*, ELON UNIV. (Jan. 26, 2011), [http://www.elon.edu/e-net/Note.aspx?id=948337&css=http://www.elon.edu/shell/css/law/eNetNotes.css&s=/law/news/enet\\_navigation](http://www.elon.edu/e-net/Note.aspx?id=948337&css=http://www.elon.edu/shell/css/law/eNetNotes.css&s=/law/news/enet_navigation) (last visited Aug. 7, 2011).

78. *Id.*

79. See Rivers James, *supra* note 58.

80. Letter from Faith Rivers James, Assoc. Professor of Law, Elon Univ. Sch. of Law, to Executive Directors, Board Chairs of Nonprofit Organizations, Government Organizations and Administrative Agencies (Sept. 28, 2010), *available at* [http://www.elon.edu/docs/e-web/law/leadership/Elon%20Law%20Non\\_Profit%20Project%20Proposal\\_2010\\_2011.pdf](http://www.elon.edu/docs/e-web/law/leadership/Elon%20Law%20Non_Profit%20Project%20Proposal_2010_2011.pdf).

81. See Rivers James, *supra* note 58.

82. See generally *Elon University Law Students Advance Nonprofit Initiatives through Public Law and Leadership Course*, *supra* note 69.

The intensive, short-term course emulates the typical pace and turn-around in practice, and students are forced to hone their time management and delegation skills in order to achieve the client objective in the stated amount of time.<sup>83</sup> Yet, the appreciation and satisfaction of learning new solutions to problems has been rewarding for students and productive for the clients.

### 3. Leadership Development: Leading Teams

The Public Law and Leadership experience is structured to give students an opportunity to work in “practice groups”—an essential part of law firm practice. While observing “most lawyers have not previously utilized teamwork in any meaningful way,” Daigle and Culter opine:

[L]awyers who work together in teams are able to outperform what could be achieved by individual effort alone because of the overall strength of combined legal experiences, education and collective professional knowledge. The value of a legal work team’s pooled intellectual resources can summon fresh insights into complex legal problems and juridical issues; give rise to inspired solutions; and lead to efficiencies by concentrated work effort.<sup>84</sup>

Law firms, like many of their client organizations, recognize the necessity and advantages of teamwork groups. In his research on lawyer personalities and organizational leadership and management in law firms, Dr. Larry Richard observes that, like other businesses, effective teamwork is critical to law firm success.<sup>85</sup> However, Richard surmises that many law firm teams detract from performance “because too few team leaders and members sufficiently understand how groups work.”<sup>86</sup> Despite the business case for teamwork, in most law schools, teamwork experiences are limited to study groups and law review.<sup>87</sup>

In order to better prepare law graduates for teamwork within firms, or between firms, or between firms and their clients, the Public Law and Leadership experience educates students to understand the differences between groups and teams,<sup>88</sup> and to consider the interpersonal aspects of team leadership in the context of law practice.<sup>89</sup> Building upon the leadership precept of self-awareness and the MBTI type indicator assessment, the

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83. Cf. Laurie Hauber, *Complex Projects in a Transactional Law Clinic*, 18 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 247, 250 (2009); CULLEN, *supra* note 27, at 37 (explaining that “leaders are judged by how they spend their time, how they react in high-pressure or critical situations”).

84. See Cutler & Daigle, *supra* note 23, at 217–18.

85. Larry Richard, *The Secret Lives of Teams*, HBR CONSULTING (July 2006), <http://hildebrandt.staged.hubbardone.com/The-Secret-Lives-of-Teams-07-03-2006>.

86. *Id.*

87. See Cutler & Daigle, *supra* note 23, at 217.

88. See generally HUGHES, GINNETT & CURPHY, *supra* note 15, at 438.

89. See See Cutler & Daigle, *supra* note 23, at 195; Richard, *supra* note 85.

Fundamental Interpersonal Relations Orientation-Behavior (FIRO-B<sup>®</sup>)<sup>90</sup> assessment helps students understand how they function in teams by considering their communication style and behavior in interpersonal situations.<sup>91</sup> Through a series of inquiries, the FIRO-B<sup>®</sup> instrument measures expressed and wanted interpersonal needs, ranging from low (0-2), medium (2-6), or high (7-9), summarized in the following six-celled model:

TABLE 4<sup>92</sup>

FIRO-B <sup>®</sup>	Inclusion	Control	Affection
Expressed Behavior	The extent to which an individual makes an effort to include others in activities, to try to belong, to join groups.	The extent to which an individual tries to exert control and influence over people, to organize and direct others.	The extent to which an individual makes an effort to have close relationships, to be intimate with and supportive of others.
Wanted Behavior	The extent to which an individual desires others to include him or her in activities, to invite and notice him or her.	The extent to which an individual is comfortable with allowing others to provide direction and expectations, and to influence him or her.	The extent to which an individual desires others to act warmly, expresses personal sentiments, and provides personal support.

90. See generally WILLIAM C. SCHUTZ, *FIRO: A THREE DIMENSIONAL THEORY OF INTERPERSONAL BEHAVIOR* (1958) (theory introducing the dimensions of interpersonal relations and group dynamics).

91. EUGENE R. SCHNELL, *PARTICIPATING IN TEAMS: USING YOUR FIRO-B RESULTS TO IMPROVE INTERPERSONAL EFFECTIVENESS 5* (2000).

92. *Id.* at 8–9.

From the interpersonal needs assessment, the FIRO-B<sup>®</sup> identifies four primary categories of leadership behavior, ranging from collaborative, authoritative, to empathetic, as noted below:

TABLE 5<sup>93</sup>

FIRO-B <sup>®</sup> Leadership Foundation ( <i>High Expressed Score</i> )			
	Inclusion	Control	Affection
Singular Leadership Foundation	Collaboration	Authority	Empathy
Multiple Leadership Foundations ( <i>Multiple high express numbers</i> )	Collaborative Authority		
		Empathetic Authority	
	Empathetic Collaborative Authority		
	Empathetic Collaborator		Empathetic Collaborator

The FIRO-B<sup>®</sup> explains situations in which various leadership foundations are better or less favorably received.<sup>94</sup> For example, collaborative leaders are best received in newly formed or fragmented teams. Empathetic leaders may be less favorably received in an environment where external forces are dissatisfied with the team, or team member skills are inadequate for the task.<sup>95</sup> Authoritative leaders may be less favorably received amongst teams of autonomous individuals with high levels of discretion, but well received in crises situations, or where team members are frustrated with internal chaos and confusion.<sup>96</sup> Team conflict may arise where leadership foundations are misaligned, or teams undergo transition.

Regardless of one individual leadership foundation, it is clear that a lawyer’s professional development can be enhanced by understanding the primary leadership foundations that drive leaders and followers in practice teams and law firm organizations. Working with a complement of executive coaches under the direction of Leadership Coach in Residence John Alexander, students learn about the stages in team processes,<sup>97</sup> debrief their FIRO-B<sup>®</sup> results, review video feedback of team interactions, revisit their Individual Development Plans to establish interpersonal goals, and assess their team

93. *Id.* at 23, 25.

94. *Id.* at 22.

95. *Id.* at 23.

96. *Id.*

97. See Julia Hayhoe & Larry Richard, *The Hidden Profitability of Team Dynamics*, HBR CONSULTING (Apr. 2006), <http://hildebrandt.staged.hubbardone.com/The-Hidden-Profitability-of-Team-Dynamics-04-01-2006>.

interaction and performance in reflective coach meetings throughout the course.<sup>98</sup> Working as a team, Public Law and Leadership students are able to view, experience, and navigate a variety of leadership foundations in preparation for leadership challenges and opportunities faced in the practice of law.<sup>99</sup>

#### 4. Civic Engagement: Professional and Public Service

The legal profession is grounded in professional and community leadership. Lawyers lead their clients to solutions through the use of strategic, analytical, research, advocacy, and negotiation skills.<sup>100</sup> As Professor Martha Nussbaum aptly notes, attorneys are regularly invited to bring these problem solving skills from law practice to leadership roles in the public square through *pro bono* work, government service, and community leadership:

[Lawyers] are active in public life in many different contexts: as clerks for judges (and, in a few cases, as judges themselves), as attorneys for multinational corporations, and as agents of government at many different levels. In these and many other ways, lawyers have the chance to set norms and directions for public life . . . . [A] merely instrumental and technical preparation will not be sufficient to help [law students] play this norm-setting role well.<sup>101</sup>

To reinforce this reality, the Public Law and Leadership course includes plenary sessions and discussions centered on the practical aspects of lawyering and leadership, utilizing faculty and a diverse gathering of leading lawyers from law firm and public sector practices.<sup>102</sup>

Student self-awareness is also broadened by exposure to the Change Style Indicator assessment, which measures preferred styles in approaching and dealing with change.<sup>103</sup> At the conclusion of the assigned collaborative project, students can relate to the strengths and challenges of particular characteristics, ranging from change-resistant conservers, centrist pragmatists, to innovative originators. Professor Roland Smith leads students through this self-scored assessment in an effort to help students dissect their team experiences.<sup>104</sup> Smith reviews CCL research on the change style

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98. Rivers James, *supra* note 58.

99. *See generally* RUBENSTEIN, *supra* note 3, at 4–9, CULLEN, *supra* note 27, at 111–36.

100. RUBENSTEIN, *supra* note 3, at 3.

101. Martha C. Nussbaum, *Cultivating Humanity in Legal Education*, 70 U. CHI. L. REV. 265, 271 (2003).

102. *See* Rivers James, *supra* note 58.

103. *Change Style Indicator—Change Management Assessment*, DISCOVERY LEARNING, <http://www.discoverylearning.com/products/change-style-indicator.aspx> (last visited Aug. 7, 2011).

104. Roland B. Smith, Visiting Professor, Lecture for Public Law and Leadership Course at Elon Univ. School of Law, Greensboro, NC (Jan. 2010) (on file with author).

characteristics of leading lawyers, preparing students for the potential practice, generational, and characteristic differences that they may encounter in their professional careers.<sup>105</sup> Through team executive coaching and class presentations, students learn key strategies to avoid team conflicts. Students experience the different stages of team building, and see the challenges and potential of moving a practice group along the continuum from forming, storming, and norming, to the goal of a becoming a high-performing team.<sup>106</sup>

a. Pro Bono and Public Service

Dean Roscoe Pound explained the connection between professionalism and public service:

The term refers to a group . . . pursuing a learned art as a common calling in the spirit of public service—no less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art in the spirit of a public service is the primary purpose.<sup>107</sup>

In many states, lawyers take an oath to provide services for those unable to pay for their services *pro bono publico*—for the good of the public.<sup>108</sup> Indeed, pro bono representation is the volunteering hallmark of the legal profession.<sup>109</sup>

The American Bar Association (ABA) incorporates the commitment to pro bono in the Model Rules of Professional Conduct. Model Rule 6.1 states that “[e]very lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year.” The rule suggests that lawyers can meet this charge by providing free or reduced fee legal services to people of limited means or nonprofit organizations that serve the poor, as well as free or reduced fee services on behalf of professional, government, education, and civic organizations.<sup>110</sup> While it should be noted that in order for student work to be recognized as pro bono, the student must not receive either pay or credit for the work; student work on behalf of people with limited financial means or

105. See Smith, *The Struggles of Lawyer-Leaders*, *supra* note 28, at 38–40; see also Smith & Paul B. Marrow, *The Changing Nature of Leadership in Law Firms*, *supra* note 28, at 38–40.

106. David DeVries, Partner, Kaplan Devries, Inc., Lecture for Public Law and Leadership Course at Elon Univ. School of Law, Greensboro, NC (Jan. 2010) (on file with author); John Alexander, Lecture for Public Law and Leadership Course at Elon Univ. School of Law, Greensboro, NC (Jan. 2010) (on file with author); see also CULLEN, *supra* note 27, at 120–23.

107. ROSCOE POUND, *THE LAWYER FROM ANTIQUITY TO MODERN TIMES* 5 (1953).

108. Carol Rice Andrews, *The Lawyer’s Oath: Both Ancient and Modern*, 22 GEO. J. LEGAL ETHICS 3, 56 (2009).

109. See Nadine Strossen, *Pro Bono Legal Work: For the Good of Not Only the Public, but also the Lawyer and the Legal Profession*, 91 MICH. L. REV. 2122, 2136 (1993); see also A.B.A. SECTION ON LEGAL EDUC. & ADMISSIONS TO THE BAR, REPORT OF THE PROFESSIONALISM COMMITTEE, TEACHING AND LEARNING PROFESSIONALISM 6 (1995).

110. MODEL RULES OF PROF’L CONDUCT R. 6.1 (2008).

nonprofit organizations within the parameters of a course for credit is described as public service.<sup>111</sup> Both pro bono and public service meet the professional norms of rendering services for the good of the public.

The ABA mandates that law school education programs “ensure that its graduates . . . understand the law as a public profession calling for the performance of pro bono legal services.”<sup>112</sup> The ABA’s Standards for Approval of Law Schools directs that law schools “shall offer substantial opportunities for . . . student participation in pro bono activities.”<sup>113</sup> Accordingly, law schools have incorporated pro bono and public service opportunities and requirements into their curriculum.

According to an American Bar Center for Pro Bono report, law schools utilize three basic models for their pro bono programs, including mandatory graduation requirements, formal voluntary pro bono programs with school-supported referral systems or collaborative student group projects, or independent in-house and collaborative student group projects.<sup>114</sup> Originally, pro bono efforts were student-generated; in 1987, Tulane Law School instituted the first supported pro bono program.<sup>115</sup> Formal law school programs grew at a few innovative law schools,<sup>116</sup> but the programs proliferated once pro bono components were included in the ABA’s accreditation standards.<sup>117</sup> By 2001, over sixty percent of law schools either hosted formal pro bono programs (99) or offered in-house/collaborative pro bono opportunities for students (24).<sup>118</sup> This number continues to grow as new law schools are created and accredited.

From a pedagogical standpoint, the American Association of Law Schools (AALS) reviewed pro bono programs and concluded “pro bono programs offer multiple educational benefits in such areas as professional responsibility, problem solving, lawyering skills, and leadership skills.”<sup>119</sup> The highest level

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111. See A.B.A. CTR. FOR PRO BONO, EVERYTHING YOU WANTED TO KNOW ABOUT LAW SCHOOL 2 (2010).

112. *Id.*

113. See A.B.A., ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS 21–22 (2007) (Standard 302(b)(2) Curriculum).

114. See AM. ASS’N OF LAW SCH. PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 9–11 (2001).

115. See *id.* at 7.

116. *Id.* (noting that by the end of 1991, Tulane University, the University of Pennsylvania, Florida State University, Valparaiso University, Touro College, the University of Louisville, and the University of Hawaii had mandatory pro bono programs and voluntary programs were established at the University of South Carolina, New York University, Duke University, Georgetown University, Santa Clara University, and Seton Hall University).

117. *Id.*

118. See AM. ASS’N OF LAW SCH. PRO BONO PROJECT, *supra* note 114.

119. See AM. ASS’N OF LAW SCH. COMM’N ON PRO BONO & PUB. SERVICE OPPORTUNITIES, LEARNING TO SERVE (1999).

of support for the professional values of pro bono and the pedagogical goals are found in the mandatory institutional programs that have a graduation requirement. In 2001, fourteen law schools required twenty to seventy hours of pro bono public service (primarily law related) in order for students to complete the juris doctor degrees; thirteen additional institutions allowed students to meet the requirement through externships, clinics and/or internships, or community service program (including non-legal service).<sup>120</sup> Sixty-two schools established a referral system to place students with pro bono opportunities, and thirty-four others provide some form of administrative support or host collaborative student group projects.<sup>121</sup>

Despite the significant increase in the number of pro bono programs, Marnaville suggests that it is a rare exception for public service to be included in the “daily diet of the classroom,” and goes on to warn that “by failing to create a culture that supports and inculcates the values of public service, law schools undermine both an important motivation for students’ performance in law school and an important way for them to build satisfying lives in the law.”<sup>122</sup> The Public Law and Leadership Course meets this challenge by incorporating and structuring service as the core methodology of the course—the instructional format is a hybrid of service learning in a legal context, in the vein of pro bono programs, and exhibits the highest level of institutional support.

#### b. Service Learning

While formal pro bono programs and graduation requirements are relatively new concepts for the legal academy, the pedagogy of service learning is well established in other fields. Service learning enables students to apply classroom material to experiences providing community service.<sup>123</sup> The pedagogy of service learning “allows students to apply what they are learning to ‘real life’ issues, [] to cultivate a commitment to community service,” and provides students with an understanding of social processes.<sup>124</sup> This form of engaged, experiential learning (the active processing of experiences)<sup>125</sup>

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120. See AM. ASS’N OF LAW SCH. PRO BONO PROJECT, *supra* note 114, at 9–10.

121. *Id.* at 10–12.

122. Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL EDUC. 51, 54 (2001) (noting surveys that twenty to forty percent of entering law students are motivated by the hope of engaging in public service).

123. Rachel Parker-Gwin & J. Beth Mabry, *Service Learning as Pedagogy and Civil Education: Comparing Outcomes for Three Models*, 26 TEACHING SOC. 276, 276 (1998) (citing Rachel Parker-Gwin, *Connecting Service to Learning: How Students and Communities Matter*, 24 TEACHING SOC. 97, 97–101 (1996)); Robert Shumer & Brad Belbas, *What We Know About Service Learning*, EDUC. & URB. SOC’Y 208 (1996).

124. Parker-Gwin & Mabry, *supra* note 123, at 276.

125. See OGILBY, WORTHAM, & LERMAN, *supra* note 58, at 3.

increases student ability to think critically and problem-solve—notably, skills that are the essence of lawyering.<sup>126</sup> Moreover, academicians and politicians propose that service learning promotes students' civic involvement and sense of social responsibility, leading them to become active citizens and volunteers.<sup>127</sup>

The pedagogical and civic engagement goals align between traditional service learning and the Public Law and Leadership course. Students delve into legal materials with real clients and think critically about client objectives by assessing the best course of action to achieve those objectives. The sense of civic and professional responsibility as leading lawyers begins in law school and remains with students as they begin the practice of law.

### B. *Course Delivery*

My appreciation for the intersection of leadership and law stems from a twenty-year legal career as a lawyer serving in public leadership capacities. Having practiced as a legislative lawyer at Akin Gump as Counsel and Senior Policy Advisor to the Majority Leader of the House of Representatives, I bring a unique set of client and case-work experiences to the classroom. The experience of identifying root causes, proposing solutions, and building consensus to resolve policy problems informs my perspective on public law and leadership.

Projects are solicited through a “Request for Proposals” process. I meet with a student committee to review each proposal, collectively assessing the merits of the proposal and estimating potential student interest. Students rank their client preferences via a course website. To date, given the variety of projects, we have been able to accommodate the vast majority of student assignment priorities.

In preparation for each course, I work with the organizational clients to articulate their public law needs and refine their student assignments. These nonprofits generally have been pleased with the student work product, and our students have benefited from the experience of working on a “real” client matter.

Integrating leadership into the legal curriculum is a continuing challenge for most law schools endeavoring to make the connection between technical,

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126. Parker-Gwin & Mabry, *supra* note 123, at 277 (citing Gregory Markus et al., *Integrating Community Service and Classroom Instruction Enhances Learning: Results from an Experiment*, EDUC. EVALUATION & POL'Y ANALYSIS 410 (1993)); Gwynn Mettetal & Dé Bryant, *Service Learning Research Projects: Empowerment in Students, Faculty, and Communities*, 44 COLLEGE TEACHING 24 (1996).

127. Parker-Gwin & Mabry, *supra* note 123, at 277 (citing Daniel Conrad & Diane Hedlin, *The Impact of Experiential Education on Adolescent Development*, in YOUTH PARTICIPATION & EXPERIENTIAL EDUCATION 57 (1982)).

behavioral, and professional proficiencies. The Public Law and Leadership design articulates and incorporates these learning goals. The matrix specifies the knowledge, skills, and values we aim to impart during the course.<sup>128</sup> This design organizes the objectives into technical, behavioral, and professional proficiencies, and identifies the instructional methods of delivery.

TABLE 6

GOALS & VALUES	KNOWLEDGE	SKILLS
<b>Public Law: Problem Solving [Technical Competencies]</b>		
Expertise	Public Law Arena	Legal Research & Analysis
		Problem Solving
		Strategic Assessment
	Client Management	Client Interviewing & Counseling
	Communications	Written Advocacy
		Oral Advocacy
<b>Team Leadership [Behavioral Competencies]</b>		
Self Awareness	Emotional Intelligence	Interpersonal Relations
Collaboration	Effective Team Essentials	Team Norms & Operational Development
Accountability		Feedback
Responsibility		Project Management
<b>Professionalism: Practicing Law &amp; Leadership</b>		
Professionalism	Professional Positioning	Career Development Planning
Civic Lawyering	Service	Professional Leadership & Service
		Public Leadership & Service
		Pro Bono Engagement

128. See generally MICHAEL SCHWARTZ, SOPHIE SPARROW & GERALD HESS, TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM 37-42 (2009).

### 1. Challenges of Teaching and Learning Leadership

The academy continues to debate whether leadership can be taught.<sup>129</sup> The answer to this question depends upon one's perspective and definition of leadership. In fact, Elon Law students engage in the same debate. Elon Law's Leadership Program views leadership as a process; providing lessons of experience allows for an understanding of the process at work and exposes students to the life-lessons of lawyers who possess leader characteristics and positions. Under either view, there are important lessons for those aspiring to practice law.

Teaching and learning leadership development skills and aptitudes requires self-examination, introspection, getting to know oneself better, and becoming clearer regarding one's own goals and values. It requires getting out of the law office, away from the minute-by-minute pressures of client demands and hourly billing quotas. It requires not only studying leadership theory and practice, but also looking at biographies that show how others rose to leadership, found their calling, and learned to contribute to society in ways that empowered them. The study of leadership development theory and practice by lawyers cannot guarantee great new insights, new approaches, and behaviors . . . [but it] can assist lawyers in finding new strategies to problem solving, creative team building, and the formation of win-win solutions.<sup>130</sup>

Despite overall improvements in the reception of leadership instruction, a minority of students do not subscribe to the position that leadership can or should be taught in law school. A student-led Capstone survey indicates that the proportion of Elon students who see and appreciate the connection is increasing.<sup>131</sup>

### 2. Social Justice, Diversity, and Leadership

An appreciation for diversity is a key to effective leadership. The Public Law and Leadership curriculum features a range of diverse speakers and course materials. Utilizing a variety of case studies that illustrate the innovative problem-solving skills required to lead in the public sphere, students have the opportunity to study and observe lawyers who have led in the quest for social justice.<sup>132</sup> As an introduction to the lawyer's role in solving

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129. See generally Ben W. Heineman, Jr., *Law and Leadership*, *supra* note 1 (reflecting upon the debate about the role and place of leadership in the law school curriculum); RUBENSTEIN, *supra* note 3 (positing thesis that "when lawyers and all those who work in the legal profession begin to understand the basic theories of leadership and are better trained in the field of leadership development, they will become better leaders, will provide better legal services, and will create better law firms and legal organizations.").

130. RUBENSTEIN, *supra* note 3, at 69.

131. Cutler & Dingle, *supra* note 23, at 203.

132. See generally Faith Rivers James, *Leadership and Social Justice Lawyering*, SANTA CLARA LAW REVIEW (forthcoming 2012).

governmental problems, students examine the framework of administrative law through a case study detailing a nonprofit organization's multi-decade battle to establish farm worker workplace safety standards.<sup>133</sup> Students consider strategic litigation as a problem-solving tool. Dean George Johnson engaged students in a review of Charles Hamilton Houston's strategic litigation strategy to defeat Jim Crow laws.<sup>134</sup> Moving forward a generation in the civil rights era, a panel discussion featuring Franklin McCain, who led the famous Woolworth's lunch counter sit-in as a student at North Carolina A&T State University; Romallus Murphy, former counsel for the NAACP who represented sit-in participants; and Professor William Chafe, author of the definitive social history of the sit-in event,<sup>135</sup> discussed leadership opportunities and challenges that lawyers face when serving as catalysts for social change.<sup>136</sup> In the 2010 class, students learned about leadership challenges for women in public leadership from keynote speaker, and former White House Press Secretary, Dee Dee Myers.<sup>137</sup> While these curriculum components will continue, efforts to include a direct and deeper diversity engagement in the 1L course are ongoing.

### 3. Student Engagement

Students play an important role in design and delivery of the Public Law and Leadership course. Through the Student Bar Association, second and third-year students created a committee to review project proposals and selected a diverse set of four projects for the 2010 course. Students offer observations about what they learned about leadership from speakers and clients through course evaluations and Elon Law School publications. Student feedback is the core of an annual summary of course strengths, challenges, and opportunities. Accordingly, adjustments are made annually.<sup>138</sup> The course

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133. PETER L. STRAUS ET AL., GELLHORN & BYSE'S ADMINISTRATIVE LAW 1-13 (10th ed. 2003) (discussing the topic of farm workplace safety taught by Professor Rivers James).

134. Charles J. Ogletree, Jr., *From Dread Scott to Barack Obama: The Ebb and Flow of Race Jurisprudence*, 25 HARV. BLACKLETTER L.J. 1, 16 (2009).

135. See generally WILLIAM H. CHAFE, CIVILITIES & CIVIL RIGHTS: GREENSBORO NORTH CAROLINA & THE BLACK STRUGGLE FOR FREEDOM (1980) (detailed historical account of the development of the Woolworth's sit-in movement in Greensboro, North Carolina).

136. See generally Rivers James, *supra* note 132; *Impact of sit-ins on American civil rights movement explored at Elon Law MLK forum*, ELON LAW (Feb. 2, 2010), <http://www.elon.edu/e-net/Note.aspx?id=942521>.

137. See generally RUBENSTEIN, *supra* note 3, at 29-46, 77-78 (discussing the glass ceiling for women in the legal sector).

138. While moving from plenary lectures to cohort lectures was a primary step, future offerings will deliver more information in cohort lectures and team discussions. Responding to student feedback, providing client interaction was moved up in the course schedule. To make these sessions more relevant and connected to the project assignment, client group lectures allows the skills training components to be better targeted for each project, and allow for more

design must continually adjust to bridge the gap between the legal curriculum, leadership, and professional development.

The summative assessment for the course is a team presentation to the client. Students articulate the question presented, propose solutions to the legal and policy challenges, and offer strategies to deal with long-term implications of the problem. As a result of student feedback, a class competition for “best team presentation” provides an opportunity for the four top performing teams to face off before classmates in a plenary session. In addition, the faculty partner selects the “best client memorandum” for each client. The winning teams are celebrated at a community-wide legal reception and “firm” dinner.

#### IV. CONCLUSION

Building an interest and appreciation for leadership is a new and challenging endeavor for law schools. Grappling with student perceptions, assessing and refining course objectives, providing students a role in the course assessment and planning, accommodating a student-led initiative for team competition, and giving students a leadership role in the client selection process have helped to bridge this gap. The Elon Law experience offers significant lessons for collegiate and graduate leadership programs, as well as service learning and pro bono programs. The shifting legal economy, evolution of skills-based curriculum, and demand for lawyer-leaders in the public square make the case for leadership training within the law school curriculum. Providing the opportunity to learn how to lawyer and be a community leader is the hallmark of Public Law and Leadership, bridging the gap between law school and law practice, and forging connections between lawyers and their communities.

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instructive, direct student-client interaction on the second day of the course. Increased faculty and executive coaching resources helps structure client interactions and provide feedback to student teams. Executive coaches now participate in faculty “firm meetings,” enabling them to provide on-the-spot feedback on team interactions. The course assessment tool elicited student feedback on the team experience, and in large part, students rated their work product and the team experience highly.

