

Columbia Law School

Scholarship Archive

Faculty Scholarship

Faculty Publications

2013

Law Schools, Leadership, and Change

Susan P. Sturm

Follow this and additional works at: https://scholarship.law.columbia.edu/faculty_scholarship



Part of the [Education Law Commons](#), and the [Legal Education Commons](#)

REACTION

LAW SCHOOLS, LEADERSHIP, AND CHANGE

Susan Sturm

Law schools train many of the nation's leaders. As Professor Fred Rodell observed, "it is the lawyers who run our civilization for us — our governments, our business, our private lives." The legal profession was already closely linked to leadership at the founding of the country, when lawyers constituted almost half of the signers of the Declaration of Independence and more than half of the members of the Constitutional Convention. Lawyers now bear major responsibility for leading the institutions that structure the governance, education, and day-to-day lives of the polity. Ten percent of the CEOs of the top fifty companies are lawyers. Lawyers serve as presidents of colleges and universities. Many practicing lawyers also play key leadership roles in the organizations where they work, on boards of directors, and in their communities.

Law schools' rhetoric celebrates lawyers' leadership role. In law schools around the country, entering and departing students are told that they are the nation's leaders, reminded of the serious and intractable problems facing the nation and the world, and exhorted to roll up their sleeves and put public good before private gain. Law schools define cultivating public leadership as core to their mission and admissions practices. Indeed, the Supreme Court in *Grutter v. Bollinger* has reaffirmed that universities, and particularly law schools, have a compelling interest in training students with the civic and leadership skills necessary to maintain the "fabric of society." At heart, *Grutter* recognized a paramount and compelling interest in cultivating "a set of leaders with legitimacy in the eyes of the citizenry."

Many law students and young lawyers come to the law out of a deep interest in exercising leadership and contributing public value. This aspiration to make a difference persists after graduation and plays a considerable part in determining career satisfaction. A recent study by Professor David Chambers found that, "among Michigan's graduates five, fifteen and twenty-five years out of law school, for both men and women, overall work satisfaction is much more closely related to perceptions of the social value of their work and the quality of their relations with co-workers than it is to their satisfaction with income or with their prestige in the community."

Law schools' role of preparing leaders able to tackle pressing public problems is a matter of great public concern. Many of the nation's most important institutions are themselves dysfunctional and in need

of change. We live in a period of increased inequality and decreased confidence in government's effectiveness. There is growing recognition of the need to bridge the silos that structure public problem solving and to collaborate across traditional boundaries. Lawyers are doing work often in deep collaboration with people with other forms of knowledge, including people who are directly affected by the issues or challenges under consideration. Their legal work entails linking technical knowledge to broader strategic knowledge. Their success requires figuring out how to get from here to there, (what foundations that fund change-oriented initiatives call having a theory of change) and understanding whether and how conventional legal tools relate to achieving public and private aims. My mentor, Professor Robert Cover, defined law in this way — the relationship between the “is,” the “ought,” and the “what might be.”

Cover's definition of law reflects the roles, relationships, and ambitions of many people involved in law — whether as students, legal practitioners, or leaders in many of our nation's most important public and private settings. These aspirations go beyond the technical, legal, and clinical capacities that much legal education focuses on today. They require a generation of lawyers versed in what Professor Ronald Heifetz calls adaptive leadership — “the practice of mobilizing people to tackle tough problems and thrive.” I have written elsewhere about the role of lawyers as organizational catalysts — boundary-spanning actors who are embedded in multiple networks and have the legitimacy, knowledge, relationships, and cultural fluency enabling them to reframe understanding and practice.

Law schools are major gateways for people who will face these challenges in the course of their professional careers. Public leadership with the capacity and commitment to reimagine institutions is critically needed and in short supply. Yet the culture and curriculum in many law schools does remarkably little to build students' and society's capacity to fulfill these leadership roles. Law school cultures and curriculum tend to be highly individualistic and competitive, to encourage conformity, and to discourage risk-taking. Status has come to define success for many law students, faculty, and law schools, at the expense of the fulfillment of personal, professional, and societal aspirations.

There is a growing sense that law school is preparing people for a set of professional roles that do not match the demands or needs of a changing society. Research has documented an overemphasis on a narrow conception of technical mastery, and an underemphasis on the imperative to connect education with professional leadership for challenging times. Professors Todd Rakoff and Martha Minow, writing in the *Vanderbilt Law Review*, have observed: “When we think of what students most need that they do not now get, we think: ‘legal imagination.’ What they most crucially lack, in other words, is the ability to generate the multiple characterizations, multiple versions, multiple

pathways, and multiple solutions, to which they could apply their very well honed analytic skills.”

Studies document that legal education culture has a homogenizing impact that channels many students away from public leadership opportunities and commitments. Students have no time for reflection about what they are doing, why they are doing it, and how it relates to their aspirations. Many students leave the first year of law school discouraged about the possibility of using their law degree to pursue change or make a positive difference. As I have noted earlier, one study of Harvard law students shows that among a group of students who come into law school open to a variety of career paths, their “early curiosity about law as a tool to engage pressing social issues fades as they become both disillusioned and passive over the course of their law school experience.” Even those students who come in with strong interests in public scholarship and service leave their educational experiences ill prepared and even discouraged by the curriculum and culture of higher education.

Issues of justice, problem-solving ethics, change strategies, and inequality also tend to be marginalized within the mainstream curriculum, which encourages students to develop a radically skeptical attitude toward even the possibility of engaging in normative argument or achieving change. Large law school classes using end-of-semester exams to rank students tend to make systematic inquiry about social, political, and institutional factors seem superfluous, thereby suppressing political and moral engagement. Subjects concerning equality, social change, and transformative leadership are offered, but often as boutique electives and supplements to the dominant curriculum. Clinical legal education often remains marginal within the larger law school culture. Similarly, leadership development, if it is taught at all, is often relegated to the periphery rather than the center of most schools that profess to educate the leaders of the future.

Students lack sufficient exposure and access to concrete examples of successful and financially viable career pathways involving public service and transformative leadership. These narratives of possibility are crucial to enable them to envision a viable career that includes transformative leadership. At a time when courageous leadership is most needed, recent economic developments and professional insecurity have heightened law students’ risk aversion and search for security. Some law schools and reformers seem to be fanning that insecurity by proposing short-term solutions that focus narrowly on increasing current marketability and further limit law schools’ success in preparing people for the leadership roles they will occupy.

Law schools have the potential to ignite and energize people’s aspirations, imaginations, and passions to work on matters of public concern, including problems of growing inequality, as an integral part of their work. I want to suggest that it is imperative to connect the rede-

sign of law schools to a broader vision of law and a deeper set of questions about lawyers' roles in addressing the pressing problems that require public attention and that our current public and private institutions lack the capacity to solve. Law schools should take more seriously and focus considerable attention on how lawyers participate in and exercise leadership in a wide variety of settings, and do so in ways that are deeply collaborative with other professions and with those most directly affected by the challenges that are the subject of attention.

Transformative leadership development occurs through the experience of "doing" collaborative work on pressing public issues, in connection with "knowing" the multidisciplinary research and critical perspectives relevant to those issues, animated by participation that cultivates the identity of "being" transformative leaders. Transformative leadership development occurs when people in different generations and roles have an opportunity to witness, participate in, and learn about ideas and practices that are vision driven, motivated by urgent issues identified by those affected by them, practiced through deep collaboration that includes those directly affected, and held accountable through participatory inquiry. These leadership development strategies reflect the consensus of a Ford Foundation-funded working group on Transformative Leadership, which I co-chaired with Chancellor Nancy Cantor.

For law schools to make good on the leadership rhetoric, they would have to engage with the aspects of their culture and practice that cut in the opposite direction. First, learning would be structured to encourage and build capacity for collaboration. Law schools should be redesigned to create multigenerational cohorts (including faculty and cross-field professionals) who will provide opportunities to learn and work together to understand and address pressing problems.

Second, legal education should anchor learning and research in the project of actually addressing significant and complex problems. This kind of learning would break down the dichotomy between research and teaching, theory and practice, clinical and academic teaching. It would enable law students to engage in regular collaboration with faculty and more experienced practitioners. Grounding professional development in work on pressing issues forges the integration of "knowing," "doing," and "being" in a way that enables people from diverse perspectives to learn from each other and work together on issues of common concern.

Third, law schools would facilitate the integration of multidisciplinary and multidimensional knowledge and practice and build this into the curriculum and value system. Lawyers require the capacity to integrate the multiple forms of knowledge and expertise needed to understand and address sticky problems such as climate change and entrenched inequality, including knowledge from different fields,

community members, and those directly involved in the problems that are the focus of inquiry and change efforts.

Finally, legal education should build systematic reflection into its culture and practice. Reflective inquiry means stepping back from skills mastery and inquiring collaboratively about the goals, strategies, barriers, and impact associated with lawyers' work. It requires connecting personal development with legal roles and responsibilities. In so doing, reflection equips lawyers to figure out how to link the "is," the "ought" and the "what might be."

Perhaps a collaborative, reflective and cross-institutional project focused on transforming legal education would itself provide the venue for connecting law schools to their public leadership mission.