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## Symposium on Lawyers, Leadership, and Change: Addressing Challenges and Opportunities in Unprecedented Times

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## SYMPOSIUM ON LAWYERS, LEADERSHIP, AND CHANGE: ADDRESSING CHALLENGES AND OPPORTUNITIES IN UNPRECEDENTED TIMES

Donald J. Polden\*

The Santa Clara University School of Law and its *Law Review* are a national leader in educating lawyers and law students for greater capacity to lead in the legal profession and legal institutions. The following symposium articles constitute the third symposium issue on leadership education and development for lawyers and law students to be published in the *Santa Clara Law Review*.<sup>1</sup> As the need for leadership education in law school receives more recognition, it is evidence that lawyers lead in various settings, including politics, government administration, law practice, and others.

This symposium issue follows an impressive conference sponsored by the *Santa Clara Law Review* on February 26, 2021. The conference, titled *Lawyers, Leadership and Change: Addressing Challenges and Opportunities in Unprecedented Times*,<sup>2</sup> included presentations by the authors of the articles in this symposium issue. The conference was also notable because of the presentations on the great contributions of the late Deborah Rhode of Stanford Law School. Her contributions to the advancement of the field of leadership education and development for

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\* Professor of Law, Santa Clara University School of Law. Professor Polden served as an advisor to the Santa Clara Law Review team that planned and sponsored a symposium conducted remotely in April 2021.

1. Previous symposium issues are: 52 SANTA CLARA LAW REVIEW, Issue 3 (2012) and 58 SANTA CLARA LAW REVIEW, issue 3 (2018). More significantly, the symposium issue on leadership and lawyers is a part of a national trend in legal education to explicitly seek to develop leadership abilities in law students. In recent years, law journals at University of Tennessee, Hofstra, Stanford, and Baylor law schools have hosted national conferences on the subject and published symposium issues. The growth of leadership education courses, programs, and other initiatives is documented in the article of Associate Dean and Professor Leah Teague in this issue of the Santa Clara Law Review (and in prior articles that are referenced in the article). Leah Teague, *Growing Number of Leadership Programs and Courts Supports Professional Identity Formation*, 62 SANTA CLARA L. REV. 149 (2022).

2. For information about the conference held on February 26, 2021, and to access recordings of the conference, please use this link: <https://law.scu.edu/event/lawyers-leadership-and-change-addressing-challenges-and-opportunities-in-unprecedented-times/>.

lawyers and law students are significant. It is an understatement to say that Deborah was the giant force in this area of leadership education and development. In fact, she defined the field with her characteristically top-notch scholarship about this emerging field and her tireless proselytizing of the importance of leadership education in American law schools. The tributes to Deborah's impact in many areas of the law and legal education can be enjoyed by viewing the recordings on the conference website.<sup>3</sup>

A central theme of many of the articles in this symposium issue is the formation of professional values and competencies of young lawyers and law students. Similarly, they address the important role of educating for and the development of leadership skills and attitudes by young lawyers and law students. Professor Susan Sturm of Columbia Law School tackles an important pedagogical dilemma for law teachers and a learning conundrum for law students in her article on lawyering paradoxes.<sup>4</sup> She argues that effective lawyering requires the ability to manage contradictory yet interdependent practices such as, on the one hand, to fight and litigate and, on the other, to collaborate and mediate disputes.<sup>5</sup> The paradoxical nature of "thinking like a lawyer" and "thinking like a leader" involves an important stage in the development of lawyer-leaders and her article draws on existing research and creative thinking approaches to bridge these skills in law students.<sup>6</sup>

This symposium issue features several articles on how leadership is integral to the formation of professional identity and the usefulness of professional identity formation. The articles discuss the many skills that lawyers need to effectively engage with clients and legal institutions. Professor Aric K. Short has contributed an outstanding article on developing leadership skills in law students as they undergo the process of understanding and learning their identities as legal professionals.<sup>7</sup> He argues that foundational leadership concepts overlap in important ways with core lawyering competencies and, therefore, such integration of the concepts and competencies is both practical and efficient.<sup>8</sup> In another important contribution to the symposium issue, Professor Short joins two other pioneers in the professional identity formation movement,

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3. *Id.*

4. Susan Sturm, *Lawyering Paradoxes: Making Meaning of the Contradictions*, 62 SANTA CLARA L. REV. 175 (2022). An earlier draft of Professor Sturm's article was selected by the AALS Section on Leadership for its inaugural "best article on lawyer leadership."

5. *See id.* at 183.

6. *See id.* at 211-40.

7. Aric K. Short, *Infusing Leadership Competencies Into 1L Professional Identity Formation*, 62 SANTA CLARA L. REV. 113 (2022).

8. *See id.*

Associate Dean Lindsey Gustafson and Professor Neil Hamilton, to showcase the importance of active listening in a lawyers ability to serve clients' interests and other aspects of their work.<sup>9</sup> The authors argue that the skill of active listening can be learned and taught and that law schools should teach the skill effectively and independently, as needed.<sup>10</sup> Moreover, the assessment of the skill is necessary.<sup>11</sup>

Symposium authors also advance the idea that leadership education in law school is both necessary and important for multiple reasons, including, notably, the outsized roles that lawyers play in society, government and politics, business, and communities. Associate Dean Leah Teague of Baylor's law school has contributed an article to this symposium issue that updates other important work she has done on the growth of leadership education in law schools.<sup>12</sup> She makes valuable connections between the growth of lawyer leadership development programs and courses and the increased emphasis on professional identity formation instruction championed by the American Bar Association's Section on Legal Education.<sup>13</sup> She draws upon her research about programmatic and curricular initiatives by law schools to better equip their students for positions of leadership and influence and encourages them to be "difference-makers" in their communities.<sup>14</sup> The theme of building the skill sets and competencies of law students so they can positively affect the legal profession, their communities, and institutions is also taken up in a concise, thoughtful article by Professor Joan MacLeod Heminway, Interim Director of the Institute for Professional Leadership at the University of Tennessee College of Law.<sup>15</sup> Professor Heminway draws on business, academic, and practice literature, as well as emerging lawyer-leadership literature to argue that change leadership curriculum in law schools is both overlooked and very important to law student development.<sup>16</sup>

The symposium issue also includes articles on "leadership as applied" in legal education and the practice of law. Dean Jacob H. Rooksby of Gonzaga University School of Law contributes an essay on

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9. Lindsey P. Gustafson, Aric K. Short, and Neil W. Hamilton, *Teaching and Assessing Active Listening as a Foundational Skill for Lawyers as Leaders, Counselors, Negotiators, and Advocates*, 62 SANTA CLARA L. REV. 1 (2022).

10. *See id.* at 8-10.

11. *See id.* at 7.

12. Leah Teague, *Growing Number of Leadership Programs and Courts Supports Professional Identity Formation*, 62 SANTA CLARA L. REV. 149 (2022).

13. *See id.* at 152-62.

14. *See id.* at 166.

15. Joan MacLeod Heminway, *Change Leadership and the Law School Curriculum*, 62 SANTA CLARA L. REV. 43 (2022).

16. *See id.* at 50-60.

his experiences as an academic leader and argues that many things, such as life experiences and our research and reading, inform and influence our capacity to lead others.<sup>17</sup> His essay also chronicles how learning to be a positive, ethical leader impacts the leader's humanity and ability to influence others.<sup>18</sup>

The importance of learning to be a leader is highly relevant in the legal workplace, such as law schools, courts, and law practice settings. It is particularly important because of the need for leadership to advance the goals of diversity, equity, and inclusion (DEI) in those workplaces. The symposium issue includes a useful contribution to the emerging literature on DEI in the legal workplace and, more particularly, how leadership is necessary to address implicit bias in the legal profession. This article written by me and Jenna Anderson, a former Editor in Chief of the *Santa Clara Law Review*, describes the negative impact of implicit bias on many legal institutions and why it is necessary to forcefully address it.<sup>19</sup> The article contends such necessary change in the profession will not happen unless implicit bias is confronted in the workplace and this barrier to inclusiveness and equity is eliminated.<sup>20</sup>

There is much more to be said about the importance of leadership education in the legal profession and the necessary advancement of better leadership than can be covered in one issue of the *Santa Clara Law Review*. However, this collection of timely articles is another excellent contribution to the movement toward more impactful leadership.

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17. Jacob H. Rooksby, *Academic Leadership is a Full-Contact Sport: Reflections From A Law School Dean*, 62 SANTA CLARA L. REV. 91 (2022).

18. *See generally id.*

19. Donald J. Polden & Jenna M. Anderson, *Leadership to Address Implicit Bias in the Legal Profession*, 62 SANTA CLARA L. REV. 63 (2022).

20. *See id.* at 82-88.