

MODERNIZING LEGAL EDUCATION THROUGH  
LEADERSHIP DEVELOPMENT PROGRAMS:  
EQUIPPING LAWYERS FOR SUCCESS, SIGNIFICANCE  
AND SATISFACTION THROUGH SERVICE

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#### INTRODUCTION

Modernizing legal education is essential to the future of our democracy.<sup>1</sup> Lawyers hold a time-honored place in society as keepers of the rule of law with a professional obligation as special citizens charged with improving our system of government.<sup>2</sup> The legal profession is central to the “effective functioning of ordered society.”<sup>3</sup> Lawyers advocate for individual rights and liberties, advise governments and businesses, mediate conflicts, and solve problems. Lawyers also disproportionately serve in positions of influence and leadership in all manner of organizations. To ensure future generations of guardians, advocates, wise counselors, and effective leaders, the legal academy must teach, train, and mentor future lawyers to fulfill these roles. Those of us in legal education must shoulder that burden and carry it out intentionally. We must

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1. Leah Witcher Jackson Teague, *Training Lawyers for Leadership: Vitality Important Mission for the Future Success (and Maybe Survival) of the Legal Profession and Our Democracy*, 58 SANTA CLARA L. REV. 633, 640–43 (2018) [hereinafter Teague, *Training Lawyers for Leadership*].

2. AM. BAR ASS'N, TASK FORCE ON THE FUTURE OF LEGAL EDUCATION REPORT & RECOMMENDATIONS 6 (2014), [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/report\\_and\\_recommendations\\_of\\_aba\\_task\\_force.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.pdf) [hereinafter *ABA Task Force*]; MODEL CODE OF PRO. RESP. pmbl. (AM. BAR ASS'N 1980); see also Donald J. Polden, *Leadership Matters: Lawyers' Leadership Skills and Competencies*, 52 SANTA CLARA L. REV. 899, 901–02 (2012).

3. *ABA Task Force*, *supra* note 2, at 6.

dedicate ourselves to finding better approaches to instilling a sense of ownership in professional obligations to clients and communities, and to better prepare them for the influential opportunities they will have as lawyers and leaders.

The current challenges facing the legal profession are daunting; adding further obstacles for legal education to overcome. The public lacks trust in the profession and judicial system.<sup>4</sup> The legal system does not meet the legal needs of the majority of ordinary citizens.<sup>5</sup> The legal system, and the country, lack diversity.<sup>6</sup> Inclusive environments cannot exist in polarized communities. Legal education costs too much, leaving students with crushing debts to bear<sup>7</sup>. Some students are ill-equipped for the demands of law schools or legal practice. Law students and lawyers struggle with well-being. Technology both advances and disrupts systems.<sup>8</sup> Civil discourse is sometimes strained among lawyers, shamefully absent in some public

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4. Recent polling shows that lawyers “are among the most distrusted professions.” Michael Asimow et al., *Perception of Lawyers: A Transnational Study of Student Views on the Image of Law and Lawyers*, 12 INT’L J. LEGAL PRO. 407, 412 (2005). Only 22% of Americans believe lawyers’ honesty and ethical standards are high or very high, compared to 85% for nurses and 65% for doctors. See Ethan Wright, *A Downward Spiral: The Relationship Between Distrust and Regulation in the Legal Profession*, 45 J. LEGAL PRO. 261, 263 n.15 (2021) (citing *Honesty/Ethics in Professions*, GALLUP (2020), <https://news.gallup.com/poll/1654/honesty-ethics-professions.aspx>).

5. Over three-fourths of all civil litigants do not have legal counsel in the United States, driven by the cost of representation. Margaret Y.K. Woo et al., *Access to Civil Justice*, 70 AM. J. COMPAR. L. 89, 89 (2022). Despite the increased efficiency of the court system due to technological advancements, the average person is often still unable to afford representation. *Id.* at 116.

6. Recent reports show that “[t]he percentage of lawyers who are men and women of color—Hispanic, African American, Asian, Native American and mixed race—grew slowly over the past decade.” *by Race and Ethnicity*, AM. BAR ASS’N *Lawyers*, [https://www.americanbar.org/groups/young\\_lawyers/about/initiatives/men-of-color/lawyer-demographics/](https://www.americanbar.org/groups/young_lawyers/about/initiatives/men-of-color/lawyer-demographics/) (last visited Nov. 23, 2023). Collectively, the number of lawyers of color grew less than 3 percentage points in the past 10 years, from 11.4% of all lawyers in 2010 to 14.1% of all lawyers in 2020, according to the ABA National Lawyer Population Survey.” *Id.*

7. The American Bar Association reports that “[t]he median cumulative debt at law school graduation . . . was \$160,000.” *Id.* at 25. Additionally, survey respondents reported an “underlying theme of unhappiness, frustration, and fear stemming from loan burdens” as well as “issues with mental health.” *Id.*

8. Maintaining technological competency is necessary to providing proper legal counsel. In fact, over two-thirds of states have adopted the ABA Model Rules of Professional Conduct which requires lawyers to “keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology.” MODEL RULES OF PRO. CONDUCT r. 1.1 (AM. BAR ASS’N 2020). However, rapidly changing technology, particularly the emergence of artificial intelligence and machine learning, continues to create ethical dilemmas for legal professionals. Christopher A. Suarez, *Disruptive Legal Technology, COVID-19, and Resilience in the Profession*, 72 S.C. L. REV. 394, 399 (2020).

forums, and too often rebuked in social media. Law school resources are taxed by the tension between the public benefit of faculty scholarship and the need to invest more in the teaching and training of future guardians, advisors, and leaders. Tenured law faculties resist professional formation, clinging to the traditional focus of “thinking like a lawyer;” the mistaken notion that law students are either born leaders or they are not, and the reticence to “impose” professional values upon our students. While hardly the first time the legal system has been challenged and overcome significant challenges, nonetheless, we seem to stand at a precipice where changing the profession and better preparing its future members is imperative.

The focus of this special edition, and this Article, is legal education’s need to embrace its responsibility to form the professional identities of its students. For too long, law schools have failed our system and our students by abdicating professional formation to law firms, Inns of Court, bar associations, and other professional groups. We can no longer allow that inertia to continue; we must change course and do so decisively. The challenge we face defines the role of our profession in society. From the founding of our nation, lawyers played a central part in our democracy. But will that continue? Is it possible the legal profession might have a Kodak moment?<sup>9</sup> Without principled lawyers ready and willing to serve in crucial roles, who will protect the rights of ordinary citizens? Will those who step into the market space without the benefit of a legal education and professional

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9. Kodak was once ubiquitous with photography, i.e., a “Kodak moment.” Now “Kodak” is a reference to a company once thought to great to fail but nevertheless failed because they did not adapt to disruption in their industry. The company that invented digital photography failed to embrace the new business models that emerged from the innovation in technology. Scott D. Anthony, *Kodak’s Downfall Wasn’t About Technology*, HARV. BUS. REV. (July 15, 2016), <https://hbr.org/2016/07/kodaks-downfall-wasnt-about-technology>. “Not only was a major technological change upending our competitive landscape; challenges were also affecting the ecosystem we operated in and our organizational model. Ultimately, refocusing the business with so many forces in motion proved to be impossible.” Willy Shih, *The Real Lessons from Kodak’s Decline*, MASS. INST. TECH. SLOAN MGMT. REV. (May 20, 2016), <https://sloanreview.mit.edu/article/the-real-lessons-from-kodaks-decline/>. Kodak filed bankruptcy in 2012 and a “much smaller Eastman Kodak emerged from the bankruptcy ashes in 2013, now focused on chemicals and imaging for business.” David Tristan, *On This Date: Kodak Declares Bankruptcy, 11 Years Later*, ABC 27 NEWS (Jan. 23, 2023), <https://www.abc27.com/digital-originals/on-this-date-kodak-declares-bankruptcy-10-years-later/>. For a discussion about disruption to the legal profession, see Michele R. Pistone & Michael B. Horn, *Disrupting Law School: How Disruptive Innovation Will Revolutionize the Legal World*, CLAYTON CHRISTENSEN INST. FOR DISRUPTIVE INNOVATION (Mar. 15, 2016), <https://www.christenseninstitute.org/publications/disrupting-law-school/>.

training be as skilled and judicious in honorably serving and leading organizations and communities?

Fueled by recent amendments to the ABA Standards, law schools are now investing new resources to ready our students for their future roles armed with the professional values, skills, and competencies expected of lawyers. But will it be enough? The legal academy can and should do more to address the demands on modern lawyers. Critical leadership is needed to set the path for the future of the profession, beginning with the teaching, training, and mentoring of our law students for success in the law, service to clients, significance in communities, and personal satisfaction in the life they choose.

This Article begins with a brief history of professional identity formation and leadership development efforts over the last decade in legal education in Part I. Parts II and III describe modern professional identity formation and leadership development efforts. Part IV addresses the importance of incorporating character development as part of professional identity formation and leadership development efforts. Part V offers guidance about the role of leadership development programs in complying with the recent ABA Standards 303(b) (professional identity development), 303(c) (bias and cross-cultural competency & racism education), and 508(b) (student well-being resources). The final Part provides an update on the growth of law school leadership development programs designed to address the challenges facing the profession.<sup>10</sup>

#### I. HISTORY OF PROFESSIONAL IDENTITY FORMATION AND LEADERSHIP DEVELOPMENT EFFORTS

Professional identity formation only recently assumed its role in modern legal education vocabulary. Even before the 2022 amendments to Section 303 of the ABA Standards, the professional identity formation movement in legal education challenged law schools to consider what it should mean to be a thriving member of this honorable profession.<sup>11</sup> The task now is to define, implement, and assess professional identity formation. What should be required as a minimum standard? How do law schools know when their efforts are successful, or at least sufficient to meet the ABA Standards?

Simultaneously, the leadership development movement sought to add another vital piece to law school programming. While lawyers

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10. See AM. BAR ASS'N, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023 17–28 (2022), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2022-2023/2022-2023-standards-and-rules-of-procedure.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/2022-2023-standards-and-rules-of-procedure.pdf) [hereinafter *ABA Standards*].

11. See Neil Hamilton, *The Next Steps of a Formation-of-Student-Professional Identity Social Movement: Building Bridges Among the Three Key Stakeholders—Faculty and Staff, Students, and Legal Employers and Clients*, 14 U. ST. THOMAS L.J. 285, 285 (2018).

historically have served—and are expected to serve—in all manner of leadership roles, law schools offered little specific instruction or training to better prepare law students for influential and impactful leadership roles.<sup>12</sup> As legendary legal education Professor Deborah Rhode noted in *Lawyers as Leaders*, “[i]t is ironic that the occupation most responsible for producing America’s leaders has focused so little attention on that role.”<sup>13</sup>

Even before specific professional identity formation and leadership development programming and courses, law schools likely incorporated aspects of professionalism and leadership training into the curriculum, but did so indirectly, through the hidden curriculum, or only as aspects of extra-curricular activities.<sup>14</sup> Many law professors believed those efforts were not the purview of legal education and left that training for future employers or mentors.<sup>15</sup> References to leadership generally happened in orientation speeches discussing expectations for students’ futures and at commencements as speakers inspired and admonished graduates to make a difference in the world.<sup>16</sup> Law schools directed little effort toward inspiring and preparing students to serve clients and communities or to be difference makers in every aspect of their lives.<sup>17</sup> Only within the last decade have law schools addressed the need for intentionality to make students aware of the lawyer’s role in society or attended to developing professional competencies and skills that enable students to work more effectively and achieve more success.

#### A. *Criticism of Traditional Legal Education Leads to Changes to ABA Standards*

Criticism of legal education is as old as legal education. Charges for legal education to adapt and be more relevant to modern problems is a perennial call from the profession, the organized bars, and the bench.<sup>18</sup> Yet, legal education is resistant to change.<sup>19</sup> Law faculties

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12. See DEBORAH L. RHODE, *LAWYERS AS LEADERS* 1 (2013).

13. *Id.* Rhode also highlighted a fact that was surprising to many in the legal profession when she noted that lawyers “account for just 0.4 percent of the population.” *Id.*

14. See Elizabeth M. Fraley & Leah Witcher Jackson Teague, *Where the Rubber Hits the Road: How Do Law Schools Demonstrate a Commitment to Training Leaders?*, 14 TENN. J.L. & POL’Y 375, 390 (2020).

15. See Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. ST. THOMAS L.J. 358, 370–71 (2009).

16. See *id.* at 359.

17. See *id.*

18. See ABA Task Force, *supra* note 2, at 9.

19. See *id.* at 16. To be fair, lawyers, law firms, and legal organizations are renowned for their general resistance to change. See Reid Trautz, *If Times They Are A-Changing, Why Aren’t Lawyers Too?*, ABA L. PRAC. TODAY (Dec. 14, 2016), <https://www.lawpracticetoday.org/article/times-are-changing-why-arent-lawyers/>.

traditionally have been insulated from outside forces through the tenure system and isolation from the practice of law. Even so, the academy has made significant strides in recent years to modernize and incorporate teaching methods that prepare students for the challenges of today's practice of law as recommended in a series of reports.<sup>20</sup>

1. *The Carnegie Report: Call for Professional Identity Formation*

In the first sentence of *Educating Lawyers: Preparation for the Profession of Law* (the “Carnegie Report”), the legal profession was acknowledged as “fundamental to the flourishing of American democracy” and continued with an indictment of lawyers as “a great profession suffering from varying degrees of confusion and demoralization.”<sup>21</sup> The introduction included a call to law schools to lead a “reawakening of professional élan.”<sup>22</sup>

Law school provides the single experience that virtually all legal professionals share. It is the place and time where expert knowledge and judgment are communicated from advanced practitioner to beginner. It is where the profession puts its defining values and exemplars on display, and future practitioners can begin both to assume and critically examine their future identities.<sup>23</sup>

The Carnegie Report suggested an integrated curriculum involving three dimensions of legal education designed to adequately prepare students by bringing together knowledge, skill, and moral purpose in ways that will advance the aims of our democratic society.<sup>24</sup> The three dimensions of professional education are described as “apprenticeships.”<sup>25</sup> The first apprenticeship of legal education, as described by the Carnegie Report, is the traditional training of law students in legal analysis and critical thinking skills, and providing an academic base of knowledge in fundamental areas of law.<sup>26</sup> The second apprenticeship is “transmitting to novices the

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20. See Deborah L. Rhode, *Preparing Leaders: The Evolution of a Field and the Stresses of Leadership*, 58 SANTA CLARA L. REV. 411, 412–13 (2019).

21. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 3 (2007).

22. *Id.*

23. *Id.*

24. See William M. Sullivan, *After Ten Years: The Carnegie Report and Contemporary Legal Education*, 14 U. ST. THOMAS L.J. 331, 333–34 (2018); see also Teague, *Training Lawyers for Leadership*, *supra* note 1, at 643–45.

25. Sullivan, *supra* note 24, at 334.

26. *Id.*

skills and craft know-how that marks expert practitioners.”<sup>27</sup> The third apprenticeship is “concerned with providing entrants to the field the effective ways to engage and make their own the ethical standards, social roles, and responsibilities of the profession, grounded in the profession’s fundamental purposes.”<sup>28</sup> This third apprenticeship traditionally “was generally marginal and often hard to clearly identify in the curriculum or staffing plan.”<sup>29</sup> The 2022 amendments to the ABA Standards Section 303(b) rectify this deficiency.<sup>30</sup>

As Dean Emeritus Lou Bilonis noted, the resistance to professional formation in legal education was not due to disagreement about its necessity or virtues, but instead,

The problem that *Educating Lawyers* perceived was the failure of law schools to pursue the professional formation dimension of the educational endeavor with anything like the intentionality and drive for excellence that they exhibit when helping students to think like a lawyer. Professional formation was left by and large to chance. It was the hoped-for consequence of the student’s travails in the bramble bush that is American legal education.<sup>31</sup>

As with any goal worth pursuing, it is best done with intention. The Carnegie Report was novel in its clarity with concrete recommendations, but the lack of teeth to push legal education to change meant that more reports would come, and they did.

## 2. Other Reports Calling for Professional Skills and Competencies

The criticism of legal education that began before the Carnegie Report continued.<sup>32</sup> In *Fixing Law Schools*, Professor Benjamin

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27. *Id.* Efforts in legal education to address the need for skills training were significantly boosted in 2014 with amendments to the ABA Standards to require more experiential opportunities. *See id.*

28. *Id.* The third dimension of professional education is the focus of the 2022 amendment to ABA Standard 304 and the national movements to incorporate more professional identity formation and leadership development into law school programming. *See id.*

29. *Id.*

30. AM. BAR ASS’N, REVISIONS TO THE 2021-2022 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2 (2022), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2021-2022/21-22-standards-book-revisions-since-printed.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2021-2022/21-22-standards-book-revisions-since-printed.pdf).

31. Louis D. Bilonis, *Bringing Purposefulness to the American Law School’s Support of Professional Identity Formation*, 14 U. ST. THOMAS L.J. 480, 480–81 (2018).

32. For a description of reports urging law schools to do more than teach students to “think like lawyers,” see Teague, *Training Lawyers for Leadership*,

Barton not only lists critical articles and reports dating back to 1944, he sums it up in the title of the first chapter, “The Original Sin: Law Schools Teach Law but not Lawyering.”<sup>33</sup> One of the first reports was a 1944 report on law school curriculum written by Karl Llewellyn for the Association of American Law Schools.<sup>34</sup> In that report he noted that legal education, taught by the case method, failed to produce graduates with “reliable professional competence.”<sup>35</sup>

Again, the deficiency was not malicious but rather a byproduct of American legal education. Molded, or at least heavily influenced by, the Harvard University academic model, most law schools strongly, to almost exclusively, emphasized teaching legal analysis and developing critical thinking skills through the use of Socratic, case-dialogue instruction in courses covering a variety of legal subjects.<sup>36</sup> In that traditional approach to legal education, research and writing skills were also essential tools for law students to provide services to clients.<sup>37</sup> While those skills are essential to a lawyer’s craft, they are no longer sufficient, if they ever were. Students need practice in law school to develop the skills needed to solve problems and serve clients.

One of the last major reports was published by the American Bar Association in 2014.<sup>38</sup> One of the key conclusions addressed the need for additional skill training and the development of professional competencies:

A given law school can have multiple purposes. But the core purpose common to all law schools is to prepare individuals to provide legal and related services in a professionally responsible fashion. This elementary fact is often minimized. The calls for more attention to skills training, experiential learning, and the development of practice-related competencies have been heard and many law schools have expanded practice-preparation opportunities for students. Yet, there is need to do much more.<sup>39</sup>

The 2014 ABA task force report called for more balance between doctrinal instruction and skills training to shift “still further toward developing the competencies and professionalism required of people

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*supra* note 1, at 633; LEAH W. TEAGUE, ELIZABETH M. FRALEY & STEPHEN L. RISPOLI, FUNDAMENTALS OF LAWYER LEADERSHIP 97–101 (2021).

33. BENJAMIN H. BARTON, FIXING LAW SCHOOLS: FROM COLLAPSE TO THE TRUMP BUMP AND BEYOND 15 (2019).

34. *Id.*

35. *Id.*

36. *Id.* at 18.

37. See Karl Llewellyn, *The Place of Skills in Legal Education*, 48 COLUM. L. REV. 345, 361 (1944) (“[T]hinking about rules and cases in terms of what you can do for a client in view of those rules and cases is again a vital professional habit and professional skill to be acquired.”).

38. See ABA Task Force, *supra* note 2.

39. *Id.* at 3.

who will deliver services to clients.”<sup>40</sup> The report continued with a desire for “a much stronger culture of innovation, nimbleness, and attention to factors outside the academy,” but recognized changing the customs, practices, and culture in a law school will take time.<sup>41</sup>

*B. Modern Challenges Require Enhanced Education and Training*

The ABA Standards of law schools now incorporate, in principle, all the recommendations of the Carnegie Report and others.<sup>42</sup> Law schools no longer have a choice but to comply with the new standards.<sup>43</sup> So where do we begin? Since every aspect of modern practice is impacted by technology, either as a disruption or a possible tool in addressing it, consideration of technology is a logical place to begin.

Technology has reduced the client base and replaced less complicated legal work. Rather than call a lawyer, most individuals consult Google for legal answers.<sup>44</sup> Once the law or a legal explanation is found, the client is likely to turn to technology, instead of a lawyer, for forms and contracts readily available online for less complicated matters.<sup>45</sup> Expected improvements to generative AI programs such as ChatGPT will further reduce, or replace, time spent by lawyers to produce worthy (or “good enough”) briefs, letters, agreements, and other documents.<sup>46</sup> Futurist Richard Susskind “sees

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40. *Id.*

41. *Id.* at 4.

42. *Compare* WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 9 (2007) (recommending that law schools focus on professionalism and legal analysis that would serve clients), *with ABA Task Force, supra* note 2, at 3 (incorporating instruction that prepares students for delivery of legal services and professionalism).

43. A substantial change to Standard 303 of the ABA Standards was implemented in the year following the 2014 ABA task force report. Beginning with the 2014–2015 academic year, each law student at an ABA accredited law school must complete six hours of experiential courses—addressing The Carnegie Report second apprenticeship. AM. BAR ASS’N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 16 (2014), [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2014\\_2015\\_aba\\_standards\\_and\\_rules\\_of\\_procedure\\_for\\_approval\\_of\\_law\\_schools\\_bookmarked.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.pdf). In 2022, additional changes to Standard 303 of the ABA Standards ushered in professional identity formation as a requirement to address the Carnegie Report third apprenticeship. AM. BAR ASS’N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 18 (2022), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2022-2023/2022-2023-standards-and-rules-of-procedure.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/2022-2023-standards-and-rules-of-procedure.pdf).

44. See Rebecca L. Sandefur, *What We Know and Need to Know About the Legal Needs of the Public*, 67 S.C. L. REV. 443, 452 (2016).

45. See *id.* at 455–56.

46. But see recent articles about backlash following a ChatGPT created brief and Judge Brantley Starr’s recent local rule about AI-assisted briefs. Jacqueline

a rather dire future for the bread-and-butter work of the majority of lawyers in private practice.”<sup>47</sup>

In the age of artificial intelligence, what services will clients expect from lawyers? How will lawyers demonstrate value to clients when lawyers also turn to generative AI products? The answer may be to embrace the ideals of the lawyer-statesman, i.e., to be known as wise counselors and good leaders who recognize human complexity and have been trained with skills and competencies beyond critical thinking and legal analysis. And ChatGPT agrees! At a session during this symposium, Professor Kendall Kerew shared the answer produced when she asked ChatGPT the following question: “What lawyering cannot be replaced by AI?”<sup>48</sup> According to ChatGPT, these are the five areas in which our human imperfection still reigns supreme:

1. Empathy and Emotional Intelligence
2. Creativity and Critical Thinking
3. Advocacy and Persuasion
4. Ethics and Professionalism
5. Client Relationship Management<sup>49</sup>

In *Fixing Law Schools*, Barton’s review of work by Susskind and others who study the disruption in the legal profession produced a similar conclusion in answering the following question: “will today’s and tomorrow’s law graduates have work as lawyers in the coming years?”<sup>50</sup> He concluded that some legal tasks will “remain primarily human driven for a long time,” including “high-level strategizing, drafting, and legal analysis, as well as in-court appearances and person-to-person negotiating.”<sup>51</sup>

As technological advances take over more and more of the technical aspects of lawyering, the human aspects of lawyering become more important for lawyers. As then-Dean Kronman

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Thomsen, *US Judge Orders Lawyers to Sign AI Pledge, Warning Chatbots Make Stuff Up*, REUTERS (June 2, 2023, 1:17 PM), <https://www.reuters.com/legal/transactional/us-judge-orders-lawyers-sign-ai-pledge-warning-they-make-stuff-up-2023-05-31/>; Megan Cerullo, *Texas Judge Bans Filings Solely Created by AI After ChatGPT Made Up Cases*, CBS NEWS (June 2, 2023, 2:07 PM), <https://www.cbsnews.com/news/texas-judge-bans-chatgpt-court-filing/>.

47. BARTON, *supra* note 33, at 63 (referring to RICHARD SUSSKIND, *TOMORROW’S LAWYERS: AN INTRODUCTION TO YOUR FUTURE* (1st ed. 2013)).

48. See Kendall L. Kerew, *A Chat with ChatGPT: The Uniquely Human Aspects of Lawyering*, UNIV. OF ST. THOMAS: HOLLORAN CTR. PRO. IDENTITY IMPLEMENTATION BLOG (Mar. 21, 2023), <https://blogs.stthomas.edu/holloran-center/a-chat-with-chatgpt-the-uniquely-human-aspects-of-lawyering/>.

49. *Id.*

50. BARTON, *supra* note 33, at 63–64 (citing the work of American law professors John McGinnis, Russell Pearce, Daniel Katz, and Dana Remus).

51. *Id.* at 64–65.

predicted in 1993, the “lost” ideals of the Lawyer-Statesman are essential aspects of successful lawyering in the future.<sup>52</sup> That future is now!

## II. PROFESSIONAL IDENTITY FORMATION TO ENHANCE STUDENTS’ EDUCATION AND TRAINING

The need for professional identity formation and the benefits of leadership development programs is well established.<sup>53</sup> The focus is now on the “how.”<sup>54</sup> As more professors engage in these efforts and as we learn from one another, we continue to hone our message and our approach to teaching law students how to *be* a lawyer. What should we teach our students about who they will be to their clients? Which identities will be expected of them by the public? Must they accept each of them? If not, which roles will they embrace? Different approaches can be pursued to introduce students to those roles and encourage thoughtful contemplation about an individual’s relationship with each.

Leading the national efforts for professional identity formation is the Holloran Center for Ethical Leadership at St. Thomas School of Law, spearheaded by Neil Hamilton and Jerry Organ.<sup>55</sup> Neil

52. See ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 4 (1993).

53. “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.” Susan Sturm, *Law Schools, Leadership, and Change*, 127 HARV. L. REV. F. 49, 50 (2013); see also DONALD J. POLDEN & BARRY Z. POSNER, *LEADING IN LAW: LEADERSHIP DEVELOPMENT FOR LAW STUDENTS* 8–14, 137–41 (2022); Bilonis, *supra* note 31, at 485; Deborah L. Rhode, *Leadership in Law*, 69 STAN. L. REV. 1603, 1605 (2017); Leah Teague, *Growing Number of Leadership Programs and Courses Supports Professional Identity Formation*, 62 SANTA CLARA L. REV. 149, 151 (2022) [hereinafter Teague, *Growing Number*]; Leah Teague, *Making Progress in Legal Education: Leadership Development Training in Law Schools*, 73 BAYLOR L. REV. 1, 2–3 (2021); *Symposium: Advancing Leadership Development in the Legal Profession: Addressing Challenges in Legal Education and the Practice of Law*, SANTA CLARA UNIV. SCH. OF L. (Mar. 23, 2018), <https://law.scu.edu/event/symposium-advancing-leadership-development-in-the-legal-profession-addressing-challenges-in-legal-education-and-the-practice-of-law/>.

54. See Sturm, *supra* note 53, at 50, 52–53.

55. *About the Holloran Center*, UNIV. OF ST. THOMAS SCH. OF L., <https://law.stthomas.edu/about/centers-institutes/holloran-center/about/index.html> (last visited Oct. 4, 2023). The co-directors, Neil Hamilton and Jerry Organ, as well as the Holloran Center Fellows and others, are trailblazers in the professional identity formation movement. Their work continues through conducting and encouraging research and scholarship, hosting workshops, organizing workgroups to create assessment tools, and serving as advisors and mentors to those belonging to “the coalition of the willing.” NEIL W. HAMILTON & LOUIS D. BILONIS, *LAW STUDENT PROFESSIONAL DEVELOPMENT AND FORMATION* 121 (2022). The Holloran Center website provides a plethora of

Hamilton and Holloran Center Fellow Lou Bilonis wrote a book to guide legal educators seeking to understand professional identity formation and to implement programming that will help students develop the professional competencies expected of lawyers.<sup>56</sup> In *Law Student Professional Development and Formation*, Professors Hamilton and Bilonis<sup>57</sup> state that the goal is to help each student understand, accept, and internalize the following:

1. Ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need;
2. a deep responsibility and service orientation to others, especially the client;
3. a client-centered problem-solving approach and good judgment that ground each student's responsibility and service to the client; and
4. well-being practices.<sup>58</sup>

Hamilton and Bilonis present these four goals as a professional identity for a lawyer, i.e., "what it means for an individual to think, act, and feel like a lawyer."<sup>59</sup>

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resources whether just beginning the foray into understanding professional identity formation concepts or seeking to measure effectiveness. They maintain a database of learning outcomes (required in legal education as of 2022), specific examples of useful rubrics for assessing various learning outcomes, list of mandatory professional development courses and programs at law school across the country, and the newest addition, Professional Identity Implementation Blog with contributions from more than thirty professors at almost as many law schools. See *Holloran Center, Learning Outcomes Database*, UNIV. OF ST. THOMAS SCH. OF L., <https://law.stthomas.edu/about/centers-institutes/holloran-center/learning-outcomes-database/index.html> (last visited Oct. 4, 2023); *Holloran Competency Milestones*, UNIV. OF ST. THOMAS SCH. OF L., <https://law.stthomas.edu/about/centers-institutes/holloran-center/competency-milestones/index.html> (last visited Oct. 4, 2023); *Holloran Center, Professional Development Database*, UNIV. OF ST. THOMAS SCH. OF L., <https://law.stthomas.edu/about/centers-institutes/holloran-center/professional-development-database/index.html> (last visited Oct. 4, 2023); *Holloran Center Professional Identity Implementation Blog*, UNIV. OF ST. THOMAS, <https://blogs.stthomas.edu/holloran-center/> (last visited Oct. 4, 2023).

56. HAMILTON & BILIONIS, *supra* note 55.

57. *Id.* at 1.

58. *Id.* at 1–2.

59. *Id.* at 2. For a visual model of the development of a law student's professional identity, see the Holloran Center's diagram for how the competencies that legal employers and clients want build on each other. *Id.* at 34. The model presents five groups of competencies in a visual layered progression of law school learning outcomes to help students grow from a new entrant to the profession to an integrated effective lawyer serving others well in meaningful employment. For a discussion of these competencies, see Neil Hamilton, *Mentor/Coach: The Most Effective Curriculum to Foster Each Student's Professional Development*

An example of a book written to assist with teaching professional identity formation is *The Formation of Professional Identity*.<sup>60</sup> In teaching professional identity, Professors Patrick Longan, Daisy Floyd, and Timothy Floyd encourage us to emphasize that “identity is a matter of character.”<sup>61</sup> They intend to teach students “the traditional values of the legal profession.”<sup>62</sup> In the book, they emphasize these six virtues of someone who is the ideal professional lawyer:

1. The virtue of competence
2. The virtue of fidelity to the client
3. The virtue of fidelity to the law
4. The virtue of public spiritedness
5. The virtue of civility
6. The “master virtue” of practical wisdom<sup>63</sup>

The sixth virtue, practical wisdom, is considered a “master virtue” because it may take the longest to acquire and is “dependent upon your acquiring the other five virtues and the continued development of personal characteristics such as kindness, courage, empathy and integrity.”<sup>64</sup> They add that practical wisdom allows one to fully live out their professional identity while also supporting one’s well-being, satisfaction, and flourishing.<sup>65</sup>

### III. LEADERSHIP DEVELOPMENT INCLUDES AND BUILDS ON PROFESSIONAL IDENTITY FORMATION

Leadership development is not about preparing law students for a title, office, or position. Leadership is a mindset for lawyers as they embrace the importance of their work. Leadership is how lawyers approach problems and opportunities. Legal skills accomplish tasks, but leadership skills build relationships that influence clients and others and create impact within communities.

Leadership development begins with helping students identify and embrace the critical roles lawyers assume in society and then moves to prepare them to work with and serve others, be bold, and act strategically.<sup>66</sup> What does that look like in a class or program? Leadership starts with professional identity and leadership of self

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*and Formation*, 17 U. ST. THOMAS L.J. 836 (2022). In Phase 5 (complex compound competencies) is “Leadership and Influence in Organizations and Communities.” *Id.* at 839.

60. PATRICK EMERY LONGAN ET AL., *THE FORMATION OF PROFESSIONAL IDENTITY: THE PATH FROM STUDENT TO LAWYER* (2019).

61. *Id.* at 5.

62. *Id.* at 8.

63. *Id.* at 5–8.

64. *Id.* at 115.

65. *Id.*

66. See Rhode, *supra* note 53, at 1634.

before progressing to develop competencies and skills that enable them to work well with others.<sup>67</sup> Leadership development moves a student from considering how to *be* a competent and ethical lawyer to encouraging students to strategically consider how they will use their education and training to serve others and benefit society.<sup>68</sup> Leadership programs strive to elevate the study of law to not only teach technical competency but to also inspire students to use their skills and talents in ways that are meaningful to them and significant in the lives of their clients or communities.<sup>69</sup>

In *Fundamentals of Lawyer Leadership*, “professional identity” describes a four-pronged approach to becoming a “Complete Lawyer,” building upon the three traditional roles of lawyers as described in *Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century*.<sup>70</sup> The three roles are:

1. Technical legal experts who are competent, ethical, and striving for excellence as they advocate for and advise clients, solve problems, and in all matters, conduct themselves with honor and integrity;
2. Wise counsellors who are trusted by clients to provide principled advice guided by morals and values, including care for self and others; and
3. Effective leaders who inspire vision, build relationships in the community, and resolve conflict.<sup>71</sup>

The fourth prong necessary to be a Complete Lawyer is a dedication to conduct oneself ethically and professionally regardless of the consequences or outcome.<sup>72</sup>

A similar approach to lawyering is described by Professor Susan Brooks as the *wholehearted* lawyer.<sup>73</sup> Professor Brooks describes

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67. See Susan L. Brooks, *Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students’ Professional Identity Formation*, 14 U. ST. THOMAS L.J. 412, 417–18 (2018).

68. See Rhode, *supra* note 53, at 1640.

69. See Brooks, *supra* note 67, at 420.

70. BEN W. HEINEMAN, JR. ET AL., *LAWYERS AS PROFESSIONALS AND AS CITIZENS: KEY ROLES AND RESPONSIBILITIES IN THE 21ST CENTURY* 5, 9 (2014).

71. TEAGUE, FRALEY & RISPOLI, *supra* note 32, at 404–21.

72. *Id.*

73. See Brooks, *supra* note 67, at 423–25. Professor Brooks explains that “wholehearted lawyering” starts with “Relational Lawyering” which is comprised of three competency areas:

- (1) appreciating the importance of context and specifically, the interconnected, interdependent context in which all living beings are situated; (2) promoting individual and community choices around legal process that contribute to greater procedural justice and peace-building; and (3) heightening awareness and appreciation of cultural, emotional, and affective dimensions of legal practice.

wholehearted lawyers as those who build their foundation for professional identity based upon those relational competencies as well as these five principles: (1) kindness and curiosity; (2) everyone wants to matter; (3) importance of context; (4) strengths orientation; and (5) ethic of care.<sup>74</sup> She adds,

Once we are willing to identify and potentially embrace this more holistic and thus more meaningful set of values, we will be better situated to help our students explore these and other value choices and support their own discovery of the extent to which and how these values can inform the choices they make as law students and emerging legal professionals.<sup>75</sup>

In the 2016 report from the Institute for Advancement of the American Legal System, we find another approach to describing the ideal law school graduate.<sup>76</sup> Law schools were challenged to instill in their law students the desire to become *whole* lawyers.<sup>77</sup> “New lawyers need some legal skills and require intelligence, but they are successful when they come to the job with a much broader blend of legal skills, professional competencies, and characteristics that comprise the whole lawyer.”<sup>78</sup> Whole lawyers have a character quotient (CQ) in addition to a “threshold intelligence quotient (IQ)” and “favorable emotional intelligence (EQ).”<sup>79</sup>

A growing number of law schools expose their students to basic professional identity formation concepts in their first year and build on those experiences in the second and third years through leadership development courses and experiences. For example, in *Infusing Leadership Competencies into 1L Professional Identity Formation*, Professor Aric Short describes the professional identity course at Texas A&M that is required for all first-year students and includes an introduction to lawyer-leadership in the second semester.<sup>80</sup> He also discusses the upper-level, elective leadership development course that builds on the professional identity course.<sup>81</sup>

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*Id.* at 419.

74. *Id.* at 423–25.

75. *Id.* at 420.

76. Alli Gerkman & Logan Cornett, *Foundations for Practice: The Whole Lawyer and the Character Quotient*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. 1 (July 2016), <https://iaals.du.edu/publications/foundations-practice-whole-lawyer-and-character-quotient>.

77. *Id.* at 38.

78. *Id.* at 2.

79. *Id.* at 5.

80. Aric K. Short, *Infusing Leadership Competencies into 1L Professional Identity Formation*, 62 SANTA CLARA L. REV. 113, 122, 128 (2022).

81. *Id.* at 119–20.

IV. CHARACTER DEVELOPMENT IN LAW SCHOOL: A CRITICAL ASPECT  
OF PROFESSIONAL IDENTITY FORMATION AND LEADERSHIP  
DEVELOPMENT

The conference at Wake Forest shone a light on the need to emphasize character development as part of professional identity formation and leadership development efforts.<sup>82</sup> In the opening remarks, Kenneth Townsend reminded us of two of the major works addressing the challenges facing the legal professions at critical junctures in the past to highlight the shortcomings of legal education.<sup>83</sup> One was the 2007 Carnegie Report already discussed above.<sup>84</sup> The other was then-Yale Dean Anthony Kronman's *The Lost Lawyer: Failing Ideals of the Legal Profession*, which was a warning to the legal profession thirty years ago.<sup>85</sup> Kronman began the book with these two lines: "This book is about a crisis in the American legal profession. Its message is that the profession now stands in danger of losing its soul."<sup>86</sup> He describes the crisis as "a crisis of morale"<sup>87</sup> in a war between the ideal lawyer as an old-fashioned "lawyer-statesmen" and the "intellectual and institutional forces"<sup>88</sup> of modern practice. Those forces include the "rise of the law-and-economics movement in the late 1960s"<sup>89</sup> that forever changed the practice of law by creating "a new, more openly commercial culture in which the lawyer-statesman ideal has only a marginal place."<sup>90</sup> He lamented the decline of the lawyer-statesman ideal as modern lawyers are more likely to be bottom-line oriented and less likely to self-identify as a service profession.<sup>91</sup>

What is a "lawyer-statesman" according to Dean Kronman? He references the early nineteenth-century bar lawyer who was "the embodiment of professional excellence"<sup>92</sup> and one "possessed of great

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82. The emphasis on Character was subtle but present throughout the conference. Even the name of the co-sponsor, which was the Program for Leadership and Character in the Professional Schools, a division of the Wake Forest Program for Leadership and Character, sends a message. The impact on participants likely will continue as we look for ways to be more intentional to speak and write about the importance of character, and specifically "good moral character" of lawyers.

83. Leah Teague, *Leading Change in the Legal Profession: Wake Forest Hosts Symposium*, TRAINING LAWYERS AS LEADERS (May 11, 2023), <https://traininglawyersasleaders.org/tag/carnegie-report/>.

84. *Id.*; see SULLIVAN ET AL., *supra* note 21.

85. Teague, *supra* note 83; see KRONMAN, *supra* note 52. This author notes the term "statesmen" would assuredly be substituted with a gender neutral term.

86. KRONMAN, *supra* note 52, at 1.

87. *Id.* at 2.

88. *Id.* at 4.

89. *Id.* at 50.

90. *Id.* at 4.

91. *See id.*

92. *Id.* at 12.

practical wisdom and exceptional persuasive powers, devoted to the public good but keenly aware of the limitations of human beings and their political arrangements.”<sup>93</sup> Interestingly, the section in which he lists elements of a “lawyer-statesman” is titled “Leadership and Character.”<sup>94</sup> Dean Kronman’s described ideals of the lawyer-statesman to include:

1. A devoted citizen who “cares about the public good and is prepared to sacrifice his own well-being for it, unlike those who use the law merely to advance their private ends.”<sup>95</sup>
2. “[S]pecial talent for discovering where the public good lies and for fashioning those arrangements needed to secure it.”<sup>96</sup>
3. “[L]eader in the realm of public life and other citizens look to him for guidance and advice, as do his/[her] private clients.”<sup>97</sup>
4. “[D]istinguished by the exceptional wisdom” displayed in helping “those on whose behalf he/[she] is deliberating come to a better understanding of their own ambitions, interests, and ideals and to guide their choice among alternative goals.”<sup>98</sup>
5. “[E]xcel[s] at the art of deliberation.”<sup>99</sup>
6. “[P]aragon of judgment.”<sup>100</sup>
7. “[M]ore calm or cautious than most people and better able to sympathize with a wide range of conflicting points of view.”<sup>101</sup>

In summarizing how a modern lawyer-statesman might be identified, Dean Kronman said,

Thus, even today the claim that someone has good judgment is understood to be a claim about his character and not merely the breadth of his learning or the brilliance of his mind. The classic portrait of the lawyer-statesman as a person of good judgment carried a similar implication, and when those who eulogized him praised his practical wisdom, they meant to praise more than just his learned understanding of the law’s arcane requirements. They meant also to commend his character and to suggest that the lawyer-statesman’s professional standing is

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93. *Id.*

94. *Id.* at 14.

95. *Id.*

96. *Id.*

97. *Id.* at 14–15.

98. *Id.* at 15.

99. *Id.*

100. *Id.*

101. *Id.*

as much to be explained by who he is as what he knows. They meant to praise him for his virtue and not just his expertise.<sup>102</sup>

“The ideal of the lawyer statesman was an ideal of character,”<sup>103</sup> according to Dean Kronman. In 1980, Leon Jaworski, Special Prosecutor of the Watergate Special Prosecution Force, urged young lawyers “not to strive exclusively for the pecuniary rewards of your profession, but to look forward to a career of influence and usefulness” by conducting themselves similarly to the lofty ideals espoused by Dean Kronman.<sup>104</sup> Jaworski was optimistic about the future of the lawyers who commit to principles of character. “Dedicated lawyers, devoted to the profession of law, of high moral and ethical standards always will occupy an important and admired place in our society.”<sup>105</sup>

Character development has been the subject of more recent legal scholarship as well. Professor Lisle Baker, in *Character and Fitness for Leadership – Educating Lawyers for Compassion and Courage as well as Brains – The Wizard of Oz was Right*, endorsed previous calls from Professors Robert Cochran and Susan Sturm for law schools to be more intentional to address character and fitness expected of lawyers.<sup>106</sup> He quoted Professor Robert Cochran who wrote, “It may be that the problem in the legal profession is not too little attention to rules, but too little attention to character.”<sup>107</sup>

Coverage of character with an emphasis on moral character should already be an important aspect of leadership courses. Still, we can be more intentional by following Wake Forest’s lead to more directly connect “leadership” and “character” as foundational topics for modern legal education.<sup>108</sup> We can all be more intentional to

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102. *Id.* at 16.

103. *Id.*

104. LEON JAWORSKI, THE LAWYER IN SOCIETY 79 (1980). However, Jaworski followed with this statement of reality: “If you do all of this, you will meet the measure of the ideal lawyer, but again, you and your family may darn well starve to death.” *Id.* Therein lies the rub and the challenge for those practicing their craft in market conditions that they cannot control.

105. *Id.* at 78.

106. R. Lisle Baker, *Character and Fitness for Leadership: Educating Lawyers for Compassion and Courage as well as Brains—The Wizard of Oz Was Right*, 14 TENN. J.L. & POL’Y 287, 293 (2020).

107. *Id.* at 291 (quoting Robert F. Cochran, Jr., *Lawyers and Virtues: A Review Essay of Mary Ann Glendon’s A Nation Under Lawyers: How the Crisis in the Legal Profession is Transforming American Society and Anthony T. Kronman’s The Lost Lawyer: Failing Ideals of the Legal Profession*, 71 NOTRE DAME L. REV. 707, 707 (1996)).

108. This author wants to thank Kenneth Townsend for reminding this author of both *The Lost Lawyer* and the *Carnegie Report*. These seminal works were pivotal in my own journey to encourage law schools to be more intentional about leadership development in law schools. Perhaps because of those early influences, discussions of character already permeate classroom discussion in our Leadership Engagement and Development (LEAD) course, as well as our

include references to character formation as an integral part of professional identity formation and leadership development. And when we speak of “character” development, we must not assume that our audience—our law students—hear that term with an understanding that we mean “good moral character” as those terms are defined by our professional standards.<sup>109</sup>

Moreover, as we address character in law schools, we should not be so presumptuous to define nor prescribe for each of our students exactly what moral character should mean for them. Our students are unique individuals with diverse perspectives and values influenced by their distinctive life experiences. However, law professors, administrators, and staff in modern law schools should be explicit in raising the consciousness of their law students to determine what “good moral character” means within the context of the legal profession’s professional obligations. Beyond that, we should guide our students to reflect on their personal values and how those will inform their professional choices.<sup>110</sup>

#### V. COMPLYING WITH 2022 AMENDMENTS TO THE ABA STANDARDS THROUGH LEADERSHIP DEVELOPMENT PROGRAMMING

Much attention in legal education is currently focused on how to comply with the 2022 amendments to Standards 303 (professional identity), 206 (bias, cross-cultural competency, and racism), and 508 (student well-being).<sup>111</sup> Law schools that embraced professional

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textbook. Chapter 12 of *Fundamentals of Lawyer Leadership*, titled Integrity and Character, encourages students to be mindful of the significant pressures they will face in the profession and to steel themselves to succumb. We are not alone. Professor Tim Floyd assigns chapters from *Moral Judgment* in his Leadership class. DAVID P. GUSHEE & COLIN HOLTZ, MORAL LEADERSHIP FOR A DIVIDED AGE: FOURTEEN PEOPLE WHO DARED TO CHANGE OUR WORLD (2018). See also Chapter 5 of Deborah Rhode’s and Amanda Packel’s book, *Leadership for Lawyers*, devoted to Moral Leadership. DEBORAH L. RHODE & AMANDA K. PACKEL, LEADERSHIP FOR LAWYERS 229–82 (3d ed. 2020). As Rhode admonished, the question is not whether there is a need for moral leadership, the “controversy arises over what exactly it requires and how it can be achieved.” *Id.* at 229.

109. TEAGUE, FRALEY, & RISPOLI, *supra* note 32, at 209; POLDEN & POSNER, *supra* note 53, at 8–14, 137–41.

110. For example, a student who highly values time with family will likely be dissatisfied in a professional position that requires constant travel around the world.

111. See, e.g., Neil W. Hamilton & Louis D. Billionis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer’s Professional Identity, Part 2: Action Steps to Benefit Students, Law Schools, and the Legal Profession*, NALP BULL.+ (June 2022), <https://nalp.org/revised-aba-standards-part-2>; see also Stephanie Francis Ward, *Legal Ed Pulls Back HOD Diversity Resolution, Saying More Discussion Is Needed*, ABA J. (Aug. 8, 2022, 11:49 AM), <https://www.abajournal.com/web/article/legal-ed-pulls-back-hod-diversity-resolution-saying-more-discussion-is-needed>.

development work were ahead of the curve and rejoiced at the validation of their work.<sup>112</sup> With those amendments also came confirmation of the importance of, and need for, leadership development within legal education.<sup>113</sup> These three amendments address important aspects of a law student's preparation for professional life after law school.<sup>114</sup> These three topics were already fundamental topics in fully developed leadership development programs and courses.<sup>115</sup> These topics were not added to leadership courses in response to the recent ABA amendments; they were recognized as essential subjects from the beginning of the movement to incorporate leadership development into legal education.<sup>116</sup> Notably, the three leadership textbooks for law students were written (and two were published) before the 2022 amendments. *Fundamentals of Lawyer Leadership*,<sup>117</sup> *Leadership for Lawyers*,<sup>118</sup> and *Leading in Law*,<sup>119</sup> each address all three of these issues.

These amendments reinforce our duty to tend to the *complete* development of our students' professional preparation. Leadership development courses are best designed to guide students through a meaningful journey of self-assessment, reflection upon values, and focus on techniques for better decision-making and goal-setting.<sup>120</sup> They are skills courses, and as such should be viewed as supplemental to the traditional teaching of legal knowledge and analytical skills. They enhance the students' education and training as they prepare to enter the profession working for and with others to accomplish a purpose or achieve a goal.<sup>121</sup>

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112. See, e.g., Kim Diana Connolly & Elisa Lackey, *The Buffalo Model: An Approach to ABA Standard 303(c)'s Exploration of Bias, Cross-Cultural Competency, and Antiracism in Clinical & Experiential Law*, 70 WASH. U. J.L. & POL'Y 72, 82–83 (2023); see also Michelle Weyenberg, *ABA Passes Revisions to Accreditation Standards*, NAT'L JURIST'S PRELAW (Apr. 5, 2022, 10:00 AM), <https://nationaljurist.com/national-jurist/news/aba-passes-revisions-to-accreditation-standards/>.

113. Leah Teague, *Amendments to ABA Standards Support the Objectives of Leadership Development Programming, Part 1*, TRAINING LAWS. AS LEADERS (Mar. 10, 2022), <https://traininglawyersasleaders.org/2022/03/10/amendments-to-aba-standards-support-the-objectives-of-leadership-development-programming-part-1/>.

114. *Id.*

115. *Id.*

116. See Hamilton, *supra* note 11, at 286–87, 295.

117. See TEAGUE, FRALEY, & RISPOLI, *supra* note 32.

118. See RHODE & PACKEL, *supra* note 108.

119. See POLDEN & POSNER, *supra* note 53, chs. 8, 13 & 14.

120. See generally Teague, *Training Lawyers for Leadership*, *supra* note 1, at 656–60 (explaining important elements of legal leadership curriculum).

121. See generally *id.* at 648–50 (explaining importance of leadership development in law school curriculum).

A common question has been how professional identity formation and leadership development efforts relate to one another and where does professional responsibility fit?<sup>122</sup> Modern Professional Responsibility (“PR”) courses focus on the ethical rules governing the profession.<sup>123</sup> The model rules are the boundaries of behavior that lawyers may not cross.<sup>124</sup> Professional identity formation assumes the lawyer will stay within the limits of ethical behavior (taught in PR courses) and guides the student through “an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice.”<sup>125</sup> Leadership development courses and programs include these topics plus more, giving students more opportunities to enhance their professional competencies and skills.<sup>126</sup> The goal is to better enable students to become successful, healthy, and impactful lawyers.

A. *ABA Standard 303(b): Professional Identity Formation*

Professional identity formation (PIF) is the new term for the efforts in law schools to “provide substantial opportunities to students for: . . . (3) the development of a professional identity.”<sup>127</sup> Interpretation 303-5 was added to provide additional guidance:

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent

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122. See, e.g., Teague, *Growing Number*, *supra* note 53, at 165–71.

123. *ABA Standards*, *supra* note 10, at 18.

124. See MODEL RULES OF PRO. CONDUCT pmbl. (AM. BAR ASS’N 2023).

125. *ABA Standards*, *supra* note 10, at 19. In *Leadership in Law*, Deborah Rhode, discussed the need for values in leadership. “In principle, everyone agrees about the need for ethical leadership. In practice, however, controversy arises over what it requires and how it can be achieved.” Rhode, *supra* note 53, at 1612–14. She adds, “the long-term payoffs from ethical conduct are substantial: improved morale, retention, and client satisfaction; greater workplace trust and cooperation; less employee misconduct; and less need for costly surveillance to prevent it. Most studies suggest a positive relationship between ethics and profitability.” *Id.* Note: The reference to well-being in Standard 303 aligns with the amendment to Standard 508 and is part of a larger scheme to improve lawyer well-being – a much needed effort in light of the crushing pressures that lawyers must learn to manage more effectively.

126. Coverage includes characteristics (i.e., grit, resilience, growth mindset, integrity, compassion, creativity, etc.), competencies (i.e., active listening, teamwork, emotional intelligence, judgment, etc.) and skills (communication, negotiation, as well as other legal skills). TEAGUE, FRALEY, & RISPOLI, *supra* note 32, at 95–183.

127. *ABA Standards*, *supra* note 10, at 18.

opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.<sup>128</sup>

Hopefully, it is clear by now that lawyers' role as leaders in society *is* a fundamental part of lawyers' professional identity! At the core of leadership development efforts is awakening law students to "the special obligations lawyers have to their clients and society."<sup>129</sup> From the Preamble to the ABA Model Rules of Professional Conduct:

- i. "A lawyer . . . is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice."
- ii. Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system.<sup>130</sup>

Lawyers have a special obligation to society as keepers of the rule of law and protectors of individual freedoms and rights. As clients and organizations look to us for representation, guidance, and leadership, lawyers have the opportunity to address important issues that impact not only our nation, but also the future of the legal profession. Law students' journey to becoming honorable members of this profession should include attention to these important issues and the role of lawyers in helping to secure our nation's system of governance. And, as expressed in countless personal statements I have read over the years, significant numbers of students come to law school with the express desire to "make a difference."

Students enter our law schools committed to using their time, talent, and efforts as lawyers to give power to those whose voices are not heard.<sup>131</sup> Others plan to counsel clients or advocate for specific change that ripples throughout society.<sup>132</sup> They want to solve problems for individuals who are less fortunate or to positively impact a larger group for the "greater good." Law school personnel applaud those intentions for we know that lawyers are difference makers. It is part of our professional identity and our obligation to society.<sup>133</sup>

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128. *Id.* at 19.

129. *Id.* at 19.

130. MODEL RULES OF PRO. CONDUCT pmb1. ¶¶ 1, 13.

131. ASS'N AM. L. SCHS. & GALLUP, HIGHLIGHTS FROM BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL 3 (2018), <https://www.aals.org/app/uploads/2018/09/BJDReportsHghlights.pdf>. In this study of more than 22,189 undergraduates at 25 colleges, 35% of the students listed the opportunity to help others as a top reason why they were considering attending law school. *Id.* at 1, 3.

132. *Id.* at 3 (finding that 32 percent of undergraduates listed advocating for social change as one of their top reasons for wanting to attend law school).

133. *ABA Standards, supra* note 10, at 19.

Shouldn't law schools strive to equip and inspire law students to be difference-makers? Leadership development provides the training to be an effective difference maker.

*B. ABA Standard 303(c): Bias, Cross-Cultural Competency and Racism Education*

New efforts to encourage diversity, inclusion, and cultural competency education resulted in the addition of ABA Standard 303(c), which reads:

(c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:

- (1) at the start of the program of legal education, and
- (2) at least once again before graduation.<sup>134</sup>

For students engaged in law clinics or field placements, the second occasion will take place before, concurrent with, or as part of their enrollment in clinical or field placement courses.<sup>135</sup>

Interpretation 303-6 connects diversity, equity, and inclusion education to professional identity formation in ABA Standard 303.<sup>136</sup> “[P]rofessionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced.”<sup>137</sup>

The form or content of the education on bias, cross-cultural competency, and racism is not prescribed by Standard 303(c).<sup>138</sup> New Interpretation 303-7 provides further guidance:

Standard 303(c)'s requirement that law schools provide education on bias, cross-cultural competency, and racism may be satisfied by, among other things, the following:

- (1) Orientation sessions for incoming students;
- (2) Lectures on these topics;
- (3) Courses incorporating these topics; or
- (4) Other educational experiences incorporating these topics.

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134. *Id.* at 18.

135. *Id.*

136. *Id.* at 19.

137. *Id.*

138. *Id.* at 18.

While law schools need not add a required upper-division course to satisfy this requirement, law schools must demonstrate that all law students are required to participate in a substantial activity designed to reinforce the skill of cultural competency and their obligation as future lawyers to work to eliminate racism in the legal profession.<sup>139</sup>

These important but sensitive subjects were taught in leadership programs before the amendments required coverage.<sup>140</sup> Materials developed to teach these concepts do so respectfully and engagingly. For example, Chapter Seventeen of *Fundamentals of Lawyer Leadership* is titled “Diversity, Inclusion, and Cultural Intelligence” and combines the coverage of diversity and inclusion with bias and cross-cultural competency.<sup>141</sup> Exercises and discussion prompts help engage students in these conversations. Chapter Eight of *Leadership for Lawyers* is titled “Diversity in Leadership.”<sup>142</sup> These issues have always been present in Deborah Rhode’s leadership books, but the third edition textbook includes additional material on diversity and inclusion, as well as updated exercises, problems, and media resources.<sup>143</sup> The subject of Chapter Thirteen in *Leading in Law* is “Leading the Charge for Diversity, Equity, and Inclusion.”<sup>144</sup>

Valuing diversity and inclusion, understanding bias, and developing cross-cultural competency are fundamental aspects of leadership development and should be areas of emphasis not only in leadership programs but also throughout all of law school. Creating an environment for acceptance and sharing of different life stories and different perspectives makes for rich conversations, enhanced learning, and more effective lawyer-leaders.

### C. ABA Standard 508(b): Student Well-being Resources

The amendment to ABA Standard 508(b) requires law schools to provide students with information and guidance on law student well-being resources.<sup>145</sup> The amendment also calls for efforts to mitigate barriers and remove the stigma of accessing mental health and well-being supports on campus and within the legal profession.<sup>146</sup> Well-being resources to be made available to students can include: information or services related to mental health, including substance use disorders; information about critical services such as food pantries or emergency financial assistance; counseling services

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139. *Id.* at 19–20.

140. Teague, *Training Lawyers for Leadership*, *supra* note 1, at 655 nn.83–84.

141. TEAGUE, FRALEY & RISPOLI, *supra* note 32, at 289–329.

142. RHODE & PACKEL, *supra* note 108.

143. *Id.*

144. POLDEN & POSNER, *supra* note 53, at 211–28.

145. *ABA Standards*, *supra* note 10, at 37.

146. *Id.* at 38.

provided in-house by the law school, through the university of which the law school is a part, or by a lawyer assistance program.<sup>147</sup>

As this addition to the Standards affirms, caring for one's well-being is critical to success as a lawyer. The same is true for leaders. The importance of law schools' efforts to care for all aspects of our students' development cannot be overstated. As law schools move to a model that goes beyond teaching law students to "think" like a lawyer to preparing them for success as a whole or complete lawyer, attending to the mind, body, and soul will more likely result in a healthier and more effective lawyer-leader.<sup>148</sup> For students to be their best (i.e., self-actualization), they must learn to care for themselves if they want to fully utilize their legal knowledge, skills, and competencies to achieve their goals.<sup>149</sup>

Leadership development programs recognize the importance of well-being and provide opportunities for students to identify and adopt healthy practices that will benefit them as they enter the profession. Chapter Eleven of *Fundamentals of Lawyer Leadership*, "The Importance of Well-Being: Thriving in the Legal Profession," discusses the dimensions of health and shares resources and techniques for long-term practices and changing habits.<sup>150</sup> In Chapter Two of *Leadership for Lawyers*, Rhode discusses the evolution of well-being, the underlying causes of stress in the legal profession, and suggestions for positive strategies.<sup>151</sup> In *Leading in Law*, Dean Polden identifies leadership development as "an effective antidote" to the profession's well-documented wellness problem.<sup>152</sup> Similarly, during the first plenary session of the 2023 National Association of Law Student Affairs Professionals Conference, Patrick Barnes recommended "Integrate Leadership Training" to combat law students' fatigue and trauma.<sup>153</sup>

If we are to encourage law students to be their best and wisely use their time, talents, and resources to make a difference in the world, we must help them prioritize time for their mental and physical health and develop healthy strategies to deal with the stress of the practice of law, maintain healthy relationships with family and

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147. *Id.* at 37–38.

148. See Teague, *Growing Number*, *supra* note 53, at 149 for a further discussion about developing well-rounded lawyers who will be find meaning, satisfaction and success in life using knowledge and skills that are learn (or at least introduced) in law school and developed throughout their careers.

149. Saul Mcleod, *Maslow's Hierarchy of Needs*, SIMPLY PSYCH. (July 26, 2023), <https://www.simplypsychology.org/maslow.html>.

150. TEAGUE, FRALEY & RISPOLI, *supra* note 32, at 185–200.

151. RHODE & PACKEL, *supra* note 108.

152. POLDEN & POSNER, *supra* note 53, at 233.

153. Patrick A. Barnes & Michael F. Barnes, Opening Plenary at the Seventh Annual National Association of Law Student Affairs Professionals Conference: A Parallel Process: Addressing Compassion Fatigue Experienced by Law School Student Services Professionals and the Students they Assist (June 13, 2023).

friends, and manage their time wisely so that they can continue to enjoy the hobbies and passions that are important to them.

*D. Baylor Law's Professional Development and Leadership Development Programs Provide an Example for Satisfying the New ABA Requirements*

As law schools are considering how to comply with the new requirements discussed above, this author hopes the following description of the interplay between two programs created in 2014 will help or at least spark ideas for other schools. At Baylor Law, professional development and informal leadership development have been woven into the education and training of every Baylor Law student for many decades.<sup>154</sup> From the emphasis on service during the first day of orientation through our nationally renowned third-year Practice Court program,<sup>155</sup> Baylor Law faculty strive to develop individuals who will be prepared for the challenges of the legal profession and equipped to serve effectively. As a result, we proudly watch Baylor Lawyers serve their clients effectively and lead within the profession and throughout their communities.

In 2014, we implemented two programs to be more intentional about preparing our students to enter the profession as competent and prepared professionals who are ready to serve and lead.<sup>156</sup> Both programs have been recognized by the ABA with its prestigious E. Smythe Gambrell Professionalism Award.<sup>157</sup> In 2018, Baylor's

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154. *Leadership Development*, BAYLOR UNIV. L. SCH., <https://www.baylor.edu/law/currentstudents/index.php?id=935914> (last visited Oct. 4, 2023).

155.

The Baylor experience culminates in the third year when every student enters Baylor's renowned *Practice Court*—a two-quarter, four-course, real-world advocacy training ground . . . The program is nationally recognized as one of the most rigorous, most demanding—and yet most rewarding—law school experiences for the honing of real-world lawyering and leadership skills.

*Practice Court*, BAYLOR UNIV. L. SCH., <https://www.baylor.edu/law/advocacy/index.php?id=981049> (last visited Oct. 4, 2023).

156. *Baylor Law Professor Leah Teague Appears on EdUp Legal Podcast*, BAYLOR UNIV. L. SCH. (Oct. 8, 2021), <https://www.baylor.edu/law/news.php?action=story&story=225018>; *Baylor Law School's Professional Development Program*, ASS'N OF AM. L. SCHS., <https://www.aals.org/home/baylor-law-schools-professional-development-program/> (last visited Oct. 4, 2023).

157. *Baylor Law Leadership Program Wins Prestigious ABA Gambrell Award*, BAYLOR UNIV. L. SCH. (Aug. 10, 2022), <https://www.baylor.edu/law/news.php?action=story&story=229560> [hereinafter *Baylor Law Leadership Program*].

*Practice Ready* Professional Development Program<sup>158</sup> received the Gambrell Award.<sup>159</sup> Baylor Law's innovative Leadership Development Program<sup>160</sup> was honored with the recognition in 2022.<sup>161</sup>

*1. Baylor Law Practice Ready Professional Development Program*

Through the required Professional Development Program, Baylor law students must attend 21 professional development training sessions (60 to 90 minutes each).<sup>162</sup> To complete the graduation requirement, students attend mandatory sessions during the first term and then choose additional sessions from a wide variety of subjects.<sup>163</sup> Six to ten sessions are offered each of our four academic terms per year to provide students with a selection of topics that are aligned with their career aspirations and interests.<sup>164</sup>

a. Introduction to Law and the Legal Profession

In students' first term in law school, they are required to attend all of the following sessions to explore the legal profession's influence on society:

- The Legal Profession & Professionalism for the Law Student
- Social Justice and the Rule of Law
- The Lawyer as Instrument of Positive Social Change
- The Lawyer as Leader and Professional
- The Lawyer as Community Servant.<sup>165</sup>

The origin of the Introduction to Law sessions dates back to a required class developed more than fifteen years ago to introduce students not only to the practical skills new law students need for law school success (such as briefing cases, outlining a course, etc.), but

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158. *Professional Development Program*, BAYLOR UNIV. L. SCH., <https://www.baylor.edu/law/currentstudents/index.php?id=933502> (last visited Oct. 4, 2023).

159. *Baylor Law Receives Prestigious E. Smythe Gambrell Professionalism Award from the American Bar Association*, BAYLOR UNIV. L. SCH. (Aug. 13, 2018), <https://www.baylor.edu/law/news.php?action=story&story=201213>.

160. *Leadership Development*, *supra* note 154.

161. *Baylor Law Leadership Program*, *supra* note 157.

162. *Professional Development Program*, *supra* note 158.

163. *Id.*

164. Leah Teague, "The Difference Makers": *Professional Identity of Lawyers in America*, UNIV. OF ST. THOMAS: HOLLORAN CTR. PROF. IDENTITY IMPLEMENTATION BLOG (Nov. 10, 2022), <https://blogs.stthomas.edu/holloran-center/the-difference-makers-professional-identity-of-lawyers-in-america/>.

165. Syllabus, *Introduction to Law School and the Legal Profession*, BAYLOR UNIV. L. SCH. (2023).

also to the competencies and skills they need to become the professionals we hope they will become.<sup>166</sup>

Through these professional development sessions, we hope to introduce our students to lawyers' obligations to society as change agents and protectors of the rule of law. We also strive to inspire them to embrace the opportunities to serve and lead that await them after graduation as they address critical challenges our societies face.

b. Civil Discourse Training: Public Deliberation Workshop

The latest enhancement to the program is to require all students to attend a Public Deliberation Workshop in their second week of school.<sup>167</sup> Beginning with the Fall 2022 quarter, each entering student at Baylor Law is introduced to a model for civil discourse through a workshop developed in partnership with Baylor University's Public Deliberation Initiative to train "law students as active deliberative citizens with democratic skillsets they can implement within their own communities and leadership."<sup>168</sup>

The emphasis of the training is professionalism, modeling civility, and seeking to resolve issues more effectively by earnestly and respectfully listening to others with different life experiences and viewpoints. These public discourse trainings satisfy the call by Professor Leary Davis for civility training in these three central attributes:

- "Civility assumes that we will disagree; it requires us not to mask our differences but to resolve them respectfully.
- Civility requires that we listen to others with knowledge of the possibility that they are right and we are wrong.
- Civility requires that we express ourselves in ways that demonstrate our respect for others."<sup>169</sup>

The goal is not to try to change others' minds on the issue at hand; instead, it is to find shared values and build a community that can

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166. 2008–09 *Student Catalog*, BAYLOR UNIV. L. SCH. 51 (May 18, 2009, 10:38 AM), <https://www.baylor.edu/content/services/document.php/114569.pdf>.

167. Leah Teague, *Civil Discourse Training Through Public Deliberation Workshops*, TRAINING LAWS. AS LEADERS (May 24, 2023), <https://traininglawyersasleaders.org/2023/05/24/civil-discourse-training-through-public-deliberation-workshops/>.

168. Leah Teague, *Training Law Students to Converse Respectfully: Public Discourse Workshop*, UNIV. OF ST. THOMAS: HOLLORAN CTR. PROF. IDENTITY IMPLEMENTATION BLOG (May 9, 2023), <https://blogs.stthomas.edu/holloran-center/training-law-students-to-converse-respectively-public-discourse-workshop/>.

169. Leary Davis, *Competence as Situationally Appropriate Conduct: An Overarching Concept for Lawyering, Leadership, and Professionalism*, 52 SANTA CLARA L. REV. 725, 789–90 (2012). Dean Davis has one of the early proponents of, and legal scholars on, professional identity formation and leadership development for lawyers.

lead to innovative problem-solving. We hope to create a culture of respect for colleagues with different backgrounds and perspectives that will enrich our classrooms and programs, support our efforts for student well-being, and better equip our students to be difference-makers in society.

Second- or third-year law students serve as workshop facilitators during the sessions. Trained to be public deliberation facilitators during our Leadership Education and Development (LEAD) course, they keep the workshop participants on task while remaining neutral.<sup>170</sup> After training and participation, the law student facilitators receive certificates as public deliberation facilitators.

c. Creating a Comprehensive Approach: Pathways

A new development at Baylor Law is our Pathways program. Through this initiative, we hope to help our students understand all the other skills and competencies that they are being taught throughout their law school experience.<sup>171</sup> Through the “hidden” curriculum, students may develop skills such as grit, resilience, and coping with failure (hopefully with grace), but without intentionality, we cannot be sure. With our Pathways project, we are being intentional by asking them thought-provoking questions about key experiences during their law school careers.<sup>172</sup> For example, after the Public Deliberations experience, they are asked these questions:

1. While going through the process of deliberation, what was one insight that stood out to you as a vital component of healthy communication? In what ways might this insight influence your future communication practices as a lawyer?
2. We all have different personality types and leadership styles. Can you see yourself incorporating some of the principles of public deliberation into your leadership style in the future? If so, how will you introduce these principles to your future colleagues? Which principles will you focus on?<sup>173</sup>

Our goal is to spark connections and encourage the students to take an active role in incorporating these skills and competencies into their identity as a lawyer. We believe that by improving these experiences, the students will realize that they are learning so much more than simply “thinking like a lawyer.”

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170. *Leadership Development*, *supra* note 154.

171. *See, e.g., Baylor Public Deliberation Initiative*, BAYLOR UNIV. SCH. L., <https://pdi.web.baylor.edu/> (last visited Oct. 4, 2023).

172. *Id.*

173. *Id.*

## 2. *Baylor Law Leadership Development Program*

The Baylor Law Leadership Development Program continues professional identity formation work and focuses on developing professional competencies and skills that will be helpful as they work with others to accomplish goals and achieve success. The goal is to provide tools that will better prepare them for the challenges that await them after graduation as they assume the important roles of a future member of the noble profession of law. The objectives of the Leadership Development Program are to encourage and assist law students to:

1. Embrace their professional identity as they serve clients and society;
2. Develop competencies and skills to succeed; and
3. Boldly seek opportunities to make a difference in the profession, their communities, and the world.<sup>174</sup>

Designed to give students tools and skills to become their best selves and reach their potential, students are introduced to values-based professional development and leadership development concepts that provide the means to be more effective difference-makers.<sup>175</sup> Through class exercises, discussions, and journal reflections, learning outcomes are intended to meet the students where they are on their journey to accepting the professional responsibilities expected of lawyers and progressing toward becoming their best self and the ideal or “Complete Lawyer” as described in Part IV.<sup>176</sup>

## 3. *LEAD Course*

The upper-level elective leadership development course, called Leadership Engagement and Development (LEAD), was one of the first in legal education and was first taught at Baylor in 2014.<sup>177</sup> With no traditional textbook available in 2014, the course materials were an amalgamation of resources with Deborah Rhode’s book *Lawyers as Leaders* as the primary resource.<sup>178</sup> The course was developed primarily by considering leadership programming outside legal

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174. *Leadership Development*, *supra* note 154.

175. *Id.*

176. TEAGUE, FRALEY & RISPOLI, *supra* note 32, at 636 (describing a Complete Lawyer as one serving in the three traditional lawyer roles: technical legal experts who are competent, ethical and striving for excellence as they advocate for and advice clients, and solve problems and in all matter, conduct themselves with honor and integrity; wise counsellors who are trusted by clients by provides principled advice guided by moral, values, including care for self & others; and effective leaders who inspire vision, build relationships in community and resolve conflict. A complete lawyer is an expectation that lawyers will conduct themselves in an ethical and professional manner always).

177. Teague, *Training Lawyers for Leadership*, *supra* note 1, at 661.

178. *Id.* at 656.

education. The current textbook, *Fundamentals for Lawyer Leadership*, was written with Baylor colleagues based upon five years of experience in teaching the course, review of other courses or leadership programs, and review of the majority of body of legal scholarship on lawyer leadership.<sup>179</sup> The primary objective of the textbook was to offer an easy-to-use resource for those at other law schools with no formal study in leadership and little time to do so.<sup>180</sup>

The LEAD course and the textbook follow a structure similar to that found elsewhere, i.e., start with significant focus on leadership of self, then address leadership with others, and finish with consideration of how students can have an impact by serving and leading a cause, organization or community (i.e., for what purpose will they use their lawyer-leader skills).<sup>181</sup> At least half of the class sessions instruct students to explore and develop leadership of self. Through conversations with colleagues over the years, it appears many other professors have a similar approach.<sup>182</sup> Why? It is the same explanation given by an airline attendant before takeoff when instructing passengers to first put their oxygen mask on before tending to others. We also hear, and give, the same advice about stressing the importance of selfcare. We must first be well, strong and competent (i.e., be our best self) before we can reach our potential and realize the impact we desire to have on the world around us.

The short description of leadership of self is giving students tools for growth and encourage them to strive to be their best self.<sup>183</sup> Our foundation for teaching leadership of self is:

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179. See generally TEAGUE, FRALEY, & RISPOLI, *supra* note 32.

180. See *id.* at xxviii.

181. See generally *id.*; see also *Leadership Development*, *supra* note 154.

182. For the importance of an emphasis on Leadership of Self, see Neil Hamilton, *Leadership of Self: Each Student Taking Ownership over Continuous Professional Development/Self-Directed Learning*, 58 SANTA CLARA L. REV. 567, 567–68 (2018).

183. As we continue to refine our approach to Leadership of Self, our approach is to guide their self-assessment, reflection, and discovery with emphasis on the following:

- Take ownership of lawyers' professional obligation to act with integrity and be a person of good moral character.
- Make every decision guided by principled values and know what yours are before you need to make a decision under pressure.
- Understand your natural preferences, strengths, challenges, and unique perspectives.
- Courageously face challenges to get grittier.
- See the world with a growth mindset.
- Value differences and change as an opportunity to learn.
- Don't fear failure, normalize it to see the potential for growth.
- Fail gracefully and with humility.
- Seek feedback and embrace the process using feedback loops.
- Gain resilience to bounce back higher.

- a. The role of the lawyer in society.
- b. Foster development of personal values and goals.
- c. Grit plus growth mindset leads to resilience.
- d. Feedback is necessary for growth.
- e. Failing is part of growth so fail with grace.<sup>184</sup>

The desired result is to produce graduates with better coping skills and professional competencies that enable more professional success and greater personal satisfaction. Those graduates are more likely to be happier and more productive citizens, lawyers and leaders who will have significant positive impacts in the world.<sup>185</sup>

The Leadership with Others section<sup>186</sup> builds upon Leadership of Self by helping students translate what they know about themselves to working effectively with teams. The foundation for teaching these skills focus upon:

- a. Vision and strategic thinking.
- b. Providing value to the team.
- c. Valuing others' perspectives and contributions.
- d. Emotional and cultural intelligence.
- e. Helping others grow and learn.<sup>187</sup>

The last few days of the class are intended to inspire students to think more specifically about who they want to be and how they might use their legal education and training beyond financial gain. Although financial security is important, we know from conversations with practicing lawyers over the years, purpose, meaning, and personal satisfaction often comes from serving a cause or organization about which they care. We hope they all aspire to make a difference

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- Prioritize wellness.
  - Set SMART goals and accountability plans.

184. See TEAGUE, FRALEY, & RISPOLI, *supra* note 32, at 117, 119, 138, 155, 167.

185. See *id.* at 146.

186. The Leadership with Others section of the course covers these concepts:

- Vision plus preparation is necessary to take advantage of opportunities that present themselves.
- Think strategically.
- Effective communicators listen to understand.
- Humans are built to be in community with others. Without followers and collaborators, dreams cannot thrive. Relationships make magic happen.
- Emotional Intelligence builds bonds and stronger, productive working relationships.
- Value different when working with others.
- Cultural competency leads to diversity and belonging.
- Inclusive leadership invites innovation, encourages ownership, and inspires dreams.
- Seek to add value wherever you go.

187. See TEAGUE, FRALEY, & RISPOLI, *supra* note 32, at 237, 249, 273, 289.

through Leadership within Community. As we wrap up the LEAD course, we encourage them to consider:

- a. Passionate service is more likely to produce positive results.
- b. Service to others can bring peace and joy.
- c. People often find significance simply through living their best life.<sup>188</sup>

As the class concludes, students are encouraged to pursue leadership studies knowing that both law and leadership require a life-long love of learning and commitment to continual growth. We hope they leave with a plan for service with significance. Students are asked to consider the legacy they will leave by thoughtfully and strategically considering how they will use their time, talents, and treasures to leave the world a better place.

Even before the new requirements in the amendments to ABA Standard 303(b), Baylor Law sought to enhance efforts to address the professional identity formation of our law students.<sup>189</sup> The recent amendments provided an opportunity to consider further enhancements.

#### VI. UPDATE ON GROWTH OF LEADERSHIP DEVELOPMENT PROGRAMMING IN LEGAL EDUCATION

The increase in a number of law schools exhibiting some intentionality to provide specific leadership development is remarkable! Ten years ago, only a small handful of maverick professors recognized the need to be more intentional with helping our students recognize that *all* we do as lawyers is leadership.<sup>190</sup> The story of the leadership development movement is chronicled in *Training Lawyers for Leadership* with only 17 professors at 11 law schools identified as writing or teaching leadership in 2013.<sup>191</sup> In those first years, common reactions in conversation with law faculty included: You cannot teach leadership; leaders are born, not made.<sup>192</sup> What do you mean by leadership?<sup>193</sup> Leadership is soft skills training

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188. *Id.* at 420.

189. *Compare ABA Standards, supra* note 10, at 18 (requiring law schools to provide students the opportunity to develop their professional identities starting in 2022), *with* Teague, *Training Lawyers for Leadership, supra* note 1, at 661 (stating Baylor Law School encouraged its students to do the same starting in 2014).

190. Teague, *Training Lawyers for Leadership, supra* note 1, at 650.

191. *Id.* at 650–56.

192. Rhode, *supra* note 20, at 413–15 (2018); *see also* Barry Z. Posner, *Leadership Development in Law Schools: Myths, Principles, and Practices*, 58 SANTA CLARA L. REV. 399 *passim* (2018).

193. Rhode, *supra* note 20, at 415.

that should be learned elsewhere.<sup>194</sup> Through sessions at annual meetings of the American Association of Law Schools and annual symposia, the narrative in legal education is changing.<sup>195</sup>

*Training Lawyers for Leaders* includes an Appendix listing thirty-seven leadership courses and programs at American law schools in January 2017.<sup>196</sup> In 2019, the search was broadened to search for learning outcomes and mission statements that specifically include leadership.<sup>197</sup> *Growing Number of Leadership Programs and Courses Supports Professional Identity Formation* reported eighty-five law schools intending to address leadership development.<sup>198</sup> The cries that it cannot be done in law school have quietened to occasional whispers. Conversations have become productive, such as the one at Wake Forest, about *how* it can be done.

In spring 2023, over 100 ABA-accredited law schools are identified to have a course, program, designation, fellowship, learning outcome, or mission statement that specifically includes leadership as a focus or purpose.<sup>199</sup> As new programming springs forth to address the 2022 amendments to the ABA Standards, more courses are likely and leadership development is expected to thrive.

#### CONCLUSION

Leadership is influence and impact and that describes the role of lawyers in society. Whether advocating for just compensation or equal rights, defending an accused against a rioting charge, serving as CEO of a medium-sized firm, or election as mayor of a city, lawyers serve as leaders every day and in every way. With influence comes the power to make a difference—that can be positive or not. Lawyers must accept the responsibility of their special status in society and *be* leaders of good moral character.

The story lawyers tell themselves about who they are as lawyers and what role they shall play in society begins in law school. Legal educators are the storytellers. What story will we tell our students about our profession? What expectations will we set for them and us? How will we inspire our students to use their education, training, time, and talents to do something good and noble that will impact a life, change the trajectory of an organization, or cause a ripple throughout a society?

What an honor but what a task! The challenges facing the legal profession are daunting. As Deborah Rhode warned in her last

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194. *Id.*

195. *Id.* at 412–13.

196. Teague, *Training Lawyers for Leadership*, *supra* note 1, at 665–72.

197. Teague, *Growing Number*, *supra* note 53, at 163.

198. *Id.*

199. As of January 2023, one hundred eleven ABA accredited law schools have a leadership course, program, certificate, learning outcome or mention in their mission statements. Database on file with author.

published article on leadership, “At no time in recent history has the need for leadership been so apparent and its absence so catastrophic.”<sup>200</sup> Unrest and uncertainty abound. The disruption of AI will forever change how lawyers do their jobs. If we are not attentive and adaptive, lawyers will be relegated to a much lesser role in society. Without lawyers prominently serving as guardians and leading throughout the land, democracy will suffer. As Professor Susan Strum exclaimed in *Law Schools, Leadership, and Change*, “law schools’ role of preparing leaders able to tackle pressing public problems is a matter of great public concern.”<sup>201</sup>

“Successful leadership requires a match between what the circumstances demand and what an individual has to offer.”<sup>202</sup> Leadership development enhances law students’ education so that they are better equipped with tools and skills to meet the demands of those future opportunities. Prepared lawyers can embrace disruption and adapt to change, and they can do so while embracing their obligations to serve with honor and integrity. Lawyers who are willing to do the hard right thing, selflessly seek the greater good, and courageously make difficult judgment calls are the ones who are ready, willing, and able to enter the arena described in President Theodore Roosevelt’s famous quote:

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.<sup>203</sup>

Preparing our students for service and encouraging them to courageously enter the arena is our job as legal educators. But we also can model the way. Together we can use our skills, competencies, and relationships to positively influence those in our building and our

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200. Deborah L. Rhode, *Leadership in Times of Social Upheaval: Lessons for Lawyers*, 73 BAYLOR L. REV. 67, 68 (2021).

201. Sturm, *supra* note 53.

202. Deborah L. Rhode, *Developing Leadership*, 52 SANTA CLARA L. REV. 689, 691 (2012).

203. Theodore Roosevelt, Address at the Sorbonne in Paris, France: “Citizenship in a Republic” (Apr. 23, 1910), <https://www.presidency.ucsb.edu/documents/address-the-sorbonne-paris-france-citizenship-republic>.

communities. The collective impact of lawyer-leaders serving around the nation can be the ripple that becomes a wave.