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Experiential Leadership: Teaching Collaboration Through a Shared Leadership Model

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EXPERIENTIAL LEADERSHIP: TEACHING COLLABORATION THROUGH A SHARED LEADERSHIP MODEL

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Lawyers serve as leaders throughout our society, and it is more important than ever that these leaders are effective in order to address the country's challenges. Yet few lawyers have had any formal leadership training. Contrary to popular belief, leadership opportunities are not limited to those who serve in traditional positional leadership roles because leadership is increasingly thought of as an influence process. Thus, lawyers have many opportunities to lead, including leading their colleagues who are peers. As a result, the opportunities to lead can come early in a lawyer's career, even in law school.

This Article provides a framework for students to learn and practice leadership skills while taking a clinic. The clinic is an ideal setting to teach leadership because so much of the work is accomplished by teams in a collaborative manner. The author adopts a Shared Leadership Model of collaboration where students take turns leading and supporting each other throughout the semester. Clinical professors are ideally situated to provide leadership training as they are experts in teaching skills. As a result, by using the Shared Leadership Model, students will have the opportunity to learn and practice leadership skills in an experiential setting and be equipped to lead early in their careers.

INTRODUCTION

Recent events have demonstrated that effective leadership is more important than ever as our country seeks to address numerous challenges, including combating racism and fighting the pandemic and its effects, in order to create a more just society. Lawyers will need to learn new and innovative ways to lead not only our profession, but

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also important institutions and organizations. Historically, nonprofits, government entities, and businesses have often turned to lawyers to lead. Indeed, five of the last ten United States Presidents were trained as lawyers, and countless Executive Directors of nonprofits, CEOs, elected and appointed government officials, and other recognized leaders are lawyers.[1] Within the legal profession, lawyers often play leading roles in public interest organizations, government agencies, law firms, and in-house legal departments. As a result, it is important that tomorrow's lawyers learn and practice leadership skills while they are in law school. An effective way to accomplish this goal is to incorporate leadership training into clinic work, which allows students to develop leadership skills in an experiential setting. This would enable law schools to make leadership training available to many, if not most, of their students, depending on the capacity of their clinical programs. Moreover, clinical professors are well suited to teaching leadership skills because they are experts in teaching lawyering skills, practice leadership as directors of their clinics, and often have had other leadership positions both prior to teaching and at their law schools.[2]

Although there are many definitions of leadership, this Article defines leadership as "'the ability to inspire others to work towards positive and ethical change.'"[3] When many people think of leaders they often think of those who hold a title and therefore "equate[ ] leadership with power or a position."[4] However, this narrow version of leadership has been rejected by "most experts" who "view leadership as an activity or relationship that involves influence."[5] Thus, most lawyers will exercise leadership in countless situations throughout their careers even if they do not hold traditional leadership positions. Moreover, opportunities to influence will come early, and sometimes even before taking the bar. The vast majority of these

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[1] Chelsea Beran, *Before They Were Presidents . . . They Were Lawyers*, LAW TECH. TODAY (Feb. 6, 2016), https://www.lawtechnologytoday.org/2016/02/before-they-were-presidents-they-were-lawyers/.

[2] Ideally, students will also take a separate leadership class, although not all law schools offer them.

[3] *See* Susan R. Jones, *The Case for Leadership Coaching in Law Schools: A New Way to Support Professional Identity Formation*, 48 HOFSTRA L. REV. 659, 659 (2020) (quoting Donald J. Polden, *Leadership Matters: Lawyers' Leadership Skills and Competencies*, 52 SANTA CLARA L. REV. 899, 899 (2012) [hereinafter Polden, *Leadership Matters*]); *See also* Deniz Dirik & İnan Eryılmaz, *Leader Power Bases and Organizational Outcomes: The Role of the Perceived Organizational Politics*, J.E. EUR. MGMT. STUDIES. 530, 532-33 (2018); Barry Z. Posner, *Development in Law Schools: Myths, Principles and Practice,* 58 SANTA CLARA L. REV. 399, 405 (2019) (stating that leaders are those who guide others).

[4] Deborah L. Rhode, *Leadership in Law*, 69 STAN. L. REV. 1603, 1607 (2017) [hereinafter Rhode, *Leadership in Law*].

[5] *Id.*

"lawyer leaders," however, will have received no specific training to be leaders, including while they were in law school.[6]

To ensure that law students graduate with some understanding of how they can most effectively exert influence, law schools need to expand beyond their traditional approach and instead train creative and dynamic problem solvers who can lead in many different situations. Leadership skills can be taught, and students are capable of learning and developing them through practice. To address this issue, law schools should look to their clinical programs as opportunities to foster experiential leadership training in addition to providing non-clinical leadership classes. In the clinical context, learning and practicing these skills will simultaneously provide students with important leadership skills while also improving results for their clients.[7] The author teaches both a clinic and a Leadership for Lawyers class each semester and incorporates leadership training into his clinic.

Leadership education is hardly a new phenomenon; business schools, executive training programs, and leadership consulting and coaching have all developed advanced training in leadership. However, law school's traditional focus on independent work and individual study in doctrinal classes does not naturally lend itself to the type of teamwork, collaboration, and relationship-building that develops good leaders.[8] Without leadership training available to all students, law schools leave many students—particularly those considering a career in a smaller organization which may lack the resources to train new lawyers—without the skills to work and lead within groups.

This Article examines how law schools, through their clinical programs, can more effectively prepare students to be leaders. Part I of this Article first discusses leadership generally, and the differences between positional, or hierarchical, leadership and so-called "Shared Leadership," a model of leadership where individuals working in teams take turns leading and supporting on different assignments.[9] Additionally, Part I discusses some recognized skills and characteristics that are helpful when leading as well as different styles of leadership. Part II identifies the need for leadership education in law schools and analyzes this gap in the law school curriculum. Part III

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[6] Susan Sturm, *Law Schools, Leadership, and Change,* 127 HARV. L. REV. F. 49, 50-51 (2013).

[7] *See* Jones, *supra* note 3, at 674; *See also* ANTHONY C. THOMPSON, DANGEROUS   **R**
LEADERS: HOW AND WHY LAWYERS MUST BE TAUGHT TO LEAD 148 (2018).

[8] HERB RUBENSTEIN, LEADERSHIP FOR LAWYERS 29 (2005).

[9] Craig L. Pearce & Henry P. Sims, Jr., *Shared Leadership: Toward a Multi-Level Theory of Leadership* in TEAM DEVELOPMENT 119 (Michael M. Beyerlein, Douglas A. Johnson & Susan T. Beyerlein, eds. 2000) (describing the "Historical Bases of Shared Leadership").

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suggests that leadership education should be incorporated into law school clinics. It examines the pedagogy of teaching collaboration skills, an important component of the Shared Leadership Model, to law students within clinical courses. Further, Part III explains how to expand that curriculum to incorporate the Shared Leadership Model in seminar, case rounds, supervision meetings, and case/project work, and provides examples of how the model can be used in various assignments. Ultimately, this Article argues that teaching leadership to clinic students and implementing the model of Shared Leadership in the law school clinic is an effective way for law schools to develop each student's leadership skills.

I. WHAT IS LEADERSHIP?

As mentioned above, for the purposes of this Article, leadership is defined as an influence process.[10] Although we usually think of leadership, especially in the legal context, as something exercised by someone who holds a title, every lawyer and law student can, and should, try to influence those with whom they are collaborating to be more effective at achieving the groups' goals.

To lead effectively, one needs a combination of skills, qualities and characteristics.[11] Leadership can be developed in a variety of ways, both as a taught competency and as an acquired skillset learned from experience.[12] Before turning to how one can teach leadership and incorporate leadership training into one's clinic, it is helpful to differentiate between positional and Shared Leadership, and to explore some of the characteristics effective leaders possess.

A. Positional Versus Shared Leadership

Usually, one thinks of leadership as hierarchical or positional because organizations traditionally structure themselves so that there are tiers of authority. In a nonprofit organization, there is often an Executive Director, a Deputy Director, various supervisors, lawyers and support staff. In a law firm, one often has a Managing Partner, Partners, Counsel, various levels of Associates and then support staff. These pyramid structures require the organization's positional leaders

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[10] Rhode, *Leadership in Law, supra* note 4, at 1628 ("Leadership is above all about influence, which comes from both the power of the position (through control over resources, rewards and sanctions) and the power of the person (through experience, friendship, and loyalty).").

[11] LARRY RICHARD, LAWYERS AS LEADERS 45 (2013).

[12] *See* Louis D. Bilionis, *Law School Leadership and Leadership Development for Developing Lawyers,* 58 SANTA CLARA L. REV. 601, 603 (2019); *see also* Posner, *supra* note 3, at 401 (leadership skills are not innate and if developed correctly, every individual has the potential to be a great leader).

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to be effective, and the organization accordingly depends on their leadership skills. Moreover, although this is beginning to change, most of these positional leaders never received training to be leaders before they assumed their position.

As today's workplaces often depend on collaboration among multiple specialized contributors, "theories of leadership are shifting away from their single-minded focus on personal attributes required of heroic leaders at the top," and increasingly focus on leveraging "the latent leadership capacities distributed throughout social networks."[13] This model of leadership—called Shared Leadership—is viewed as a relational, "dynamic and multi-directional group process,"[14] where members elevate, and often lead based on particular expertise or interest, or based on the amount of time they can devote to the assignment. Thus,

> Shared leadership is a dynamic, unfolding, interactive influence process among individuals, where the objective is to lead one another toward the achievement of collective goals. This influence process often involves peer influence . . . Shared leadership entails broadly sharing power and influence among a set of individuals rather than centralizing it in the hands of a single individual who acts in the clear role of a dominant superior.[15]

The Shared Leadership Model foregoes the traditional hierarchy of positional leadership—where there is a "single chain of command from the top down,"—for a collaborative environment in which team members take turns leading and following each other.[16] Often each team member has an individual strength or expertise which gives them an opportunity to lead. However, to be effective, the entire team

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[13] Carsten Tams, *Bye-Bye Heroic Leadership. Here Comes Shared Leadership*, FORBES (Mar. 9, 2018), https://www.forbes.com/sites/carstentams/2018/03/09/bye-bye-heroic-leadership-here-comes-shared-leadership/#11e7ac452c67. *See also* D. Scott DeRue & Susan J. Ashford, *Who Will Lead and Who Will Follow? A Social Process of Leadership Identity Construction in Organizations*, 35 ACAD. MGMT. 627, 627 (2010). ("Recently, theorists have begun to conceptualize leadership as a broader, mutual influence process independent of any formal role of hierarchical structure and diffused among the members of any given social system.").

[14] *See* Craig L. Pearce, Charles C. Manz, & Henry P. Sims Jr., *Where Do We Go From Here?: Is Shared Leadership the Key to Team Success?*, 38 ORG. DYNAMICS 234 (2009).

[15] *Id.; See also* Maj Schoeler Fausing, Thomas Skriver Joensson, Joshua Lewandowski & Michelle C. Bligh, *Antecedents of Shared Leadership: Empowering Leadership and Interdependence,* 36 LEADERSHIP & ORG. DEV. J. 271, 272 (2015) (explaining that "[s]hared leadership represents a reconceptualization of leadership on a team level and it describes influence and leadership as a collective and shared activity emerging among the members of a team." (citation omitted)).

[16] Joanne Fritz, *Is a Shared Leadership Model Right for Your Nonprofit?*, THE BALANCE SMALL BUS. (Mar. 8, 2019), https://www.thebalancesmb.com/shared-leadership-in-nonprofit-organizations-4243923.

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must collaborate.[17] Of course, even under a Shared Leadership Model, the positional leaders in the organization still play an important role.

Although it is helpful to teach law students and young lawyers how to be positional leaders—especially if they lead an organization or student group while in law school[18]—it is equally important to teach law students how to share leadership with their peers because they will not hold formal leadership roles early in their careers, and will likely work, in part, with colleagues who are around their same level. The Shared Leadership Model encourages students to understand leadership as a flexible group process, rather than a role exercised solely by the professor or by a select student.[19] When students shift their perspective from viewing leadership as a single-person activity to a collective process, "space opens up for all" students to actively participate as a leader.[20] Moreover, teaching law students to exercise Shared Leadership prepares them to be more effective team members in their future legal careers. It also teaches them important leadership skills that will groom them for positional leadership roles down the road. As positional leaders, their shared leadership training and experience will make them more effective because of their learned collaborative leadership skills.

Therefore, employing the Shared Leadership Model in clinics offers effective leadership training to law school students. Because law school clinics teach lawyering skills to students in the context of real-life client representation, and leadership is an important lawyering skill, this Article argues that a clinic provides an ideal setting to teach leadership skills.[21] To effectively implement Shared Leadership, the clinical professor must create an environment that empowers each member of the team assigned to a certain case or project to take the

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[17] *Id.*

[18] Even if a student is leading an organization such as a journal or competition team, they will be leading peers. As a result, it is even more important for these technically positional student leaders to understand and learn Shared Leadership as they will not have the authority some positional leaders have such as the ability to make employment and compensation decisions.

[19] *See* Tams, *supra* note 13.   **R**

[20] *Id.*

[21] *See generally* THOMAS C. GRELLA, LESSONS IN LEADERSHIP, 2-19 (2013); Susan Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*, 17 VT. L. REV. 459, 490 (2013) (Collaboration exposes young lawyers to new viewpoints, and ultimately prepares them to work in a professional capacity; law schools should expose students to this type of leadership) [hereinafter Bryant, *Collaboration*]; *see also* Neil Hamilton, *Fostering and Assessing Law Student Teamwork and Team Leadership Skills*, 597 HOFSTRA L. REV. 619, 621 (2020) (explaining that effective team leadership is a necessary skill for client relations and in law practice, thus laws schools need to begin exposing students to leadership training early in their careers).

lead on different assignments, but also help on assignments they are not leading. Shared Leadership requires many, if not most, of the same skills and characteristics as positional leadership, especially if one conceptualizes leadership, as this Article does, as primarily an influence process. Some of these skills and characteristics are described in the next section.

B.   *Leadership Skills, Characteristics and Values*

Before one can teach leadership to students, it is helpful to understand the various skills, characteristics and values that effective leaders possess. This section will cover some of the most important of these attributes but is not meant to constitute an exhaustive list. Although every leader will have varying levels of proficiency with the many leadership skills and characteristics, every leader has the capacity to improve through training, experience and reflection. Because leadership is primarily an influence process, even for positional leaders, most of the core competencies of leadership apply to anyone who is trying to lead, whether or not they hold a formal leadership position.[22] Moreover, it is worth noting that many essential lawyering skills are also necessary for effective leadership.[23]

Because effective leaders must be able to work cooperatively and influence their colleagues, they must have strong collaboration skills.[24] Leaders must often work in teams in order to achieve a particular goal.[25] In order to collaborate well, one must possess strong interpersonal skills and high levels of emotional intelligence.[26] Thus, one must be an effective communicator, both orally and in writing. Leaders

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[22] *See* Garry W. Jenkins, *Educating Lawyer-Leaders: The Mechanics and Artistry of Case Study Teaching and Discussion Leadership*, 83 TENN. L. REV. 729, 743-44 (2016); Rhode, *Leadership in Law*, *supra* note 4 , at 1610; Bilionis, *supra* note 12, at 603; George T. "Buck" Lewis & Douglas A. Blaze, *Training Leaders the Very Best Way We Can*, 83 TENN. L. REV. 771, 781-82 (2016) (presenting study surveying managing partners at law firms about the important leadership characteristics for lawyers which includes the ability to influence colleagues).   **R**

[23] *See* THOMPSON, *supra* note 7, at 15 (for lawyers, learning the skills necessary to lead "will not only make them better leaders but will also make them better lawyers.")   **R**

[24] *See* Lewis & Blaze, *supra* note 22, at 781-82 (leaders must be team builders and possess strong collaboration skills.)   **R**

[25] *See* JENNIFER RINELLA, A CASE STUDY OF NONPROFIT ORGANIZATION LEADERS VIEWED THROUGH THE LENS OF SYNERGISTIC LEADERSHIP THEORY 86 (2014) (finding that eighty-three percent of Executive Directors exhibited cooperative, collegial, and team player behaviors to foster a more open environment).

[26] Rhode, *Leadership in Law*, *supra* note 4, at 1609 (noting that "interpersonal skills . . . such as social awareness, empathy, persuasion" are important leadership skills); *see also* R. Brad Morgan, *Developing Skills of Leadership Through Service Learning: Alice's Adventures in Wonderland and a Path to Effective Leadership*, 83 TENN. L. REV. 915, 919 (2015); R. Lisle Baker, *Character and Fitness for Leadership: Learning Interpersonal Skills,* 58 SANTA CLARA L. REV. 525, 528 (2018).   **R**

must also listen effectively—not only to the words that are spoken, but to the underlying emotion and motivation of what is said. This is important not only to make other group members feel heard and respected, but because it will lead to better decisions.[27]

In addition, social awareness, trustworthiness, and empathy are all essential to forming genuine relationships with other team members, and are therefore helpful when working with colleagues.[28] Moreover, because collaboration may also involve situations where conflicts among team members arise, leaders must possess strong conflict resolution skills.[29] Finally, as the most effective teams are diverse, it is important for leaders to have cross-cultural competence. It is "essential that lawyers become more culturally competent when doing cross-cultural relationship building."[30] Building cross-cultural competency will "provide students with skills that are necessary to communicate and work positively with both clients and colleagues."[31]

Collaboration is also important because good collaborators make better decisions. Effective leaders must exercise good judgment and be strong decision-makers.[32] While some decisions will be made by the client after counseling, many, including strategic decisions, will be made by counsel. For lawyer leaders, there are countless decisions, both big and small, that need to be made to further their clients' goals. Similarly, lawyer leaders who serve in public interest organizations, policy positions, elected offices, and in the private sector will be called upon to make very difficult decisions. To do so, leaders must ensure that they have a good process for gathering important facts, under-

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[27] *See* Bilionis, *supra* note 12, at 621 ("leaders for change here must place a premium on communications strategies to spread the word effectively."); Neil Hamilton, *Leadership of Self: Each Student Taking Ownership Over Continuous Professional Development/ Self-Directed Learning,* 58 Santa Clara L. Rev. 567, 574 (quoting Susan G. Manch & Michelle C. Nash, Learning from Law Firm Leaders ix (2012)) (listing "effective communication and interpersonal style" as one of five core competencies of leadership in law firms).

[28] *See* Jenkins, *supra* note 22, at 744-45; Paula Galowitz, *Collaboration between Lawyers and Social Workers: Re-examining the Nature and Potential of the Relationship*, 67 Fordham L. Rev. 2123, 2126-27 (1999) (quoting Carrie Menkel-Meadow, *Narrowing the Gap by Narrowing the Field: What's Missing from the MacCrate Report – of Skills, Legal Science and Being a Human Being*, 69 Wash. L. Rev. 593, 619-20 (1994)) (stating that "[L]awyers must learn how to 'feel with' others. . . '[E]mpathy training' is an essential part of the client-lawyer relationship. . .[that] can be taught and learned.").

[29] Rhode, *Leadership in Law, supra* note 4, at 1609 (2017) (noting that conflict management is an important leadership skill).

[30] Carolyn Grose & Margaret E. Johnson, Lawyers, Client & Narrative: A Framework for Law Students and Practitioners 55 (2017); *see also* Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 Clin. L. Rev. 33, 38 (2001) [hereinafter Bryant, *Five Habits*].

[31] *See* Bryant, *Five Habits, supra* note 30, at 40.

[32] Rhode, *Leadership in Law, supra* note 4, at 1609.

standing clients' goals, researching applicable law and regulations, and considering the consequences of the various choices that are available. While leaders must utilize their own expertise, they must also seek input from their colleagues, consider their ideas, and support each team member.[33] Because a leader makes better decisions when every member of her team shares their thoughts, she must create an atmosphere where everyone is comfortable expressing their ideas. Thus, because effective leadership requires that the team approach decision-making and problem-solving as a group project, collaborative skills are crucial.[34]

To be successful at leading and influencing colleagues, it is important one is perceived as someone worthy of following. Thus, there are certain behaviors and characteristics that enable leaders to influence those around them. First and foremost, leaders must set an example by having a strong work ethic, and ensuring that they are reliable, available, and responsive to colleagues.[35] They must also be competent and well-prepared.[36] Leaders must understand their strengths and weaknesses. Thus, self-awareness is important.[37] Moreover, leaders must be able to be "reflective and consider the[ ] lessons" of past experiences.[38] Each of these traits makes them more likely to be willingly followed by their teammates and peers.

Leaders must also exhibit certain values if they are to be successful.[39] Chief among these values are honesty and integrity.[40] Integrity

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[33] Hamilton, *supra* note 27, at 575. **R**

[34] Morgan, *supra* note 26, at 921. **R**

[35] Rinella, *supra* note 25, at 28 (Professor Rinella, who has studied leadership in the **R** nonprofit sector, identified a number of "behaviors" these leaders engage in, including leading by example, being dependable and available, setting high expectations for self and others, and allocating time and resources efficiently).

[36] *See, e.g.,* Rhode, *Leadership in Law*, *supra* note 4, at 1609 (stating that leaders must **R** be knowledgeable and prepared); James M. Kouzes & Barry Z. Posner, *The Five Practices of Exemplary Leadership* in Leadership for Lawyers 27 (Deborah L. Rhode & Amanda K. Packel, eds. 2018) (tens of thousands of business and government executives were asked "What values, personal traits, or characteristics do you look for and admire in a leader?" One of the top four responses was competency).

[37] *See* Baker, *supra* note 26, at 533 (Self-awareness of personal limitations and of **R** others' opinions, as well as possessing self-knowledge of the situation, prevents leaders from isolating those who they should guide.); Hamilton, *supra* note 27, at 575; Deborah L. **R** Rhode, *Preparing Leaders: The Evolution of a Field and the Stresses of Leadership*, 58 Santa Clara L. Rev. 411, 413 (2019).

[38] Jenkins, *supra* note 22, at 745; *see also* Baker, *supra* note 26, at 533 (in building a **R** positive relationship, leaders need to be aware of how others will perceive and accept their input).

[39] *See* Posner, *supra* note 3, at 402, 406 (2019) (leadership is "about the values that **R** guide their decisions and actions" and "putting values into action").

[40] Thompson, *supra* note 7, at 75; *see also* Kouzes & Posner, *supra* note 36, at 27 (not- **R** ing that in the previously mentioned survey, one of the top four responses was also honesty).

is a "core value" in "lawyering," and the strongest leaders maintain integrity in both public and private settings.[41] Lawyer leaders must have the "character and fitness" worthy of public trust and moral judgement to serve clients well.[42] Therefore, these values are important not just to lead, but to practice law effectively as well.

While most of the qualities associated with effective leaders are necessary for both positional and non-positional leaders, certain leadership attributes are more relevant to, and more often employed by, positional leaders.[43] Positional leaders look to the future and set the vision and build consensus within their team.[44] They have the ability to motivate and push the other members of their group outside of their comfort zones.[45] Positional leaders have the special role of using their leadership skills to also inspire and coach members of their teams.[46]

This section provides a general idea as to the types of leadership skills, characteristics and values that are important for leaders, whether that leadership is positional or not. The next section will provide an overview of the various styles leaders exhibit.

C. Leadership Styles

The literature identifies a number of leadership styles.[47] While most, if not all of these styles, primarily relate to positional leaders, they are useful to consider for a Shared Leadership Model as well.

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[41] THOMPSON, *supra* note 7, at 75.   **R**

[42] Baker, *supra* note 26, at 527; *see also* THOMPSON, *supra* note 7, at 137 (stating that   **R** one of the five key leadership attributes for an intersectional lawyer-leader is "act[ing] with moral courage even out of the public view.").

[43] Lewis & Blaze, *supra* note 22, at 781-82 (presenting study surveying managing part-   **R** ners at law firms about the important leadership characteristics for lawyers found that traits of effective positional leaders included adaptability, team building, change leadership, coaching, collaboration, credibility, decisiveness, driving innovation, influence, and leveraging differences); *see also* Hamilton, *supra* note 27, at 575 (building relationships,   **R** setting a vision, dealing with conflict, and leveraging difference are traits of managers and function leaders).

[44] Kouzes & Posner, *supra* note 36, at 27 (stating that in the same previously referenced   **R** survey, two of the top four responses were "forward-looking" and "inspiring."); Linda Chiem, *7 Habits of Highly Effective Law Firm Leaders*, LAW360 (Mar. 10, 2015, 4:24 PM), http://www.law360.com/articles/624975/7-habits-of-highly-effective-law-firm-leaders.

[45] Donald J. Polden, *Lawyers, Leadership, And Innovation*, 58 SANTA CLARA L. REV. 427, 429 (2019) [hereinafter Polden, *Lawyers, Leadership, and Innovation*].

[46] Polden, *Leadership Matters*, *supra* note 3, at 914 (motivation, inspiration, and coach-   **R** ing are elements that top law firms use to define leadership as a core competency); *see generally* Jones, *supra* note 3.   **R**

[47] Stephanie Kelly & Patrick MacDonald, *A Look at Leadership Styles and Workplace Solidarity Communication*, INTL. J. BUS. COMM. 432, 433 (2019) (defining styles as the manner in which a leader "influences, interacts with, and facilitates task completion" and "communicates with their followers.").

All leaders have some style(s) that they bring. On one end of the spectrum, there is the loud and intimidating, or coercive style. At the other end, there is the more collaborative and mentoring style. While there are extremes at both ends of the spectrum, many leaders pick and borrow from different styles depending on the circumstances and with whom they are dealing. Daniel Goleman identified the following six leadership styles, which have been widely recognized by leadership scholars.[48]

The Coercive or Intimidating Style—The coercive style is a top down approach whose primary characteristic is leveraging the power dynamic in the relationship to coerce the underling to produce results. [49] Further, a leader employing this style is not interested in collaborating to produce ideas, but rather dictating their own ideas to the rest of the organization.

The Authoritative Style—The authoritative leader is someone who is a visionary, motivating teams by articulating a clear vision so that team members understand why the work they are doing is important.[50] The authoritative leader combines a clear articulation of the desired result with "flexibility about [the] means."[51]

The Affiliative Style—The affiliative leader focuses first and foremost on people. They are good communicators who emphasize the importance of relationships and "celebrate group accomplishment[s]."[52] This builds trust and loyalty.[53] The leader focuses on providing feedback.

The Democratic Style—The democratic style might be described as the purest teamwork mode of leadership. It decentralizes the leadership structure to allow all team members a voice in decisions that are made, resulting in high buy-in. This style is effective when a leader is unsure about what decision to make and can utilize feedback from the group.[54]

Pacesetting Style—The pacesetting leader sets high standards and follows through on them herself.[55] It is similar to the affiliative style in that the leader engages with everyone and individually dives into the work, but draws from the coercive style in that the leader

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[48] *See* DEBORAH L. RHODE, LAWYERS AS LEADERS 12-13 (2013) (citing Daniel Goleman, *Leadership That Gets Results*, HARV. BUS. REV. 78, 80-81 (Mar. 2000)).

[49] *Id.* at 12-13.

[50] *Id.* at 16-17.

[51] *Id.*

[52] *Id.* at 17.

[53] *Id.*

[54] *Id.* at 18.

[55] *Id.* at 19.

will release team members who are unable to perform.

> **Coaching**—The coaching style has the leader work with those around or reporting to her to identify their strengths and weaknesses, and helps that person relate those skills to their own personal goals and aspirations. A coach will see the long-term benefit in delegating a difficult assignment to someone because it is important for them to get the learning experience of working through the tough problem, even if that means that the work will not be done quickly.[56]

When compared to other styles of leadership, authoritative, affiliative, democratic, and coaching are found to be the most useful.[57] Rather than maintaining the status quo or forcing compliance, a good leader will motivate the team to make necessary changes and develop solutions.[58] In a Shared Leadership model, the team members can use these different styles, particularly the affiliative and democratic styles, to effectively collaborate and help the team reach its goals.

II. The Shared Leadership Model Should be Incorporated into The Curriculum

It is important to teach leadership in law school because if one conceptualizes leadership as an influence process, as this Article does, then students will have the opportunity to lead early on in their careers. While law schools have begun to realize the importance of teaching law students leadership over the past few years, the vast majority of law students still graduate without any exposure to leadership instruction. Moreover, while leadership classes provide an important opportunity to teach students leadership, as with other lawyering skills, it is equally important that students have the chance to practice leadership while in law school. This can be achieved by incorporating such skills in clinical work. Because leadership is, at its heart, an influence process, and because few lawyers will be positional leaders early on in their careers, the Shared Leadership Model is an effective way to teach leadership. This is especially true because a core element of the model is the importance of collaboration, which is one of the most important skills for both lawyers and leaders.[59]

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[56] *Id.* at 20-21.

[57] Polden, *Leadership Matters*, *supra* note 3, at 909-10; *see generally* Jones, *supra* note 3.   **R**

[58] Polden, *Lawyers, Leadership, and Innovation*, *supra* note 45, at 429.   **R**

[59] *See* Bryant, *Collaboration*, *supra* note 21, at 491 (noting that "[s]imulated and live-client programs, in which students work together on cases and projects, provide excellent opportunities for teaching collaborative skills."). Additionally, the American Bar Association has invested some effort into leadership development programs, including an annual event on the topic that will take place in March 2021. ABA, *2021 ABA Bar Leadership Institute*, Amer. Bar Assoc., https://web.cvent.com/event/6196d8aa-e8b0-4204-8282-   **R**

Leadership training for law students is increasingly important because recent law school graduates are interested in developing their own careers and leading at an early age,[60] and an organization may not be able to provide the training because of the resources that are required to do so. Employers have begun to recognize that leadership training is necessary for all lawyers, not just those that hold a positional title. To combat this vacuum of lawyer-leadership training in law school, a number of larger law firms have invested in programs to train their lawyers in leadership. Milbank LLP, for example, sends all of its third-year associates to Harvard for a variety of courses in leadership, team management, strategy and negotiations.[61] Other larger law firms and organizations have built leadership training into their associate programs or offer executive training.[62] However, this creates a large divide for smaller firms and organizations—particularly public interest groups and government agencies—to develop their leaders. These smaller, resource-constrained organizations and government offices are at a disadvantage when it comes to improving current leaders and developing non-leaders' leadership skills. Law schools are adjusting their curriculum to match the needs of employers. Irrespective of the leadership training students' future employers may offer, the fact that firms are investing resources into leadership demonstrates that they are necessary skills for lawyers to have to effectively practice.

Perhaps in response to employers seeking lawyers who are trained in leadership, law schools, including Fordham Law School, have begun offering classes and programs for leadership development over the past few years.[63] These offerings vary in terms of their struc-

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0529624738ea/summary (last accessed Jan. 8, 2021).

[60] *See* Joyce S. Sterling & Nancy Reichman, *So, You Want to be a Lawyer? The Quest for Professional Status in a Changing Legal World*, 78 FORDHAM L. REV. 2289, 2313 (2010) (". . .becoming a professional matters to these young lawyers as they seek autonomy, ways to control their time, and responsibility for client matters."); *see also* AMER. BAR ASSOC., *A Millennial Explains How Law Firms Can Attract and Keep His Generation of Lawyers*, AMERICANBAR.ORG (Jun. 2018), https://www.americanbar.org/news/abanews/publications/youraba/2018/june-2018/a-millennial-explains-how-law-firms-can-attract-and-keep-his-gen/ (suggesting that law firms "empower associates to contribute immediately" in order to keep younger lawyers satisfied with their work).

[61] Milbank, *Milbank@Harvard*, https://www.milbank.com/en/careers/milbank-harvard/index.html (last visited Jan. 1, 2021).

[62] *See* Kathleen Bradley, *Leadership Development that Works,* AMER. BAR ASSOC. (Nov. 1, 2018), https://www.americanbar.org/groups/law_practice/publications/law_practice_magazine/2018/ND2018/ND2018Bradley.

[63] Lewis & Blaze, *supra* note 22, at 772; *see also What LSSSE Data Can Teach Us about Developing Our Law Students for Influence and Impact as Leaders*, INDIANA LAW SCHOOL 23 (Nov. 2019), https://lssse.indiana.edu/wp-content/uploads/2015/12/Leadership-Webinar-November-2019.pdf (As of 2018, only eight law schools had leadership objectives in their learning outcomes, only 26 law schools had a leadership elective course offering, and only

ture and goals. Some are first-year courses, while others are offered to second and third year students. Some employ workshops to develop leadership skills, while others engage recognized leaders in a speaker series.[64] These programs and classes are extremely valuable to introduce students to leadership and to prepare them to be leaders. Nevertheless, it is important to incorporate leadership training into clinics for a number of reasons.

The first reason to teach leadership in clinics is to provide leadership training in an experiential setting taught by professors who are experts in teaching lawyering skills. It is challenging to incorporate an experiential leadership component into a leadership class that is either a seminar or a larger lecture class. As explained below, adopting the Shared Leadership Model in clinics provides students with an opportunity to practice leading while working on client matters and within teams of peers.

The second reason to incorporate leadership training into clinics and adopt the Shared Leadership Model is because the model identifies collaboration as a hallmark skill of leadership, among other skills. As recognized by the ABA, collaboration is a critical lawyering skill and has hence been incorporated into the clinical legal education curriculum. The American Bar Association's 1992 "MacCrate Report" concluded that "effective collaboration with others" was a critical skill, "regardless of whether a lawyer is a solo practitioner, a partner or associate in a firm, or a lawyer in public service practice."[65] More recently, encouraging collaboration was included as a "Best Practice for Legal Education," noting that "[o]ver the past 100 years, more

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one law school had a mandatory 1L leadership course); Susan Svrluga, *Most Popular Course Ever at Georgetown Law? How to Fight for Justice.*, WASH. POST (Nov. 6, 2020), https://www.washingtonpost.com/education/2020/11/06/georgetown-law-course-social-justice/ (noting that Georgetown Law's 2020 "Lawyers as Leaders" class enrolled more students than any other class in Georgetown Law's history).

[64] For example, Santa Clara University offers a course that explores leadership theories in law, government and business. *See* Santa Clara University, *Institute for Lawyer Leadership Education*, https://law.scu.edu/leadership/. The University of Chicago offers a first-year course that teaches skills related to self-awareness and interpersonal effectiveness through workshops. *See* The University of Chicago Law School, *Kapnick Leadership Development Initiative*, https://www.law.uchicago.edu/kapnick. The University of Michigan offers a course that combines readings, project work, problem sets, case studies, and group presentations focused on core theories and competencies of leadership. *See* Christine Gregory, *Building Social Justice Leaders: The University of Michigan Law School's Diversity Program*, 63 J. LEGAL EDUC. 302 (2013). Finally, other schools, including Harvard, offer continuing leadership training programs to alumni. *See* Harvard Law School, *Leadership Programs*, https://execed.law.harvard.edu/leadership-programs/.

[65] ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) 199, 202-03 (1992) [hereinafter "MacCrate Report"].

than 600 studies have demonstrated that cooperative learning produces higher achievement, more positive relationships among students, and psychologically healthier students than competitive or individualistic learning."[66] This is in contrast to the sometimes solitary experience of a law student, whose classes may be taught primarily using the Socratic Method and who is primarily focused on individual achievement. Leadership training based on a collaborative model will combat this experience and produce more effective lawyers.

With the percentage of lawyers working for law firms steadily increasing, and new lawyers typically joining "large or medium-sized firms, corporations, legal service organizations, . . . government,"[67] and public interest organizations, collaborative work awaits law students and yet law schools do not consistently teach this skill.[68] Despite recent demand for young lawyers who can work collaboratively,[69] law school graduates continue to enter the profession with little experience working in teams, other than their work in clinics.[70] Moreover, although there has been recognition that "law

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[66] Roy Stuckey and Others, Best Practices for Legal Education: A Vision and a Road Map 88 (Clinical Legal Education Association 2007); *see also* Deborah Epstein, Jane H. Aiken, & Wallace J. Mlyniec, The Clinic Seminar 403 (2014) (describing collaboration as "an essential lawyering skill"); Grose & Johnson, *supra* note 30, at 62 (noting that collaboration is a "critical skill" for lawyers).

[67] Bryant, *Collaboration*, *supra* note 21, at 464, 464 nn.15-16.   **R**

[68] *Compare* Employment Outcomes as of April 2020 (Class of 2019 Graduates), A.B.A. Sec. Legal Educ. & Admissions Bar (May 28, 2020), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2019-law-graduate-employment-data.pdf (reporting that the 0.8% of the Class of 2019 were employed as solo practitioners, whereas 48.1% held law firm positions, 11.5% worked for the government, and 6.8% in public interest), *with* 2012 Law Graduate Employment Data, A.B.A. Sec. Legal Educ. & Admissions Bar (2013), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/reports/law_grad_employment_data.pdf (reporting that solo practitioners accounted for 2.7% of the Class of 2012, law firm positions for 38.1%, government positions for 9.8% , and public interest for 6.1%).

[69] *See* Heidi K. Gardner, *Collaboration in Law Firms*, The Practice (Sept. 2015), https://thepractice.law.harvard.edu/article/collaboration-in-law-firms/ ("The growing complexity of legal work—work that is increasingly cross-practice and multijurisdictional in nature—requires lawyers to collaborate across expertise and organizational boundaries."); *see also* Julia Hayhoe & Larry Richard, *The Secret Lives of Teams*, The American Lawyer, July 2006, at 59 ("Effective teamwork is critical to law firms. Increasingly, clients expect firms to work effectively across departments, offices, and even jurisdictions.").

[70] Janet Weinstein, Linda Morton, Howard Taras & Vivian Reznik, *Teaching Teamwork to Law Students*, 63 J. of Legal Educ. 36 (2013) (noting that teamwork is "infrequently taught in legal education."); *see also* Sophie M. Sparrow, *Can They Work Well on a Team? Assessing Students' Collaborative Skills*, 38 Wm. Mitchell L. Rev. 1162 (2012) ("Among the many critiques of legal education are criticisms that law students do not graduate with effective emotional intelligence skills—in particular, they have not learned to work well with others."); Bryant, *Collaboration*, *supra* note 21, at 459 ("For the most   **R**

school is the optimal time and place for exposing students to collaboration,"[71] and most clinical law professors "strongly advocate for the use of collaborative learning in the clinical law school setting,"[72] and attempt to create a "collaborative climate,"[73] some argue that there is little concrete information about how to effectively teach teamwork in law schools.[74]

The final reason it is important to include leadership training in clinics is to expand leadership offerings and make them available to more students. Because most leadership courses are seminars, they reach only a limited number of students. By incorporating leadership into clinics, many, if not most, students will be able to learn and practice leadership skills. Moreover, for those students who have already taken a separate leadership course, it provides additional training, allows them to learn leadership in a different setting, and provides them with the opportunity to practice what they learn.

Law students clearly benefit from leadership training and law schools are increasingly recognizing the importance of including leadership classes in the curriculum. Law school clinics provide an opportunity for many more students to develop leadership skills in an experiential context before entering practice. The next part of this Article will explore collaboration in more detail and how the Shared Leadership Model incorporates leadership into collaborative work.

III. THE CLINIC AS AN OPPORTUNITY TO TEACH AND EXPERIENCE LEADERSHIP

Legal education, the practice of law, and the leadership of lawyers are at a crucial nexus. The public interest and government rely on lawyer leaders to competently and ethically pursue the common good and challenge injustice. The private sector similarly relies on lawyer leaders to pursue their clients' goals ethically and effectively. Despite the need to train lawyers to meet this demand, the majority of the law school education focuses on the academic skills necessary for

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part, however, law schools and post-law school training programs have failed to teach lawyers how to work with other lawyers and professionals for the client's good.").

[71] Bryant, *Collaboration, supra* note 21, at 461.

[72] Donna Erez-Navot, *Tools for the Clinical Professor: Applying Group Development Theory to Collaborative Learning in Law School Mediation Clinics*, 69 DISP. RESOL. J. 65, 69 (2014).

[73] *See* EPSTEIN, ET AL, *supra* note 66, at 408 (describing a collaborative climate that **R** produces trust as consisting of "Honest[y] (i.e., integrity and truthfulness); Consistency (i.e., predictable behavior and responses); and Respect (i.e., treating people with dignity and fairness).").

[74] *See* Weinstein et al., *supra* note 70, at 44-45 ("[M]any legal educators invoke the **R** platitudes of collaborative education but far fewer develop methodology for implementation." (citation omitted)).

legal analysis. But as the MacCrate Report pointed out, there are many other skills necessary for lawyering.[75] The law school clinic, and other experiential classes such as externships and simulation classes, are courses that provide broad skills-based, experiential learning. To complete the goal of the MacCrate Report, clinics should also provide experiential leadership opportunities and training.

The goal of the clinical legal education is two-fold: to serve clients who otherwise would not have access to legal representation and to provide valuable skills training and learning opportunities for law students that help develop their judgment, decision-making, and lawyering competencies. At its core, a law school in-house clinical program operates as a law firm housed within the law school. Students engage in faculty-supervised law practice, participate in a real-world legal setting with demanding work, and reflect on the nature of that work and their experience. Clinical professors guide the process, teach lawyering skills, supervise the students' work, and give constant feedback to students throughout their time at the clinic. The clinical experience requires self-awareness and reflection, which encourage the development of students' personal and professional identities under the guidance of trained professionals.[76] While clinical professors are ultimately responsible for all work product, the students take ownership of their work and are given broad responsibilities. Clinics also expose students to various aspects of legal practice, such as collaborative work, because clinic students collaborate[77] with faculty supervisors, each other, legal assistants, and outside organizations and members of the community.[78] Because collaboration is at the heart of the clinical experience and also one of the most important leadership skills, the clinic is an ideal place to incorporate leadership opportunities in students' case and project work.

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[75] MacCrate Report, 138-141 (setting out the skills and values fundamental to lawyering).

[76] *See* Jones, *supra* note 3, at 673 (explaining that "the experiential nature of clinical teaching, marked by planning, active listening, action, self-awareness, and collaboration, make them more important leadership incubators" and opportunities for personal and professional growth).   **R**

[77] *See* Catherine G. O'Grady, *Preparing Students for the Profession: Clinical Education, Collaborative Pedagogy, and the Realities of Practice for the New Lawyer*, 4 CLIN. L. REV. 485, 513-514 (1998) (stating that clinical legal education is "uniquely situated to teach collaboration skills because a law school clinic provides numerous opportunities for collaboration.").

[78] *See, e.g.*, Anna E. Carpenter, *The Project Model of Clinical Education: Eight Principles to Maximize Student Learning and Social Justice*, 20 CLIN. L. REV. 39, 90 (2013) (noting that clinic students working on an environmental law project worked collaboratively as a team, and also with public health professionals and members of the community).

A.   Teaching Leadership through Case/Project Work

The clinic is an ideal opportunity to teach leadership because of the collaboration and teamwork that is required. Because students work in teams, clinic work allows students to practice leading on various aspects of a case or project using a Shared Leadership Model. For the model to be successfully implemented student teams must collaborate at a high level. Thus, it is important for the clinical professors to put care into formulating student teams and ensuring that students collaborate effectively. As a result, this part will first focus on successfully teaching collaboration. It will also address how to implement the Model in students' case/project work and in the seminar, and it will provide examples of how leadership is shared by students using examples from litigation/arbitration, transactional and legislative and policy clinics.

1.   Teaching Collaboration

While some clinic assignments during a semester can be accomplished by an individual student, many of them, especially the assignments that are more complex and take a fair amount of time, will require and benefit from students working together. This teamwork is one of the most rewarding and beneficial aspects of students' clinical experience. As Professor Susan Bryant has noted, joint work can involve three different models: the collaboration model, where attorneys work together towards a common goal without a hierarchy; the input model, where there is collaboration, but the leader has decision making power; or the parallel work model, where the work is divided amongst different individuals with little overlap or collaboration.[79]

For many clinicians, collaboration is a process that "involves shared decision-making by fellow collaborators."[80] While the Shared Leadership Model proposed in this Article largely follows this shared decision-making model, it also incorporates the input model of collaboration. Thus, for the larger assignments where a student will have a leadership role, that student will always seek input from other students on the team and mostly employ the shared decision-making model. However, there often will be some decisions that the student leader will make using the input model.

Because students will need to collaborate throughout the semester, ensuring students effectively collaborate is often a very important learning goal. Strong collaboration skills have also proven to be es-

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[79] Bryant, *Collaboration, supra* note 21, at 491.   **R**

[80] *Id.* at 460.

sential for effective leadership,[81] and even more so for implementing the Shared Leadership Model.[82] Thus, before implementing Shared Leadership, clinical professors must ensure that their students will be effective collaborators.

To be successful, teaching collaboration must be explicit. Research shows that "merely putting students in groups and telling them to work together does not, in and of itself, promote higher achievement."[83] Moreover, clinical professors should create an environment of psychological safety where all team members are comfortable communicating openly and honestly.[84] Indeed, in a study to understand what factors make teams effective, Google's experts could not determine a specific teamwork style or skillset that ensured collaborative success, but concluded that all effective teams created a psychologically safe environment where all team members felt accepted and believed they had a purpose.[85]

To make collaboration teaching explicit and in a conducive environment, professors and researchers have highlighted certain elements that clinical professors should thoughtfully consider to encourage productive teamwork among law students: 1) group composition and size;[86] 2) student leadership structure;[87] 3) methods to facilitate positive interdependence and individual accountability;[88] 4) appropriate grading scheme;[89] and 5) explicit instruction on collaborative social skills.[90] Explicit collaboration education should improve

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[81] *See* DANIEL GOLEMAN, RICHARD BOYATZIS & ANNIE MCKEE, PRIMAL LEADERSHIP: REALIZING THE POWER OF EMOTIONAL INTELLIGENCE 255-56 (2002).

[82] *See* Tams, *supra* note 13.   R

[83] Weinstein et al., *supra* note 70, at 41, 41 n.24; *see also* Bryant, *supra* note 21, at 486   R ("Simply working together does not ensure that students will develop the emergent knowledge that collaboration can yield. Law also must teach students to overcome barriers associated with joint work.").

[84] While most of the collaboration involves students working on the same case/project, students obviously collaborate with their professor, students in the same clinic who are working on different matters, and, sometimes, students in other clinics such as if a client has an immigration or tax issue. For purposes of this Article, the focus will be on students in the same clinic working on the same case/project collaborating with each other.

[85] *See* Charles Duhigg, *What Google Learned from its Quest to Build the Perfect Team*, N.Y. TIMES MAG. (Aug. 25, 2020), https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html.

[86] *See infra* notes 91-113 and accompanying text.

[87] *See infra* notes 114-115 and accompanying text (explaining what the current literature says how and if students should be appointed as leaders of the group in law schools clinics, and arguing that the Shared Leadership Model, in which all students serve as leaders on different assignments, is most effective).

[88] *See infra* notes 116-145 and accompanying text.   R

[89] *See infra* notes 146-150 and accompanying text.   R

[90] *See* David F. Chavkin, *Matchmaker, Matchmaker: Student Collaboration in Clinical Programs*, 1 CLIN. L. REV. 199, 233-34 (1994) ("As clinicians, we will need to teach collaboration as one of our topics alongside interviewing, theory of the case development, fact

not only students' clinical experience and work product, but also their leadership skills.

a. Determining Groups

In determining student teams, professors have a number of decisions to make and considerations to take into account. As an initial matter, the professor must decide how many students to put on each team. She must then determine whether to allow students to choose their teams or have them assigned. If the professor is assigning the teams, there are a number of considerations to take into account including students' working styles and diversity of knowledge and experience.

Before deciding the makeup of each team of students, clinical professors must determine how many students on a particular case or project are needed for ideal collaboration of shared decision-making by fellow collaborators that maximize input from team members' diversity of knowledge and experience.[91] This determination should be made in consideration of the tasks to be assigned to the groups.[92] While "the literature is replete with numbers ranging from three to nine,"[93] clinical professors must recognize that groups are beneficial to "field a diversity of opinion and perspective,"[94] whereas pairings better ensure that no student escapes full participation.[95]   While many clinics routinely find that teams of two students work best, depending on the amount of work that needs to be accomplished for a particular case or project, a larger team is sometimes necessary. The author of this Article has had teams ranging from two to as many as five students. For example, the five student team was necessary to prepare for and conduct a week-long arbitration. Professors may also want to consider students' schedules to ensure that teammates have sufficient free time during the week to meet and collaborate.

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investigation, counseling, negotiating and other topics commonly addressed in clinical programs."); *see also infra* notes 151-158 and accompanying text.   **R**

[91] *See* Clifford S. Zimmerman, *"Thinking Beyond My Own Interpretation:" Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 ARIZ. ST. L.J. 957, 1010-11 (1999).

[92] *See id.* ("If the group is writing collaboratively, then the number should be relatively small (i.e. two to three) to facilitate the writing process.").

[93] *Id.* at 1110, n.304 (noting that many disagree on the optimal size of a collaborative group).

[94] Roberta K. Thyfault & Kathryn Fehrman, *Interactive Group Learning in the Legal Writing Classroom: An International Primer on Student Collaboration and Cooperation in Large Classrooms*, 3 J. MARSHALL L.J. 135, 145 (2009); *see also* Thyfault & Fehrman at 144 ("Heterogeneous groups with a variety of opinions, perspectives and value systems can inspire vigorous debate and deepen learning because the students . . . benefit from each other's understanding.").

[95] *Id.* at 145.

Once the professor determines the number of students on each team, the professor must decide whether to allow students to self-select their groups or to assign students to teams.[96] If the clinical professor has specific educational goals in mind, it is counterintuitive to leave pairing decisions to students who may not yet know or appreciate these educational goals.[97] Another concern with self-selection is that it has the potential to lead to less diverse groups. People often choose to work with like-minded individuals because it avoids some of the inherent friction that may come with working in diverse teams.[98] This is significant because as shown by McKinsey's study into how diversity influences a team's success, less diversity can hinder a team's efficacy.[99] McKinsey examined 366 public companies across a range of industries in North and South America and found that those in the top quartile for 1) racial and ethnic diversity, and 2) gender diversity were respectively 30 percent and 15 percent "more likely to have financial returns above their respective national industry medians."[100] The study also revealed that "[c]ompanies in the bottom quartile both for gender and for ethnicity and race [were] statistically less likely to achieve above-average financial returns than the average companies in the data set," meaning these companies were "lagging rather than merely not leading."[101]

Similarly, as Professor Anthony Thompson explains, diverse teams are important because individuals bring in a variety of viewpoints and backgrounds, which creates more opportunity to challenge accepted ways of thinking, often leading to the development of better ideas.[102] To develop teams with members who hold diverse perspectives, clinical professors can ask students to assemble "autobiographical maps" that describe their expertise, backgrounds, and experiences, according to which teams will be formed.[103]

In addition to facilitating diverse teams, to ensure diverse viewpoints are considered in teams, clinical professors should encourage students to challenge the professor's ideas. Fostering this environment will likely facilitate the same interactions in student groups.[104]

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[96] *See* Zimmerman, *supra* note 91, at 1011.   **R**
[97] Chavkin, *supra* note 90, at 237.   **R**
[98] THOMPSON, *supra* note 7, at 38.   **R**
[99] *See* Vivian Hunt, Dennis Layton & Sara Prince, *Why Diversity Matters*, MCKINSEY & CO. (Jan. 2015) https://www.mckinsey.com/~/media/McKinsey/Business%20Functions/ Organization/Our%20Insights/Why%20diversity%20matters/ Why%20diversity%20matters.pdf.
[100] *Id.*
[101] *Id.*
[102] THOMPSON, *supra* note 7, at 38.   **R**
[103] *Id.* at 54.
[104] *Id.* at 42 (using the example of then New Jersey Governor Christie's Bridgegate to

Clinic groups are the ideal setting to teach young lawyers the importance of diverse viewpoints and the dangers of "seeking views that blindly support" one direction.[105]

Another concern some professors have with self-selection is that strong students will group themselves together, and the weaker ones will be left with each other.[106] Pairing high-ability and low-ability students often makes students more sensitive to other's differences and more willing to work with different people in the future.[107] To best facilitate learning, some argue that medium-ability students should be paired with other medium-ability students, whereas high-ability and low-ability students should be paired.[108] Because professors do not usually have an understanding of their students' abilities at the beginning of the semester, making pairing decisions at that time "may be premature."[109] It is unclear that a professor can, especially early on in the semester, determine their students' abilities. Nevertheless, for those professors who believe they can assess students' abilities early in the semester and also believe that constructing teams based on abilities is helpful for collaboration, they may consider delaying team assignments until he or she has had an opportunity to supervise each student individually to learn about their strengths and weaknesses.[110]

Next, clinical professors must decide which students will be in each team to maximize the diversity of knowledge and experience of team members, which can also affect the diversity and compatibility of working styles. If a professor chooses to assign the teams, they should also consider working styles when selecting groups or pairings for clinical teams. These working styles and traits might include qualities encompassing "collaborative style, such as how you learn from others, how you like to teach others, and how you handle feedback and conflict."[111] Differences in the working styles of team members "can in-

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show the dangers of building homogeneous teams because it led to a working environment that shut down differing opinions resulting in no one challenging the inappropriate decisions that the administration was making).

[105] *Id.*

[106] Zimmerman, *supra* note 91, at 1011; *see also* Thyfault & Fehrman, *supra* note 94, at **R** 144 (stating that "slower" students benefit by learning from "quicker" students, and "quicker" students learn better because they have to teach what they know to "slower" students).

[107] *See* Chavkin, *supra* note 90, at 241.   **R**

[108] *Id.* at 239; *see also* Zimmerman, *supra* note 91, at 1011 (noting that clinical profes-   **R** sors may determine that fairness requires grouping strong and weak students together "so that all groups reflect the same range of talents.").

[109] *See* Chavkin, *supra* note 90, at 238.   **R**

[110] *Id. at* 239 (suggesting that determining pairings after students have completed a videotaped interview simulation or a "relatively straightforward case with a fairly short and predictable life span" may be ideal).

[111] GROSE & JOHNSON, *supra* note 30, at 66.   **R**

fluence the ultimate work product as well as a co-worker's feelings about the process."[112] If successfully paired, teams with members who have different working styles "can enhance a final product because multiple perspectives are included," but if they are unsuccessful, then these differences in style may "silence participants."[113] It is important to consider which working styles would work best together, and which would clash, when assigning teams.

b.   Student Leadership Structure within a Team

Once a professor has determined the number of students for each team and the criteria for forming teams, they should turn to considering how teams should function and whether, if at all, the professor will play a role in shaping this. While some professors may decide to allow a team of students working on a case or project to determine how best to function, if a professor never assigns a team leader, or adopts the Shared Leadership Model, one leader often emerges because most people have implicitly learned what the literature echoes, namely that "one leader [per team] is the most effective model for teamwork."[114] To avoid this, clinicians may decide to make the functioning of a group, including its leadership, more explicit, transparent and a learning objective.

While some clinical professors encourage the selection of a team leader, and note that if one is not selected, a team member nonetheless "tends to assume the position without title,"[115] as argued in this Article, having the same student serve as the leader of a team throughout the semester is not the best model for developing all students' leadership skills. Equally important, implementing a Shared Leadership Model permits clinic students who are comfortable taking control to learn the equally valuable skill of following.

c.   Facilitating Interdependence and Individual Accountability

During their time in the clinic, students will work on both smaller individual assignments and larger group assignments. Because all of their work is on behalf of clients, students must be accountable for both the quality and timeliness of their work product. It is relatively easy for a professor to hold a student accountable for individual assignments. It becomes more challenging to ensure individual account-

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[112] Bryant, *Collaboration*, *supra* note 21, at 514.   **R**

[113] *Id.* at 514-15.

[114] Weinstein et al., *supra* note 70, at 48. *See also* Derue & Ashford, *supra* note 13, at   **R**
637-38 (When someone "looks like, seems like, and acts like a leader . . . people are more likely to grant that person a leader . . . identity.").

[115] Weinstein et al., *supra* note 70, at 48.   **R**

ability for group projects while ensuring students collaborate with their colleagues especially because much of this collaboration occurs without the professors' knowledge.

To facilitate interdependence and ensure that students are accountable for collaborative work, professors must ensure that members of a team feel "personal responsibility for the success of every [other] member of the team," and for the work needed to accomplish the client's goals.[116] However, this does not necessarily mean all students working on a group assignment work the same number of hours on that assignment or that every student must be equally productive throughout the semester.[117] While many assignments during a semester can be done individually without the need for collaboration, for larger assignments, where more than one student's work will contribute to the final product, clinical professors should ensure that students are actually collaborating, rather than dividing up the work and working independently.[118] This is important as it leads to better work product and decision-making and allows the students to improve their collaborative skills.

Clinical professors may also decide for larger assignments to assign specific roles or tasks to each student,[119] so as to "maximize individuals' experiences, expertise, work styles, communication styles, and values."[120] However, even if students have specific roles relating to a larger assignment, as collaborators, they still share responsibility for all aspects of the assignment. Thus, clinical professors must ensure that students view working together as a way to maximize collaboration and thereby accomplish an explicit goal of the clinical program.[121]

There are pitfalls that a professor should be aware of if she decides to allow students to completely choose their assignments. Sometimes, conflict can develop within clinic teams. An individually-oriented law student may delegate all of the least desired assignments to others or micromanage the effort.[122] Through facilitated self-re-

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[116] Thyfault & Fehrman, *supra* note 94, at 143.   **R**

[117] Bryant, *Collaboration*, *supra* note 21, at 494-95 ("Although an unarticulated equal-   **R**
ity-of-work standard is often used to divide work and to judge whether it is truly collabora-
tive, this is not an appropriate standard. Successful collaboration does not require that
each person do the same thing, use the same time-frame or produce an equal amount of
work."). *But see*, Thyfault & Fehrman, *supra* note 94, at 143 (arguing that all students in   **R**
the clinic should "pull equal weight.").

[118] *See* O'Grady, *supra* note 77, at 527 (stating that students "left to their own devices,"   **R**
may fail to adopt a true collaborative work strategy).

[119] *See* Thyfault & Fehrman, *supra* note 94, at 143.   **R**

[120] Bryant, *Collaboration*, *supra* note 21, at 494.   **R**

[121] *See id.* at 497 (stating that decision makers must delegate "to gain the most valuable
input and to take advantage of individual experiences, expertise, work styles, communica-
tion styles, and values.").

[122] *See* Patrick C. Brayer, *A Law Clinic Systems Theory and the Pedagogy of Interaction:*

flection and open discussion, the law student may understand that these practices often create negative relationships among team members, and hinder some team members from becoming sources of assistance and information.[123] One clinical professor recommends a "Talking Circle," in which communication is organized through the passing of an object, to provide opportunity for the group to discuss these issues in a "safe non-hierarchical environment."[124] By talking about general tensions in the open, she argues that these tensions will not hinder the group's success.[125]

Similarly, resentment can build within the team when individual team members are not considered by their peers to be contributing sufficiently.[126] To avoid this from occurring, Clinicians may facilitate individual accountability by requiring students to: 1) complete weekly time sheets to be reviewed by the team;[127] 2) reflect on and discuss their personal strengths and weaknesses (and those of their team members) in recurring performance evaluations;[128] 3) engage in peer editing of each other's writing;[129] and 4) perform role playing exercises and in-class simulations where students provide feedback to each other.[130] These exercises teach students self-evaluation skills, improve their self-awareness, and allow them to practice how to offer and receive feedback.[131] Engaging students in discussion about the positive competencies of each team member is integral to realizing how to utilize their maximum competencies, as well as dealing with frustrations within the team.[132] Of course if a professor senses that there is ten-

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Creating a Legal Learning System, 12 Conn. Pub. Int. L.J. 50, 82 (2012).

[123] *Id.*

[124] Erez-Navot, *supra* note 72, at 70-71 n.18 ("The circle process supports respectful listening and reflection and prevents debating or attacking.").   **R**

[125] *Id.* (maintaining that the clinical professor should explore any feelings of resistance as a large group).

[126] *See* Weinstein et al., *supra* note 70, at 49 ("We want our students to understand that, as a rule, team members never contribute equally.").   **R**

[127] *Id.*

[128] *See* Thyfault & Fehrman, *supra* note 94, at 143; *see also* Sparrow, *supra* note 70, at 1172 n.23 (suggesting that, prior to peer evaluations, clinical professors should provide students with examples of effective and ineffective feedback, and encourage students to "focus on how their teammates' behaviors help or hinder the team in accomplishing the [learning] goal efficiently and effectively.").   **R**

[129] *See* Thyfault & Fehrman, *supra* note 94, at 156-57 (noting that peer editing exercises offer many benefits for students, such as improved work product, writing, editing and co-operation skills, and practice accepting critiques from peers, which are all valuable skills for future law practice).   **R**

[130] *See id.* at 161 (noting that "When the students are up on their feet acting out the cases, they learn them more thoroughly and immediately.").

[131] *See* Weinstein et al., *supra* note 70, at 49.   **R**

[132] *Id.* at 50 (explaining that students who may be inclined to avoid confrontation with each other will learn that the team improves when each member is encouraged to reach her full potential, rather than blamed or criticized for falling short).

sion between members of a team, she may choose to diffuse it by engaging in individual discussions with the students as well.

Moreover, a physical student workspace that allows for both independence and access to team members will, in itself, facilitate interdependence and accountability, thus promoting collaborative practice.[133] Student carrels advance isolation, and although some privacy is necessary, "physical separation fosters some measure of intellectual separation of students that diminishes opportunities for brainstorming, sharing victories and defeats, and taking advantage of the varied backgrounds and experiences of the other students."[134] While much of clinic work can be accomplished outside of the clinic space and according to each student's schedule, students on the same team—even better all of the students in the clinic—should arrange their schedules so that they spend some time at the clinic space together each week, free from excessive supervisory intervention.[135] One might want the students to explicitly note the times that they will meet as a team during the week on the agendas they draft for supervision meetings. In this setting, students faced with similar challenging tasks—such as managing a caseload, preparing for an interview, or drafting a motion—will naturally collaborate,[136] anticipating that other students may offer solutions and resources lacking from their individual skill set.[137] This also facilitates collaboration for larger assignments.

The author requires all students in the clinic to spend three hours every Tuesday morning in the clinic space to work on their cases. This allows students on the same case to collaborate easily, but also fosters collaboration with other students in the clinic. Occasionally, students from a different clinic join in this collaboration. Moreover, it allows students to get to know each other as they also engage in non-case related topics which, over time, creates a more trusting and enjoyable atmosphere. It also allows the author time to meet with different teams of students, as well as individual meetings (which also occur at other times during the week). Further, each team of students must schedule an additional hour each week when all members of the team

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[133] *See* Brayer, *supra* note 122, at 74; *see also* Chavkin, *supra* note 90, at 242-43 (noting   **R**
that "many clinical programs have designed clinical workspace to diminish opportunities for interchange, rather than to maximize such opportunities.").

[134] Chavkin, *supra* note 90, at 243 (arguing that large and open settings provide the   **R**
model clinic workspace).

[135] Brayer, *supra* note 122, at 74.   **R**

[136] *Id.* at 74 ("Students recognize the need to collaborate, learning from experience that their peer group provides emotional, intellectual and creative support.").

[137] *Id.* (arguing that because it was the students' decision to collaborate, the advantages of collaborative practice will become central to the students' view of how to problem-solve).

are in the clinic space and indicate the time on their supervision meeting agenda.

One method to facilitate interdependence and accountability is Professor Sophie Sparrow's "Team-Based Learning" approach, which requires students to identify guidelines for effective collaboration that will apply to all members and will serve as the criteria by which they will hold each other accountable.[138] Throughout the course, students may revisit and revise their guidelines as they learn from working together.[139] Sparrow encourages students to develop their own collaborative strategies "in light of their greater understanding of their teammates,"[140] and to design "creative consequences for their teammates who fail to follow the team guidelines."[141] Students provide their teammates with anonymous feedback, and ultimately assess their teammates' performance according to how each group member is meeting their team guidelines.[142] By providing students with a tool, like the guidelines, to hold each other accountable for individual and group performance, Sparrow argues students become more "practice ready."[143]

A potential shortcoming of this approach, however, is that it allows students to pit themselves against other team members whom they may perceive as contributing less, and accordingly, is likely to impede the development of psychological safety. As discussed in detail below, psychological safety—feeling valued, included and safe enough to take risks in front of others[144]—is a core dynamic in highly effective teams. When team members feel psychologically safe, they are more comfortable presenting new ideas to the team, resulting in innovative solutions.[145] The Shared Leadership Model promotes psychological safety, and, in such an environment, "creative consequences" are unnecessary for students to hold each other accountable because each student will be a leader and a follower, and will need to

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[138] *See* Sparrow, *supra* note 70, at 1167 (stating this exercise is one of the students' first tasks as a team).   **R**

[139] *Id.* at 1168 (noting that once students face challenges working on a significant team assignment they will revise their guidelines "to fix the problems, such as including criteria like 'be open to others' suggestions' and 'admit when you are wrong.'").

[140] *Id.* at 1170 ("For example, a team of highly extroverted, energetic students agreed that interrupting each other was acceptable behavior, contrary to the guidelines for every other team in the course.").

[141] *Id.* Sparrow provides an example of her students' "creative consequences": "Because one team prized individual preparation for class and high-level contributions during in-class team discussions . . . the team agreed that if a student on the team was going to be absent, [they] had to contribute in advance." *Id.*

[142] *Id.* at 1171, 1174.

[143] *Id.* at 1175.

[144] *See infra* note 181 and accompanying text.   **R**

[145] *See infra* note 158 and accompanying text.

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rely on—and will be relied on by—the other students.

d. Grades

Ideally, the clinic's grading scheme will reflect a system that furthers collaboration, and thus, should value group and individual contributions.[146] Certain grading systems, such as the curve, may hinder collaboration as students sometimes view this system as inviting competition.[147] Thus, some scholars encourage employing "a criterion referenced grading system," that evaluates students both on the final product and process of production—including how well they collaborated with team members.[148] Consequently, clinical professors may choose to focus on intrinsic as opposed to extrinsic motivations and encourage students to think about how to make each other and the team look good.[149] Given that the ABA has left the inclusion of "other professional skills" in curricula up to the law schools themselves, and included "collaboration" as one such potential professional skill, schools may choose to include collaboration as a standard upon which to evaluate students.[150] As all clinics value collaboration skills, they should add collaboration as a learning objective and may want to include them in their grading rubrics.

e. Explicit Instruction of Collaborative Social Skills

While carefully considering the above factors will likely lead to better collaboration, law students will still need to be taught how to work together.[151] Given the institutional nature of competitiveness in law schools, students must learn how to work in a different manner than that which surrounds them in the rest of their legal education.[152]

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[146] *See* Zimmerman, *supra* note 91, at 1014.   **R**

[147] *See* Thyfault & Fehrman, *supra* note 94, at 141.   **R**

[148] *Id.* at 141-42; *see also* Sparrow, *supra* note 70, at 1173-74 (describing her method of   **R**
grading, which factors in scores given to each student by his or her peers based on how well
students followed the team's guidelines and contributed to the group effort).

[149] Some argue if students are receiving a team grade, there is higher motivation for the
team to succeed, which generally leads to better work product and greater collaboration.
See Weinstein et al., *supra* note 70, at 61. It is possible that assigning a team grade may   **R**
incentivize followers in a Shared Leadership Model to fully collaborate on projects they
are not leading.

[150] ABA Section of Legal Education and Admissions to the Bar, 2020-2021
Standards and Rules of Procedure for Law Schools 18 (2020).

[151] *See* Zimmerman, *supra* note 91, at 1007; *see also* Jane H. Aiken, David A. Koplow,   **R**
Lisa G. Lerman, J.P. Ogilvy, & Philip G. Schrag, *The Learning Contract in Legal Education*, 44 Md. L. Rev. 1047, 1055 (1985) ("Collaboration skills are not entirely intuitive; they
can be taught and learned. Conscious examination can significantly improve a lawyer's
ability to develop and use such skills.").

[152] *See* Zimmerman, *supra* note 91, at 1007-08 ("Teaching students group dynamics can   **R**
effectively be done through readings, lectures, handouts, smaller exercises followed by discussion, or some combination of these.").

The clinical professor can help students behave as a team by specifying what social skills will assist the group to complete their assignments appropriately.[153] When managing conflict, the professor might choose to remind students to use "I" statements,[154] make eye contact with each other, and direct one's statements to the appropriate individuals to personalize what is at issue.[155] The professor may also encourage "listening actively, taking turns in talking, not interrupting, encouraging others, cooperating, sharing resources, being open-minded, giving constructive feedback, tactfully defending one's views, compromising and showing respect for others."[156]

Some clinical professors may also choose to rely on social science research to facilitate the development of scientifically supported collaborative attributes in students. For example, Google studied what makes a team effective by reviewing 180 active Google teams and interviewing over 200 employees to find that "five key dynamics set successful teams apart from other teams at Google."[157] Google's findings resonate with this Article's above discussion of teaching collaboration and leadership characteristics. Specifically, Google's study showed that high-performing teams had increased levels of:

- psychological safety,

- dependability,

- clarity of goals, roles, and plans,

- personally meaningful work, and

- belief in the impact of the team's work.[158]

While clinic students almost always find their work personally meaningful and believe that it has an important impact, clinical professors may actively strive to select a diverse group of students into the clinic, and explicitly instruct students to adopt the attributes identified in the Google study in their team dynamics. The professor can reinforce

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[153] *See* Thyfault & Fehrman, *supra* note 94, at 145 ("These social skills may include discussions, peer evaluations, modeling or praising good team behavior and allowing students time to "reflect on and process the quality of the [group's] work.") (citation omitted).   **R**

[154] An "I" statement is phrased in the first person singular, such as "I failed to turn in the assignment on time." By reminding students to use "I" statements, professors encourage them to not shift blame to their peers and to take ownership of their shortcomings.

[155] *See* Erez-Navot, *supra* note 72, at 89.   **R**

[156] Thyfault & Fehrman, *supra* note 94, at 145; *see also* Jenkins, *supra* note 22, at 744   **R**
(Leaders must listen not only to what is said, but also what is unsaid, e.g. to the values at   **R**
work, motivations of the speaker, and the underlying message and implications.).

[157] *See* Julia Rozovsky, *The Five Keys to a Successful Google Team*, Google.com (Nov. 17, 2015) https://rework.withgoogle.com/blog/five-keys-to-a-successful-google-team/.

[158] *Id.*

these characteristics of successful teams through supervision meetings, reflections, and mid-semester meetings.

Taking into account the above considerations are all crucial to ensure that students collaborate at a high level. They are also necessary to consider before implementing a Shared Leadership Model of collaboration which builds on these considerations. The next section explains how the model can be successfully implemented and how the model improves collaboration among students.

2. Shared Leadership in a Clinical Setting

a. Implementing a Shared Leadership Model

Although teaching law students to collaborate is extremely important, it is insufficient on its own. Because leadership is an important part of lawyering, teaching and implementing the Shared Leadership Model of collaboration will better prepare students for their future careers. Unlike the predominantly-taught collaboration model where students share equal responsibility for all aspects of the project,[159] shared leadership allows team members to take the lead on some assignments and assist (or follow) on others.[160]

The Shared Leadership Model can be introduced during the seminar portion of a clinic, contextualized in supervision meetings, and practiced during case/project work. The model can be used for all sizes of teams, whether the team is a pairing or has more than two students. This model of leadership requires that, as each new deadline approaches, the clinical professor grants leadership to a different student—or the leader is rotated, or students decide as long as everyone serves as the leader about an equal number of times—while other students on the team help the leader accomplish the given task. The professor should also stress that the contributions of students who are working in a supportive role on an assignment are equally important and they must take these roles just as seriously as they take a leadership role. By granting leadership to students on different tasks while also requiring all students to be supportive followers for tasks which they are not leading, the clinical professor enhances student collaboration, develops each student's leadership skills and maximizes the experience of all students.

It is critical that the professor explains in detail how shared leadership will work as team members may, initially, experience difficulty overseeing the activities of their peers, and as a result, may look to formally appointed leaders—here, the clinical professor—to fulfill

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[159] *See* Chavkin, *supra* note 90, at 232.   **R**
[160] *See* Tams, *supra* note 13.   **R**

traditional managerial roles.[161] Professors will need to decide how much authority and responsibility to give the leader on assignments. Thus, the professor might explain that the leader on a given assignment is responsible for ensuring that all aspects are completed on time. The student leader will speak to her team to determine realistic and necessary deadlines for drafts to be sent to the professor for review. If, as sometimes happens, one member of the team needs help, either because their portion is taking longer than anticipated or they have less time than originally contemplated, it is up to the leader to pitch in.[162] If the leader does not have time to help, then she will be responsible for, in the first instance, asking other members of the team for assistance if the team consists of more than two students. The professor may also choose to ask the leader to proofread work before it is sent to the professor and implement any suggested changes from the professor. The leader is also responsible for coordinating tasks with legal assistants, such as redacting, bates stamping, copying, producing and filing the documents.

The student leader may take the lead in facilitating the discussion amongst the team regarding how best to divide up the work that needs to be accomplished for a given assignment, or the professor will discuss this with the entire team. Sometimes, certain aspects of an assignment naturally fall to an individual team member due to their previous work on the overall case or project. For example, in the author's clinic, if a student has reviewed compliance manuals and has researched applicable regulations, it may make sense to have that student take the lead in discussions with an expert witness who will testify about the defendant's regulatory violations. While that student may take the lead, another student on the case who has worked more extensively with the client will also participate in the meeting with the expert as some of the expert's testimony will be based on the interactions between the client and the broker. These leadership roles may be reversed when the team counsels the client.[163] Of course some assignments may lend themselves to all members of a team working on essentially the same task, such as dividing the review of all documents in response to a discovery request.[164] Ultimately, how a larger assign-

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[161] *See* Ning Xu, Chia-Yen Chiu & Darren C. Treadway, *Tensions Between Diversity and Shared Leadership: The Role of Team Political Skill*, 50 Small Grp. Res. 507, 507 (2020).

[162] That being said, if one student is simply not carrying their load, then it is the professor's responsibility to determine how best to handle the situation.

[163] See *infra* for more extensive examples of how the Shared Leadership Model can be used for various assignments.

[164] For example, the author's clinic sometimes receives discovery requests with over 100 requests. In that case, a team of three students may decide that each should be responsible for a portion of the requests. Even in this situation, it is often helpful to designate one of

ment is divided will be indicated on the students' weekly agendas.

The clinical professor must also address how the students on a team should make decisions. The professor should tell students that, where possible, they should share decision-making. If the team is unable to reach consensus then the leader is empowered to make a decision. Of course, for larger decisions, whether or not the team reaches consensus or not, the professor will ultimately also be involved in making the decision. In order to help empower students to make decisions, a professor should give students discretion and autonomy over their tasks; avoid second-guessing their decisions unless it will adversely affect the client; set appropriate follow-up meetings to review progress; and consider oneself a resource rather than a manager.[165] Certainly, within the clinic setting, professors have a duty to their clients to ensure their students are making the appropriate decisions,[166] and "in the initial stages of a clinical course, most students do not possess the knowledge necessary to make appropriate decisions about what course of action to follow in a case."[167] Accordingly, clinical professors must sometimes make a decision contrary to a student's suggested course of action. When this does occur, professors should thoroughly explain the reasons behind their decisions so that students may improve their decision-making ability.

Professors must decide whether they will assign leadership roles for various assignments in the case or project, or allow students to volunteer. Of course this can change as the semester progresses. If a professor will be assigning the leadership roles, then for each assignment, the professor may want to take into account any preferences students have indicated and what the professor believes would be

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the students as the lead.

[165] *See* Marshall Goldsmith, *Sharing Leadership to Maximize Talent*, Harv. Bus. Rev. (May 26, 2010) https://hbr.org/2010/05/sharing-leadership-to-maximize.

[166] *See* Robert Jones, Gerard F. Glynn & John J. Francis, *When Things Go Wrong in the Clinic: How to Prevent and Respond to Serious Student Misconduct*, 41 Balt. L. Rev. 441, 443 n.15 (2012) (noting that clinical supervisors, "as lawyers, are bound by the rules of professional conduct applicable to the states in which they practice.").

[167] Peter Toll Hoffman, *The Stages of Clinical Supervisory Relationship*, 4 Antioch L. J. 301, 304 (1986); *see also* Joseph W. Rand, *Understanding Why Good Lawyers Go Bad: Using Case Studies in Teaching Cognitive Bias in Legal Decision-Making*, 9 Clin. L. Rev. 731, 733, 751 (2003) (noting that "most clinical programs under-emphasize [ ] the decision-making skill itself" and arguing that using case studies, similar to those employed in management schools, provides a valuable tool to teach strong legal decision-making). *But see* Angela Olivia Burton, *Cultivating Ethical, Socially Responsible Lawyer Judgment: Introducing the Multiple Lawyering Intelligences Paradigm into the Clinical Setting*, 11 Clin. L. Rev. 15 (2004) (arguing that the development of "multiple lawyering intelligences," including "intrapersonal, interpersonal, and strategic intelligences" enhances the quality of a lawyer's legal decision-making).

helpful for the student's development.[168] If the professor allows students to volunteer for leadership assignments, then she should encourage students to take on responsibilities that may not align with each members' strengths. In addition, the professor must ensure that each member of a team is leading various assignments during the semester.

While teaching students how to implement the Shared Leadership Model, it is important to explain how they should collaborate with everyone in the clinic office. Students in a clinic often work with legal assistants and other administrative personnel during the semester. While some students may mistakenly think there is a hierarchy between law students and legal assistants, it is up to the professor to make clear that when students are working with a legal assistant, they are not filling a positional leadership role. Rather, legal assistants who have been working in the office longer usually have a much better understanding of how to accomplish certain tasks and are important team members. Working effectively with legal assistants and other support staff will serve the young lawyers well as they enter their careers.

b.   The Benefits of Shared Leadership

There are many benefits to implementing a Shared Leadership Model. Not only will adopting the model foster leadership skills, but it will also improve students' ability to collaborate in general. First and foremost, the model allows students to practice, and therefore improve, their leadership skills as they will lead on various assignments throughout the semester. Adopting a Shared Leadership Model improves students' judgment and decision-making which are very important leadership skills. Under a shared decision-making model, because all members of a team equally contribute to decisions, students do not experience the role of the person who ultimately makes the decision. Because the Shared Leadership Model, in addition to usually following a shared decision making model, also incorporates the input model of decision-making, students gain the experience of having the responsibility of ultimately making certain decisions. This will make them more prepared for practice where they will have to exercise their own judgment and decide which course of action is the best among various options.

Moreover, many of the aspects of collaboration discussed above can be enhanced when students share leadership roles. For example,

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[168] Sometimes, it is clear which student should take the lead on a given assignment given other work they have done on the case/project or some specific knowledge they possess.

using a Shared Leadership Model increases interdependence among students. Because the professor will emphasize that each role, leading and supporting, is equally important to the ultimate work-product and all team members know that they will each take turns leading and following during the semester, all students on the team will put as much effort into contributing to an assignment even if they are not taking the lead.

Shared leadership also increases individual accountability. For group assignments, without using a Shared Leadership Model, all students are usually equally responsible for the final product. While this may have some benefits, it is possible that some aspect of the assignment is missed or not done as well as possible, because none of the students feel ultimately responsible. This is less likely to occur in a Shared Leadership Model because a single student, the leader, will ultimately be responsible for the work product. For example, if two students are drafting portions of a discovery request, ultimately the leader of this assignment will ensure that there are no duplicative requests and that the format is consistent throughout the document.

Sometimes, student collaborations may reflect subtle hierarchies, such as if one student is perceived as an expert in an area, is a year ahead in law school, or is a clinic veteran who is taking the clinic for an additional semester. Gender, race, and personality differences may also contribute to a feeling of hierarchy in a student team.[169] A Shared Leadership Model of collaboration is helpful to breakdown any perceived hierarchies because every student takes turns leading during the semester.

Shared Leadership can also lead to greater individual and team creativity because the model enables team members to gain "diverse experience in accomplishing tasks and resolving problems through their mutual influences."[170] This helps develop each team members' confidence to work collaboratively.[171] By sharing responsibilities and roles, team members realize that they cannot accomplish any larger assignments individually, and thus, must rely on their colleagues, use their skills to influence their colleagues, and resolve any issues and

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[169] Bryant, *Collaboration, supra* note 21, at 487 n.114 ("A common complaint among **R** white female students, and male and female students-of-color, is that their ideas are ignored unless repeated by a white male.").

[170] Wei He, Po Hao, Xu Huang, Li-Rong Long, Nathan J. Hiller & Shao-Long Li, *Different Roles of Shared and Vertical Leadership in Promoting Team Creativity: Cultivating and Synthesizing Team Members' Individual Creativity,* 73 PERS. PSYCHOL. 199, 202-03 (2020) (arguing that when "people with sufficient expertise, skills, and novel ideas" are "enhanced by Shared Leadership" the team as a whole has the necessary resources to "perform the work creatively.").

[171] *See id.* at 202.

challenges that emerge.[172] Moreover, students will come to under-
stand that a good leader will acknowledge the importance of the peo-
ple around her because "no leader can do the job alone."[173]

Shared Leadership environments also promote feelings of psy-
chological safety.[174] When team members feel psychologically safe,
they are more comfortable presenting new ideas to the team which
can lead to innovative solutions.[175] Core components of psychological
safety are feeling valued and included.[176] Because each student will
take the lead on assignments throughout the semester, this increases
the likelihood that every student will feel valued and included.

Another benefit of the Shared Leadership Model is that, in the
author's experience, students are more likely to volunteer for leading
an assignment outside of their comfort zone because they have greater
confidence under this model that their teammate(s) will support them.
More often than not, the student performs the new task well, and
much better than they had anticipated. This has several benefits.
First, it allows a student to gain a new skill or improve on a perceived
weakness. Second, and perhaps more importantly, it makes a student
realize that in the future, they should not shy away from assignments
simply because they believe they will not have the ability to do an
excellent job.[177] This creates a growth mindset.[178]

It is the author's experience that employing a Shared Leadership
Model has led to more cohesive teams where students gain equal satis-
faction from the assignments they lead as well as the assignments they
support. Moreover, based on end-of-semester reflections and meet-
ings, many students are pleasantly surprised about their experience
with collaborating under a Shared Leadership Model. They explain

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[172] *See id.* (suggesting that adapting one's skills to influence others "may increase team
members' confidence in generating new knowledge and skills to resolve problems and in-
fluence others.").

[173] PREET BHARARA, DOING JUSTICE: A PROSECUTOR'S THOUGHTS ON CRIME, PUNISH-
MENT, AND THE RULE OF LAW 16 (2019).

[174] *See* Soo Jeoung Han, Yunsoo Lee & Michael Beyerlein, *Developing Team Creativity:
The Influence of Psychological Safety and Relation-Oriented Shared Leadership*, 32 PER-
FORMANCE IMPROVEMENT Q. 159, 176 (2019).

[175] *See id.*

[176] *See* Erin C. Lain, *Racialized Interactions in the Law School Classroom*, 67 J. LEGAL
EDUC. 780, 787 (2018) (suggesting that law school professors rely on attunement, authen-
ticity and power-sharing techniques to promote psychological safety in the law school class-
room when navigating racialized interactions).

[177] *See* He et al., *supra* note 170, at 202 (stating that such experiences "may increase
team members' confidence in generating new knowledge and skills to resolve problems
and influence others.").   **R**

[178] *See* Katherine M. Larkin-Wong, *Grit, Growth Mindset, and Being a Great Trial Law-
yer*, 20 WOMAN ADVOC. 3, 4 (2015) (arguing that growth mindset is important to litigators
because "perseverance is far more important than raw talent.").

that in previous group projects, outside of the clinic, they often did most of the work because they did not trust the other students, or because it was easier to work alone. The Shared Leadership Model helped these students learn to seek input from their colleagues for assignments they took the lead on, and be followers working in a supportive role on other assignments. As one student commented at the end of the semester, we "embraced a team mentality" where students "jumped" at the opportunity to help colleagues with an assignment the colleague was leading, and felt free to ask for help on assignments they led.

A final benefit of adopting the Shared Leadership Model is that it allows students not only to use some of the leadership concepts they learn while working in the clinic, but also as they work with other students in the law school as most students are members of various journals, competition teams and other organizations. Moreover, learning and practicing leadership skills provides students with a framework to view many interactions, both inside the clinic and elsewhere, through a leadership lens which, over time, helps them become more effective leaders.

c. Making Shared Leadership Successful

As formal leaders of the clinic, clinical professors must facilitate the implementation of Shared Leadership among students. It is the professor's role, as the positional leader, to "strengthen collective effort, goals, and mission" and "empower [students] to create a participative and delegated team climate" that "achieve[s] higher degrees of shared leadership."[179] Several studies reveal that good communication, mentorships, and a trusting environment promote Shared Leadership.[180] When it comes to trust, clinical professors can also increase the likelihood of effective Shared Leadership if all team members feel psychologically safe—i.e., that they feel they are able to take risks without fear of overly harsh consequences.[181] As a positional leader, the professor ideally gives students latitude in their work, models effective leadership and fosters an environment in which psychological

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[179] He et al., *supra* note 170, at 205, 219.   **R**

[180] *See, e.g.*, Han et al., *supra* note 174, at 159 (study of 260 undergraduate and graduate   **R** students working on team projects found that respecting team members' opinions and being aware of emotions leads to more team creativity); *see also* He et al., *supra* note 170, at   **R** 203, 211 (noting that developing an idea through "frequent communications" can improve a team's overall efficiency within shared leadership).

[181] *See* Han et al., *supra* note 174, at 162 (stressing the importance of "relation-oriented   **R** Shared Leadership (ROSL)," which "enhance[s] the emotional strength of a team, in such areas as support and collaboration, resulting in both positive team attitudes and increased performance").

risks feel safe.[182] Because the free exchange of knowledge and information is crucial to maximizing team creativity and leads to better decisions, the success of Shared Leadership depends on team members feeling comfortable sharing ideas without fear of criticism.[183]

To promote psychological safety in the law school clinic and to create an atmosphere where students feel free to share their ideas, clinical professors should remind students that the clinic's goal is to always make the best decisions for their clients, and that openly and honestly discussing each other's ideas is necessary to accomplishing this goal. Professors can model this behavior by the way they interact with students during brainstorming sessions. Clinical professors should also encourage students to approach conflict as collaborators, and, when challenges arise, to work together to solve problems rather than blame each other. This approach allows the clinical professor to facilitate a group discussion of the ideas shared without students feeling competitive about asserting the "best" idea, or silencing quieter voices in the group.[184] Moreover, if students look to the clinical professor to step in when issues of individual accountability arise, the clinical professor should encourage students to "support and challenge each other," rather than immediately seek to resolve the conflict for the students. Doing so provides students the opportunity to grow more comfortable holding each other accountable,[185] rather than immediately seeking to have someone else resolve the conflict for them.[186]

Some "individuals are inherently not inclined to share leadership roles with dissimilar others," or those who are demographically different from them.[187] When many "politically skilled"—or emotionally intelligent—members comprise a team, diverse individuals are more

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[182] *See id. See also* Laura Delizonna, *High-Performing Teams Need Psychological Safety. Here's How to Create It*, HARV. BUS. REV. (Aug. 24, 2017), https://hbr.org/2017/08/high-performing-teams-need-psychological-safety-heres-how-to-create-it?registration=success (discussing the importance of psychological safety and how to create it for high-performing teams).

[183] *See* Han et al., *supra* note 174, at 163 (stating that expressing novel ideas feels risky   **R** when a team member fears that others will reject them).

[184] *See id.* Irrespective of the intervention to promote psychological safety, clinical professors may want to periodically measure the influence of their interventions with anonymous surveys asking students how safe they feel and what could enhance their feeling of safety.

[185] *See* Declan Fitzsimons, *How Shared Leadership Changes Our Relationships at Work*, HARV. BUS. REV. (May 12, 2016), https://hbr.org/2016/05/how-shared-leadership-changes-our-relationships-at-work.

[186] Of course, if a team is not collaborating well after the students have attempted to resolve any conflicts that have arisen, the professor must work with the students to improve the situation.

[187] Xu et al, *supra* note 161, at 507.   **R**

inclined to share leadership.[188] Accordingly, clinical professors should attempt to ensure that students are "politically skilled" team members who "effectively understand others, wield social influence, and make interpersonal connections."[189] Emotionally intelligent individuals are "more sensitive about interpersonal differences"[190] and are more effective at knowing and managing their emotions, motivating themselves, recognizing emotions in others and handling relationships.[191] To develop law students' emotional capacities, clinic professors can engage students in exercises aimed at increasing their emotional awareness.[192] Some of these exercises may include individualized journaling to help students "reflect on the learning potential of their experiences . . . and to develop habits of self-directed learning,"[193] peer mentoring to give students practice listening with empathy, encouraging positive habits, giving constructive feedback,[194] and small-group reflection sessions after accomplishing certain case-work, like a client interview or mediation session.[195] Through these reflective practices, students will gain insights into their experiences, become more self-aware,[196] and thus, more inclined to share leadership.[197]

Moreover, intragroup trust, like interdependence, "also moderates the relationship between Shared Leadership and team outcomes such that this relationship is more positive when intragroup trust is higher rather than lower."[198] Trust can be fostered initially through

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[188] *See id.* at 526.

[189] *Id.* at 509.

[190] *Id.* at 510.

[191] *See* Paul J. Cain, *A First Step Toward Introducing Emotional Intelligence into the Law School Curriculum: The "Emotional Intelligence and the Clinic Student" Class*, 14 Legal Educ. Rev. 1, 2 (2003).

[192] *See* Colin James, *Seeing Things as We Are. Emotional Intelligence and Clinical Legal Education*, 6 Int. J. of Clinical Legal Educ. 123, 137 (2005).

[193] *Id.* at 142; *see also* Cain, *supra* note 191, at 8-9 (recommending assigning weekly **R** journal topics to students asking them to identify emotions felt during particular exercises and to discuss their appropriateness with respect to the situation).

[194] James, *supra* note 192, at 146-47 (stating that a more experienced student may suc- **R** cessfully serve as a mentor).

[195] *Id.* at 138-39; *see also* Jenkins, *supra* note 22, at 745 (Leaders must be "reflective and **R** consider [the] lessons" of past experiences.).

[196] *See* Susan Douglas, *Incorporating Emotional Intelligence in Legal Education: A Theoretical Perspective*, 9 J. of Bus. Educ. & Scholarship of Teaching 56, 65 (2015) ("Reflective written exercises enable students to record their experiences, gain insight from them and use that insight to guide future action.").

[197] *See* Xu et al., *supra* note 161, at 515 ("Politically skilled individuals . . . are aware that **R** people in networks are valuable assets who are important to personal and collective functioning; as a result, these individuals tend to communicate with and tie directly to numerous individuals.").

[198] Qiong Wu, Kathryn Cormican & Guoquan Chen, *A Meta-Analysis of Shared Leadership: Antecedents, Consequences, and Moderators*, 1 J. Leadership & Org. Stud. 1, 10 (2018).

team-building exercises and will continue to grow as the students make decisions and share experiences together.[199] Intragroup trust creates a space in which shared leadership can be successful.

B.   *Using Clinical Case/Project Work as a Means to Teach Shared Leadership*

The case/project work component of the law school clinic provides a number of different opportunities in which students can learn and practice leadership skills. Allowing students to lead—take ownership—over specific group assignments increases their overall ownership of the case. This ownership permits students to think independently about the case and devise strategies based on their increasing familiarity with the case or project as a whole. For students who play a supporting role on an assignment, they can see how their expertise in one area—where they are playing a leading role, e.g. working with an expert witness—allows them the opportunity to make an important contribution in other parts of the case led by other students—e.g. the cross-examination of the chief compliance officer and the closing argument. This helps students learn that every part of a case is interconnected and that everything they work on makes an important contribution to the final result. Additionally, when supporting another team member in a task, students can learn that the Shared Leadership Model relies on not just skilled leaders, but skilled followers as well.

To provide the reader with a better understanding of how Shared Leadership can be implemented, this section discusses several recurring assignments, each of which encourages students to employ their leadership skills. Prior to assigning these activities, the professor would introduce the Shared Leadership Model to the students, ideally in both the seminar (as further explained below) and supervision meetings. Some of the assignments listed below, such as weekly agendas and case rounds, are applicable to every type of clinic as well as the discussions at the middle and end of semester based on students' reflections. While many of the examples that follow are drawn from the author's clinic and therefore are applicable to litigation and arbitration clinics, the Shared Leadership Model can work in any type of clinic. Thus, there are also examples how the model can operate in other types of clinics such as in a transactional clinic and a legislative and policy clinic.[200] Some of these examples involve teams of two

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[199] *See* Weinstein et al., *supra* note 70, at 37 n.5, 51 n.72 (noting that "development of   **R** trust and more mature and open negotiations" is one of the five stages of team process).

[200] The author would like to thank his colleague, Professor Bernice Grant, who directs the Entrepreneurial Law Clinic at Fordham Law School for her input regarding how a

while others involve more students.

1. *Conducting Discovery*

Conducting document discovery provides a number of opportunities to practice Shared Leadership. Three of the different facets of discovery are: 1) responding to discovery requests; 2) drafting discovery requests; and 3) moving to compel discovery. Different students on a team can serve as the leader for each component. For example, in connection with responding to discovery requests, the leader would be ultimately responsible for coordinating all aspects of the response and would communicate more often with the professor than other members of the team. (Of course, the professor would be discussing all aspects of discovery with the entire team during various supervision meetings).

The following to-do list—which would have been developed during supervision meetings, based on a combination of readings, seminar classes, and discussions—includes the various tasks that students on the team would need to conduct to appropriately respond to discovery requests:

1. Review the adversary's discovery requests to determine if any are objectionable.
2. Review the discovery rules of the forum and any discovery orders to determine the appropriate limitations on discovery and deadlines.
3. Draft any objections.
4. Determine which documents are responsive to non-objectionable requests:
   a. Review the documents already received from the client and other sources.
      i. Create a list of all documents in one's possession (if this has not been done already).
         aa. The list will contain, at a minimum, a description of the document, date, where it was obtained and columns for indicating whether the document is responsive to a request, the number of the request it is responsive to, and the bates numbers once it is produced.[201]
   b. Coordinate with the client to obtain all responsive documents.
      i. Explain to one's client the discovery process.[202]

Shared Leadership Model can operate in a transactional clinic and his colleague Professor Elizabeth B. Cooper and Professor Marcy Karin who direct legislation and policy clinics for their input regarding how the model can work in policy clinics.

[201] This document can be used later in the case as the first draft of an exhibit list for the arbitration or trial.

[202] Ideally this will have occurred earlier in the case as one seeks to obtain all potentially relevant documents even before drafting the complaint.

      ii. Send the opposing side's document requests to the client, or prepare a version of the document requests that explains in non-legalese terms what documents need to be produced.

      iii. Help one's client obtain responsive documents from other sources if the student cannot obtain them, e.g. documents with their tax preparer.

  c. Coordinate with others, e.g. experts, accountants, and potential witnesses to determine if responsive documents are in their possession.

  d. Check for documents involving attorney/client privilege and work product and, if necessary, draft a privilege log.

5. Produce responsive documents.

  a. This may involve working with legal assistants and/or project assistants and includes redacting personal information, bates stamping, copying, producing and, sometimes, filing the production.[203]

The student responsible for leading the effort to respond to discovery requests is responsible for ensuring that all of these aspects are completed in a timely fashion. She may take the lead in working with her colleagues to divide up responsibilities with the team, or this can involve the professor. For instance, another student may be the member of the team that reaches out to a client or someone else who may have possession of responsive documents. The student leader will discuss with her team realistic and necessary deadlines for drafts to be sent to the professor for review. If another student on the team needs help in meeting her deadline, the leader will either step in or rally other students on the team to contribute. The leader may also choose to proofread work before it is reviewed by the professor. Additionally, the leader will coordinate with the legal assistants regarding redacting, bates stamping, copying, producing and filing the documents.

2. *Drafting a Pre-Arbitration/Trial Brief*

Another example of an assignment that can cultivate Shared Leadership skills in a litigation-oriented clinic is drafting a legal brief for submission shortly before arbitration or trial. A single student can serve as the chief author of the brief. She can craft an outline of the topics that need to be addressed and, under the supervision of the clinical professor, draft both fact and legal argument sections associated with each topic. However, it is likely that other students on the team will be more knowledgeable than her regarding some of these topics given their previous work on the case. For example, other students may be responsible for fact witnesses whose prospective testi-

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[203] Fordham's clinic has both legal assistants as well as project assistants, college students employed by the clinic, who can help with cases/projects.

monies must be summarized in connection with certain legal arguments. Another student may be responsible for preparing an expert witness to testify and any related expert reports, which, again, must be summarized in order to support particular legal arguments or a damage claim in the brief. Yet another student may have been the leader on the prior discovery process or motion practice that the brief recounts in its recitation of the salient facts.

As a result, the brief's chief author—the leader for this assignment—will need to consult with the other students when drafting and revising certain sections of the brief, and will likely rely on the other students to draft portions of the brief. Effective Shared Leadership in this context is a necessary condition for efficiency and generating the best possible work product. The leader is ultimately responsible for proofreading all work, cite checking all references, communicating with the professor, implementing any feedback, and ensuring the brief is timely filed.

3. Transactional Work

The Shared Leadership Model would also work well in a transactional clinic where teams of two students work together throughout the semester on a number of assignments for the same client, such as a startup business venture. During the course of the semester, the students may form an entity, obtain a trademark, and advise a client on financing.[204] While one student may take the lead on each of these assignments, they will have to work with their colleague because decisions in one of these areas will often affect the other. For instance, the type of entity that is formed may affect the type of financing that is available. In addition, one should not complete the formation stage before considering whether the business' name is eligible for trademark protection and does not infringe on another company's trademark. Thus, the students must work together on all assignments, whether they are leading them or not.

In addition, throughout the semester substantive knowledge in multiple areas of law will be necessary to advise the client properly. An understanding of areas such as business law as well as intellectual property, employment, tax, and privacy are often relevant to decisions in the transactional space. One student may take the lead on entity formation but consult with her partner who has been working on intellectual property issues that might affect the client. A student may

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[204] Some clients of this type of clinic may have a business background, and therefore be used to different members of a team taking the lead on different assignments. The assignments in this section are not meant to encompass all of the assignments for this hypothetical client.

have some background and/or interest in a specific area of law, which may make it logical for them to take the lead on a specific assignment. For example, a student who has taken several employment law classes may take the lead on researching and advising the client on the benefits and drawbacks of classifying the entity's workers as employees or independent contractors. They may take the lead on drafting an employment agreement and equity compensation award, but need their colleague's help on other aspects of the agreements which may touch on other areas of law, such as tax.

Moreover, students working in a transactional clinic may benefit in the future by thinking of themselves as a leader who is leading their team and their client through a regulatory maze in order to ensure that the client complies with regulations, while simultaneously ensuring that the business is successful. Ultimately, this leadership perspective can make the work of the transactional lawyer dynamic, impactful, and rewarding.

4. *Legislative and Policy Clinics*

Legislative and policy clinics often work with community partners and advocacy organizations in an effort to expand legislative advocacy capacity of community-based groups and legal services organizations. During that process, there are ample opportunities for students to use their leadership skills as they work closely with their community partners and other organizations, for example, while counseling their clients and helping their partners make good decisions to further their goals.

The Shared Leadership Model would also work well in a policy clinic.[205] During the semester, a two student team may be working on advocating for proposed legislation. Student one may be responsible for researching and analyzing federal law, while Student two focusses on state law. They would have to communicate their findings to each other. Student one may lead the counseling session with the client with Student two providing support. Student one may also take the lead in speaking to various members of the community who might be affected by the proposed legislation and who will provide narratives that will be used throughout the semester in various ways. Student two may lead the effort to prepare for and provide testimony to a legislative body. Student two will include both students' research to draft the legal and policy portion of the testimony. While that student may lead the overall project, Student one will serve in a supporting

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[205] The assignments in this section are not meant to encompass all of the assignments on the project. For example, throughout the semester students will also be interviewing and counseling clients.

role, providing Student two with the results of their research regarding federal law and details from the narratives she has developed so they can be included in the testimony. Student one can also draft mock questions from a legislature and help moot Student two. Student one will take the lead on the media strategy by drafting a press release and handouts for the press as well as serving as the point person for the media both before and after the testimony. Student one will rely, in part, on Student two's work for the media strategy.

5. The Supervision Meeting Agenda

Most clinical professors ask students to draft an agenda for their supervision meetings. The author's agenda contains five sections: (1) assignments completed during the previous week; (2) assignments that need to be accomplished during the current week (along with one or more students names who will be responsible for completing the assignment); (3) assignments that will need to be completed in subsequent weeks; (4) major issues to discuss; and (5) deadlines in the case. The agenda builds on the previous meeting's action plan (see below). Some of the items will have been completed and some will not as they involve long term projects. Some assignments are small and can be accomplished by one student. Others, such as the discovery example explained above, will require the entire team's efforts. The agenda will typically break down larger assignments into sub-parts, such as the above example about conducting discovery.[206]

Each week, a different student on the team is responsible for drafting the agenda.[207] The student leader will draft the agenda, circulate it to her teammate(s) for their input at least a day in advance of the meeting, revise the agenda, possibly organize a meeting to facilitate dividing up the tasks that need to be completed or worked on during the coming week,[208] submit it to the professor in advance of

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[206] Of course, students usually do not know all of the different smaller tasks that need to be accomplished. This is explored during the supervision meeting so that a full to-do list is generated for the team to follow.

[207] At the outset of the course, the clinic supervisor may unilaterally select this individual because, for example, that student may be a returning clinic student or otherwise possesses an expertise that others do not—characteristics, in short, that naturally correspond with leadership.

[208] If the professor's input is needed before a particular task is assigned to a student(s), that task will remain unassigned. Moreover, depending on the model of supervision, the student in charge of the agenda that week may or may not be empowered to assign tasks to other members of the team, or assign a leader for an assignment. First, students will volunteer for the assignments that require only one student and then either the student leader or the professor (depending on the supervision model) will finalize the assignments. For instance, the professor may intervene to ensure the assignments are evenly distributed throughout the semester or to ensure that a particular type of assignment is assigned to a student who would benefit from working on a new skill set. As the semester progresses,

the meeting, and begin the supervision meeting. Of course, all of the students will participate in the meeting and the leader of each group assignment will lead the discussions regarding the project they are leading.

The dynamic between the leader for the agenda and her teammate(s) is ripe for learning leadership skills. The leader sets an example for her teammate(s) as the designated leader of this particular assignment and is in charge of writing the first draft of the agenda before seeking input from her colleagues. During that drafting process, she will be in contact with others on the team to learn about the progress of individual assignments so that the agenda can accurately reflect ongoing work. As she is checking in with other students, she can gently remind them that the students had agreed on the deadline or the professor had asked that a certain assignment be completed before the next supervision meeting. If the assignment is complete, it can be added to the agenda as a completed assignment. If it is not complete, this will remind the responsible student to contact the professor to let them know the reasons it will not be complete.

That being said, the leader is not responsible, at least in the conventional sense, for ensuring that her teammate(s)' assignments are timely completed. Rather, once the agenda is set, it is up to her teammate(s) to respond and complete their designated individual tasks. Because the agenda leader will rotate, students will become accustomed to being contacted by their colleagues for updates on individual assignments and will be responsive knowing that at some point they will be the leader for the agenda.

This arrangement, however, does not mean the leader is unaccountable. Should a teammate not provide input for the agenda, such as providing an update on an ongoing assignment, and, as a result, the agenda is inaccurate, it will become apparent during the supervision meeting. The clinical professor may ask the leader of the weekly agenda why it is not accurate. At this point, often the student who had been unresponsive will offer that they did not provide the information to the leader. The professor may then just move on. Or, she could turn to the student leader and ask her "Did you follow up?" The unresponsive student is, of course, not let off the hook because the professor will turn to that student to seek an explanation. After a few supervision meetings, students will learn that they are all accountable to each other (as well as to the professor) and must ensure that

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even if the professor is the final decisionmaker, the leader may take a more active role in suggesting which students should be assigned to a certain task before the agenda is submitted to the professor. For assignments that involve more than one student, a professor may choose to discuss as a group who will take the lead and who will support the leader.

that week's leader has all of the information she needs to complete an accurate and timely agenda.[209]

Inevitably, during the meeting both students and professor will add items to the agenda that need to be completed in the short and long term. The author uses the agenda, in part, as a to-do list. Students will have to be assigned to work on these additional items. For tasks that require only one student, the professor can: 1) assign a student, taking into account a variety of factors, as outlined above; 2) allow students to volunteer; or 3) allow the group on their own to determine who will work on the unassigned items after meeting with the professor.

After the supervision meeting, the leader is responsible for drafting an "Action Plan," which must be submitted to the professor the same day. The Action Plan consists of the revisions of two sections of the agenda: section 2, assignments that need to be accomplished during the current week (along with one or more students names who will be responsible for completing the assignment) and section 3, assignments that will need to be completed in subsequent weeks. Thus, as students continue to work on various assignments, they can refer to the Action Plan to make sure they are completing all necessary work.

6. Drafting a Closing Argument

Even on an assignment that naturally falls primarily on one member of a team—such as drafting a closing argument—the Shared Leadership Model can be helpful. The student drafting the closing argument in advance of the arbitration must rely on the other members of the team. For example, she will have to consult the other members of the team, especially the student who will give the opening statement, to make sure they present a consistent case theory. She will have to consult the student who will be conducting the direct examination of the expert to ensure that the closing argument will accurately describe the expert's anticipated testimony. That student may even be asked to draft the portion of the closing argument that discusses the expert's testimony. The student drafting the summation—presumably in advance of trial/arbitration to be revised during the hearing—will also have to work with the students conducting the direct-examination of the client and other witnesses to ensure that she

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[209] Of course, experienced professors will decide what is the best way to ensure the agendas are accurate. The above is meant to simply provide one way to accomplish it so that the reader has a better sense how Shared Leadership may play out during supervision meetings. A similar discussion during supervision meetings will revolve around each team assignment where the leader is the first to report.

characterizes the facts accurately.[210]

7. Reflection During Mid-Semester and End-of-Semester Meetings

As each student rotates into and out of this leadership role (and does so repeatedly), they begin to adapt and develop their leadership skillset. To ensure students reflect on their leadership development, the professor may ask students as part of a mid-semester or end-of-semester meeting to reflect in writing and discuss how they think they performed in their leadership roles, what they learned about their personal leadership style(s) and skills, and how best they think they can continue to improve as a leader.

To help students reflect and to better understand the group dynamics and to improve the implementation of the Shared Leadership Model, the professor may ask the student to answer the following questions:

- I have learned the following about my leadership skills: . . . . . .
- I have learned the following about my leadership styles: . . . . . .
- I can improve my leadership skills and styles by . . . . . .
- The Shared Leadership Model has worked because my teammate(s) have . . . . . .
- The Shared Leadership Model has worked because I have . . . . . .
- The Shared Leadership Model is challenging for our team because . . . . . .
- The Shared Leadership Model is challenging because I . . . . . .
- I can improve how our team functions by . . . . . .
- My teammate(s) can improve by . . . . . .

8. Returning Students

A returning student provides an additional opportunity for that student to practice leadership. At the beginning of the semester, other students will naturally turn to the returning student for advice, and, as a result, the student will logically play more of a leadership role—a role she should be comfortable with after having spent the previous semester in the clinic using a Shared Leadership Model. It makes sense to task the returning student with completing the first agenda and leading the first assignment, both because of her experience and because she will likely provide a helpful model of leading in a Shared Leadership environment. The returning student may face challenges when it is time for her to follow others, but this has not been an issue in the author's experience because the returning student has already spent a semester serving as both a leader and a follower.

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[210] Of course, during the arbitration the student will revise the draft to ensure it is consistent with actual witness testimony and includes an analysis of our adversary's evidence.

C.   Teaching Leadership in the Seminar

While one can implement a Shared Leadership Model in the casework without devoting time in one's seminar, the seminar component of the clinic provides an opportunity to teach students various aspects of leadership. Most clinical seminars have some classes where important lawyering competencies and skills (such as cross-cultural lawyering, interviewing, counseling, negotiations and advocacy skills) are taught, discussed, and practiced. In this sense, teaching leadership concepts is no different. A single seminar class, along with readings, can both introduce students to leadership in general and the importance of Shared Leadership in particular, and prepare them to undertake Shared Leadership roles in clinical casework. One can explain important leadership characteristics and different styles of leadership as well as a leader's responsibility for creating an inclusive organization to promote diversity, equity and inclusion. Such a class can also discuss collaboration in general or this can be part of a separate class. Once Shared Leadership is explained, the concept will be reinforced during supervision and individual meetings.

Since it is almost always the case that clinical casework begins concurrently with the seminar, some clinics front-load their instruction on skills and substantive topics as they attempt to teach the students the nuts and bolts as early as possible. Devoting a class (or ideally two classes) solely for instruction on leadership, then, may create challenges for an already-truncated and jam-packed seminar component. But, leadership instruction, much like traditional seminar content, can also benefit from concurrent application in the casework portion. Leadership opportunities in case/project work begin at the outset. The earlier students learn leadership skills, the more time they have to practice them during their case/project work.

The following are some exercises professors can assign and other ways to incorporate leadership into their seminars.

1. Self-Assessments

Leaders must know themselves before they can lead others. For this reason, self-awareness is often cited as a top quality in successful leaders.[211] Self-knowledge demonstrates the capacity to honestly evaluate one's own actions, beliefs and aspirations. Leaders who possess this type of self-awareness have the ability to recognize their strengths, and just as important, have the capability to identify their

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[211] *See* Anthony K. Tjan, *How Leaders Become Self-Aware*, Harv. Bus. Rev. (July 19, 2012), https://hbr.org/2012/07/how-leaders-become-self-aware; Rhode, *Leadership in Law*, *supra* note 4, at 1609-10; Jenkins, *supra* note 22, at 745; Bharara, *supra* note 173, at 72.   **R**

weaknesses. Having a clear understanding of one's own abilities and limitations allows for more effective communication, as a self-aware leader is better able to recognize the impact that they have on the people around them. Thus, as part of the seminar, one can assign students various exercises so that they can better understand the leadership qualities they already possess—and can continue to improve—as well as those that they want to learn.

A simple way to have students begin thinking about their own leadership qualities is through a personal assessment. [212] Students can also complete a leadership development tool to identify behaviors they possess that equate with effective leadership. Professors can discuss these assignments during individual meetings.

2. Rounds

Case or project rounds, where each team of students working on a given case or project presents to the class, is another project well-suited to developing leadership skills. Rounds, which can take place as part of the seminar or separately, are a process by which students brainstorm challenging issues and decisions they face in their case/project work with the class and reflect on these as well in part, as an effort to "extract theory from their and their classmates' experiences."[213] They also allow students to gain "a detailed understanding of the legal work their classmates perform."[214] The rounds process provides an opportunity for all of the students in a clinic to discuss issues that they are facing in a case/project, share ideas, and thereby improve their "professional reasoning and ethical decision-making."[215] Students present in rounds in the teams with which they have been working. Preparing for and presenting rounds are often group processes and collaborative exercises. As a result, students can use a Shared Leadership Model when planning to present their case/project/issues to the class.

Moreover, the presentation and discussion aspects of rounds allow students to develop important leadership skills such as public speaking and facilitating conversations. It also is a chance for everyone to use their active listening skills. Lawyers are constantly consulting colleagues who are not working on their case/project for their suggestions and knowledge. Thus, rounds provide an opportunity for

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[212] Readers should feel free to contact the author for suggestions on personal assessment assignments and leadership development tools.

[213] Susan Bryant and Elliott S. Milstein, *Rounds: A Signature Pedagogy for Clinical Education*, 14 CLIN. L. REV. 195, 196 (2007).

[214] *Id.* at 200.

[215] *Id.* at 196.

students to practice this skill by consulting with other students in the clinic who are not working on their case/project. These consultations improve their decision-making ability, a very important leadership skill, which simultaneously benefits clients as it leads to better decisions.

The author of this Article has students present detailed rounds/presentations which can last up to two hours (including the discussion), and also shorter rounds as well. Each student on the team will take the lead for a portion of the presentation and help the other students on their presentations. The group must work together to ensure a coherent presentation. After these longer presentations/rounds, the students who presented write a joint memo regarding what they learned from their colleagues during the rounds session about decisions that were made in the case or that will need to be made, and reflect on the process they used to prepare for rounds.

Each student on the team that presented must also write an individual analysis reflecting on their own and their team's preparation and presentation in an effort to ensure they learn from the experience. Each student who was not on the team presenting also provides written feedback to the students who presented so that, in addition to feedback from the professor, the students get a sense of how their audience viewed their presentation.

Thus, rounds work accomplishes many leadership goals as it provides an opportunity for students to improve their collaboration, reflection, presentation, public speaking, listening, and facilitation skills. It also provides the opportunity to improve students' decision-making abilities. Ideally, students will have already received some education in leadership before conducting rounds. When they prepare, present and reflect on rounds they will both consciously and unconsciously be using a leadership framework throughout the process.

3. Guest Speakers

Separate and apart from assignments associated with their case, clinic students can also learn about leadership from guest speakers. Lawyers who both practice in the area in which the clinic specializes and supervise other lawyers are ideal candidates to be guest speakers. These guest speakers undoubtedly will speak about many topics, but they should also discuss what attributes/abilities are most important for their leadership role. They can also speak about their own leadership style(s) and those of their colleagues.

Conclusion

The legal community and our society need law schools to take a

more active role in providing leadership training to their students. Lawyers have a particular duty to serve the common good, but fulfilling this duty is more challenging without the necessary leadership skills. To ensure that law students graduate with some experience in leadership and an in-depth understanding of how they can most effectively collaborate while also influencing others, it is imperative for law schools to expand beyond their traditional approach and provide students with explicit instruction on collaboration and leadership, and opportunities to exercise these skills. The law school clinic, with its small group setting and case/project work that involve group work, provides an ideal setting for law schools to fill this significant gap by allowing students to experience leading while in law school. This will make them more prepared for their legal careers. Clinical professors, given their expertise in teaching lawyering skills and in leading their clinics, are highly qualified to teach and incorporate leadership skills in an experiential setting.

The Shared Leadership Model enhances this endeavor by allowing clinical professors to develop the leadership skills of all students, regardless of a student's particular strengths and weaknesses, or any previous leadership positions they have experienced. Moreover, by sharing leadership, students are best prepared for fruitful and rewarding careers irrespective of whether they work in traditionally hierarchical organizations with positional leaders or organizations where much of the work is done collaboratively and without much, if any, hierarchy. They will have learned to be effective leaders—able to exert their influence on others—and, as a result, have a greater impact.