The Leadership Gap

The legal profession’s rapid pace of change challenges lawyers across the globe. Never before have so many lawyers been struggling in their practices and organizations to adapt to new business realities and new market forces, both in the market for legal services as well as the market for legal talent. And at a time when effective leadership is critical, chronic under-investment in leadership development threatens even large, profitable law firms. The threat is multiplied because another current trend we are seeing, at least in the U.S., is a large amount of turnover of managing partner/chairman roles. Without effective leadership training and development, succession becomes a perilous journey.

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Why is it that, when compared with accounting and consulting firms, law firms invest very little in leadership development? One reason is that as law firms have quickly grown, firms have clung to old notions of governance and failed to recognize the need to prepare their leaders for the enormously more complicated roles and responsibilities they now inherit. Firms have traditionally relied upon their ability to appoint leaders who seem smart and experienced enough to figure things out as they go along — an extremely risky strategy for running any business in a highly competitive market in which even profitable firms can disappear in a matter of weeks, not months.

On a deeper, individual level, a great strength of lawyers may also be a critical weakness. Lawyers passionately believe that "clients come first" — but at what cost? Leadership requires the building of trust and consensus. Strategic thinking requires self-awareness and a thoughtful taking of perspective. Developing others depends upon time spent mentoring, coaching, training, and giving feedback. Across all of these dimensions, lawyers routinely fail to spend the time and resources required to prepare themselves for significant change. Organizationally, the effect is multiplied in an environment where competition is fierce, short-term profits drive rankings, and the occasional call to break out sounds much like: “We need to do something really innovative — what’s everyone else doing?!?” It is no wonder that people like Richard Susskind ask whether we are going to witness “the end of lawyers.”

The leadership gap also exists because unlike business schools, law schools have mostly shunned any notion of helping to prepare students to be leaders, or, for that matter, to work in teams, collaborate, appreciate and leverage others' strengths, manage people and projects, and/or give and receive critical feedback. As a result, compared to MBAs, lawyers start their careers at a significant disadvantage in those skills, all of which become critical when taking on leadership roles. It is hard to
catch up, especially when you don’t know what you don’t know until you are really struggling as a leader.

**Addressing the Gap Through Executive Education**

Borrowing from the business world, executive education for lawyers is proving to be a highly effective, efficient way to help lawyers and legal organizations quickly address and rectify their chronic under-investment in leadership development. What is executive education? Since the 1940s, businesses have partnered with top universities to develop leaders through condensed, highly immersive programs. These programs typically are limited to relatively small groups of similarly situated participants (often from similar functions or industries and/or at similar levels of organizational responsibility).

Executive education is particularly effective at accelerating participants’ pace and retention of learning because it requires participants to read and debate a series of highly tailored, real-world cases. As adult learning theory proves, using such stories as discussion vehicles greatly enhances participants’ ability to remember and apply what they have learned. Participants are challenged to study, engage, and learn as much from each other as from program faculty. In the end, participants are rapidly prepared to apply leadership and business principles and frameworks to the real-world leadership situations they face every day. Further, participants bond very closely, enhancing their professional networks (and/or their internal networks in the case of programs offered exclusively to people from the same organization).

**How Does It Work?**

**Taking perspective.** In order for lawyers to become better leaders, they must be encouraged to reflect and understand the full breadth of their many responsibilities. They particularly need to see that the leadership roles they play in legal organizations differ significantly from the roles played by CEOs of traditional businesses. At Harvard Law School Executive Education (HLSEE), we use real-world cases to highlight and explore those differences. Participants often report that they have a very emotional response to the cases because the cases closely describe their lives. As a result, they find the lively, peer group discussion of the cases to be both educational and cathartic.

**Unpacking leadership.** Lawyers also need to understand the key dimensions of leadership in order to focus their efforts to improve. At HLSEE, we use cases and discussion to unpack the key responsibilities that lawyers often need to balance and fulfill as leaders. We typically address leadership across three areas — people, clients, and strategy, as follows:

- **People leadership** — topics such as motivating professionals, leading teams, providing feedback, having important conversations, and aligning talent development systems with firm culture and strategy.

- **Client leadership** — topics such as building client relationships, developing new clients, innovating new models of client service, and comparison of client service models from around the world.

- **Strategic leadership** — topics such as understanding what strategy is and isn’t, how to drive strategic planning and implementation, understanding practice segmentation and its implications, and leading change and aligning organizations to achieve strategic goals.

In each of these areas, we use interactive case discussions to bring concepts alive and fuel curiosity about how and why certain leadership techniques are — and aren’t — effective. All of the cases are research-based, and most often we introduce research concepts following discussion to tie up the themes that participants have grappled with in their discussion. Thus, at the end of each case, participants have a much deeper understanding of the frameworks and options available to them as leaders, as well as some very practical take-aways and comparison points derived from the class discussion. As an example, in our program for emerging law firm leaders (younger equity
partners), we help participants to be effective team leaders by using vignettes about challenging team situations in a law firm setting. We then role-play difficult conversations and feedback models so that the group understands how to be more comfortable with such situations.

Teaching business skills. An important function of executive education has always been to teach core business skills to executives in a condensed, accelerated way. The reason for this is that leaders need to understand how to direct the business operations of their enterprise and communicate effectively with the experts on whom they rely internally. Many leaders, and especially lawyers, advance to leadership roles without any formal training in core business skills. At HLSEE, we have taken an interdisciplinary approach to this. We partner with professors from across Harvard University to teach participants how to communicate more effectively with clients, influence others, and solve problems involving areas such as strategy, negotiations, finance, valuation, accounting, and adapting to the global economic environment.

Applying the latest research. Effective executive education must be research-based and current. Participants require and expect that the principles, frameworks, and best practices introduced are empirically sound rather than theoretical or experimental. There are several research-related advantages to locating executive education within academic institutions rather than consulting firms or other independent centers. Academic-based research tends to be rigorous, peer-reviewed, and less tainted by profit motives. Within a university, executive education programs can also access broader, more interdisciplinary research. Moreover, organizations and individuals more readily share data with academic researchers, who are not viewed as competitors. At Harvard Law School, we enhance our executive education programs by fully leveraging the academic research being conducted by the HLS Center on the Legal Profession (CLP), one of the leading such centers in the world. For example, in April 2014, the CLP hosted a world-wide conference directly into our leadership programs for senior law firm leaders and general counsel.

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Providing educational experiences of enduring value. Lawyers are accustomed to learning through self-study, “straight”-delivered lectures, “talking heads” panels, or (from law school) intimidating Socratic dialogue. The executive education model provides an interactive, collaborative approach. Participants challenge but build upon each others’ ideas because the faculty teaches with such collaboration in mind. (Contrast this with the typical law school Socratic professor whose goal is to fire questions at a student until he or she is trapped and the class arrives at an “aha!” moment, usually at the expense of the student who was called upon!) The specific, key elements of a successful executive education program are:

1. **The right participants.** The model depends upon a careful balance of participants. You need enough classroom diversity to provoke lively discussion and a broad trading
of ideas. On the other hand, you need enough similarity among participants’ career stages and roles to ensure that discussions are focused and practical and will help participants face their common, day-to-day challenges. At HLSEE, we carefully screen and select participants in all of our open enrollment programs, and when we design a custom program for an individual organization, we work carefully with the organization to craft the right group of participants. The ideal class size typically runs from 35 to 60 participants — again balancing diversity of perspectives with the ability to find common ground and allow all participants to meaningfully share their ideas.

2. **The right content.** Executive education requires relevant, tailored cases based on real-world situations to which the screened group of participants can easily relate. If the cases are too far afield, lawyers in particular have a hard time making the leap to find relevance. If the cases are too detailed and include too much extraneous information (as some business school cases taught for MBAs certainly do), lawyers lose interest because they resent the billable time lost, and program faculty lose credibility. (“Don’t you know how busy we are? How can you teach us about leadership in our roles if you don’t get what we do?”) For executive education lectures, professors must carefully tailor to the audience and allow room for discussion and reaction. At HLSEE, we have found lectures based upon the CLP’s latest research on the global legal profession, or other interdisciplinary research being conducted at Harvard, have proven to be very popular — as long as we bring the discussion back to why and how the issues discussed are relevant.

3. **The right teachers.** This is perhaps the most critical point. Teaching in the executive education style is very difficult, not for amateurs, and challenging even for long-tenured faculty to master. When it is done right, it is pure magic. But when amateurs and traditionalists attempt to teach in this style, one of two things usually happens: either the class discussion devolves into an uncontrollable, frustrating chaos, or the instructor gives up, hijacks the discussion, and reverts to straight, boring, and even less-structured-than-usual lecture style.

It is hard to teach in this style because the professor must set ego aside, let go of her agenda, and allow the participants to fully engage. Yet the professor must somehow ensure that the participants in the course of discussing the case discover all relevant points. Further, the professor must introduce and sprinkle applicable research into the discussion so the case can be wrapped up effectively. It is particularly terrifying to teach in this method because the professor has to ask a lot of very open-ended questions. (Remember the courtroom lawyer’s first rule never to ask a question in court if you don’t know the answer? This is exactly the opposite!)

*In the hands of a gifted professor, this learning model is incredibly powerful.* As the class progresses, the buzz starts to really build. Ideas fly, there are moments of laughter and then moments of intense, sometimes even wistful reflection. People share experiences and lessons beyond what you would ever expect among seasoned, hardened professionals. Something like group therapy? Sometimes indeed. The professor in the middle of the directed cacophony learns as much from the participants as they learn from her (if not more). The professor forms a very special bond with participants — they are all suddenly part of a learning community that shares delightedly in the joy of intellectual debate and discovery and the camaraderie that collaborative learning produces.

**Conclusion: The Road Ahead**

Executive education for lawyers is off to a promising start and needs to evolve to assess other “gaps” to which this learning model can be applied for the good of the global legal profession. At a micro level, that means things like writing new cases about “bright spots” to help disseminate great ideas or, on the flip side, cautionary tales to help lawyers and legal organizations avoid repeating others’ specific, tragic mistakes. Finding promising areas of interdisciplinary research around which
Harvard Law School Executive Education launched in 2007 to bring the business world’s executive education model of leadership development to lawyers and legal organizations. HLSEE translates and applies leadership research, principles, and best practices to the world of lawyers, and develops highly relevant cases as the cornerstone of the way we teach.

Currently, we offer programs to accelerate the leadership development of:

- Senior law firm leaders (managing partners/chairmen, business unit leaders, chief officers), who attend our six-day Leading Professional Services Firms program, offered twice per year;

- Early stage, large firm equity partners and leaders of smaller firms and legal organizations looking to transition to the next level of leadership, who attend our annual four-day Accelerated Leadership Program; and

- General counsel and other senior, in-house leaders, who attend our annual four-and-a-half-day Leadership in Corporate Counsel Program.

We also offer tailored, custom programs for law firms and law departments, including leadership programs for law firm partners and associates, keynote addresses and workshops, and our ground-breaking program to train Milbank’s associates in business and leadership skills. Currently under development is a program for lawyers transitioning from private practice to in-house roles. To date we have trained law firm leaders from over half of the global Am Law 100 firms and general counsel from over 120 leading companies.

to write cases is also critical, as the new HLSEE sponsorship case suggests. At a macro level, it means looking across the global legal profession to identify critical issues where executive education learning might have impact — for example, how disruptive innovation might affect the legal profession, or how the profession’s still shocking lack of diversity might be addressed. On the latter issue, HLSEE is beginning to partner with the Leadership Council on Legal Diversity for just that purpose. (If your law firm or law department does not yet belong to LCLD, you should — they are doing great work!)

On a personal level, from my experience at HLSEE, one of the most exciting aspects of adapting the traditional executive education model for lawyers is that this model consistently transcends participants’ expectations. At program end, participants express great surprise and joy and their sincere thanks because we didn’t bore them, we didn’t talk down to them, we didn’t tell them things they already knew disguised in consulting jargon, and we didn’t pretend to know more about their challenges than they do. They praise the cases and case method in particular because of the way they generate lively and honest discussions, engage all participants, and bring diverse opinions and perspectives into play. Best of all, they leave with energy, enthusiasm, and purpose — which is exactly what they will need to be effective leaders.

**About the Author**

Professor Scott Westfahl is the Faculty Director of Executive Education at Harvard Law School and leads the law school’s efforts to support lawyers across the arc of their careers as they assume greater responsibilities and change practice settings. He is also a former Chair of the Professional Development Consortium and the author of *You Get What You Measure: Lawyer Development Frameworks and Effective Performance Evaluations* (NALP, 2008).