



Why Leadership Development is Such a Hard Sell in the Legal Profession

Prepared for the Alabama Bar Association
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Introduction

As a practicing lawyer for 28 years, I have watched my profession from a very close vantage point, and written the first book on leadership ever directed toward lawyers and law students. I have also been a member of the Board of Directors of the International Leadership Association and have taught leadership seminars to lawyers in six States plus the District of Columbia. My research has included presenting workshops to Continuing Legal Education Administrators from almost every State of the Union and I have discussed leadership development training for lawyers with lawyers and staff in over 100 law firms and organizations that employ lawyers. (In this article, I refer to all places that employ lawyers as “legal organizations”). This article explains why, unlike other professions, it has been so challenging for lawyers and the legal profession as a whole to embrace leadership development training for its members.

In order to introduce significant change into any profession or any organization, one needs to know the reasons why that change might be resisted. Our research at THE LEEEGH has yielded many reasons as to why leadership development is a harder sell in the legal profession than it is in business, psychology, engineering, teaching, energy management, higher education, library science and many other professional fields. This article outlines some of the reasons why leadership development is not viewed by many in the profession as being a necessary ingredient in professional development or in producing a competitive advantage for lawyers. This article also describes some of the benefits to our profession if more lawyers in legal organizations of all types received significant training in leadership development.

Leadership for Lawyers, (2nd edition, American Bar Association, 2008) describes many reasons why leadership development can be very beneficial to lawyers in all types of legal organizations. Yet, even in 2011, getting law firms and all types of legal organization to invest the time and resources for leadership development is still a hard sell in our profession.

The Nature of The Legal Profession

There are several aspects of the legal profession that create a culture or mind-set that generates significant reservations regarding the whole notion of leadership development training for lawyers as being important or essential. First, our profession views itself as part of the elite of society. Lawyers think they are leaders, and good leaders, at that, just because they are lawyers. However, since law students receive little or no training in leadership development and only a few, but growing number, of continuing legal education courses teach leadership development, the truth is that many lawyers do not have any significant training in leadership development except what they learn from the ‘school of hard knocks.’

Second, our profession, while intellectual to the core, is basically a vocation, and our practitioners are artisans. Just as one might not see much benefit for a carpenter, or cobbler, or violin maker to take a leadership development course, lawyers practicing their vocation may also see little benefit of leadership development training. Third, with so many lawyers either working alone, or only a few partners, associates or staff, these lawyers legitimately question why they need to be better leaders since they actually lead so few people on their payroll on a daily or regular basis.

Fourth, while some lawyers believe that a central duty in their professional career is to lead clients, (and not just to advise them), the legal profession is built on the idea that the client is the “principal” and the lawyer is merely the agent. Agents generally do not think they will benefit greatly from leadership training. Fifth, while good litigators know their job in the courtroom is to lead judges and lead juries, and even lead opposing counsel, the number of lawyers who appear in court on a regular basis and lead in this way on a regular, day in and day out basis, does not represent a large percentage of practicing lawyers.

Sixth, lawyers are under severe time pressures most of their careers. They usually take continuing legal education or other professional development courses in the areas where they are certain these courses will assist them with a particular client or legal issue or help them keep up with changes in the law directly relevant to their practice area. In general, lawyers are less likely to take professional development or continuing legal education where the course covers an area such as “leadership development” where the immediate and obvious benefits of the course are not certain.

Seventh, while lawyers are great communicators, many are limited in their ability to actively listen to subordinates or include peers and subordinates in real decision-making. Few lawyers develop long range strategic plans for their legal organizations or exercise some of the other key activities and competencies of excellent leaders. Yet, lawyers lead people every day. That is why leadership training is so essential for lawyers just as it is for those receiving MBA’s, Masters of Science degrees, and Ph.D.’s in so many disciplines that now require leadership training. Since 1998, in order to get a master’s in library science, one has to complete a leadership development course. Surely, lawyers perform significant leadership acts, and perform in leadership roles, as often as librarians.

Current Trends in Leadership Development in the Legal Profession

It is now easier than ever before to make leadership development training available through professional development programs, CLE and other formats, be it in a classroom, or even over the web, video or telephone. Many more state bar associations, professional development organizations, and CLE providers offer leadership development programs than have offered these programs in the past. Therefore, there is some evidence that the tide is turning and that leadership development training is starting to take hold in the legal profession in the US. Throughout the United States the American Society for Training and Development estimates that four billion dollars a year is spent on leadership development training. In a recent article in *Law Practice, Vol. 35, No. 5*, an ABA publication, Kathleen Bradley, JD, called for more leadership training in law firms as a key approach to improving law firms in the United States.

Leadership development training is making inroads into the legal profession because leadership theory and leadership training have improved and matured, and research studies showing that leadership training produces valuable results are now coming forward. A recent study by McBassi & Company, a research firm in the field of human capital analytics¹, showed that among the sixty-eight law firms that participated in the study, the strongest driver of law firm profits was the quality of leadership of senior partners.

¹ Human Capital Analytics is the rigorous use of data about employees and/or generated by employees through surveys and other data collection systems to improve the management and development of employees and

In addition, lawyers are starting to realize that leadership development training might well help them become better lawyers, more effective team leaders, and more satisfied employees, managers, professionals, and partners. Becoming a better lawyer is now more important than ever because the legal profession is getting more competitive. With over one million lawyers practicing in the United States alone, lawyers are looking for something that will give them a competitive advantage over their adversaries. Two law firms in England, Simmons and Simmons and Eversheds, recently announced that they were going to provide their lawyers with MBA's or "mini-MBA's, where leadership training is a core part of the educational program. Further, in England, a new book, *Leadership Development in the Legal Profession*, (by Lindsey Muir and Paul Kearns, The Ark Group, London, 2008) is promoting the development of leadership training for lawyers in that country.

Successfully Promoting Leadership Development in the Legal Profession

We know that most lawyers generally prefer to communicate with, listen to, and learn from other lawyers when it comes to matters dealing with the practice of law. Therefore, as more and more lawyers are trained in leadership development and begin to offer such training to others lawyers, this type of training will be more and more accepted by the legal profession. Similarly, when a lawyer in a legal organization suggests to other lawyers in that organization that the organization would be better off, and the individual lawyers will be better off, if they improve their leadership skills, acceptance of leadership training programs will begin to grow rapidly, since almost every lawyer wants to improve and be better off.

Conclusion

We have seen over the past decade dramatic developments in the deployment and success of leadership development training in many areas of business, the professions, and in higher education. The good news is that the legal profession will not stay an island forever opposing or neglecting leadership development training in the face of leadership development training's tremendous contribution to turning out better practitioners in so many other professions. Our profession was slow, compared to other professions, in using the telephone, the typewriter, the computer, video conferencing, spreadsheets, email, blogging, tweeting, engaging in social media, and in many other areas of technological and human development.

But the legal profession, when it embraces a technology or an idea, it wants the best, it wants it now and it is willing to invest to master the area, or at least be very good at it. This should be a source of confidence to those who promote leadership development training in the legal profession. In the next decade, I believe, we will eventually see lawyers in large numbers become better trained and more skilled in leadership development.

Lawyers are competitive and they will want to keep up with their fellow lawyers who seem to be gaining an edge because they have been successfully trained in leadership development. So today, leadership training may be a hard sell to lawyers and legal organizations, but the prognosis is very strong that leadership training will become an important part of the professional development of lawyers in the United States, England and other countries in the near future. And when many of our lawyers and judges are better trained as leaders, it will benefit the legal system as a whole.

managers of companies and service firms across many industries and professions. Often the data collected will be a strong predictor of future successes and failures ("red flags" or early warnings) for organizations for their key performance indicators or the key goals and metrics by which the organization measures its success or failure.