Peter's Page – Book review: *Dangerous Leaders: How & why lawyers must be taught to lead* – Anthony C. Thompson, Stanford: Stanford University Press, 2018, 221 pgs.

Unsurprisingly, the legal profession's response to the COVID-19 global pandemic was largely reactive. COVID-19 was the catalyst that prompted the Alberta Courts to digitize its filing procedures and permit hearings by videoconference. Questioning by video and attending mediation by videoconferencing, at least in Alberta, was relatively uncommon pre-pandemic. COVID-19 exposed how the legal profession was more comfortable with gradual adjustments, restraint, and caution until it was faced with a crisis.

The legal profession's cautionary approach begins in law school. Law school's reliance on precedent and tradition shapes and informs the legal profession. However, this reliance can leave the profession unprepared in our rapidly changing world.

I read Scott Turow's autobiographical book, "One L",[1] about his tumultuous first year at Harvard Law School during my first year of law school. Similarly, I too felt Turow's palpable anxiety during that intense first year. I often asked myself, "how does what I'm learning actually apply to the real-world?" and often wondered if I made a big mistake by enrolling in law school. These racing thoughts only fueled my anxiety.

Although I am grateful for my law school experiences and education, including that stressful first year, Turow's trenchant observations penned approximately 10 years after One L's publication, that:

1.) "Law school is not *lawyer school*";[2] and
2.) "Law school is about training legal scholars"[3]

reinforced many of my observations of the disconnection between my law school education and practicing law.

NYU law Professor Anthony C. Thompson's 2018 book, *Dangerous Leaders: How and why lawyers must be taught to lead*,[4] expands upon Turow's observations. Thompson contends that the disconnection between our legal education and its real-life application stymies the development of lawyer-leaders. Thompson argues that law school's primary focus on immersing students in the law leaves law students dangerously unprepared for the roles and leadership positions they are likely to occupy. He writes,

> "the legal profession needs to take leadership education for lawyers seriously… Law schools must acknowledge that they produce leaders and must then focus on educating them so that they can perform well in roles they will likely hold".[5]

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[1] Scott Turow, 1977 and 1988 (afterword) , *One L: The turbulent true story of a first year at Harvard Law School,* New York: Warner Books.

[2] Turow, 1988, p. 280.

[3] Turow, 1988, p. 281. Turow further develops this by stating, "Despite the persistence of the time-worn phrase, law school does *not* teach students to think like lawyers. It teaches them to think like law professors. Judges' decisions, in the law school classroom, are far more important than what the lawyers did or could have done. Important cases are still studied by reading the judicial opinion, rather than the lawyers' briefs or the oral arguments they gave". P. 281.

[4] Thompson, Anthony C., 2018, *Dangerous Leaders: How & why lawyers must be taught to lead*, Stanford: Stanford University Press.

[5] Thompson, 2018, p. 174.

Thompson cites several case studies of political, business, and leadership failures of individuals who were legally trained. He maintains that we cannot assume that law students and lawyers will "possess innate leadership traits or will somehow develop the necessary skills on the job".[6] Thompson reflects upon the leadership lessons from these case studies and considers the ways that educators and mentors can foster healthy leadership development in lawyers. His work provides helpful proposals in bridging the gap between one's legal education and practice.

Thompson's book begins by recounting how the stories emerging from the catastrophic Flint water crisis were rooted in the leadership failures and financial decisions of men and women who should have known and acted better.[7] However, the one group of leaders who escaped media scrutiny and criticism were the lawyers involved in the crisis.[8]

This is especially concerning, as he writes,[9]

> …If we were to examine the major events or key decisions made in any industry in the world, we would likely find lawyers involved. Lawyers are often positioned to make or advise others on many of the most critical decisions in today's world. Given that reality, their ability to lead effectively in those positions matters. The world has become infinitely more complex, dangerous and connected. In our current culture, we face great uncertainty. Surprise and volatility that occur even in remote parts of small regions can produce unexpected outcomes that reverberate around the world. This vast unpredictability has become relentless largely because of global connectedness. Assessing the range of uncertainties happening around us and figuring out the best course of action requires a breadth of perspectives and a quickness in insight that are elusive for any single leader…

Thompson further comments,[10]

> When we look at the one profession from which we draw our political, business, and organizational leaders—the legal profession—we find a deep chasm between what law schools teach lawyers to do and what the world expects of these lawyers who so often become leaders. Legal education ignores leadership as a subject of study and as an inevitability and responsibility for many law school graduates. The legal profession is sending the next generation of likely leaders into a dynamic world dangerously unprepared.

Thompson refers to the 2008 global financial crisis as the dividing line in recent history that served as an "unambiguous wake-up call" on the importance of leading well. He writes,

> The precrisis world functioned quite differently from the postcrisis world. Before the financial crisis, the world followed familiar rules: It was relatively stable and it operated in fairly predictable ways. Disruptive change certainly occurred, but with much less frequency than would be the norm after the crisis. In those conditions, preparing individuals for leadership

[6] Thompson, 2018, p. 6.
[7] Thompson, 2018, p. 1.
[8] Thompson, 2018, p. 3.
[9] Thompson, 2018, p. 6.
[10] Thompson, 2018, p. 5.

> work generally meant exposing them to existing models that had proven successful in the past and then helping them to apply the relevant lessons.[11]

Thompson observes that this pre-crisis leadership expectation complimented lawyers' technical legal training of the importance of adhering to precedent and value in maintaining the status quo.[12] He agrees that although critical thinking, attention to detail, and analysis one learns in law school are all vital skills we must apply in our legal practice, the pre-crisis model has its limits, especially considering the dynamics of our global environment.[13]

Thompson maintains that law schools cannot rely upon existing pedagogical models that were successful in the past because we dwell and work in a *VUCA* world—that is, a world characterized by volatility, uncertainty, complexity, and ambiguity.[14] Our contemporary global realities require the legal profession to re-evaluate the efficacy of many of its historical approaches to training lawyer-leaders.

The **volatility** of our world, amply illustrated by technological advances, cyberattacks, market disruptions, and increased global competition, require lawyer leaders to develop their abilities in juggling multiple, and at times, competing issues, concurrently.[15] The **uncertainty** of the present environment requires analysis beyond technical legal expertise, pressing lawyer leaders to become accustomed to a degree of discomfort before acting. Uncertainty also pushes lawyer leaders to develop nontraditional solutions to problems by collaborating with networks beyond their own teams and areas of expertise.[16] A single individual cannot keep up with the **complexity** of all the legal and regulatory changes in our global environment,[17] and thus, emotional intelligence, awareness of your skills and limitations, envisioning what is missing in your leadership team and humbly recognizing the impermanence of solutions is critical to the effective formation of lawyer-leaders.[18] And finally, contemporary lawyer leaders should be 'comfortable with a high degree of **ambiguity'**, given the impossibility of making strategic decisions with certainty, and the impossibility of knowing the full-impact our decisions will have on events, [19] global or otherwise.

To address the challenges inherent in our VUCA world, Thompson proposes a vision of leadership called intersectional leadership. The intersectional leadership model diverges from two popular leadership

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[11] Thompson, 2018, p. 29.
[12] Thompson, 2018, p. 30.
[13] Thompson, 2018, p. 30.
[14] Thompson, 2018, p. 30-31.
[15] Thompson, 2018, p. 30-31.
[16] Thompson, 2018, p. 31.
[17] Thompson writes, "[Leaders who commit to intersectional leadership]…recognize that they do not, and cannot, hold all the answers. Instead, they actively seek out a wide range of ideas and viewpoints to challenge their assumptions and to force them to think critically about issues and solutions", Thompson, 2018, p. 173.
[18] Thompson, 2018, p. 32.
[19] Thompson, 2018, p. 33.

theories known as transactional leadership,[20] and transformational leadership[21], both of which are historically anchored in a hierarchical framework.[22] The transactional and transformational leadership models envision a leader's role as stemming from his or her positional authority—i.e., at the head of a department or top of an organization.[23] Fortunately, Thompson asserts that positional leadership, or 'rising to the top' is one of many avenues for leadership, and it is not the only way that lawyer leaders can exercise influence[24] or cultivate their leadership development.

Thompson outlines five key attributes of an intersectional lawyer-leader:[25]

1.) "The lawyer-leader cultivates and invites diverse views"—whereby "intersectional leaders recognize that leadership is shared", inviting skepticism to challenge their teams' and their own assumptions.
2.) "The lawyer-leader acts with moral courage even out of public view"—whereby intersectional leaders commit to integrity in public and private settings, setting the tone for their teams, and setting a behavioral example;
3.) "The lawyer-leader subordinates his or her personal ambition to the good of the whole"—whereby intersectional leaders seek the 'common good'. That is, intersectional leaders expose instances where their personal interests could drive their decision making and 'subordinate their personal ambition' by 'implementing processes that check personal motivations'. This could result in forsaking their personal ambitions for the good of their teams or the common good.
4.) "The lawyer-leader embraces his or her role as guardian of the system's integrity"—whereby intersectional leaders seek information from a wide variety of sources, enabling them to identify and address issues, to heighten their understanding on the benefits and negative implications of their decision-making.
5.) "The lawyer-leader adopts a mind-set that embraces optionality"—whereby "intersectional leaders question constantly and set an expectation that they and their teams will hold multiple thoughts simultaneously to push their own thinking".

In isolation, technical legal training, whilst relevant, inadequately prepares law students and practitioners in addressing the complex problems of our interconnected world. I have been humbled by the opportunity to serve alongside and be mentored by practitioners who labor with an approach that reflects aspects of Thompson's model of intersectional leadership. In my conversations with mentors and colleagues, I am confident that they would agree that more needs to be done with mentoring and

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[20] Thompson states the following about transactional leadership – "Transactional leadership views the leader as having the upper hand in what is essentially an exchange relationship with his or her followers. Transactional leaders make their expectations clear to their followers and then leverage organizational incentives and rewards to guide subordinates' behavior and to measure their success" in Thompson, 2018, p. 20.

[21] Regarding transformational leadership, Thompson writes, "Transformational leadership…focuses on motivating others to higher performance using teams, motivation and collaboration. Transformational leaders offer their subordinates a greater purpose beyond the day-to-day work by creating and articulating a vision of change that transcends short-term goals and focuses on a higher set of needs and principles. What moves followers to align their behavior to the leader's vision is the leader's inspiration and charisma" in Thompson, 2018, p. 20.

[22] Thompson, 2018, p. 21.

[23] Thompson, 2018, p. 21.

[24] Thompson, 2018, p. 21.

[25] Thompson, 2018, p. 137.

integrating one's legal education with the practice and the formation of lawyer leaders. *Dangerous leaders* is a challenging work that charts a hopeful way forward, especially in our post-COVID environment. It is a compelling call to action to progressively upgrade the training and capabilities of lawyers to better meet the challenges of our VUCA world.