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Symposium Introduction

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SYMPOSIUM INTRODUCTION: LEADING DIFFERENTLY ACROSS DIFFERENCE CONFERENCE

*Ellen Yaroshefsky**

The Articles in this Symposium issue emanate from a November 8, 2019 conference at the Association of the Bar of the City of New York to explore why it is so difficult to diversify the legal profession. The conference challenge was “Why don’t we do better in leadership around equity and inclusion?”

More than 250 lawyers, academics, deans, judges, and public service professionals gathered for this day-long interactive conference. This conference was organized by the Freedman Institute for the Study of Legal Ethics at the Maurice A. Deane School of Law at Hofstra University, and was cosponsored by the Association of American Law Schools (“AALS”) Leadership Section, seven New York area law schools, the New York State Unified Court System, several prominent national law firms, and private sponsors. The planning committee included the AALS Leadership Section’s executive committee whose members are national figures in leadership training.

The conference acknowledged that the legal profession and law schools exist in a time of profound changes in the culture and in lawyering across various fields, yet the legal profession lags behind business and other professions in promoting equity and inclusion. It behooves us to do better. We understand the need for leadership training, yet we do not make equity and inclusion the center of that training. We asked and sought to provide answers to the following questions: How do we promote leadership training in law schools in a more inclusive and forward-thinking manner? How does the profession and the academy

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confront the need to develop cultural competence, deal with gender, race, and other identities affecting full participation, and address generational differences? Why have we not done better in equity and inclusion? The articles in this issue explore and deepen many of the conference themes and issues.

As we began the conference, I noted that we do not even have a common language and framework to discuss these difficult issues. We are a part of communities that hold many different identities and relationships to power. We can be privileged in one environment but excluded in another. The notion of who is an insider and who is an outsider is relative depending on the environment in which one finds oneself. We need to change ourselves, our colleagues, and our institutions. This conference of intense and engaging discussions attempted to begin that process. It reiterated the often-stated notion that we all have to be prepared to be uncomfortable to move forward.

New York University Professor Anthony Thompson set the stage to prepare us to learn to be uncomfortable with his introductory talk. His keynote address, *Stepping up to the Challenge of Leadership on Race*, was a provocative presentation that addressed why leadership training is necessary and what it means in a diverse world.¹ He challenged us to make diversity, equity, and inclusion the center of that training. He artfully noted that we need to acknowledge that race is the defining issue of our time and that we need to drill down to understand the effect of our privilege and burdens based on race. He focused upon the justice system's need to break down structures that enable racism and to build toward a country that faces its racial legacy and its racist past. He set the stage for the day's panels. How do we do it?

Professors Susan Sturm and Akilah Folami then engaged in a conversation that began to explore this question.² They noted that we need to be proactive, take risks, and develop new competencies. This requires navigating a set of tensions as part of both lawyer-leadership development generally and building the capacity to navigate across difference. For instance, law may be reactive, but leadership is proactive. Lawyers learn to be risk averse, but leadership requires risk-taking. These tensions, among others in legal training, present profound challenges. Their fascinating dialogue, printed in this volume, confronts the difficulties in ensuring that race and gender are at the center of leadership training. In short, they discuss how to engage in culture change.

1. Anthony C. Thompson, *Stepping Up to the Challenge of Leadership on Race*, 48 HOFSTRA L. REV. 735 (2020).

2. Akilah Folami & Susan Sturm, *The Paradox of Legal Training and Leadership: A Conversation Between Akilah Folami and Susan Sturm*, 48 HOFSTRA L. REV. 603 (2020).

The conference then explored these themes through interactive panels and presentations about law practice and the legal academy. The academic panel with Dean Angela Omwuachi-Willig of Boston University School of Law, Dean Song Richardson of the University of California, Irvine School of Law, Vice Dean Ann Cammett and Dean of Admissions Degna Levister, both of City University of New York Law School, and Professor Susan Jones of The George Washington University Law School provided concrete ideas to diversify law schools. Among the suggestions was to change the pipeline into law school by reexamining admission criteria. Law schools should start relying heavily on applicants' past history demonstrating emotional intelligence, grit, perseverance, and other factors instead of the LSAT and grades main paradigm. Schools should consider more than standard measures of success. Other concrete suggestions included changing syllabi and exercises to incorporate methods of learning beyond casebooks, changing the 1L curriculum to reflect a more diverse culture, creating spaces to confront unfairness entrenched in the law, talking about and normalizing experiences of failure to relieve pressure on students, creating effective mentorships, reducing costs whenever possible by considering use of older casebooks and online readings, and providing implicit bias trainings for all students and faculty alike on an ongoing basis. Overall, on this panel and the others throughout the day, there was agreement that one-day diversity trainings are insufficient. Race and gender need to be included in every conversation, particularly ones around leadership training.

The panel entitled "Leadership on Cross Cultural Competencies: Race and Ethnicity," drilled down into particular competencies necessary for effective leadership including experiences of growth by "learning to be uncomfortable" in exploring race and ethnicity. The remarkable panelists from the bench, bar, and academy challenged the audience to have frank and difficult conversations, to start reframing issues when discussing diversity with white colleagues, to recognize that race and gender are difficult topics, and that cultural change comes via short term shifts. Judge Julie Bernard of the Massachusetts District Court described how she and others worked to move that court toward greater equity and inclusion by constant engagement, not a day-long implicit bias training.

The "Leadership and Gender" panel began with Professor Swethaa Ballakrishnen exploring the issue of how we define gender followed by Professor Deborah Rhode discussing the structural impediments to the advancements of women in the profession. The engaging conversation among panelists including retired federal Judge Shira Scheindlin, the Director of Attorney Development at Cadwalader, Wickersham & Taft

LLP, Aisha Greene, and the Deputy Commissioner of the New York City Fire Department, Cecilia Loving, who had remarkable success in diversifying the fire department.

The unique panel that ended the day was “Leadership Across Generations.” Listening to the perspectives of Millennials, Generation X, and Generation Z pointed to the critical need to address cultural differences among generations including issues such as work-life balance, work direction, mindfulness, and most significantly, coping with student debt. These lawyers and law students, who are the future of this profession, challenged the audience to change and to acknowledge incorporations of new voices in leadership.

The articles in this Symposium issue, written by many of the profession’s luminaires in scholarship and training on leadership, amplify the conference’s themes.

Professors Donald J. Polden and Leah Jackson Teague, in *More Diversity Requires More Inclusive Leaders Leading by Example in Law Organizations*, convincingly demonstrate that while there have been impressive, positive steps taken to make law firms supportive of diverse workforces, more must be done to address the challenges of insufficient diversity of professional staff in law firms and other law practice organizations.³ As they note, it is disappointing that there are not sufficient efforts to enhance inclusion of members of groups underrepresented in the legal profession.

They distinguish between diversity, inclusion, and equity, and make the critical point that equity is the goal. Diversity is the first step, and inclusion is the effort and actions necessary to move toward the goal. Polden and Teague conclude by providing tools for assessing the effectiveness of law organization leadership for diversity.

Professor Susan Jones, in *The Case for Leadership Coaching in Law Schools: A New Way to Support Professional Identity*, undertakes an examination of individual coaching for law students akin to the leadership coaching undertaken by executives and others in the business and law worlds.⁴ Jones documents the effectiveness of such coaching, notably in its success in developing skills necessary to lead complex organizations and points out that top graduate business schools have incorporated leadership courses and individualized leadership coaching into the curriculum. Today, leadership coaching is viewed very positively, and lawyers and other professionals look toward employers that offer tailored professional development opportunities. She argues

3. Donald J. Polden & Leah Jackson Teague, *More Diversity Requires More Inclusive Leaders Leading By Example in Law Organizations*, 48 HOFSTRA L. REV. 681 (2020).

4. Susan R. Jones, *The Case for Leadership Coaching in Law Schools: A New Way to Support Professional Identity Formation*, 48 HOFSTRA L. REV. 659 (2020).

that such coaching in law school would aid the development of student attorneys' professional identity formation and critical thinking skills, support diversity equity and inclusion, prepare students for changemaking, and help them navigate the new economy as well as support their sense of well-being. She makes a strong case to advance leadership coaching in law schools.

Professor Neil Hamilton, in *Fostering and Assessing Law Student Teamwork and Team Leadership Skills*, provides an excellent step-by-step guide for law schools to provide students with effective education in skills essential for effective leadership: essential teamwork skills.⁵ Hamilton provides detailed analysis of the current work of the law academy and the progress of many law schools in adopting learning outcomes to advance such team leadership.

His article outlines the next steps that competency-based education requires for a law school to implement a teamwork and team leadership learning outcome and provides a stage development model for law student teamwork and team leadership skills along with a thorough explanation of how such a model can be used in the curriculum.

Finally, Professor Deborah L. Rhode, author of the influential book, *Lawyers as Leaders*,⁶ provides us with an engaging and important reflection upon leadership in action in *Lessons from Iconic Leaders: Thurgood Marshall and Nelson Mandela*.⁷ Rhode explores the biographies and work of these two remarkable leaders who made weighty contributions to social justice. She draws broader lessons about the qualities underlying their effective leadership including integrity, courage, sacrifice, judgment, commitment, empathy, emotional intelligence, and humility.⁸

5. Neil Hamilton, *Fostering and Assessing Law Student Teamwork and Team Leadership Skills*, 48 HOFSTRA L. REV. 619 (2020).

6. DEBORAH L. RHODE, *LAWYERS AS LEADERS* (2013).

7. Deborah L. Rhode, *Lessons from Iconic Leaders: Thurgood Marshall and Nelson Mandela*, 48 HOFSTRA L. REV. 705 (2020).

8. These Articles amplify the enthusiasm and energy generated at the conference to continue these conversations and develop concrete plans to move forward. This includes developing resource materials for law schools, ongoing conferences and programs and vehicles for effective communication. To access some conference materials, see *Leading Differently Across Difference: A National Conference on Training Lawyers as Leaders*, FREEDMAN INST., <https://freedmaninstitute.hofstra.edu/events/leading-differently-across-difference-a-national-conference-on-training-lawyers-as-leaders> (last visited May 18, 2020). We look forward to the continuation of this work.
