Elon University

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Engaging Law Students in Leadership

Faith Rivers James

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ENGAGING LAW STUDENTS IN LEADERSHIP
by FAITH RIVERS JAMES*

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ABSTRACT

The new challenge of legal education is preparing civic-minded lawyers to assume leadership roles in their communities, law firms, the legal profession, and in the public square. Defined as the process of influencing and persuading others to achieve a common purpose, leadership describes the lawyers’ task with individual and organizational clients; considered as a characteristic of people in positions of power, lawyers often assume the mantle of leading organizations. Whether defined as process or position, lawyering involves leadership in the private sector or in the public realm.

This article considers the progressive structure of a comprehensive law & leadership program, and prescribes the Public Law and Leadership course as a model of engaged learning and leadership development that offers replication opportunities for programs that seek to engage students in public law and policy issues that affect local and national communities. Looking to collegiate and graduate leadership service learning, as well as legal pro bono programs and professional development initiatives, law and leadership studies and experiences will better prepare students for professional practice, prime them to exercise leadership within their communities, and position law graduates to engage in leadership of the profession and the public square.

I. INTRODUCTION

A. Law & Leadership

There is natural nexus between legal training and leadership. Lawyers’ analytical skills and unique qualification to draft, assess, and adopt laws and regulations place attorneys in the intersection of leadership in the public arena of business, politics, and civic life. Prof. Ben Heinemann makes the case for lawyer as leader, noting “the concept of being a lawyer should encompass the broadest kind of leadership because our core skills, properly conceived, of understanding how values, rules and institutions interrelate with social, economic and political conditions is as central to the demands of leadership as any other professional or disciplinary background.”\(^1\) In the legal marketplace, acquiring leadership skills and professionalism proficiencies can provide a competitive advantage for law graduates.

Traditionally, leadership is not a part of the law school curriculum; but it should be. Warren Bennis suggests that “[l]eadership opportunities should be offered to all would-be leaders early in their careers, because they build drive, trigger a can-do spirit, and inspire self-confidence.”\(^2\) Creating opportunities to explore leadership as a part of the law school curriculum is an important first step in the process of building leadership capacities within the legal profession. In his introduction to Herb Rubenstein’s Leadership for Lawyers, published by the American Bar Association, Lawrence Center observed that “[t]he majority of lawyers in the legal profession have developed what leadership skills they have the hard way: through experience, through mistakes, and, if they are fortunate, from mentors with years of legal experience.”\(^3\) Pondering why legal organizations,

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\(^2\) BENNIS, ON BECOMING A LEADER 179 (1989).

\(^3\) RUBENSTEIN, LEADERSHIP FOR LAWYERS ix (2008).
including law firms, dragged their feet on leadership development,” Carter declares that “a paradigm shift must take place.” Dean Donald J. Polden, of Santa Clara Law School, affirms that leadership skills and attributes are fundamental lawyering skills, calls for a new movement to include leadership skills training to the core law school curriculum, and suggests that law schools embrace and prepare students for upcoming leadership opportunities during their careers.

[E]ducating law students for leadership roles and responsibilities advances efforts to expose our students to a broader array of fundamental lawyering skills and values…. Law schools can and should be educating their students for the leadership roles they will be playing in an increasingly complicated global profession because our communities and societies need greater leadership manifested in business, government, public policy, and in the legal profession. 

Elon is leading this new paradigm. Embracing leadership as a critical lawyering skill, Elon Law School’s Leadership Program prepares law graduates for the responsibility and demands of leadership in professional, political, and community endeavors. Building upon Elon University’s recognized engaged learning, leadership, service learning, and civic engagement initiatives, Elon Law School established engaged learning and leadership as innovative, foundational pedagogies to complement the doctrinal law program.

B. Assessment, Challenge & Support Model

“The most successful leaders have a higher than average level of self-awareness.”

Knowing one’s behavioral dimensions and understanding how one is perceived by peers, managers, and subordinates can help a law student become a better lawyer. Self-assessments recognize leadership strengths to capitalize upon, and identify challenges that should be addressed. To this end, Elon Law School adopted an “Assessment, Challenge and Support” leadership development model, derived from research at the Center for Creative Leadership (CCL). The model is designed to assess student strengths and weaknesses, create challenging experiences that will help students close gaps between their current and desired states of personal and/or professional endeavors, and provide support through faculty and executive coaching. Through first and second year courses, students undergo a number of self-reflective assessments to understand and adapt their study

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8 RUBENSTEIN, LEADERSHIP FOR LAWYERS xi (2008).
10 See Julia Hayhoe, Educating Law Students for Leadership Roles and Responsibilities, 8 MANAGING PARTNER 3 (2008) (citing RUBENSTEIN, LEADERSHIP FOR LAWYERS 85 (2008)).
methods and lawyering skills to the legal professional’s norms and standards.\textsuperscript{11} Empowered with self-assessments and skills training at the outset of their professional school training, students develop lawyering skills and emotional intelligence capacities\textsuperscript{12} that support their professional development later in their careers.

\hspace{1cm} \textbf{C. Lessons of Experience: Leadership Lecture Series}

A core fundamental of leadership development, promoted by research at the Center for Creative Leadership, is learning from experience.\textsuperscript{13} Elon Law’s Leadership program builds on that experience with lessons from the leadership experiences of state and national leaders through the Leadership Lecture Series, sponsored by the Joseph M. Bryan Foundation.\textsuperscript{14} Elon Law Board of Advisors David Gergen, former North Carolina Governor Jim Hunt, and former North Carolina Chief Justice Henry Frye, and Red Cross President Bonnie McElveen-Hunter engaged in conversations about their leadership experiences. CNN legal analyst Jeffrey Tobin and NPR’s Nina Totenberg shared observations about important, precedent-setting cases; and Newark Mayor Cory Booker and Democratic Leadership Council Chairman Harold Ford Jr., reflected on the challenges and rewards of political service. Former Supreme Court Justice Sandra Day O’Connor challenged students to join the effort to improve the judicial selection process and the level of citizen education. Learning lessons about law making through the legislatures and interpretation on the bench, governing, and assessing the political and popular ramifications of the law uniquely equip these law students to follow in the leadership footsteps of these lecturers.

\hspace{1cm} \textbf{D. Leadership Fellows}

In 2009, Elon Law instituted a Leadership Fellows program. The program is designed to recruit and support a core group of students who have participated in leadership and who are committed to pursuing some form of leadership in their professional careers. Selected through a competitive application process,\textsuperscript{15} Fellows meet with renowned Leadership Lecturers to discuss the role of lawyers in leadership, and serve in leadership roles in the law school and broader communities. The Leadership Fellows have endeavored to launch a leadership journal in furtherance of the Law School’s goal of promoting engaged learning and leadership in legal education. Fellow scholarships support legal studies and summer externship placements with nonprofit and government entities. The inaugural class of Fellows endeavored to render service to the legal community through publication of articles about law & leadership; and they have volunteered for community service as a cohort.\textsuperscript{16}


\textsuperscript{14} \textit{See} The Joseph M. Bryan Distinguished Leadership Lecture Series.

\textsuperscript{15} A team of Admissions staff and Leadership faculty interview and recommend students for admissions to the Leadership Fellows program.

E. The Business of Law

The legal academy and the bar have engaged in an ongoing colloquy about the extent to which the law is a profession or a business, and whether to employ standard business practices (where possible) to the practice of law. Making the case for a “both/and” rather than an “either/or” construction, scholars and practitioners have argued an interdisciplinary approach to the law business.

Rather than denying the business nature of the legal profession, legal practitioners can instead proactively respond to these ideas and incorporate them into their professional work. By so doing, legal practitioners of all sorts, whether in small practices or large firms, stand to not only gain competitive advantages over rivals, but they can also improve the overall function of their legal operations and the quality of their service.18

While undergraduate and other professional disciplines have explored leadership in fuller capacities, legal education lags behind the curve in leadership development.19 Both within firms and in business organizations, which are more frequently turning to lawyers for leadership,20 leadership is an essential tool for practice. Leadership is much more integrated within business schools and organizational management disciplines. Yet, despite the integral role of client development and service, financial risks and rewards, and organizational management challenges within law firms,21 the business of practicing law22 remains largely unaddressed in the traditional law school curriculum.

Daigle & Cutler surmise that “those lawyers who are not restricted by conventional wisdom and are ahead of the curve in adapting business methods will have a greater chance for success.”23 On the practice front, the situation has become dire for new law firm associates. At the 2010 “Future Ed: New Business Models for U.S. and Global Legal Education” conference, Chester Paul Beach, associate general counsel of United Technologies Corporation, indicated that his company will not pay for first- or second-year associates because “they’re

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17 See Daigle, Using Business Methods in the Law: The value of Teamwork Among Lawyers, 25 T. JEFFERSON L. REV. 195, 201 (2002) (arguing that “the contemporary practice of law is properly understood not simply as a profession or only as a business, but as structural hybrid of two well-suited and compatible realities); Needham, Permitting Lawyers to participate in Multidisciplinary Practices: Business As Usual or the End of the Profession As We Know It?, 84 MINN. L. REV. 1315, 1316-17.
19 RUBENSTEIN, LEADERSHIP FOR LAWYERS xi (2008).
23 Daigle, Using Business Methods in the Law: The value of Teamwork Among Lawyers, 25 T. JEFFERSON L. REV. 195, 211 (2002); see also, Stephen P. Gallagher, How Should Law Firms Respond to New Forms of Competition?, 52 SYRACUSE L. REV. 1049, 1061 (2002)(Lawyers need to reinvent the industrial landscape, and new core competencies will be needed to create new benefits or “functionalities.”... Law firms will need to look much beyond the top 2% of law school graduates to identify the individuals with the leadership skills and abilities needed to address consumer demands.”)
worthless.”  

Beach called for more skill development in the law school curriculum because companies like his are “not going to pay for people who can’t add value.”  Paul Lippe has called for a new phase in legal education, Law School 4.0, which would include an accelerated curriculum which provides a year of traditional case method, a year of clinical study, and a year of externships, while pointing to law schools as the “logical source” of skills development for students and young-lawyer alumni.  

The state of the legal industry has added a sense of urgency to the call for skills development within the law school curriculum.

With speed few anticipated and permanence even fewer are willing to predict, the legal industry has changed. While it remains to be seen just what will constitute the “new normal,” and how different it will be from what was a stable, profitable, and growing profession just a year ago, we believe that a skills-based lens provides important insights into today’s legal climate and crucial focus for those seeking success in tomorrow’s legal reality.

In addition to personal growth and increased professional proficiencies for client work, experienced practitioners advise that leadership development courses that improve lawyers’ ability to provide community and civic leadership place lawyers in a more favorable light in the community, which may be more cost effective than advertising and public relations initiatives.  Accordingly, professionally relevant law schools must prepare students for both the doctrine and business of the practice of law.

Elon Law students have the benefit of developing technical proficiencies in the study of law, along with the emotional intelligence to recognize and craft behavioral competency skills that can position them for success in law firm or government practice.  Through first year and second year required courses, students increase their personal understandings of professionalism through lectures and panel discussions with state and national leaders.

II. LEADERSHIP CURRICULUM OVERVIEW

Elon Law has pioneered a unique leadership program that develops legal, leadership skills, and professional proficiencies. The program is a three year progression, evolving from leadership of self (first year), to leading teams (second year), and leading the community and profession (third year).  The program employs a variety of teaching methods to help students understand the connection between law and leadership, to facilitate their professional development, and to expose and prepare graduates to assume leadership roles in law firms, communities where they practice, and in the legal profession.


See NITA, FUTURE OF LEGAL EDUCATION: A SKILLS CONTINUUM 1 (2009).

See Rubenstein, LEADERSHIP FOR LAWYERS 79 (2008).


ELON LAW SCHOOL LEADERSHIP TASK FORCE REPORT (John Alexander ed., 2008).
<table>
<thead>
<tr>
<th>Elon Law Leadership Program</th>
<th>Leading Self (First Year)</th>
<th>Leading Others (Second Year)</th>
<th>Leading the Profession &amp; Community (Third Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Course</td>
<td>“Lawyering, Leadership &amp; Professionalism”</td>
<td>“Public Law &amp; Leadership” Experience</td>
<td>Capstone Experience</td>
</tr>
<tr>
<td>Methods</td>
<td>Understanding Leadership &amp; Case Simulations</td>
<td>“Hands-On” Team Work for Nonprofit Clients</td>
<td>Initiate “Hands-On” client work to create Capstone Projects</td>
</tr>
<tr>
<td>Understanding</td>
<td>Self Awareness</td>
<td>Knowing / Leading Practice Teams</td>
<td>Knowing / Leading Organizations &amp; the Profession</td>
</tr>
</tbody>
</table>

**A. Leading Self: Lawyering, Leadership & Professionalism**

1. **Orientation**

Elon’s week-long orientation provides students with an opportunity to interact and build collegial relationships, and to undergo a preparatory “Boot Camp” prior to the outset of the first semester of law school. The Leadership Orientation introduces the concept of leadership in law study. Leadership faculty provide a roadmap and portfolio for students’ leadership studies at Elon Law. In collaboration with Elon University’s Kernodle Center for Service Learning, students participate in a series of team building and diversity exercises. The Leadership Orientation concludes with a day of student-led community service coordinated through the Student Bar Association and the Leadership at Elon by Advising First-year Students (LEAFS) Program. The experiential introduction introduces students to effective team efforts, and lays the foundation for leadership studies and civic engagement throughout law school.

2. **Preceptors**

A distinguishing hallmark of studying law at Elon is the Preceptor Program, which connects students with a cadre of 40 practicing attorneys from the local community. Elon Law pioneered this unique program that revives the traditional concept of apprenticeship. Under the direction of Prof. Margaret Kantlehner, the program structures interaction between Preceptors and students throughout the first year. Preceptors are trained in Elon’s MBTI study skills program and throughout the first semester, meet with and observe assigned students’ classroom performance. During the winter term, Preceptors work with students to undertake an Individual Development Plan. In the second semester, preceptors develop opportunities for students to observe them in the actual practice of law, ranging from attending depositions, to trials, and negotiations. Serving as mentor and coach, preceptors provide a critical link to the professional legal community.

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31 ELON LAW SCHOOL LEADERSHIP TASK FORCE REPORT (John Alexander ed., 2008).
32 See discussion infra Sec. II(A)(5).
3. Skills Training

The inaugural self-awareness activity for Elon students is the Myers-Briggs Type Indicator assessment. The MBTI assessment was developed to implement Carl Jung’s theory which posits that “human behavior is naturally influenced by innate inclinations regarding the exercise of basic personality functions.”33 Several scholars considered the cognitive style implications of MBTI types, discovering a confluence of MBTI styles and law school learning styles.34 From their research, Eric A. DeGroff and Kathleen A. McKee concluded that in the age-old law school quest to teach students to “think like lawyers,” a legal educators’ success “may well be related to their capacity to learn like lawyers.”35

Prior to enrolling, students take the assessment; during orientation, students are informed about those results. Dr. Martha Peters explains how these types are connected to the learning styles, and relates these styles to study skills for law school.36 Doctrinal faculty are encouraged to diversify their pedagogical techniques to reach student’s various learning styles. Dr. Peters meets with each student to review their learning style to develop a study plan during the first semester of law school.37

Executive Coach in Residence Bonnie McAlister undertakes a communications diagnostic with each student. Using video technology, the diagnostic evaluates each student’s communication and advocacy performance.38 Students are empowered to improve their classroom, moot court, and interviewing communications through this skills training component.

4. Lawyering, Leadership & Professionalism

Elon Law School’s first year course, Lawyering, Leadership & Professionalism, is designed to expose students to key leadership concepts that will enhance their ability to make a positive impact as lawyers and to increase the probability that they will make a difference in their communities.39 Under the auspices of Prof. Roland Smith and Dean George Johnson, students engage in simulated vignettes that give students an opportunity to put their first semester doctrinal understandings into practice, and learn about the importance of expert power and ethics in law practice. In a multiple-day experience at CCL, students are immersed in leadership development. Students then take the reins to garner “Lessons of Experience” from lawyers from a variety of fields, receiving first hand observations about the importance of leadership in law practice. Students synthesize this information into collaborative presentations. Throughout the course, students journal their experiences, and the summary assessments enable students to reflect on some aspect of leadership in lawyering.

38 See McAlister, DOING DIAGNOSTICS: ACCOUNTING FOR PROGRESS IN STUDENT COMMUNICATION AND ADVOCACY (2010).
5. Individual Development Process

A team of executive coaches and preceptors meet with first year Elon Law students to undergo an individual leadership development planning process. Students identify goals they would like to achieve in their law school and professional careers; and they plot out strategies and benchmarks to guide their progress. Law firms are now utilizing individual develop plans to guide associates as they progress through the firm. Undergoing a reflective development planning process in law school, under the guidance and support of executive coaches and Preceptors, makes students more intentional about their law study progression and consideration of areas of practice. Experience in goal setting better prepares students to assume responsibility for self-managing their legal careers.

B. Leading Others: Public Law & Leadership

Elon Law’s Public Law & Leadership is a two-week winter term course required for all second year law students. Initially offered in 2008, the course is one of the first to combine leadership and law, providing students an opportunity to apply leadership theory and concepts to collaborative legal problem solving. A core legal skill, problem solving is the essence of a strategic lawyers’ craft. Public Law & Leadership teaches students how to work in practice teams, provides skills training, and allows students to work with real nonprofit and government clients. Building upon traditional methodologies of service learning and pro bono programs, students experience civic engagement with communities throughout the state.

“One basic notion of leadership particularly applicable to the legal profession is problem solving. Leaders are people who solve problems, and often see problems and understand them before others recognize them as problems. One important skill set for a lawyer is to analyze a client’s course of action and be able to predict, and find ways around, expected legal problems and challenges that may thwart a client from achieving his or her goals.”

Herb Rubenstein, Leadership for Lawyers

In this experience, student teams assist nonprofit organizations with public law issues. Client projects require students to utilize a variety of substantive skills, including strategic planning; interpreting ordinances, statutes, and regulations; analyzing implications of various policies; and making recommendations to the client. Students practice lawyering skills through client interviews and site visits (enabling them to understand and experience the problems first hand); drafting documents; preparing client memoranda; and presenting their findings to the client. Consideration of leadership, within the law firm context, in professional

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41 See Ellen Gregg, Lecture during Public Law and Leadership Course (Jan. 2010).
associations, and community service round out the experience. Students emerge from the class with a view of the leadership skills expected of lawyers in practice, business and community leadership.

<table>
<thead>
<tr>
<th>Lawyering Skills</th>
<th>Methods</th>
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<tbody>
<tr>
<td>Problem Solving</td>
<td>• Nonprofit Organization Public Law Problem</td>
</tr>
<tr>
<td></td>
<td>• Administrative Law &amp; Legislative Process</td>
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<td></td>
<td>• Strategic Litigation</td>
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<tr>
<td>Practice Skills</td>
<td>• Client Interviewing &amp; Counseling</td>
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<td></td>
<td>• Managing Practice Teams</td>
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<td></td>
<td>• Legal Research</td>
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<td></td>
<td>• Written &amp; Oral Advocacy</td>
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<tr>
<td>Interpersonal Skills</td>
<td>• Interpersonal Relations Orientation Behaviors (FIRO-B) Assessment</td>
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<td></td>
<td>• Video Feedback – Global Leaders Exercise⁴⁵</td>
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<td></td>
<td>• Change Style Indicator Assessment</td>
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<td></td>
<td>• Executive Coaching</td>
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<tr>
<td>Preparing for Professional Practice</td>
<td>• Leadership in Law Firms</td>
</tr>
<tr>
<td></td>
<td>• Leadership in the Legal Profession</td>
</tr>
<tr>
<td></td>
<td>• Civic Leadership</td>
</tr>
</tbody>
</table>

C. Leading the Community & Profession: Capstone Projects

Once students understand their leadership styles, garner lessons in lawyering and leadership through the examples of lawyers, and experience leadership in practice teams, they are prepared to structure a leadership Capstone project. Undertaking a Capstone project provides an opportunity for third-year students to apply leadership skills in service of a tangible product, outcome, or effort aimed at creating positive sustainable impact on the legal profession, the law school, or the community.⁴⁶ Capstone students identify a community problem or need and demonstrate leadership by developing a solution to address the problem.

"The capstone experience allows us to be entrepreneurs, building a course around a project that can benefit others and that we’re passionate about. It provides a model for how to make long-term positive impacts as we prepare to enter the profession."

Jeb Brooks, Class of 2010, CEO, The Brooks Group

While the second year course provides structured community problem-solving for students, third year students may elect to build their own experience in community problem-solving through the Capstone course. In addition to elective students, all Elon Leadership Fellows participate in the Capstone course during their third year of law school.⁴⁸

⁴⁷ Margaret Robison Kantlehner, Elon Law Capstone Course Syllabus, WEBSITE (2010).
⁴⁸ Capstone projects have included advancing a counseling initiative for children through the North Carolina Coalition Against Domestic Violence, measuring the interest of a mentoring program among Wake County, North Carolina lawyers, spearheading an initiative to get young professionals involved in civic life, and a review of students’ attitudes toward the Leadership program at Elon Law. See Phillip
III. Public Law & Leadership in Action

“You put us in a room, gave us an objective, and let us work with next-to-no interference. This was excellent; we’ve been bursting at the seams for a chance to perform.”

A. Engaged Learning

The Public Law and Leadership course engages second-year law students with local nonprofit organization and government entities in “real world” problem-solving. As an example, the 2010 class tackled public law issues for a range of organizations: 1) City of Greensboro, 2) Housing Greensboro (an offshoot of Habitat for Humanity), 3) Piedmont Conservation Council and 4) Center for Youth, Communities, and Families (University of North Carolina – Greensboro). In preparation for completing the projects, students attended a University Roundtable meeting, met housing rehabilitation clients, toured areas and a farm imperiled by urban sprawl, and engaged with administrators, judges and elected officials on an array of policy matters.

The Community Client experience was highly rated by students, followed closely by their assessment of their experience working in practice teams. The second-year students were primed to put their first-year leadership learning into practice this year, and many students embraced the opportunity to develop project management skills.

"Working to help a public agency took me beyond the casebooks and basic legal issues, and into the complex real life problems that organizations face every day. It was an exhilarating feeling to know that our insights and ideas could make a difference in the city. It reinforced my belief that I’m working toward the right profession for me.”

Brittany Carter, City of Greensboro Team

In the final evaluation, students noted feelings of accomplishment, greater appreciation for lawyering skills they can use in practice, and a commitment to giving back to the community through professional service.

1. Problem Solving & Public Law

After an introduction to basic administrative, legislative, and litigation problem-solving, student teams tackle public law and policy problems faced by nonprofit organizations in North Carolina. Under the supervision of law faculty serving as “partners”, students practice client interviewing and then utilize research and communication skills, both written and oral, to develop team memoranda and presentations for their organizational clients. In this structured interaction with “real-life” clients, students have an opportunity to experience the interconnection...
between leadership and lawyering skills, engaging in the civic life of the community through their public service.

“The students’ work on this project is a real contribution to Action Greensboro and the City of Greensboro…. I commend Elon for including community projects in the Law School Program.”

John McLendon, Jr., Co-Chair, Action Greensboro

<table>
<thead>
<tr>
<th>Nonprofit Clients</th>
<th>Public Law Project</th>
</tr>
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<tbody>
<tr>
<td>Action Greensboro</td>
<td>Analyze federal “Rails to Trails” program and recommend strategy for acquisition of lands or easements for a greenway loop around Greensboro.</td>
</tr>
<tr>
<td>Guilford Child Development</td>
<td>Analyze Head Start Reauthorization bill and make recommendations to implement changes to the board governance structure.</td>
</tr>
<tr>
<td>North Carolina Legal Aid</td>
<td>Research RESPA regulations, usury laws, and mortgage and broker licensure provisions for strategic litigation to halt predatory lending practices.</td>
</tr>
<tr>
<td>Self Help Credit Union</td>
<td>Research local ordinance restrictions on group home placement and make recommendations regarding anticipated subprime loan foreclosure acquisitions.</td>
</tr>
<tr>
<td>Action Greensboro</td>
<td>Research university collaborative and recommend organizational structure for a permanent higher education collaborative in Greensboro.</td>
</tr>
<tr>
<td>East Market Development Corporation</td>
<td>Research legal ramifications of developing &amp; managing a Municipal Service District for the East Market Street Corridor.</td>
</tr>
<tr>
<td>Greensboro Housing Coalition</td>
<td>Research fair housing and affordable housing laws and make policy recommendations to promote equal access to safe, affordable housing in Greensboro.</td>
</tr>
<tr>
<td>The Volunteer Center</td>
<td>Research liability issues and develop risk management tools for the implementation of a volunteer background check program for nonprofit organizations.</td>
</tr>
<tr>
<td>Center for Youth, Family &amp; Community Partnerships</td>
<td>Research regulations and develop an informed consent protocol for juvenile offenders.</td>
</tr>
<tr>
<td>City of Greensboro</td>
<td>Formulate a strategic assessment of the University Roundtable Collaborative.</td>
</tr>
<tr>
<td>Housing Greensboro</td>
<td>Review policies and draft transactional documents to protect and recapture housing rehabilitation investments.</td>
</tr>
<tr>
<td>Piedmont Conservation Council, Inc.</td>
<td>Research planning and zoning policies and draft recommended farmland protection ordinance.</td>
</tr>
</tbody>
</table>

2. Client-Centered Practice Skills

“This was the first opportunity I had to work with a client and I really enjoyed the experience. The clients were very enthusiastic and excited to be working with us.”

Public Law & Leadership, Winter 2009

A core component pedagogical strategy of the Public Law & Leadership course is to engage students with nonprofit organizations and government entities and help them solve legal problems. While students might clerk or intern with law offices after the first year of law school, few have the opportunity to engage directly with a client at such an early point of their law school career. The Public Law & Leadership course provides an opportunity for students to learn and perform client-centered lawyering tasks. Elon Law invites community organizations to submit proposals, and a team of students review the applications with faculty. The team of students then selects four proposals, which typically include a broad range of public law topics. Course faculty work with the organizations to refine the problem solving request into an associate assignment memorandum.
Instruction on client counseling and interviewing provides students with an overview of interviewing strategies and a guide on interacting with clients. Client representatives introduce their organizations and present their legal problem; and student teams have an opportunity to ask follow-up questions in the classroom setting. Clients set up a site visit to introduce students to the organization, their clients and constituencies, and the problem. Students engage by witnessing the problem and the needs first hand.

Working with faculty who serve as “partners” for the team firms, students debrief the client interaction and develop a research and communications strategy to address the problem. At the conclusion of the intensive winter term, student teams convey their findings and propose solutions to each client in a live presentation with an accompanying client memorandum. The client interaction is structured and guided by faculty members who work with each team.

The nonprofit and government entity clients are important collaborative partners in the learning experience. Students experience the challenge of working with clients that may have difficulty clarifying goals and relaying unconsidered ramifications of strategies to achieve client objectives.

Although some of the problems were challenging, I think this comes with the territory of working with real clients – they may not clearly be able to articulate the problems that they have – that is why they have sought a lawyer’s services.”

The intensive, short-term course emulates the typical pace and turn-around in practice, and students are forced to hone their time management and delegation skills in order to achieve the client objective in the stated amount of time. Yet, the appreciation and satisfaction of learning new solutions to problems has been rewarding for students and productive for the clients.

“Being thrown into the deep end like that was very hard at the time, but very rewarding when hearing that our ideas will help our client in the long run.”

3. **Leadership Development - Leading Teams**

The Public Law and Leadership experience is structured to give students an opportunity to work in “practice groups” – an essential part of law firm practice. Although observing that “most lawyers have not previously utilized teamwork in any meaningful way,” Daigle & Culter opine:

[L]awyers who work together in teams are able to outperform what could be achieved by individual effort alone because of the overall strength of combined legal experiences, education and collective professional knowledge. The value of a legal work team’s pooled intellectual resources can summon fresh insights into complex legal problems and
juridical issues; giving rise to inspired solutions; and lead to efficiencies by concentrated work effort.\textsuperscript{49}

Law firms, like many of their client organizations, recognize the necessity and advantages of team work groups. In his research on lawyer personalities and organizational leadership and management in law firms, Dr. Larry Richard observes that, like other businesses, effective teamwork is critical to law firm success.\textsuperscript{50} However, Richard surmises that many law firm teams detract from performance “because too few team leaders and members sufficiently understand how groups work.”\textsuperscript{51} Despite the business case for teamwork, in most law schools, teamwork experiences are limited to study groups and law review.\textsuperscript{52}

In order to better prepare law graduates for team work within firms, or between firms, or between firms and their clients, the Public Law & Leadership experience educates students to understand the differences between groups and teams,\textsuperscript{53} and to consider the interpersonal aspects of team leadership in the context of law practice. Building upon the leadership precept of self-awareness and the MBTI type indicator assessment, the Fundamental Interpersonal Relations Orientation-Behavior (FIRO-B\textsuperscript{©})\textsuperscript{54} assessment helps students understand how they function in teams by considering their communication style and behavior in interpersonal situations.\textsuperscript{55} Through a series of inquiries, the FIRO-B\textsuperscript{©} instrument measures expressed and wanted interpersonal needs, ranging from low (0-2), medium (2-6), or high (7-9).\textsuperscript{56}

<table>
<thead>
<tr>
<th>FIRO-B\textsuperscript{©}</th>
<th>Inclusion</th>
<th>Control</th>
<th>Affection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expressed Behavior</td>
<td>The extent to which an individual makes an effort to include others in activities, to try to belong, to join groups.</td>
<td>The extent to which an individual tries to exert control and influence over people, to organize and direct others.</td>
<td>The extent to which an individual makes an effort to have close relationships, to be intimate with and supportive of others.</td>
</tr>
<tr>
<td>Wanted Behavior</td>
<td>The extent to which an individual desires others to include him or her in activities, to invite and notice him or her.</td>
<td>The extent to which an individual is comfortable with allowing others to provide direction and expectations, and to influence him or her.</td>
<td></td>
</tr>
</tbody>
</table>

From the interpersonal needs assessment, the FIRO-B\textsuperscript{©} identifies four primary categories of leadership behavior, ranging from collaborative, authoritative, to empathetic, as noted below:\textsuperscript{57}

\textsuperscript{54} See generally SCHATZ, Firo: A Three Dimensional Theory of Interpersonal Behavior (1958).
\textsuperscript{57} E. R. SCHNELL, \textit{Participating in Teams: Using Your Firo-B Results to Improve Interpersonal Effectiveness}
The FIRO-B© explains situations in which various leadership foundations are better or less favorably received. For example, collaborative leaders are best received in newly formed or fragmented teams; while empathetic leaders may be less favorably received in environment where external forces are dissatisfied with the team, or team member skills are inadequate for the task. Authoritative leaders may be less favorably received amongst teams of autonomous individuals with high levels of discretion, but well received in crises situations, or where team members are frustrated with internal chaos and confusion. Team conflict may arise where leadership foundations are misaligned, or teams undergo transition.

Regardless of one individual leadership foundation, it is clear that a lawyer’s professional development can be enhanced by understanding the primary leadership foundations that drive leaders and followers in practice teams and law firm organizations. Working with a complement of executive coaches under the direction of Leadership Coach in Residence John Alexander, students learn about the stages in team processes, debrief their FIRO-B© results, review video feedback of team interactions, revisit their Individual Development Plans to establish interpersonal goals, and assess their team interaction and performance in reflective coach meetings throughout the course. Working as a team, Public Law & Leadership students are able to view, experience, and navigate a variety of leadership foundations – in preparation for leadership challenges and opportunities they will face in the practice of law.

“Client and group work was very challenging and provided an opportunity for students to take responsibility for researching and executing a legitimate assignment.”

Public Law & Leadership, Winter 2010

4. Civic Engagement: Professional & Public Service
The legal profession is grounded in professional and community leadership. Lawyers lead their clients to solutions through the use of strategic, analytical, research, advocacy, and negotiation skills. Attorneys are regularly invited to bring these problem solving skills from law practice to leadership roles in the public square through pro bono work, government service, and community leadership. Nussbaum aptly notes that lawyers “are active in public life in many different contexts: as clerks for judges (and, in a few cases, as judges themselves), as attorneys for multinational corporations, and as agents of government at many different levels. In these and many other ways, lawyers have the chance to set norms and directions for public life…a merely instrumental and technical preparation will not be sufficient to help them [law students] play this norm-setting role well.”

To reinforce this reality, the Public Law & Leadership course concludes with a plenary session dedicated to practical aspects of lawyering & leadership from faculty and a diverse gathering of lawyers and leaders from law firm and public sector practices.

Student self-awareness is also broadened by exposure to the Change Style Indicator assessment, which measures preferred styles in approaching and dealing with change. At the conclusion of the assigned collaborative project, students can relate to the strengths and challenges of particular characteristics, ranging from change-resistant conservers, centrist pragmatists, to innovative originators. Prof. Roland Smith leads students through this self-scored assessment in an effort to help students dissect their team experiences, learning how to identify and avoid team conflicts and dysfunction in exchange for collaborative, high team performance. Prof. Smith reviews CCL research on the change style characteristics of leading lawyers, and prepares students for the potential practice, generational, and characteristic differences that they may encounter in their professional careers.

a. Pro Bono & Public Service

“I learned about something that I had never really thought about and really got a passion for it from the experience; just the practical experience of working with actual clients and people in the community was very rewarding…”

Public Law & Leadership, 2010

Lawyers take an oath to provide services for those unable to pay for their services pro bono public – for the good of the public. Pro bono representation is the volunteering hallmark of the legal profession. The American Bar Association (ABA) incorporates the commitment to pro bono in the Model Rules of Professional Conduct. Model Rule 6.1 suggests that practicing lawyers dedicate at least 50 hours of free pro bono legal services to people of limited means or nonprofit organizations that serve the poor, as well as free or reduced fee services on behalf of professional, government, education, and civic organizations. In
order for student work to be recognized as pro bono, the student must not receive either pay or credit for the work. Student work on behalf of people with limited financial means or nonprofit organizations within the parameters of a course for credit is described as public service. Both pro bono and public service meet the professional norms of rendering services for the good of the public.

The ABA mandates that law school education programs “ensure that its graduates…understand the law as a public profession calling for the performance of pro bono legal services.”66 The ABA’s Standards for Approval of Law Schools directs that law schools “shall offer substantial opportunities for … student participation in pro bono activities.”67 Accordingly, law schools have incorporated pro bono and public service opportunities and requirements into their curriculum. According to an American Bar Center for Pro Bono report, law schools utilize three basic models for their pro bono programs, including mandatory graduation requirements, formal voluntary pro bono programs with school-supported referral systems or collaborative student group projects, or independent In-House and Collaborative Student Group Projects.68 Originally, pro bono efforts were student-generated; in 1987, Tulane Law School instituted the first supported pro bono program.69 Formal law school programs grew at a few innovative law schools70 but the programs proliferated once pro bono components were included in the ABA’s accreditation standards.71 By 2001, over 60 percent of law schools either hosted formal pro bono programs (99), or offered in-house / collaborative pro bono opportunities for students (24).72 This number continues to grow as new law schools are created and accredited.

From a pedagogical standpoint, the American Association of Law Schools (AALS) reviewed pro bono programs and concluded “pro bono programs offer multiple educational benefits in such areas as professional responsibility, problem solving, lawyering skills, and leadership skills.”73 The highest level of support for the professional values of pro bono and the pedagogical goals are found in the mandatory institutional programs that have a graduation requirement. In 2001, fourteen law schools required 20 – 70 hours of pro bono public service (primarily law related) in order for students to complete the juris doctor degrees; thirteen additional institutions allowed students to meet the requirement through externships, clinics and/or internships, or community service program (including

66 See ABA CENTER FOR PRO BONO, EVERYTHING YOU WANTED TO KNOW ABOUT LAW SCHOOL 2 (2010).
67 See AMERICAN BAR ASSOCIATION, ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS: STANDARD 302(B)(2) CURRICULUM (DATE).
68 See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS (2001).
69 See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 7 (2001).
70 See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS (2001) (noting that by the end of 1991, Tulane, the University of Pennsylvania, Florida State University, Valparaiso University, Touro College, the University of Louisville, and the University of Hawaii had mandatory pro bono programs; voluntary programs were established at the University of South Carolina, New York University, Duke University, Georgetown University, Santa Clara University, and Seton Hall University).
71 See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 7 (2001).
72 See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS (2001).
non-legal service).\textsuperscript{74} Sixty-two schools established a referral system to place students with pro bono opportunities, and thirty-four others provide some form of administrative support or host collaborative student group projects.\textsuperscript{75}

Despite the significant increase in the number of pro bono programs, Maranville suggests that it is a rare exception for public service to be included in the “daily diet of the classroom.”\textsuperscript{76}

\ldots [B]y failing to create a culture that supports and inculcates the values of public service, law schools undermine both an important motivation for students' performance in law school and an important way for them to build satisfying lives in the law.\textsuperscript{77}

The Public Law & Leadership Course meets this challenge by incorporating and structuring service as the core methodology of the course. The instructional format is a hybrid of service learning in a legal context, in the vein of pro bono programs, and exhibits the highest level of institutional support.

\textbf{b. Service Learning}

While formal pro bono programs and graduation requirements are relatively new concepts for the legal academy, the pedagogy of service learning in well established in other fields. Service learning enables students to apply classroom material to experiences providing community service.\textsuperscript{78} The pedagogy of service learning allows students to apply what they are learning to “real life” issues; cultivates a commitment to community service; and provides students with an understanding of social processes.\textsuperscript{79} This form of engaged, experiential learning (the active processing of experiences\textsuperscript{80}) increases student ability to think critically and problem-solve\textsuperscript{81} – notably, skills that are the essence of lawyering. Moreover, academicians and politicians propose that service learning promotes students’ civic

\textsuperscript{74} See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 9-10 (2001).
\textsuperscript{75} See AMERICAN ASSOCIATION OF LAW SCHOOLS PRO BONO PROJECT, A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 10 (2001).
\textsuperscript{76} See D. Maranville, Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning, 51 J. LEGAL EDUC. 51, 51 (2001).
\textsuperscript{77} See D. Maranville, Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning, 51 J. LEGAL EDUC. 51, 54 (2001) (Noting surveys that 20 to 40 percent of entering law students are motivated by the hope of engaging in public service).
\textsuperscript{80} J. Ogilby, L. Wortham, & LISA G. Lerman, Externs, LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL 3 (2d ed., Thompson West 2009).
involvement and sense of social responsibility, leading them to become active citizens and volunteers.\textsuperscript{82}

“The course challenges you to think critically about real problems that affect the community. It was a valuable learning experience to actually tackle a legal problem.”

\textit{Public Law & Leadership, 2009}

The pedagogical and civic engagement goals align between traditional service learning and the Public Law & Leadership course. Students delve into legal materials with real clients, thinking critically about client objectives and assessing the best course of action to achieve those objectives. The sense of civic and professional responsibility as leading lawyers begins in law school. Assumption of the leadership mantle will remain with students as they begin the practice of law.

"It was a great charge to all of us to be active. We can't sit on our hands and wait for change to happen. As lawyers, we will have the influence, the intelligence, and the creativity to really make an active change in our communities and in the world."

\textit{Amanda Tauber, 2L on the Greensboro Sit In Panel Discussion}\textsuperscript{83}

\section*{B. Course Delivery}

My appreciation for the intersection of leadership and law stems from a twenty year legal career as a lawyer serving in public leadership capacities. Having practiced as a legislative lawyer at Akin Gump, an Am Law 100 firm, as Counsel and Senior Policy Advisor to the Majority Leader of the House of Representatives, I bring a unique set of client and case work experiences to the classroom. The experience of identifying root causes, proposing solutions and building consensus to resolve policy problems informs my perspective on public law and leadership.

Projects are solicited through a “Request for Proposals” process. I meet with a student committee to review each proposal, collectively assessing the merits of the proposal and estimating potential student interest. Students rank their client preferences via a course website. To date, given the variety of projects, we have been able to accommodate the vast majority of student assignment priorities. In preparation for each course, I work with the organizational clients to articulate their public law needs and refine their student assignments. These nonprofits generally have been pleased with the student work product, and our students have benefited from the experience of working on a “real” client matter.

Integrating leadership into the legal curriculum is a continuing challenge for most law schools endeavoring to make the connection between technical, behavioral, and professional proficiencies. The Public Law and Leadership design articulates and incorporates these learning goals. The matrix specifies the


\textsuperscript{83} See also Phillip Craft, \textit{Impact of sit-ins on American civil rights movement explored at Elon MLK forum}, (Feb. 2, 2010), http://www.elon.edu/e-net/Note.aspx?id=942521.
knowledge, skills, and values we aim to impart during the course. This design organizes the objectives into technical, behavioral, and professional proficiencies, and identifies the instructional methods of delivery.

<table>
<thead>
<tr>
<th>GOALS &amp; VALUES</th>
<th>KNOWLEDGE</th>
<th>SKILLS</th>
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</thead>
<tbody>
<tr>
<td>Public Law: Problem Solving</td>
<td>[Technical Competencies]</td>
<td></td>
</tr>
<tr>
<td>Expertise</td>
<td>Public Law Arena</td>
<td>Legal Research &amp; Analysis</td>
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<tr>
<td></td>
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<td>Problem Solving</td>
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<td>Strategic Assessment</td>
</tr>
<tr>
<td>Client Management</td>
<td>Client Interviewing &amp; Counseling</td>
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<tr>
<td>Communications</td>
<td>Written Advocacy</td>
<td></td>
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<tr>
<td></td>
<td>Oral Advocacy</td>
<td></td>
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</tbody>
</table>

| Team Leadership [Behavioral Competencies] | |
| Self Awareness | | |
| Collaboration | Emotional Intelligence | |
| Accountability | Interpersonal Relations |
| Responsibility | Team Norms & Operational Development |
| | Feedback |
| | Project Management |

| Professionalism: Practicing Law & Leadership | |
| Professionalism | | |
| Civic Lawyering | Professional Positioning | Career Development Planning |
| | Service | Professional Leadership & Service |
| | | Public Leadership & Service |
| | | Pro Bono Engagement |

1. Challenges of Teaching & Learning Leadership

The academy continues to debate whether leadership can be taught. The answer to this question depends upon one’s perspective and definition of leadership. Elon Law students engage in the same debate. Elon Law’s Leadership Program views leadership as a process, providing lessons of experience provides an understanding of the process at work and exposes students to the life-lessons of lawyers who possess leader characteristics and positions. Under either view, there are important lessons for those aspiring to practice law.

Teaching and learning leadership development skills and aptitudes requires self-examination, introspection, getting to know oneself better, and becoming clearer regarding one’s own goals and values. It requires getting out of the law office, away from the minute-by-minute pressures of client demands and hourly billing quotas. It requires not only studying leadership theory and practice, but also looking at biographies that show how others rose to leadership, found their calling, and learned to contribute to society in ways that empowered them. The study of leadership development theory and practice by lawyers cannot guarantee great new insights, new approaches, and behaviors…[but it] can assist lawyers in finding new

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84 See generally Michael Schwartz, Sophie Sparrow & Gerald Hess, Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam (2009).
strategies to problem solving, creative team building, and the formation of
win-win solutions. Despite overall improvements in the reception of leadership instruction, a minority
of students do not subscribe to the position that leadership can or should be taught
in law school. A student-led Capstone survey indicates that the proportion of Elon
students who see and appreciate the connection is increasing. Notably, with 50
percent of applicants applying for the Leadership Fellows programs, the
appreciation for leadership should improve.

I found the group work to be very effective, especially because of the
competition and “realness” of the projects. It is always more motivating
to do work on a relevant and realistic project, rather than a simulation.
I think that the intangible benefits created by the competition and
community clients were invaluable to the experience.

Public Law & Leadership, 2009

2. Social Justice, Diversity & Leadership

An appreciation for diversity is a key to effective leadership. The Public
Law & Leadership curriculum features a range of diverse speakers and course
materials. Introducing students to the lawyer’s role in solving governmental
problems, Prof. Rivers James explained the framework of administrative law
through a case study detailing El Congresso’s multi-decade battle to establish farm
worker workplace safety standards. Students considered strategic litigation as a
problem-solving tool. Dean Johnson engaged students in a review of Charles
Hamilton Houston’s strategic litigation strategy to defeat Jim Crow laws. Franklin
McCain, of the Greensboro Four who led the famous Woolworth’s lunch counter
sit-in as a student at North Carolina A&T State University, and Romulus Murphy,
former counsel for the NAACP who represented sit-in participants, and Professor
William Chafee discussed leadership opportunities and challenges as catalysts for
social change and about lawyers’ roles in the civil rights movement. In the 2010
class, students learned about leadership challenges for women in public leadership
from keynote speaker, former White House Press Secretary Dee Dee Myers.
While these curriculum components will continue, efforts to include a direct and
deeper diversity engagement in the 1L course are ongoing.

3. Student Engagement

Students play an important role in design and delivery of the Public Law
& Leadership course. Through the Student Bar Association, second and third year
students created a committee to review project proposals and selected a diverse set
of four projects for the 2010 course. Students offer observations about what they
learned about leadership from speakers and clients through course evaluations and

203 (2002.).
87 See P. Strauss, T. Rakoff, R.A. Schotland & C.R. Farina, Gellhorn & Byse’s
Administrative Law 1-13 (10th ed. DATE).
88 See W.H, Chafee, Civil Rights and Civilities: Greensboro North Carolina and the Black
Struggle for Freedom (1980).
89 See also Phillip Craft, Impact of sit-ins on American civil rights movement explored at Elon MLK
Elon Law School publications. Student feedback is the core of an annual summary of course strengths, challenges, and opportunities. Accordingly, adjustments are made annually. The course design must continually adjust to bridge the gap between the legal curriculum, leadership and professional development.

The summative assessment for the course is a team presentation to the client. Students articulate the question presented, propose solutions to the legal and policy challenges, and offer strategies to deal with long-term implications of the problem. As a result of student feedback, a class competition for “best team presentation” provides an opportunity for the four top performing teams to face off before classmates in a plenary session. Accountability to clients and peers drives students to perform, despite the “pass-fail” course assessment. The leadership faculty, faculty partner and executive coach joined the winning team in a celebratory firm dinner. A “best client memorandum” is selected for each client group; the overall course winner is announced at a Legal Community reception.

IV. Summary

Building an interest and appreciation for leadership is a new and challenging endeavor for law schools. Grappling with student perceptions, assessing and refining course objectives, providing students a role in the course assessment and planning, accommodating a student-led initiative for team competition, and giving students a leadership role in the client selection process have helped to bridge this gap. The Elon Law experience offers significant lessons for collegiate and graduate leadership programs, as well as service learning and pro bono programs. The shifting legal economy, evolution of skills-based curriculum, and demand for lawyer-leaders in the public square make the case for leadership training within the law school curriculum. Providing the opportunity to learn how to lawyer and be a community leader is the hallmark of the Public Law and Leadership, bridging the gap between law school and law practice, and forging connections between lawyers and their communities.

91 Moving from plenary lectures to cohort lectures was a first step; future offerings will deliver more information in cohort lectures and team discussions. Responding to student feedback, client interaction was moved up in the course schedule. To make these sessions more relevant and connected to the project assignment, client group lectures will allow the skills training components to be better targeted to each project, and will allow for more instructive, direct student-client interaction on the second day of the course. Increased faculty and executive coaching resources helps structure client interactions and provide feedback to student teams. Executive coaches now participate in faculty “firm meetings,” enabling them to provide on-the-spot feedback on team interactions. The course assessment tool elicited student feedback on the team experience, and in large part, students rated themselves and the team experience highly.