

LAWYERS AS LEADERS

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IT IS IRONIC that the occupation most responsible for producing America's leaders has focused so little attention on that role. The legal profession has supplied a majority of American presidents, and in recent decades, almost half the members of Congress.¹ Many of our nation's most revered and most reviled public figures have been attorneys: Abraham Lincoln and Thurgood Marshall; Joseph McCarthy and Richard Nixon. Although they account for just 0.4 percent of the population, lawyers are well-represented at all levels of leadership, as governors, state legislators, judges, prosecutors, general counsel, law firm managing partners, and heads of corporate, government, and nonprofit organizations.² Even when they do not occupy top positions in their workplaces, lawyers lead teams, committees, task forces, and charitable initiatives. Yet rarely have these lawyers received training for leadership responsibilities. Although leadership development is now a forty-five billion dollar industry, and an Amazon search reveals close to 88,000 leadership books in print, the topic is largely missing in legal education.³

This book is a step toward filling the gap. Its aim is to shed new light on why we trust lawyers with so much power and why we are so often disappointed in their performance. My central claim is that the legal profession attracts a large number of individuals with the ambition and analytic capabilities to be leaders, but frequently fails to develop other qualities that are essential to effectiveness. The focus of legal education and the reward structure of legal practice undervalues interpersonal capabilities and ethical commitments that are necessary for successful leadership. Drawing on a broad array of interdisciplinary research, as well as biographical and autobiographical profiles, the book explores leadership competencies that are too often missing in practice.

Discussion proceeds in three parts. The first section of the book offers an overview of leadership traits, styles, and development. This introductory chapter focuses on the role of lawyers, and explores why they so frequently occupy positions of power even though the public has little faith in their qualifications for those positions. [Chapter 2](#) looks at the nature of leadership more generally and identifies its defining characteristics and predominant styles. [Chapter 3](#) surveys leadership development. It explores how lawyers learn to lead and the forces shaping their paths to leadership. [Chapter 4](#) addresses core leadership capabilities: influence, decision making, innovation, conflict management, and communication.

A second section of the book addresses ethics in leadership. [Chapter 5](#) focuses on the role of ethics, the influences on ethical conduct, the tensions between means and ends, and the strategies for fostering ethics in organizations. [Chapter 6](#) explores scandals: the role of hypocrisy, the corrosion of judgments involving money and sex, and the dynamics of crisis management and corrective action.

A third section of the book views leadership in context. [Chapter 7](#) addresses diversity: the nation's historical patterns of exclusion, the persistence of bias, the limits of law, the case for inclusiveness, and the most effective diversity-related strategies for leaders and those who aspire to leadership roles. [Chapter 8](#) centers on leaders in law firms: their challenges, their successes, and their failures. [Chapter 9](#) focuses on lawyers in social movements: the conditions of social change, and the leadership strategies that have been most and least effective in producing it. A final chapter looks at the legacy of leaders. Drawing together themes from the preceding chapters as well as empirical research on successful leadership, the book concludes with thoughts on what lawyers can do to advance their

The Paradox of Trust

To put this exploration of leadership in context, it makes sense to begin with a paradox. According to a PEW public opinion poll, honesty is the most important leadership trait.⁴ This is not a characteristic commonly associated with lawyers. The most recent Gallup poll finds that less than a fifth of Americans rated lawyers high or very high in honesty and ethical standards.⁵ In another poll in which people were asked to volunteer what profession they trusted least, lawyers ranked highest (26 percent with over twice as many votes as the next highest, members of Congress and sellers of used cars (11 percent)).⁶ Only 11 percent of Americans have “a great deal of confidence in people in charge of running law firms,” while almost a third have “hardly any.”⁷ Yet Americans place lawyers in leadership roles in much higher percentages than other countries. Only one nation (Colombia) has a higher proportion of lawyers in the national legislature.⁸

Part of the reason for this seeming mismatch in public attitudes and actions may stem from ambivalence in the public’s views. Although they distrust lawyers as a group, Americans like their own lawyers. In one survey, over half of those questioned were very satisfied with the quality of legal services provided and another fifth were somewhat satisfied; only 12 percent were very or somewhat dissatisfied.⁹ When the public is asked about lawyers’ positive qualities, the characteristic most commonly chosen is that their “first priority is to their clients.”¹⁰ But that is also what the public dislikes in other people’s lawyers. The most negative quality attributed to lawyers, by some three-quarters of Americans, is that attorneys are “more interested in winning than in seeing that justice is served.”¹¹ In short, people want an advocate who will serve their own interests, but not the professional norms that result when everyone else wants the same.

These ambivalent attitudes do not, however, fully account for why lawyers in the United States are so much more likely to occupy leadership roles than lawyers in other societies. Researchers have attributed the distinctive influence of American lawyers to several factors. First, the centrality of law in American culture has contributed to the centrality of the legal profession.¹² The country’s longstanding tendency to frame questions of social policy and morality in legal terms has elevated lawyers to positions of authority. As de Tocqueville famously noted, “[i]n America, there are no nobles or literary men, and the people are apt to mistrust the wealthy; lawyers consequently form the highest political class and the most cultivated circle of society.”¹³ Because lawyers functioned, in de Tocqueville’s phrase, as the “American aristocracy,” upwardly mobile individuals who aspired to public influence often chose law as their career. Lawyers’ ability to practice part-time reinforced that decision because many state legislatures were also part-time.¹⁴ As law became associated with positions of influence, those who were interested in leadership increasingly saw it as the occupation of choice. Woodrow Wilson captured prevailing wisdom when he noted: “The profession I chose was politics; the profession I entered was the law. I entered one because I thought it would lead to the other.”¹⁵ The similarity in functions required in law and politics has pushed in similar directions. According to some researchers, these are convergent professions: skills in investigation, drafting, procedure, and oral advocacy all work to advantage lawyers who seek public office.¹⁶

Whatever the causes for the centrality of lawyers in leadership positions, there is reason to question whether they are well-qualified for their role. Almost two-thirds of Americans believe that

the nation faces a leadership crisis, and only 15 percent have confidence in the national government, which is heavily staffed by lawyers.¹⁷ Part of the problem may stem from the mismatch between the traits associated with leaders and those associated with lawyers.

Although, as [chapter 2](#) notes, what constitutes effective leadership depends on context, certain qualities are rated as important across a vast array of leadership situations. The most well-documented characteristics cluster in five categories:

- values (such as integrity, honesty, trust, and an ethic of service);
- personal skills (such as self awareness, self-control, and self-direction);
- interpersonal skills (such as social awareness, empathy, persuasion, and conflict management);
- vision (such as a forward-looking and inspirational); and
- technical competence (such as knowledge, preparation, and judgment).¹⁸

A survey of leaders of professional service firms (including law firms) similarly found that the most important leadership qualities involved personal values and interpersonal skills, such as integrity; empathy; communication; and abilities to listen, inspire, and influence.¹⁹ Particularly in times of stress, a key capacity is the ability of leaders to inspire others with a vision that is both emotionally compelling and attainable.²⁰ This research is consistent with other surveys of law firms and professional service firms, which stress interpersonal qualities such as the ability to chart a direction, gain commitment to that direction, and set a personal example.²¹ A leader, in Napoleon's phrase, "is dealer in hope."²²

Not all of these leadership qualities are characteristic of lawyers. Several decades of research have found that attorneys' distinctive personality traits can pose a challenge for them as leaders, particularly when they are leading other lawyers. For example, attorneys tend to be above average in skepticism, competitiveness, "urgency," autonomy, and achievement orientation.²³ Skepticism, the tendency to be argumentative, cynical, and judgmental, can get in the way of what George Walker Bush famously dismissed as the "vision thing."²⁴ "Urgency," defined as the need to "get things done" can lead to impatience, intolerance, and a failure to listen.²⁵ Competitiveness and desires for autonomy and achievement can make lawyers self-absorbed, controlling, combative, and difficult to manage.²⁶ Lawyers also rank lower than the general population in sociability, interpersonal sensitivity, and resilience.²⁷ They are less likely to be comfortable in initiating social interactions and participating in activities requiring emotional rather than analytic intelligence. Lawyers' relative lack of resilience or "ego strength" makes for difficulties in accepting criticism, and in responding without defensiveness to performance evaluations.²⁸ Lawyers lacking in "soft skills" tend to devalue their importance rather than address their absence.²⁹

Of course, general tendencies do not accurately predict individual behavior, and lawyers who reach a leadership position may have profiles more suited to that role. The point is not to paint an overly bleak or simplistic portrait of the "lawyer personality." Rather, it is to identify some ways in which lawyers are not ideally suited for leadership, and to suggest that formal preparation is often essential for lawyers to perform effectively in that role.

The Paradox of Power

Another paradox arises from the disconnect between the qualities that enable lawyers to achieve leadership positions and the qualities that are necessary for lawyers to succeed once they get there. What makes leaders willing to accept the pressure, hours, scrutiny, and risks that come with their role? For many individuals, it is not only commitment to a cause, an organization, or a constituency. It is also an attraction to money, power, status, and admiration. But successful leadership requires subordinating these self-interests to a greater good. The result is what is variously labeled the “leadership paradox” or the “paradox of power.”³⁰ Individuals reach top positions because of their high needs for personal achievement. Yet to perform effectively in these positions, they need to focus on creating the conditions for achievement by others. As the philosopher Lao-tse famously put it, “A leader is best when people barely know he exists. When his work is done, his aim fulfilled, they will say: ‘we did it ourselves.’”³¹

If left unchecked, the ambition, self-confidence, and self-centeredness that often propel lawyers to leadership roles may sabotage their performance in those roles. Research on personality and organizational effectiveness finds that narcissistic individuals are frequently selected for leadership positions because they project the confidence and charisma that makes a positive impression. Yet over time those characteristics can translate into a sense of entitlement, overconfidence, and an inability to learn from mistakes.³² Strong ego needs can also prevent leaders from letting go of their positions when an organization would benefit from change.³³ These personal weaknesses are compounded by the environments in which leaders function, which often fail to supply honest criticism. Subordinates may be understandably unwilling to deliver uncomfortable messages. And the perks that accompany leadership may inflate an individual’s sense of self-importance and self-confidence. Being surrounded by those with less ability or less opportunity to display their ability encourages what psychologists label the “uniqueness bias:” people’s belief that they are special and superior. Such environments reinforce narcissism and entitlement; leaders may feel free to disregard rules of ethics, or norms of courtesy and respect that apply to others.³⁴ As Abraham Lincoln reportedly put it, “nearly all men can stand adversity, but if you want to test a man’s character, give him power.”

The most effective leaders are those who can see past their own ambitions, and retain a capacity for critical reflection on their own performance. In Peter Drucker’s phrase, successful leaders “think and say we.”³⁵ Enduring legacies are left by those who advance collective purposes and transcend personal needs in pursuit of common values.

The Nature of Leadership

WHAT EXACTLY IS leadership? Does it involve traits that are generalizable across different situations? What qualities and styles are most and least effective? What challenges do contemporary leaders confront? The discussion that follows explores these questions and casts doubt on conventional wisdom about the nature of leadership.

Characteristics of Leadership

What defines a leader? That issue has generated a cottage industry of commentary, and by some researchers' accounts, over 1,500 definitions and forty distinctive theories.¹ The term "leader" dates to the thirteenth century, but "leadership" appeared only in the nineteenth.² Although popular usage sometime equates leadership with power or position, most contemporary experts view it rather as a relationship. John Gardner, founder of Common Cause, noted that heads of organizations often mistakenly assume that their status "has given them a body of followers. And of course it has not. They have been given subordinates. Whether the subordinates become followers depends on whether the executives act like leaders."³ Leaders must be able to inspire, not just compel or direct their followers. To borrow a metaphor from Harvard Professor Joseph Nye, holding a title is like "having a fishing license. It does not guarantee that you will catch any fish."⁴ Moreover, some leaders exercise influence without the formal status that would convey their role. Paul Hoffman's *Lions in the Streets* a celebrated profile of elite New York law firms in the 1970s, noted that their heads were often not those known as leaders in the outside world. An attorney he interviewed put it this way: "The man who really runs the firm is the guy who tells the secretaries whether or not they have to work on Washington's Birthday."⁵

What qualities are necessary for leadership? The traditional assumption has been that leadership requires exceptional personal traits, particularly intelligence. Max Weber added the concept of charisma, a term that Catholic theologians applied to gifts manifesting God's grace.⁶ Weber used the term in a secular sense to convey the magnetism and persuasiveness that made individuals able to attract a wide following, especially in times of crisis or rapid change. Building on Weber's insight, traditional theorists have defined charisma in terms of qualities such as emotional expressiveness, empathy, self-confidence, and control.⁷ By their definition, leaders are charismatic figures whose inspirational appeals tap into followers' values and identity.⁸

Recent research, however, has challenged these "trait theories" of leadership, and has stressed the importance of context.⁹ The skills needed to run a thousand-person law firm with multiple branches in multiple countries are not the same as those needed to launch a small public interest organization or win a state governor's race. Over the last half century, some one thousand studies on leadership characteristics have produced no clear profile of the ideal leader.¹⁰ Even the much celebrated quality of charisma is not necessarily related to performance. Charisma does not explain popular support or organizational success.¹¹ Indeed, some studies find that the leaders of the most continuously

profitable businesses have tended to be self-effacing and lacking in the qualities commonly considered charismatic.¹² Biographies of many highly successful lawyers reveal similar traits. Burke Marshall, the head of the Justice Department's Civil Rights Division in the Kennedy Administration, was "modest," "mild mannered," and "self-deprecating"; Warren Christopher, secretary of state under Clinton, was equally reserved and reluctant to self-promote; Archibald Cox, solicitor general in the Kennedy Administration, was shy and lacking in a "natural, easy social sense"; Erwin Griswold, solicitor general under the Johnson Administration and dean of the Harvard Law School, was "shy, stiff, formal and sometimes gruff"; and John Doar, head of the civil rights division under Johnson and counsel to the Watergate Committee that recommended Nixon's impeachment, was "dry, methodical and able to read the *Happy Hooker* aloud in a way that would "put you to sleep."¹³ Paul Cravath, architect of the modern system of law firm training, viewed "sound and steady" as the key to effectiveness.¹⁴

Even when a lawyer is widely viewed as charismatic, what exactly is meant by the term is not always clear or uncontested. Barack Obama is the most recent prominent example. Some commentators credit him with remarkable personal magnetism and an ability to connect with different constituencies; he can reportedly adjust his style to church basements, huge stadiums, backyard barbecues, and elite policy forums.¹⁵ Yet other commentators fault him for being "aloof," "detached," "professorial," "technocratic," "tone deaf," and susceptible to "policy speak disaster."¹⁶ "Cannot emote" is a common assessment.¹⁷ This description of "no drama Obama" is hard to reconcile with the candidate who gave us some of the most memorable rhetorical moments in recent political history with his 2008 campaign messages on hope, change, and racial reconciliation.¹⁸ At his best, he seemed "able to call us back to our highest selves, to the place where America exists as a glittering ideal, and where we, its honored inhabitants, seem capable of achieving it...."¹⁹ These varying views underscore the larger point that historian James McGregor Burns made about "charisma" as a leadership trait. As he put it, the term is "so ambiguously and inconsistently used... [that] it is impossible to restore the word to analytic duty."²⁰ Often it seems to function as a conclusory label that fails to specify what accounts for the appeal described.

Although what constitutes an ideal leader depends on context, and charisma is not an essential attribute, certain other qualities do appear effective in the vast array of leadership situations. As [chapter 1](#) noted, the most well-documented characteristics involve vision, ethics, interpersonal skills, technical competence, and personal capabilities such as self-awareness and self-control. Consistent predictors of leadership failures are to some extent the flip side of those traits: incompetence, rigidity, arrogance, callousness, dishonesty, indecision, and intemperance.²¹ Inability to establish a clear mission, learn from mistakes, model integrity, and respond to the needs of others are among the fatal flaws that can derail an otherwise promising career.²² Ambition is one of the most common traits that can propel it.²³

Yet the relative importance of those qualities varies across contexts, and successful leadership requires a match between what the circumstances demand and what the individual has to offer.²⁴ So, for example, Ralph Nader was extraordinarily effective during the activism of the 1960s and 1970s in galvanizing a progressive consumer movement. But he was far less successful decades later in running a presidential campaign on similar issues. The self-righteous iconoclasm that stood him well in one historical era worked against him as a third-party candidate in a different political climate.²⁵ Warren Burger is another leader whose skill set was reportedly not a good match for his role as Chief Justice. To his colleagues he seemed "pompous," "petty," "overbearing," and sometimes incompetent—incapable of recording votes accurately and unwilling to stop speaking long after he had run out of

things to say.²⁶

John Gardner notes that history makes leaders and leaders make history; no single pattern of style and traits is apparent. What produces leadership are “great opportunities greatly met.”²⁷ The most effective leaders are those who have a good sense of their capabilities, and are able to place themselves in positions where their strengths are critical and where they can minimize or compensate for their weaknesses. According to the Center for Creative Leadership, self-awareness is the primary characteristic that distinguishes successful leaders and, as [chapter 3](#) indicates, such self-knowledge provides the foundation for professional development.²⁸

Challenges of Leadership

Part of leaders’ self-awareness is an appreciation of how well they are addressing the situational challenges that stand in the way of effective leadership. Although the contexts in which lawyers lead vary considerably, most share some common features. Increases in competition, complexity, scale, pace, and diversity have all complicated the lives of leaders, and heightened difficulties in their role.

Competition

Over the last several decades, competition has intensified within and across many organizations that lawyers lead. Their success in those positions often depends on the ability to achieve short-term results, sometimes at the expense of long-term goals.²⁹ In law firms, internal rivalries have bred acrimony, defections, and sometimes dissolution.³⁰ According to one consultant, the result is a low-trust environment, in which more and more partners are behaving as “bands of warlords, each with his or her followers... acting in temporary alliance—until a better opportunity comes along.”³¹ In the public and nonprofit sectors, competition for support and resources also has intensified, particularly during the recent economic downturn, and budgetary difficulties have become an often debilitating fact of daily life.³² These pressures pose difficulties on an interpersonal as well as a financial level. All too often “competition brings out the best in products and the worst in people.”³³

Scale and Complexity

Other challenges arise from the growth in scale and complexity of legal organizations, as well as the problems that they confront. Over the last half century, the size of the fifty largest law firms has increased more than ten times and the staff of the most prominent public-interest legal organizations has more than doubled.³⁴ In the corporate sector, the number of in-house counsel has also doubled since 1970; general counsel’s offices have expanded to keep pace with the growth of their organizations.³⁵ Legal employers are operating in many more locations, and they have more alliance subsidiaries, and outsourcing arrangements that also require oversight.

This increase in scale, together with other social, economic, and technological changes, has significantly complicated the landscape of leadership. Governments, markets, organizations, and professions are interacting in more complex ways, and leaders’ actions play out on a larger stage.³⁶ Technological advances have increased both the pace of decision making and the accessibility of decision makers. Leaders often face a barrage of information along with pressure to make complex

judgments instantly.³⁷ As one former deputy attorney general noted, “if you don’t like an issue before you, wait fifteen minutes... Somebody will give you a new one.”³⁸ Leaders remain tethered to their workplaces through electronic communication, and the personal costs can be substantial: stress, burnout, substance abuse, and related mental health difficulties.³⁹

Additional challenges arise from increased diversity within the legal profession and its clients. As [chapter 7](#) notes, this trend has had many organizational payoffs, but it has also complicated the lives of leaders. Among their responsibilities is ensuring that institutions deal productively with differences across race, ethnicity, class, gender, age, culture, and sexual orientation in an increasingly interconnected world.

The Role of Leaders

The nature of the leadership role brings further complications. Although the extent and complexity of demands on contemporary leaders frequently argues for shared authority, many stakeholders still want a single heroic figure at the helm. As Joseph Nye describes it, this “Mt. Rushmore syndrome” rests on a fundamental “leader attribution error”—a tendency to ascribe undue credit or blame for performance to the person at the top.⁴⁰ The dynamic is common in all sectors of the legal profession. Stakeholders often expect quick fixes to complex problems and intractable market dynamics, and fail to value or to institutionalize shared leadership.⁴¹

So too, although lawyers might want, or benefit from, the results of strong leadership, they may not like to be led, and may not welcome the changes and sacrifices that it demands. As [chapter 1](#) noted, attorneys value independence and are well-prepared to challenge authority when they disagree. By training and temperament, lawyers are experts at locating loopholes and are attached to precedent. Leaders’ efforts at innovation are often met with skepticism and counterexamples.⁴² In public sector bureaucracies, rigid legal constraints, job protection for civil servants, insulation from market pressures, and potential political landmines can also foster resistance to change.⁴³ Many policy settings tend toward what experts describe as “organized anarchy.” No one is really in charge: power is dispersed among shifting coalitions and interest groups, which require considerable leadership skills to align in pursuit of societal goals.⁴⁴

A final challenge for leaders lies in maintaining a sense of humility in circumstances that push in the opposite direction. Recent research finds that authentically humble leaders are more effective; they are more likely to view themselves objectively, more open to new ideas and critical feedback, and more willing to admit mistakes.⁴⁵ Yet as [chapter 1](#) noted, the power and perks of leadership often reinforce arrogance and overconfidence.⁴⁶ Soliciting criticism and remaining self-reflective about one’s own weaknesses are critical leadership skills.

Styles of Leadership

The mystery of what leaders can and ought to do in order to spark the best performance from their people is age-old. In recent years, that mystery has spawned an entire cottage industry: literally thousands of “leadership experts” have made careers of testing and coaching.

Harvard psychology professor Daniel Goleman is unusual among those experts in that his conclusions about effective leadership have a broad empirical base. Drawing on a sample of almost four thousand leaders worldwide, Goleman has identified six styles, each reflecting distinctive forms of “emotional intelligence.”⁴⁸ Effective leaders “do not rely on only one leadership style; they use most of them in a given week—seamlessly and in different measure—depending on the [situation].”⁴⁹ Goleman summarizes the styles as follows:

Coercive leaders demand immediate compliance.

Authoritative leaders mobilize people toward a vision.

Affiliative leaders create emotional bonds and harmony.

Democratic leaders build consensus through participation.

Pacesetter leaders expect excellence and self-direction.

Coaching leaders develop people for the future.⁵⁰

All of these styles are readily recognizable among lawyer leaders, and other commentators have added variations that are relevant for professional development.⁵¹

The Coercive or Intimidating Style

Coercion, the style most often associated with positions of power, is typically the least effective. Goleman suggests a number of reasons why. A leader’s “extreme top-down decision making” kills new ideas. People feel so “disrespected that they... won’t even bring... ideas up” or so “resentful that they adopt the attitude, ‘I’m not going to help this bastard.’”⁵² Because the leader has not conveyed a sense of shared mission, people can become “alienated from their own jobs, wondering, ‘How does any of this matter?’”⁵³ Research on lawyers similarly suggests that while this approach may accomplish short-term results, it often does so at the expense of longer-term problems of morale.⁵⁴

That is not to suggest that coercive styles are always ineffective. They are often useful in conditions of crisis or emergency, or with “‘problem’ employees with whom all else has failed.”⁵⁵ Stanford business school professor Roderick Kramer also suggests that a certain form of coercion, practiced by “great intimidators,” can yield impressive bottom-line results.⁵⁶ These leaders, while not above using a few “ceremonial hangings” are not your “typical bullies.”⁵⁷ Their motivation does not involve “ego or gratuitous humiliation”; rather, they are impatient with impediments, including human ones, and willing to use anger to achieve their ends.⁵⁸ One of Kramer’s examples is Clarence Thomas, whose capacity for intimidation was on display during Senate confirmation hearings on his appointment to the Supreme Court. In response to questions about whether he had sexually harassed Anita Hill, Thomas accused Senate committee members of engaging in a “high tech lynching for uppity blacks....”⁵⁹ The result was to silence critics and help secure his nomination.

Moreover, according to Kramer,

A calculated “loss of temper” does more than help intimidators prevail in the heat of the moment, though. It also serves as a chilling deterrent for potential challengers. While in some instances they are clearly putting on an act, intimidators aren’t always in full control of their emotions when they go off on tirades. But even then a loss of control can be useful.⁶⁰

The biographies of famous lawyers are laced with examples of coercion and intimidation. Wisconsin Senator Joseph McCarthy was one of the profession’s most infamous bullies. His abusive tactics ruined countless careers of suspected communist sympathizers until his cruelty in televised

congressional hearings appalled the nation and eroded his political support.⁶¹ Less extreme examples involve leaders whose desire for control sapped the morale and imitative of those around them. A profile of Paul Cravath, founder of Cravath, Swaine & Moore, noted that “most of the young men who worked in his offices disliked him heartily” largely because of his insistence that “everything be done his way.”⁶² Washington insider Edward Bennett Williams, founder of Williams, Connolly & Califano, could be similarly autocratic. He demanded “total control” over the firm’s decision making, was notoriously “unforgiving of errors” by others, and could fly into a “rage on demand.”⁶³ Jeff Kindler, the lawyer who became CEO of Pfizer, reportedly lost his position because of a combative, abusive micromanagement style.⁶⁴ Ralph Nader, another micromanager, structured the public interest organizations that he founded so that “everything passed through [him].”⁶⁵ Nader even opposed unionization in those organizations, a position hard to square with his progressive ideals. As one staffer put it, Nader just felt that the workplace was “his baby and he want[ed] to run things his way.”⁶⁶ That way even included a ban on soft drinks in his flagship organization, the Center for the Study of Responsive Law.⁶⁷ On discovering a contraband Coca-Cola can in the trash, Nader personally telephoned the staffer responsible. “This is a breach of trust,” he explained to an incredulous reporter. “Soda is bad all the way around. It has no nutrition. It causes cavities. It is taste manipulation. Companies that make it should not be supported.”⁶⁸ Steven Kumble, the founder of Finley Kumble, similarly obsessed about lawyers and clients who carried coffee cups without lids, threatening the firm’s \$300,000 carpet. “I think I’m just going to have to take the coffee away from them,” he announced.⁶⁹

Coercive and intimidating styles are less common in women leaders. Not only are they socialized differently, they also are punished for such “unfeminine” conduct.⁷⁰ What seems merely assertive in a man can seem abrasive in a woman.⁷¹ “Attila the Hen” and “the Dragon Lady” have difficulty gaining respect, support, and cooperation from coworkers.⁷² Indeed, some leadership coaches have developed a market niche in rehabilitating “bully broads”—women who come across as insufficiently feminine.⁷³ Still, the history of the legal profession offers examples of unrepentant female leaders who were at least partly successful despite their intimidating styles. Congresswoman Bella Abzug, a leader on many women’s rights issues, was known as “rude,” “cantankerous,” “abusive” to her staff, and “not kind to stupid people.”⁷⁴ That insensitivity to the needs of others exacted a heavy toll. She experienced constant turnover among employees, and was fired as chair of an influential Presidential Advisory Committee on Women, because of her inability to “cooperate” with the administration, including President Carter himself.⁷⁵

Kramer claims that the “great intimidators” are not “typical bullies” because their motive is not humiliation. But it is by no means clear how much motive matters to those who are on the receiving end of abusive conduct. Most research suggests that likeability is correlated with effective leadership and that continued bullying impairs the performance both of leaders and their subordinates.⁷⁶ About half the targets of such abuse leave their job as a result.⁷⁷ Those who stay are unlikely to volunteer constructive criticism. Few wish to risk antagonizing leaders with the attitude of Hollywood’s Darryl Zanuck, known for suggesting that subordinates “don’t say yes until I stop talking.”

Another form of intimidating behavior involves the use of knowledge in ways that preempt competing views. “Informational intimidators,” as Kramer terms them, “always have an abundance of facts, and intentionally or unintentionally invoke them in ways that suppress opposition.”⁴⁸ This, of course, can sometimes be a highly useful skill for lawyers, particularly in litigation. But in leadership contexts, where the goal is to understand and inspire others, this behavior can be counterproductive.

is especially damaging if done with insufficient concern for truth. In the short run, as Kramer notes, “[o]ften, it doesn’t even matter all that much whether the ‘facts’ are right... Even the misleading or inaccurate factoid—when uttered with complete confidence and injected into a discussion with perfect timing and precision—can carry the day.”⁷⁹ But in the long run, that tactic can be costly, particularly if the errors are made in public and someone has sufficient incentive and ability to expose them. Given the importance that people attach to honesty among leaders, informational intimidators can suffer serious credibility costs if they are flexible with facts.

A final type of coercive tactics arises from what is sometimes labeled a “drive to overachievement.”⁸⁰ Leaders with this tendency focus too much on their own performance and need to show up not only competitors but also subordinates. Such leaders don’t truly listen to others; instead, they soak up “all the oxygen in the room” by pushing their own ideas and even answering their own questions.⁸¹ This approach may yield some short-term advantages if the leader is gifted, but the ultimate result is likely to be disengagement and dependency among followers.

The Authoritative Style

Goleman’s research suggests that the authoritative style is generally the most effective.⁸² This approach combines clarity about ends with flexibility about means.

The authoritative leader is a visionary; he motivates people by making clear to them how their work fits into a larger vision for the organization. People who work for such leaders understand that what they do matters and why... An authoritative leader states the end but generally gives people plenty of leeway to devise their own means. Authoritative leaders give people the freedom to innovate, experiment, and take calculated risks.⁸³

Yet as Goleman also notes, the authoritative style is not effective in every situation. It fails, for example, “when a leader is working with a team of experts or peers who are more experienced than he is; they may see the leader as pompous or out-of-touch. Another limitation... [is that] if a manager trying to be authoritative becomes overbearing, he can undermine the egalitarian spirit of an effective team.”⁸⁴ These circumstances are particularly common in law firms; many partners are reluctant to cede too much power to a single individual.⁸⁵

So too, an authoritative manner in women bumps up against the gender stereotypes noted earlier. An overview of more than a hundred studies confirms that women are rated lower as leaders when they adopt authoritative, seemingly masculine styles, particularly when the evaluators are men, or when the role is one typically occupied by men.⁸⁶ This leaves female leaders in a double bind. They risk seeming too feminine or not feminine enough. Those with a soft-spoken approach may appear unable or unwilling to make the tough calls that leadership positions require. Those who lean in the opposite direction are often viewed as strident, arrogant, or overly aggressive.⁸⁷ During her presidential campaign, Hillary Clinton sought to strike an elusive balance, described as “something between a country-club, golf playing, hedge fund executive, with a whiff of bingo games Sunday churchgoing, supermarket aisles, and coffee clatches.”⁸⁸ As [chapter 7](#) indicates, these persistent, often unconscious gender biases help explain women lawyers’ continued underrepresentation in leadership roles. One recommended response, is to be “relentlessly pleasant” without backing down.⁸⁹ Researchers propose frequently smiling, expressing appreciation and concern, invoking common interests, focusing on others’ goals as well as their own, and taking a problem-solving rather than a critical stance.⁹⁰

The Affiliative Style

The “affiliative” style of leadership puts people first. Its adherents focus on maintaining satisfaction and harmony among followers. They tend to be “natural relationship builders” who supply frequent positive feedback, value personal relationships, and celebrate group accomplishment.⁹¹ The result is a high level of trust, loyalty, communication, and innovation.

Many successful politicians and heads of law firms and in-house counsel offices have been known for such relational skills. Robert Kennedy was a prominent example. Shortly after his appointment as attorney general, he astonished Justice Department lawyers by walking into their offices announcing, “I’m Bob Kennedy” and then asking where they had gone to law school and what they were working on.⁹² He got minor officials their first invitation to the White House, sent thank-you notes to staff whom he saw working on holidays, and called or wrote lawyers with congratulations when they had accomplished some difficult task.⁹³ As Victor Navasky summed it up, this leadership style “brought out the best in others and enlarged their sense of possibility.”⁹⁴ Hillary Clinton has earned similar praise in her position as secretary of state. She has been famously “big on feedback;” an Internet “Secretary’s Sounding Board is bringing the suggestion box into the modern age.”⁹⁵ Clinton also gained respect for following through on the ideas that she hears. After receiving complaints that full benefits for domestic partners were not yet available, she cut through bureaucratic obstacles with a simple directive: “Fix it.”⁹⁶

Similar examples are common in the private sector. Michael Kelly’s *Lives of Lawyers Revisited* profiles a general counsel who made it a priority to sponsor social events and to meet individually with staff and find out what they would like changed.⁹⁷ Larry Sonsini, one of the founders of the Silicon Valley legal establishment, including the law firm that bears his name, is legendary for “bridge build[ing]” and having “a firm grasp of what is important to others.”⁹⁸ Louis Brandeis, who distinguished himself in many leadership positions on and off the bench, recognized the value of knowing the affairs of others, including clients, “better than they do” and using that knowledge to forge personal relationships. As he advised a young lawyer, “the ability to impress [others] grows from... confidence [that] can never come from books; it is gained by human intercourse.”⁹⁹ Used exclusively, however, affiliative approaches have limitations. In some leadership contexts, too much praise and desire for harmony “can allow poor performance to go uncorrected” and internal conflicts to go unresolved.¹⁰⁰ Whatever its short term advantages in minimizing stress and unpleasantness, conflict avoidance should be avoided.¹⁰¹ As [chapter 4](#) indicates, unaddressed problems can fester, impair performance, and lead to more costly confrontations later on.

The Democratic Style

One way to handle conflicts, as well as other leadership challenges, is through democratic processes. By giving stakeholders a say in decisions that affect them, leaders can generate new ideas, encourage buy-in, and build morale, trust, respect, and commitment.¹⁰² Many heads of public interest legal organizations employ this approach and rely heavily on legal staff to shape organizational priorities.¹⁰³

However, as experts including Goleman note, the democratic style has drawbacks that make it ill-suited for many leadership contexts.¹⁰⁴ Most lawyers have had experience with the problems, such as “endless meetings where ideas are mulled over, consensus remains elusive, and the only visible result is scheduling more meetings.”¹⁰⁵ Participatory processes can also defer decisions in ways that leave

individuals “confused and leaderless.”¹⁰⁶ Many accomplished leaders have paid a price for this approach. Observers of Hillary Clinton’s presidential campaign chronicled the downsides of her democratic style and refusal to resolve internal staff conflicts.¹⁰⁷ A year into her campaign, her advisors were still “squabbling over [the] message,” and, rather than establish clear lines of authority Clinton allowed them to share power.¹⁰⁸ The result was that “nobody knew who was in charge. Nobody wanted to be in charge.”¹⁰⁹

The broader lesson from such examples is that democratic processes work best when leaders are themselves uncertain about the best direction to take and need ideas and commitment from stakeholders. Alternatively, even when leaders have a strong vision of what needs to change, democratic styles can generate constructive strategies for making that change happen, and buy-in from those most affected.¹¹⁰ But there are also times when leaders simply have to decide; the problem with democracy can be the same as with socialism, which in a classic phrase, “takes too many evenings.”¹¹¹

The Pacesetter Style

A fifth leadership style emerging from large-scale research involves pacesetter. A leader employing this approach

sets high performance standards and exemplifies them himself. He is obsessive about doing things better and faster, and he asks the same of everyone around him. He quickly pinpoints poor performers and demands more from them. If they don’t rise to the occasion, he replaces them with people who can.¹¹²

This is a readily recognizable strategy among prominent lawyers. A textbook example comes from William Kuntsler’s autobiography, *My Life as a Radical Lawyer*.¹¹³ He describes his first meeting with a law student intern who had just started working for the firm. Kuntsler handed him a motion to file immediately and added, with little more by way of instruction, “If you screw this up, don’t come back.”¹¹⁴ In explaining his strategy, Kuntsler noted,

Clearly I had no time to babysit law students if they couldn’t do the work... My goal for anyone who works with me is, simply, to get the job done.... I expect a lot from people... and I don’t want to hear... [their] complaints or problems. I often yell when someone makes a mistake, which, I admit, is not pleasant, but that’s how I function.¹¹⁵

If subordinates couldn’t handle the pressure, Kuntsler had a simple solution: “I let them quit.”¹¹⁶

Ralph Nader combined control and pacesetter. He created an entire consumer movement by recruiting students and recent law graduates and giving them substantial responsibility. “I’m not interested in the Lone Ranger effect,” he famously insisted.¹¹⁷ “The function of leaders is to produce more leaders.”¹¹⁸ To that end, he looked for Nader Raiders who would be “highly self-directed as well as highly motivated.” “Advice-giving [was] a luxury he [didn’t] have much time for.”¹¹⁹ “Don’t ask me questions” he told his staff. “Just go get at them.”¹²⁰

This style has some of the same downsides as the coercive approach. According to Goleman,

Many employees feel overwhelmed by the pacesetter’s demands for excellence, and their morale drops. Guidelines for working may be clear in the leader’s head, but she does not state them clearly; she expects people to know what to do and even thinks, “If I have to tell you, you’re the wrong person for the job.” Work becomes not a matter of doing one’s best along a clear course so much as second-guessing what the leader wants. At the same time, people often feel that the

Of course, as Goleman notes, “the pacesetting style isn't always a disaster. The approach works well when all employees are self-motivated, highly competent, and need little direction or coordination.”¹²² Given a talented team, “pacesetting does exactly that: [it] gets work done on time or even ahead of schedule.”¹²³ Ralph Nader was revered by some staff for being “the best teacher in the world... partly because he doesn't teach you.”¹²⁴ He gave junior lawyers major policy, press, and political organizing responsibilities and enabled them to rise to the occasion. Their efforts laid foundations for major consumer, environmental, and occupational safety regulations, and many of those lawyers went on to lead other public interest initiatives.¹²⁵ Yet not all “Nader's Raiders” were up for the pressure and the “hundred hour work week” that Nader thought was “perfect”; “flameout” was a significant problem.¹²⁶ The lesson is that pacesetting, like other styles, requires discretion. Leaders need to exercise judgment about when those on the receiving end are up to the task.

The Coaching Style

A final style involves coaching. Leaders taking this approach

help employees identify their unique strengths and weaknesses and tie them to their personal and career aspirations. They make agreements with their employees about their role and responsibilities in enacting development plans, and they give plentiful instruction and feedback. Coaching leaders excel at delegating; they give employees challenging assignments, even if that means the tasks won't be accomplished quickly. In other words, these leaders are willing to put up with short-term failure if it furthers long-term learning.¹²⁷

Leaders who have made coaching a priority have been responsible for some of the profession's greatest achievements. Charles Houston, the Dean of Howard Law School and head of the NAACP legal office in the 1930s and 1940s, nurtured the careers of many civil rights leaders, including Thurgood Marshall, who did the same for others.¹²⁸ Former Secretary of State Warren Christopher was revered for supporting junior lawyers; one of his mentees recounted thirty years of assistance, ranging from recruitment to Stanford Law School, to critical support and advice concerning his appointment as Associate Attorney General and judge on the 9th Circuit Court of Appeals.¹²⁹ In legal education, founding mothers such as Barbara Babcock and Herma Hill Kay not only served in leadership roles themselves, but also launched the careers of innumerable women's rights advocates and prominent public servants.¹³⁰

Yet despite its frequent effectiveness, the coaching style is the least common leadership approach that Goleman's research identified. The reason, according to interviewed leaders, is that they “don't have the time in this high-pressure economy for the slow and tedious work of teaching people and helping them grow.”¹³¹ Other explanations involve interpersonal obstacles to candid feedback, such as leaders' desires to be liked or to avoid conflict, and concerns about damaging relationships and reducing chances of retention.¹³² Particularly in large organizations with high turnover rates, leaders often see little reason to invest in subordinates who are likely to leave.¹³³ As a consequence, many legal workplaces lack adequate mentoring and leadership development.¹³⁴ The problem is compounded by some leaders' lack of skills and comfort in coaching those who are different along lines of race, ethnicity, or gender.¹³⁵ Although increasing numbers of legal workplaces have responded by creating formal mentoring programs, these initiatives often lack effective oversight and reward structures.¹³⁶ Mentors take a “call me if you need me approach” that leaves subordinates

uncomfortable in asking for assistance. Also lacking are well-designed leadership development strategies. Only a quarter of surveyed firms have leadership succession plans.¹³⁷

Of course, like other leadership styles, extensive coaching is not appropriate in all circumstances. The employee needs to be capable and motivated, and the effort should be proportional to the circumstances. I can still recall my first exposure to intensive mentoring when I was about the age of Kuntsler's intern, and it was not a happy experience. After my second year in law school, I spent the summer at a prominent Washington law firm. One of my assignments involved a client who raised chickens. He was suing the Department of Agriculture because it had condemned some diseased chickens and provided what he felt was inadequate compensation. I invested a week reading condemnation cases in search of possible precedents and lines of appeal. The junior partner who reviewed my research memo treated it like a draft for a Supreme Court decision or a tenure article in a leading law review. Every paragraph was redlined with stylistic and substantive revisions, along with long digressions based on the partner's own rhetorical peeves and preferences. I was astonished. We were, after all, not writing for the ages here. This was just a memo. About dead chickens. I tried to imagine an explanation. Did the partner not have enough other work and needed to run up hours at the client's expense? Did he not have enough other opportunities to exercise power and control? Or was he so taken with his craft that every work product had to reach a state of polished perfection regardless of the stakes or the client's preferences? Whatever the explanation, if this is how the firm let associates "sink or swim," I wanted out of the water.

In the contemporary law firm, however, such micro-mentoring is rare. Not-so-benign neglect is far more common, and it exacts a substantial price.¹³⁸ Retention of talented junior lawyers is a major problem in many legal workplaces, and high attrition rates of women and minorities are of particular concern. A major contributing factor to premature departures is lack of guidance and professional development opportunities.¹³⁹ In one American Bar Association study, two thirds of women of color and over half of white women and men of color would have liked better mentoring.¹⁴⁰ Failure to develop subordinates has been identified as one of the "fatal flaws" of unsuccessful leaders.¹⁴¹ In today's increasingly competitive climate, organizations need those who occupy positions of power to support and model effective mentoring. Indeed, Goleman puts the point directly: "[a]lthough the coaching style may not scream 'bottom-line results,' it delivers them."¹⁴²

A Repertoire of Styles and a Redeeming Sense of Humor

As this overview makes clear, no single leadership style is effective in all contexts, although some are more likely to be effective than others. Leaders need multiple approaches and an understanding of when each is most appropriate. The best leaders are "exquisitely sensitive to the impact they are having on others," and able to adjust their styles accordingly.¹⁴³

These leaders also tend to have a sense of humor. The research available suggests that outstanding leaders outperform their counterparts in the use of humor and that this ability correlates with leadership effectiveness.¹⁴⁴ Humor serves multiple functions in the workplace; it can deflect and diffuse tension, relieve stress, and foster collegiality.¹⁴⁵ A capacity for irony and self-deprecating wit is not only appealing in itself, but also signals emotional intelligence. One leader who embodied these qualities was Thurgood Marshall. He was legendary among colleagues, clerks, and even opponents for his spontaneous humor and telling anecdotes. He used that strategy to build relationships, attract donors, relieve tensions, and ridicule injustice; his stories managed not only to "evoke a laugh [but also to]... make a point."¹⁴⁶ He was equally able to "chew the fat" with a white sheriff during a racial

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