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Creating the Lawyer as Business Leader

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CREATING THE LAWYER AS BUSINESS LEADER

Leanne Fuith[†]

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I. INTRODUCTION

The roles for lawyers as leaders in business are growing exponentially. From traditional roles at law firms and in-house legal departments to roles in management, compliance, human resources, entrepreneurship, and more, opportunities abound for lawyers interested in taking on leadership opportunities within the intersection of law and business.

As the opportunities for lawyers in business rapidly expand, so too do the skills, characteristics, and experiences that lawyers need to succeed. Many, if not most, of the skills necessary to be a successful

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business lawyer or business leader are not always found in the education provided by law schools around the country (although some schools are making great strides in this area). Instead, these skills, characteristics, and experiences are developed by business lawyers on the job and through other aspects of their professional development.

Still, gaps remain for lawyers to gain the skills needed to become business leaders. The demands on lawyers in our current global economy are much different than before. Law schools, lawyers, and employers need to think about the lifelong learning needs of business lawyers through a different lens—a lens that promotes not only continuous education but also an education on a wide variety of skills that are not traditionally considered lawyering skills.

II. BACKGROUND

Since Ronald Gilson first asked, “What do business lawyers *really* do?”¹ the legal profession has strived to define the role of business lawyers and the skills they need in an ever-changing market. Business lawyers have been described as “reputational intermediaries,” having roles in “transaction cost engineering,” and having roles in “navigating and managing regulatory costs.”²

The emphasis on lawyers in deal-making capacities as either law firm lawyers or in-house lawyers is diminishing.³ Now, the career opportunities for lawyers in business has grown exponentially to include start-up business advisors, finance and tax consultants, real estate professionals, human resources leaders, policy makers, compliance and privacy executives, and entrepreneurs, just to name a few.⁴ Opportunities for lawyers in business are multiplying, particularly for those with an interest in leadership positions.⁵

1. Praveen Kosuri, *Beyond Gilson: The Art of Business Lawyering*, 19 LEWIS & CLARK L. REV. 463, 467–68 (2015) (citing Ronald J. Gilson, *Value Creation by Business Lawyers: Legal Skills and Asset Pricing*, 94 YALE L.J. 239, 241 (1984)).

2. *Id.* at 464.

3. *See id.* at 477.

4. *Id.* at 464.

5. *See generally* Mark Curriden, *CEO, Esq.*, A.B.A.J. (May 1, 2010, 9:50 AM), http://www.abajournal.com/magazine/article/ceo_esq/ (describing the law degree as a “renaissance degree” and stating that a law degree is an alternative to the MBA as the degree of choice for CEO candidates).

A law degree lends credibility to someone pursuing a leadership role in business.⁶ Lawyers inherently understand the risks associated with businesses, speak the language of the lawyers who advise them, and can masterfully work and negotiate with other lawyers.⁷ The transition from deal-maker to business leader may be easier for lawyers with a background in transactional work, but for the majority of lawyers there is a skills gap that should be acknowledged and addressed before taking on a leadership role.⁸ Once that gap is closed, lawyers can rise to great heights as they pursue leadership tracks in organizations of all sizes.

III. FROM BUSINESS LAWYERS TO BUSINESS LEADERS

More and more lawyers are transitioning from roles as business attorneys and advisors into business leaders, managers, and Chief Executive Officers (CEOs).⁹ In 2010, nine CEOs appearing on *Fortune* magazine's top fifty corporations list held law degrees.¹⁰ Many of these individuals started out as attorneys, either in-house or as outside counsel, and rose to the top of the corporate ladder at companies like Bank of America, Kroger, Home Depot, State Farm, WellPoint, MetLife, Goldman Sachs, Pfizer, and Sears Holdings.¹¹ In 2012, forty-six of the 498 CEOs listed on the Fortune 500 list held law degrees.¹²

Furthermore, lawyers are not just assuming leadership positions at the very top. Many are taking on management and consulting positions inside a wide variety of businesses, including banking and financial institutions, technology and e-commerce companies, and management consulting firms.¹³ An increase of legal and regulatory issues in recent years has raised the profile of lawyers within the corporate setting and has led to increased movement of lawyers from

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. Menachem Wecker, *Where the Fortune 500 CEOs Went to Law School*, U.S. NEWS & WORLD REP. (June 26, 2012, 7:00 AM), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/06/26/where-the-fortune-500-ceos-went-to-law-school>.

13. National Association of Law Placement, *Detailed Analysis of JD Advantage Jobs* (May 2013), http://www.nalp.org/jd_advantage_jobs_detail_may2013#table1.

traditional legal roles into business management and executive roles.¹⁴

Lawyers are well positioned to be leaders in business. Their legal training provides them with a useful set of analytical skills, including the ability to mediate disputes, see both sides of controversial issues, and understand complex principles.¹⁵ These skills can be applied in any profession or industry and are particularly useful to lawyers-turned-business-leaders in breaking down problems, analyzing issues, and communicating to others the strategic vision for a business.¹⁶

IV. EMERGING SKILLS FOR TODAY'S WORKFORCE

According to a January 2016 report from the World Economic Forum, in five years, over one-third (35%) of the skills that are considered important in today's workforce will have changed.¹⁷ Law schools, lawyers, and employers need to ask themselves: Are we preparing lawyers to be business leaders in today's changing workforce?

Social scientists predict that “[b]y 2020, the Fourth Industrial Revolution will have brought us advanced robotics and autonomous transport, artificial intelligence and machine learning, advanced materials, biotechnology and genomics.”¹⁸ These developments will transform the way we live and the way we work. Certain jobs will disappear, and new ones will be created that we likely cannot anticipate today.¹⁹ Automation may replace the need for humans to perform some tasks, but humans will still be necessary where skills that cannot be automated are required. Industries like human

14. Curriden, *supra* note 5.

15. Mike France & Louis Lavelle, *A Compelling Case for Lawyer CEOs*, BLOOMBERG BUS. WK. (Dec. 12, 2004), <https://www.bloomberg.com/news/articles/2004-12-12/a-compelling-case-for-lawyer-ceos>.

16. Curriden, *supra* note 5.

17. Alex Gray, *The 10 Skills You Need to Thrive in the Fourth Industrial Revolution*, WORLD ECON. F. (Jan. 19, 2016), <https://www.weforum.org/agenda/2016/01/the-10-skills-you-need-to-thrive-in-the-fourth-industrial-revolution/>.

18. *Id.*

19. *Id.*; see also MANPOWER GRP., *THE SKILLS REVOLUTION: DIGITIZATION AND WHY SKILLS AND TALENT MATTER* 3, 5 (2017), http://manpowergroup.com/wps/wcm/connect/5943478f-69d4-4512-83d8-36bfa6308f1b/MG_Skills_Revolution_FINAL.pdf?MOD=AJPERES&CACHEID=5943478f-69d4-4512-83d8-36bfa6308f1b (noting that 65% of the jobs that Generation Z will perform do not even exist yet).

resources, information technology, and customer service-oriented positions will see the most significant growth and rapid change.²⁰

Every industry will be affected by these changes, including the legal profession. We have already seen these changes in recent years with the introduction of online platforms like LegalZoom and artificial intelligence techniques like natural language processing, which now automate many of the functions clients have historically paid business lawyers to complete.²¹ These and other similar advances in technology will force lawyers to think differently about where they add value in today's market and how they can leverage technology's disruption of their industry instead of becoming its victim.²²

In recent years, an increasing number of lawyers have left the traditional practice of law and reinvented themselves in a changing market as business leaders, innovators, and entrepreneurs.²³ These lawyers-turned-business-leaders have paved the way for future lawyers—those equipped with the necessary skills—to do the same.

In its January 2016 report, the World Economic Forum identified the following as the top ten skills that will be necessary in the 2020 workforce:

- (1) Complex problem solving
- (2) Critical thinking
- (3) Creativity
- (4) People management
- (5) Coordinating with others
- (6) Emotional intelligence
- (7) Judgment and decision making
- (8) Service orientation
- (9) Negotiation

20. MANPOWER GRP., *supra* note 19, at 5.

21. See Ben Barton, *Lessons from the Rise of LegalZoom*, BIG L. BUS. (June 18, 2015), <https://bol.bna.com/lessons-from-the-rise-of-legalzoom/>.

22. Steve Lohr, *A.I. Is Doing Legal Work. But It Won't Replace Lawyers, Yet.*, N.Y. TIMES (Mar. 19, 2017), <https://www.nytimes.com/2017/03/19/technology/lawyers-artificial-intelligence.html>.

23. See generally Amani Smathers, *The 21st-Century T-Shaped Lawyer*, LAW. PRAC. MAG. (July/Aug. 2014), http://www.americanbar.org/publications/law_practice_magazine/2014/july-august/the-21st-century-t-shaped-lawyer.html (stating that, in response to the changing legal environment, lawyers must be "T-shaped," or able to collaborate across many disciplines such as business and technology).

(10) Cognitive flexibility²⁴

Of these skills, creativity and emotional intelligence are anticipated to be two of the most important skills needed by all individuals and professions.²⁵ Conversely, as machines begin to make more decisions for us, the skill of negotiation is expected to eventually disappear from the World Economic Forum top ten list—just as the skills of quality control and active listening (which were present on the 2015 list but did not make the 2020 list) already have.²⁶

V. THE WHOLE LAWYER AND CHARACTER QUOTIENT

In a study released in July 2016 (the “Whole Lawyer study”),²⁷ the Institute for the Advancement of the American Legal System concluded that “[n]ew lawyers need some legal skills and require intelligence . . . but they are successful when they come to the job with a much broader blend of legal skills, professional competencies, and characteristics that comprise the whole lawyer.”²⁸

The Whole Lawyer study identified 147 foundations for legal practice organized into three groups: characteristics, professional competencies, and legal skills.²⁹ Those foundations were further divided into fifteen categories: Business Development and Relations, Communications, Emotional and Interpersonal Intelligence, Involvement and Community Service, Legal Thinking and Application, Litigation Practice, Passion and Ambition, Professional Development, Professionalism, Qualities and Talents, Stress and

24. Gray, *supra* note 17. Compare the World Economic Forum’s 2020 list to its top ten skills for the 2015 workforce: (1) complex problem solving, (2) coordinating with others, (3) people management, (4) critical thinking, (5) negotiation, (6) quality control, (7) service orientation, (8) judgment and decision making, (9) active listening, and (10) creativity. *Id.* Notably, “quality control” and “active listening” appeared in the top ten skills required for the 2015 workforce but have been replaced in the 2020 list by “emotional intelligence” and “cognitive flexibility.” *Id.*

25. *Id.*

26. *Id.*

27. ALLI GERKMAN & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE (2016), http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf.

28. *Id.* at 5.

29. *Id.* at 22.

Crisis Management, Technology and Innovation, Transaction Practice, Working with Others, and Workload Management.³⁰

The study surveyed more than 24,000 lawyers across the United States, and the response makes the shift in valued skills clear.³¹ Characteristics (such as integrity and trustworthiness, conscientiousness, and common sense) and professional competencies (such as listening attentively, speaking and writing, and arriving on time) were far more important in new lawyers than legal skills (such as using dispute resolution techniques, drafting policies, preparing a case for trial, and conducting and defending depositions).³²

VI. EMOTIONAL INTELLIGENCE

Much has been written about lawyers' emotional intelligence,³³ which has surfaced as a critical skill for lawyers in both the January 2016 World Economic Forum report and the July 2016 Whole Lawyer study.³⁴ Accordingly, it is worthy of additional discussion here.

Psychologist and author Daniel Goleman first coined the term "emotional intelligence" in his 1995 book of the same name, and he first applied the concept to business in a 2004 follow-up article for the *Harvard Business Review*.³⁵ In assessing emotional intelligence in the business context, Goleman broke the concept down into five components:

- Self-Awareness: the ability to recognize and understand your moods, emotions, and drives, as well as their effect on others

30. *Id.* at 6.

31. *Id.* at 3.

32. *See id.*

33. *See, e.g.,* Ronda Muir, *The Importance of Emotional Intelligence in Law Firm Partners*, LAW PRAC. MAG. (July/Aug. 2007), http://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v33_is5_an22.html (discussing the concept of emotional intelligence and emphasizing its benefits).

34. *See* GERKMAN & CORNETT, *supra* note 27, at 5, 9; WORLD ECON. FORUM, THE FUTURE OF JOBS: EMPLOYMENT, SKILLS AND WORKFORCE STRATEGY FOR THE FOURTH INDUSTRIAL REVOLUTION 21, 53 (2016), http://www3.weforum.org/docs/WEF_Future_of_Jobs.pdf.

35. Daniel Goleman, *What Makes a Leader?*, HARV. BUS. REV. (1998), *reprinted in* HARV. BUS. REV., Jan. 2004.

- Self-Regulation: the ability to control or redirect disruptive impulses and moods—the propensity to suspend judgment and to think before acting
- Motivation: a passion to work for reasons that go beyond money or status—the propensity to pursue goals with energy and persistence
- Empathy: the ability to understand the emotional makeup of other people—the skill in treating people according to their emotional reactions
- Social Skill: proficiency in managing relationships and building networks—the ability to find common ground and build rapport³⁶

As a result of Goleman’s research, which involved nearly two hundred large, global companies, the link between a company’s success and the emotional intelligence of its leaders became clear.³⁷ “Truly effective leaders are . . . distinguished by a high degree of emotional intelligence”³⁸ An individual can have first-class training, an incisive mind, and an endless supply of good ideas, but he or she will not be a great leader without emotional intelligence.³⁹ Importantly, Goleman’s research demonstrated that although emotional intelligence can be innate, it can also be developed and nurtured.⁴⁰ Along with creativity and cognitive flexibility, emotional intelligence is one of the skills “that will tap human potential and allow people to augment robots rather than be replaced by them.”⁴¹

In the Whole Lawyer study, emotional intelligence was also identified as a critical skill for new lawyers.⁴² Significantly, more than eighty percent of the survey respondents concluded that the following foundations involving emotional intelligence were either necessary skills for new lawyers to have in the short term or ones that must be acquired by new lawyers over time:

- exhibit tact and diplomacy
- demonstrate tolerance, sensitivity, and compassion
- read others and understand their subtle cues
- regulate emotions and demonstrate self-control

36. *Id.* at 88.

37. *See id.* at 82.

38. *Id.*

39. *See id.*

40. *Id.* at 86.

41. MANPOWER GRP., *supra* note 19, at 5.

42. GERKMAN & CORNETT, *supra* note 27, at 5, 9.

- treat others with courtesy and respect
- understand and conform to appropriate appearance and behavior in a range of situations⁴³

According to some critics, emotional intelligence does not come naturally to lawyers, nor does legal education or law firm practice adequately equip lawyers in this important area.⁴⁴ The focus in law school, and in many law firms, tends to be on reaching the right answer.⁴⁵ Contrast that with the role of lawyers inside of a business, where the key to success is not only knowing the right answer but also getting people to accept the answer and do the right thing.⁴⁶

In order to sell their leadership skills in a business, lawyers need to have strong communication skills, be active and effective listeners, and master the ability to persuade others to accept their positions.⁴⁷ Without the people skills necessary to influence and connect with others inside the business, lawyers will not be successful as leaders.⁴⁸

Emotional intelligence and the soft skills needed for success inside a business environment are often deeply embedded within a person. Despite Goleman's research demonstrating that emotional intelligence can be developed, there is often little time to do so.⁴⁹ For this reason, as well as for financial considerations, many companies and corporate law departments are recruiting lawyers right out of law school and training them to be successful in their environment.⁵⁰

VII. WHAT LAWYERS NEED TO BE SUCCESSFUL AS BUSINESS LEADERS

Law is great training for the mind for almost any career It was good for me because the thinking skills you get from law school are important in puzzle-solving and puzzle-making. To be able to take a complex issue or problem,

43. *Id.* at 9.

44. Melissa Maleske, *GCS Say Emotional IQ Is Key to In-House Success*, LAW360 (Apr. 25, 2015), <https://www.law360.com/articles/647528/gcs-say-emotional-iq-is-key-to-in-house-success>.

45. *See generally id.*

46. *See generally* Curriden, *supra* note 5.

47. Maleske, *supra* note 44.

48. *Id.*

49. *Id.*

50. *Id.*

separate it into its component parts and deal with each part individually is valuable.

—Will Shortz, Crossword-Puzzle Author and Editor⁵¹

If the law is great training for almost any career (including crossword puzzles), what else do lawyers need to be successful as business leaders? What obstacles will they encounter on the path to leadership?

“Leaders model the way for others, inspire a shared vision for change or movement, challenge the status-quo, encourage and enable others to act toward change or gain, and encourage the heart of those who follow them.”⁵² Leadership is fundamentally about how leaders conduct themselves and how they relate to other people.⁵³ As Goleman discovered some years ago, leadership is singularly connected to emotional intelligence.⁵⁴

There are any number of ways to describe the traits and characteristics that make lawyers successful leaders.⁵⁵ For lawyers serving as leaders in business specifically, it may be helpful to think about the following necessary traits and characteristics:

- (1) Passion and vision
- (2) Creative thinking, analysis, and problem solving
- (3) Desire to help others achieve success
- (4) Resilience and self-motivation
- (5) Emotional intelligence
- (6) Communication, presentation, and persuasion
- (7) Financial literacy⁵⁶

These seven traits will be explored in turn.

51. Chris Sabatini, *Puzzling Appearance*, U. VA. MAG. (Summer 2008), http://uvamagazine.org/articles/puzzling_appearance (quoting Will Shortz, author and editor of more than 150 crossword puzzle books, founder of the American Crossword Puzzle Tournament, and current crossword puzzle editor for the *New York Times*).

52. Donald J. Polden, *Leadership Matters: Lawyers' Leadership Skills and Competencies*, 52 SANTA CLARA L. REV. 899, 903 (2012) (citing JAMES M. KOUZES & BARRY Z. POSNER, *THE LEADERSHIP CHALLENGE* 14–25 (4th ed. 2007)).

53. Goleman, *supra* note 35.

54. *Id.*

55. Polden, *supra* note 52, at 902.

56. *See id.* at 903.

A. Passion and Vision

Lawyers as leaders must have a passion for the work they do; success is more likely when the work aligns with an individual's passion.⁵⁷ Lawyers, by both their nature and training, tend to be more cautious.⁵⁸ Making difficult decisions in the face of the unknown may be the most challenging transition of all for lawyers-turned-business-leaders.⁵⁹ Attorneys who can see the business through the lens of a visionary with practical solutions to real-world business problems will be called to leadership positions in the organization.⁶⁰

B. Creative Thinking, Analysis, and Problem Solving

Problem solving is the crux of what leaders exist to do, and the best leaders are able to step back and see a problem as an opportunity for growth or continuous improvement.⁶¹ Lawyers are uniquely equipped with analytical and problem-solving skills honed in law school and legal practice.⁶² The challenge for lawyers transitioning into business leadership roles may be to adopt an entrepreneurial mindset and view the problem as an opportunity (instead of a risk to be mitigated) and to design practical and creative solutions to the problem that address the needs of the business or the client.

C. Desire to Help Others Achieve Success

Lawyers as leaders must have a desire to help others (e.g., a client, a company an individual works for, or an employee on a lawyer-leader's team) achieve success. All leaders have constituencies who want to be successful and hope that their leader is invested in helping them get there. Lawyers in leadership positions should

57. See generally Jacquelyn Smith, *CEO Explains Why Passion Is the Key to Success*, BUS. INSIDER (May 13, 2014), <http://www.businessinsider.com/ceo-explains-why-passion-is-key-to-success-2014-5>.

58. France & Lavelle, *supra* note 15.

59. See *id.*

60. See generally Derek Handova, *How Can More Lawyers Become Tech Company CEOs?*, IPWATCHDOG (Sept. 22, 2016), <http://www.ipwatchdog.com/2016/09/22/lawyers-become-tech-company-ceos/id=72651/>.

61. France & Lavelle, *supra* note 15.

62. *Id.*

recognize that their success is in helping those who surround them achieve success.

D. Resilience and Self-Motivation

Leadership can be lonely. In order to be successful, lawyers have to be able to navigate unclear waters where process and clearly defined answers may be in short supply. This can be a challenge for lawyers whose work has largely been driven by a more regimented system or set of rules.⁶³

Lawyers who hold traditional roles within a business typically have very specific responsibilities and may work within narrow substantive boundaries. For example, in-house attorneys often specialize in employment, intellectual property, or regulatory work. This type of specialization makes it difficult for attorneys to get involved with key non-legal business initiatives that allow them to demonstrate their C-level (meaning high-ranking executive level) potential, so they may become typecast into particular roles.⁶⁴ An attorney with an interest in business must focus on relationship building with others in that arena. If the attorney pursues a management-oriented career, he or she “should seek out the right mentor to get ready for the chance when—and if—it comes.”⁶⁵

E. Emotional Intelligence

Lawyers in leadership positions have to be able to keep themselves moving forward, and they have to motivate others.⁶⁶ They must also be able to bounce back when things go wrong.⁶⁷ Law school and law firm practice often train lawyers to believe that their most valuable contribution is “their advice—not their ability to motivate others.”⁶⁸ It can be difficult for lawyers moving into business leadership positions to overcome this independent advisor mindset, and this hurdle can make the transition into leading teams a difficult one.⁶⁹ The ability of a lawyer acting as a leader to recognize and

63. *Id.*

64. Handova, *supra* note 60.

65. *Id.*

66. *See* France & Lavelle, *supra* note 15.

67. *See id.*

68. *Id.*

69. *Id.* (quoting Michael Critelli, former CEO of Pitney Bowe and former antitrust litigator, as saying, “I had an adaptation process,” and, “I appeared to some

manage his or her own emotions, as well as those of others (emotional intelligence), is critical.

F. Communication, Presentation, and Persuasion

Law school hones skills in legal writing and communication,⁷⁰ but for lawyers in business roles the communication skills necessary to succeed go far beyond being able to communicate to clients and the court.⁷¹ Business lawyers and lawyers in leadership positions within business organizations need to be able to communicate differently to their staff, colleagues, and executives.

Communication skills in business are different in form as well as substance. Email may be preferred over lengthy research memos. Business needs also require lawyers, as leaders, to look at a problem through the lens of what is best for the business—not just what the law says. These lawyers must communicate and motivate others to do what is in the business’s best interests.

G. Financial Literacy

Lawyers who intend to be business leaders need a real and holistic understanding of how businesses work at every level, including at the financial level. Lawyers often go to law school to avoid numbers, but financial literacy is crucial to help lawyers-turned-business-leaders think critically about financial issues and make more informed decisions about their business or their clients.⁷²

VIII. PREPARING LAWYERS FOR CAREERS AS BUSINESS LEADERS

From law school to continued professional development, the educational path for lawyers in practice and lawyers as business leaders is a lifelong endeavor.⁷³ Law schools across the country are

of [the company’s managers] to be very disorganized when I took over”).

70. *Thinking About Law School: Lawyers & Their Skills*, LSAC, <http://www.lsac.org/jd/thinking-about-law-school/lawyers-skills> (last visited Apr. 16, 2017).

71. See generally Curriden, *supra* note 5.

72. See Betsy Munnell, *Financial Literacy*, STUDENT LAW. (Sept. 1, 2015), <http://abaforlawstudents.com/2015/09/01/financial-literacy/>.

73. *Seventeen Skills of Successful Lawyers in 2015: The Conversation Continues*, PA. BAR INST. (Sept. 28, 2015), <http://www.pbi.org/now/17-skills-of-successful-lawyers-in-2015-the-conversation-continues>.

daring to break from the mold and approach legal education differently, in ways that are both curricular and non-curricular.⁷⁴ A handful of law schools have introduced accelerated, two-year law degree programs with mixed reviews and successes.⁷⁵ In January 2015, Mitchell Hamline School of Law (then known as William Mitchell College of Law) became the first American Bar Association-approved law school in the country to offer a part-time, hybrid on-campus/online J.D. program that includes both intensive in-person experiential learning and online coursework and allows students to study the law from anywhere in the world.⁷⁶ Starting in the fall of 2017, Harvard Law School allowed applicants to submit either the Graduate Record Examination (GRE) or the Law School Admissions Test (LSAT) when applying for admission to its three-year J.D. program.⁷⁷

As a professional school, a law school's "most important mission is to train future lawyers to work in an increasingly complex world."⁷⁸ A legal education provides lawyers with a strong foundation in analysis, complex problem-solving, and oral advocacy, but "law schools can take a greater role in steering students toward better curricular choices" that prepare them for careers of meaning in whatever field or endeavor they wish to pursue.⁷⁹

Law school curricula should expose students to the substantive and practical realities of a career as a lawyer in the business field or

74. See Elizabeth Olson, *The 2-Year Law Education Fails to Take Off*, N.Y. TIMES (Dec. 25, 2015), <http://www.nytimes.com/2015/12/26/business/dealbook/the-2-year-law-education-fails-to-tale-off.html> (discussing the way some schools are overhauling third-year offerings to get students more hands-on experience).

75. *Id.* Northwestern Law School in Illinois pioneered the idea of a two-year legal education but ended the program in the fall of 2015 "after it failed to attract enough applicants." *Id.* On the other hand, comparable programs continue at Brooklyn Law School, University of Kansas, University of Dayton School of Law, and Southwestern Law School. *Id.*

76. Elizabeth Olson, *Law Schools Are Going Online to Reach New Students*, N.Y. TIMES (June 22, 2016), <https://www.nytimes.com/2016/06/23/education/law-schools-are-going-online-to-reach-new-students.html>; see also *Hybrid J.D. Program*, MITCHELL HAMLINE SCH. OF L., <http://mitchellhamline.edu/academics/juris-doctor-program/hybrid-j-d-program/> (last visited Apr. 16, 2017).

77. Elizabeth Olson, *Harvard Law, Moving to Diversify Applicant Pool, Will Accept GRE Scores*, N.Y. TIMES (Mar. 8, 2017), <https://www.nytimes.com/2017/03/08/business/dealbook/harvard-law-will-accept-gre-scores.html>.

78. Robert J. Rhee, *On Legal Education and Reform: One View Formed from Diverse Perspectives*, 70 MD. L. REV. 310, 312 (2011).

79. *Id.*

advising businesses by offering courses in “business associations, corporate finance, contract drafting, securities regulation, mergers and acquisitions, bankruptcy, advanced tax, and business planning.”⁸⁰ These courses should be offered in ways that not only enable the students to learn the substantive law but also to practice the teamwork, communication, and leadership skills they will need as lawyers in business.⁸¹

Additionally, law school curricula should be interdisciplinary, offering students an opportunity to understand how their chosen area of legal practice intersects with other areas of study, including international business. In today’s changing market, lawyers pursuing careers as business leaders will inevitably follow career paths in the areas of health, technology, financing, and cybersecurity—both at home and in the global market. Law students should receive early exposure to these areas in law school through coursework, simulations, and opportunities for hands-on practical experience.

Practical experience through clinical education, externships, third-year residencies (similar to the medical school model), and other immersive work experiences is critical to enhance the preparation of lawyers for careers as business leaders. In August 2016, the American Bar Association made this a more realistic option for law students by allowing them to work for both pay and academic credit.⁸²

Finally, law schools need to focus on better integrating the traditional curriculum with opportunities for students to develop the leadership skills necessary to succeed, including emotional intelligence, resilience, communication, and an orientation toward

80. *Id.* at 332.

81. Through its Center for Law and Business and its Law and Business Certificate program, Mitchell Hamline School of Law, where the author is on the faculty, offers students an integrated law and business curriculum that includes these courses and more. Mitchell Hamline’s courses provide students with the opportunity to learn the substantive law in these areas and also gain hands-on experience as business lawyers through simulation courses, externships, clinics, and other immersive work experiences. The program offers courses in corporate accounting and financial statements, corporate finance, the start-up business enterprise, business communication skills, law firm management and leadership, and more.

82. *ABA House Approves Host of Policy Changes, Including Misconduct Rule, Law Student Externships*, A.B.A. (Aug. 9, 2016, 3:35 PM), http://www.americanbar.org/news/abanews/aba-news-archives/2016/08/aba_house_approvesh.html.

serving others.⁸³ As the Whole Lawyer study demonstrated, characteristics—such as integrity and trustworthiness, conscientiousness, and common sense—and professional competencies—such as listening attentively, speaking and writing, and arriving on time—were far more important qualifications in new lawyers than training in specific legal skills.⁸⁴

These characteristics and professional competencies matter. More and more law firms and organizations report evaluating student applicants from a holistic perspective that takes into account both academics and experience.⁸⁵ Law firms and companies want individuals in advisory and leadership positions within their organizations who reflect the interests and needs of their clients or employee base.⁸⁶ A holistic hiring process that puts personal characteristics on an equal playing field with professional competencies and skills will achieve that.

Law schools can better prepare their students to compete in the job market through a career- and curriculum-planning process that is both intentional and integrated. Law school courses should more purposefully integrate opportunities to observe and practice not only traditional lawyering skills but also the characteristics and professional competencies that will matter to employers, including, but not limited to, demonstrating integrity, trustworthiness, and conscientiousness; listening attentively; speaking and writing; exhibiting tolerance, sensitivity, and compassion; cultivating relationships; possessing self-awareness; and regulating emotions.⁸⁷

Beginning in the first year of law school, law schools should encourage students to develop a plan for professional and career development that integrates classroom learning, incentivizes building professional communities, and can be adjusted as students'

83. Cf. Heidi K. Brown, *The Emotionally Intelligent Law Professor: A Lesson from the Breakfast Club*, 36 U. ARK. LITTLE ROCK L. REV. 273 (2014).

84. See GERKMAN & CORNETT, *supra* note 27.

85. See Olson, *supra* note 77 (“For example, a growing number of law schools, including Harvard, are no longer requiring the LSAT exclusively for admission, citing a desire for applicants from a wider array of work and educational backgrounds.”).

86. See David Segal, *What They Don't Teach in Law School: Lawyering*, N.Y. TIMES (Nov. 19, 2011), <http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html> (discussing the lack of practical legal education received by the average law graduate and the efforts of one firm to train associates on the real-world practice of law).

87. See GERKMAN & CORNETT, *supra* note 27.

needs and interests change. Finally, students should be expected to model the same professional development behaviors inside the classroom as they will as professionals.

The challenges in legal education are, in part, a law school issue, but they are also the responsibility of the legal profession and legal employers at a more general level. The legal profession has a duty to hire graduates who hold the skills, professional competencies, and characteristics that are important to the profession, rather than giving in to the traditional criteria, such as law school prestige, class rank, and law review participation. Continuing to follow these traditional norms of hiring will incentivize law schools to follow an outdated model of legal education and will encourage law students to focus their attention on a much narrower set of skills, professional competencies, and characteristics than what is actually required to be a successful lawyer today.⁸⁸

Businesses and individuals also have a role to play in the lifelong learning of lawyers in business. Employers need to invest in the potential of lawyers within their organizations through leadership development programs that identify the skills, characteristics, and professional competencies needed for specific individuals to succeed within their organizations.⁸⁹ Individual lawyers also need to nurture their learnability by taking advantage of these programs and seeking out their own opportunities for continued learning and professional development through guided curriculums, lifelong mentoring, and new work experiences.

IX. CONCLUSION

The market is innovating to enable lawyers to learn and earn in new ways, including as business leaders. A focus on lifelong learning presents unique opportunities for businesses and legal educators to partner in nurturing the professional development of lawyers

88. See generally GERKMAN & CORNETT, *supra* note 27; Segal, *supra* note 86.

89. See Robert Condlin, "Practice Ready Graduates": A Millennialist Fantasy, 31 *TOURO L. REV.* 75, 97 (2014) ("Law schools cannot teach students how to find mentors, coordinate paralegal assignments with other lawyers, share secretaries with partners, secure the best work assignments, or do any of the dozens of other such practical tasks that are needed in firms 'on day one of their first full time job.' These are situation-specific skills that require local knowledge, on-site experience, and insider help, and law schools cannot reproduce the circumstances and conditions in which they are learned.").

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