

As this issue came together, a strong theme emerged: the profound and far-reaching influence of effective leaders. It is a theme I have reflected on for some time. My predecessor, Dean James R. Rasband, coined the expression “law is a leadership degree.” His view is that leadership development is embedded in legal training, and there is much evidence in the world to support this view. As the late Professor Deborah L. Rhode of Stanford Law School has observed:

Although the legal profession accounts for less than 1% of the population, it has supplied a majority of American presidents and, in recent decades, almost half the members of Congress. Lawyers are also 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. Even when they do not occupy top positions in their workplaces, lawyers lead teams, committees, task forces, and charitable initiatives.¹



Dean Rasband may have understood these facts as confirmation of his view that “thinking like a lawyer is really a form of leadership training,”² but what is so special about legal education? In an address to the entering class of 2013, Dean Rasband suggested some examples of the leadership lessons embedded in legal training. For example, law students learn standards of review, which guide appellate courts in deciding when and how much to defer to lower courts. According to Dean Rasband, applying the correct standard of review is a critical leadership skill:

How do you feel when a leader, without knowledge of particular circumstances, overrules or criticizes your judgment? By contrast, how do you feel when a leader understands that your intimate knowledge of the facts entitles you to deference? Thinking like a lawyer is thinking about this sort of decision.³

Another example suggested by Dean Rasband is that precedent—the idea that like cases and similarly situated individuals should be treated alike—is a core principle of fairness and is not limited to the legal realm. Nevertheless, the central role of *stare decisis* in the common law ensures that precedents will be more limiting in legal reasoning than elsewhere. As a result, lawyers reflect more frequently and think more deeply about the idea of precedent than others. And, as Dean Rasband noted, “Considering past precedent and the possibility that your decision creates a precedent for future situations is also the trait of a leader.”⁴

The process of evaluating precedents is known as analogical reasoning. This “is the most familiar form of legal reasoning,” and “[i]t dominates the first year of law school.”⁵ An underappreciated feature of analogical reasoning is that it is a primary source of creative insights. Joseph Priestley, an English chemist who also wrote about theology, philosophy, grammar, and politics, expressed the view that “*analogy* is our best guide in all philosophical investigations; and all discoveries, which were not made by mere accident, have been made by the help of it.”⁶ To the extent that leadership involves changing the status quo, therefore lawyers are trained from the first day of law school in one of the essential prerequisites of leadership.

Although we could multiply examples of the ways legal training facilitates leadership development, I agree with Rhode that we need to be more ambitious for legal education and to learn the best lessons we can from leadership scholars and practitioners.⁷ We should teach those lessons to law students. Motivated by this belief, over the past six years we have been experimenting with new courses and special projects related to leadership training, and this year we have begun working with the new BYU Sorensen Center for Moral and Ethical Leadership to develop a cutting-edge leadership program at BYU Law School.

Leadership is a source of meaning in our lives. Meaning is a sense of worth derived from helping others, and leadership is a form of service. Our goal is to teach our students to use their legal training to help the vulnerable and the forgotten and to be leaders by changing the status quo to improve the life of another. BYU Law has a rich history of producing such leaders, and we are committed to continuing that work in intentional, innovative, and inspiring ways.

NOTES

- 1 Deborah L. Rhode, “Leadership in Law,” *Stanford Law Review* 69, no. 6 (June 2017): 1605.
- 2 James R. Rasband, “In Praise of Thinking Like a Lawyer,” *Clark Memorandum*, Fall 2014, 6.
- 3 *Id.*, 7.
- 4 *Id.*, 7.
- 5 Cass R. Sunstein, “On Analogical Reasoning,” *Harvard Law Review* 106, no. 3 (Jan. 1993): 741.
- 6 Joseph Priestley, *The History and Present State of Electricity, with Original Experiments* (London: J. Dodsley, 1767), part III, section 1, 443–44; emphasis in original.
- 7 See Rhode, “Leadership in Law,” 1605: “It is a shameful irony that the occupation that produces the nation’s greatest share of leaders does so little to prepare them for that role.”

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