

**Led by lawyers: Perceptions of legal training and experience and
their effect upon leadership**

by

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The student author and the program of study committee are solely responsible for the content of this dissertation. The Graduate College will ensure this dissertation is globally accessible and will not permit alterations after a degree is conferred.

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DEDICATION

Thank you God for making this possible.

This dissertation is dedicated to my parents, Jacquelyn and Daniel Johnson, thank you for surrounding me with unconditional love. You sacrificed to provide me, my sister, and my brother with a secure and stable foundation so that our dreams could take root. Thank you.

To my loving wife, Shontavia, thank you for your unwavering encouragement. Every day that I get to be in your presence is a blessing. To my children, your smiles and giggles have made this journey sweeter.

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ABSTRACT

Employing a phenomenological methodology, this qualitative study is an exploration of how college presidents who were once practicing lawyers have come to understand their legal training and work experience in terms of their effect upon leadership. Participants consisted of present or former college presidents that were engaged in the practice of law prior to becoming president. Participants had not previously served as tenured faculty, academic deans, or chief academic officers. Four participants were identified using opportunistic sampling and data was collected via open-ended, semi-structured interviews. The study was guided by the following research questions: (1) How do college presidents with a background in the law perceive their legal training and work experience in terms of benefits to them as presidents and in terms of their effect upon leadership; (2) What experiences have been beneficial to them in developing leadership; and (3) How do they characterize their approach to leadership?

The data generated from the study was coded, organized, presented, and discussed. As more fully set forth below, participants' experiences were in some ways consistent with the relevant literature. Despite a lack of formal leadership development courses available to them during their formal legal training, participants nevertheless developed leadership from a variety of formal and informal sources.

CHAPTER 1. INTRODUCTION

According to many scholars, higher education is nearing a leadership vacuum (Dennison, 2001; Evelyn, 2001; Greenberg, 1998; Lovett, 2002; Portney, 2011). Their concern is twofold. One is that higher education is headed for a wave of impending retirements. The other is that colleges are doing a poor job of preparing potential candidates for the presidency and in preparing for presidential transitions (Stripling, 2011).

Indeed, the most recent installment of the American Council on Education American College President Survey (ACE Survey), found the average college president to be 61 years old (American Council on Education [ACE], 2012). The ACE Survey includes demographic data from responding presidents of regionally accredited, degree-granting, U.S. higher education institutions. In the most recent ACE Survey, the proportion of college presidents age 61 and older is up from 49% in 2005 to 58% in 2011 (ACE, 2012). In addition, other long-term issues in higher education leadership remain. Perhaps chief among them is the lack of diversity among college presidents. Women have made advances in obtaining college president positions; however, the percentage of women college presidents remains low at just 26% (ACE, 2012). In the 2006 ACE Survey, women presidents represented only 23% of respondents (ACE, 2012). Although the percentage of women respondents rose slightly since 2006, the proportion of presidents who are racially and ethnically diverse decreased. In 2006, 14% of respondents were racially and ethnically represented, but that figure decreased to 13% in 2011 (ACE, 2012).

The low percentage of women and people of color coupled with an impending wave of presidential retirements presents both challenges and opportunities. In considering these

issues, the question becomes whether all viable candidates are being groomed and considered for the presidency.

Statement of the Problem

With a wave of impending retirements among college presidents, additional research needs to be conducted that focuses on individuals who reach the presidency through nontraditional and alternative career paths. Of those alternative career paths, no scholarly research on individuals who reached the college presidency through the legal profession was found. Indeed, just 5.4% of respondents in the latest ACE survey of college presidents indicated a law degree as their highest degree earned (ACE, 2012). Moreover, just 1.0% of respondents indicated that they were engaged in the legal profession just prior to the presidency. In contrast, 34% of respondents to the ACE survey indicated that they were employed as chief academic officer (CAO) or provost immediately prior to being hired as college president (ACE, 2012). The small number of lawyers who have become a college or university president is astonishing considering the bevy of law professors at many universities. Indeed, there are approximately 200 accredited law schools in the United States (George & Yoon, 2014). Moreover, most research universities employ attorneys in various positions, including general counsel and technology transfer officers, among others. In an effort to broaden the pool of potential presidential candidates, it is critical to examine those arriving from nontraditional pathways, including the legal profession.

Statement of Purpose

There have been numerous studies of the more traditional pathways to the college presidency (Cohen, March, & Carnegie Commission on Higher Education, 1986; Wessel & Keim, 1994). Even though there are data to suggest that fewer CAOs are considering

becoming college presidents (Appiah-Padi, 2014) and that, increasingly, deans are skipping the position of CAO on their way to becoming college president (Gluckman, 2017; Selingo, Chheng, & Clark, 2017), the dominant pathway to the presidency remains through that of the CAO (Murray Murray, & Summar, 2000). However, there appears to be a dearth of research on how presidents from nontraditional pathways approach leadership. In this study, I examined how college presidents who were once practicing lawyers made meaning of their legal training and their work experience. More specifically, this qualitative study comprised an exploration of how these presidents have come to understand their legal training and work experience in terms of their effect upon leadership.

The findings of this study may have several implications. As set forth in the literature review, scholars have predicted a leadership crisis in higher education, as there may not be a sufficient number of qualified individuals in the traditional leadership pipeline to fill the predicted number of retirements. By examining presidents with law backgrounds, this study may provide insight into how individuals with law backgrounds become college presidents and, thereby, contribute to the research and discussion of how the pool of qualified college presidential candidates can be expanded to incorporate persons outside of the traditional pathways.

Moreover, law schools and state bar associations have been slow to develop leadership preparation courses for lawyers (Hamilton, 2011). This study may also provide perspective on how college presidents with a background in law come to develop leadership competencies despite the lack of specific leadership coursework offered by state bars and law schools. In addition, this insight may be helpful to law schools as well as state bar associations as they attempt to provide leadership development courses to lawyers.

Research Questions

The research questions that guided this study were:

1. How do college presidents with a background in the law perceive their legal training and work experience in terms of:
 - a. the benefits to them as presidents and
 - b. the effect upon their approach to leadership?
2. What experiences have been beneficial to college presidents with a background in the law in developing leadership?
3. How do college presidents with a background in the law characterize their approach to leadership?

CHAPTER 2. LITERATURE REVIEW

This chapter provides an overview of the literature on the college presidency, the influence of law on higher education, lawyers as nontraditional college presidents, and leadership theory. The purpose of this chapter is to provide grounding and context for this study. This chapter includes: (a) a perspective on the modern college presidency; (b) the changing role of the college president; (c) the modern college; (d) the influence of law and legal counsel on higher education; (e) lawyers as college presidents; (f) lawyers, leadership, and legal training; (g) defining leadership; and (h) leadership theory.

Perspectives on the Modern College Presidency

Recent writings about the college presidency have, in some respects, bemoaned its change (Dennison, 2001; Greenberg, 1998; Ikenberry, 1998). In a recent report on the office of the college president, the Association of Governing Boards of Universities and Colleges Commission (1996) stated that the “greatest danger” to the institution of higher education is that the “academic presidency has become weak” resulting in college and university systems that “are neither as nimble nor as adaptable as the times require” (p. x). Bledstein (1976) described modern college presidents as “financial experts” that are often “managerial . . . figurehead[s]” who lack the “intellectual stature” of the first generation (p. 290). Likewise, Dennison (2001) described the modern college president as “small” in comparison to the “giants” of the previous era (p. 269). Greenberg (1998) added that modern presidents are no longer “leaders of national opinion” (p. 17). Ikenberry (1998) posed the question, “Where are the Giants?” in referring to the modern college president. According to Clark Kerr, past president of the University of California, these giants have “almost completely disappeared” (cited in Greenberg 1998, p. 2). Rita Bornstein (2002), former Rollins College president,

noted that the “heroic presidents of the past . . . were both academic entrepreneurs and public intellectuals” and that modern presidents are “frequently criticized for not measuring up” to those presidents of previous eras (p. 17).

Indeed, these giants of yore, Kerr included, left a lasting mark on the institution of higher education. For example, James Conant, Harvard’s 23rd president who served for approximately 20 years, is credited with helping found the National Science Foundation (Dennison, 2001). He was also involved in the creation of the position of university professor, a position now commonplace at many universities and designed to foster greater academic freedom and promote new research (Perkinson, 1976). In addition, he was involved in the propagation of the Scholastic Aptitude Test (Wilson & Bender, 2008). Daniel Coit Gilman, the first president of Johns Hopkins University, is credited with developing the organizational structure of the modern American research university (Wellmon, 2015). He is also noted for his use of fellowships to attract graduate students (Wallenstein, 2016). Kerr, as president of the University of California, helped to develop the California Master Plan for Higher Education, creating the California’s three-tiered college system (Soo & Carson, 2004).

Yet, the view many hold regarding past presidents may be myopic and greatly influenced by nostalgia. In regard to the “giants of higher education,” (Levine, 1998) noted those that are credited “for their vision, boldness, and the magnitude of their contribution to education, ‘failed’ as presidents” (p. 43). Levine added that even Kerr, who oversaw the creation of the “first mass access research university system in the world” was “fired with enthusiasm” as result of political backlash stemming from student unrest (p. 45).

Changing Role of the College President

Is this criticism of the modern college president misplaced? More specifically, can one accurately compare the modern college, with all of its complexities, and its modern president to those of bygone eras, or do differences between the modern college and those that came before render any comparison of their presidents futile? Certainly, there have been changes in the power and the role of the president. Dennison (2001) described the office of the modern college president as involving “little of consequence” and providing a “small return on the investment of time and energy” (p. 273). Nelson (2002) noted that the office of the college president has “evolve[d] from academician presidents in the early twentieth century, to managers and fundraisers in the CEO model of mid-century to the 1980s.” Stoke (1959) surmised that the role of the college president has moved away from a person “of learning” and has “given way to the [person] of management” (p. 3). More pointedly, Greenberg (1998) stated that, though presidents of the past spent time philosophizing and teaching courses, modern presidents are more likely to be found reading the budget.

Although the statements above reflect a change in the individuals who occupy the office, scholars differ on whether the office of the president and her or his duties have changed substantially over time. Nelson (2009) refuted “the conventional wisdom that the changes in the presidency are far-reaching during the last fifty or one hundred years” (p. 17). Rather, he argued that when comparing the “arenas” of responsibility for past presidents and modern presidents, the aforementioned proposition “simply does not hold up” (p. 17). Nelson (2009) identified several success measures that have remained consistent for college presidents regardless of era. They are “institutional fit, crises management, leadership execution, fundraising, and fiscal management,” among others (p. 17).

Yet, others have argued that the lack of stature in the modern president is due to how presidents are selected and in the type of person that would seek the office in the present economy. Lovett (2002) stated that governing boards and search committees favor candidates “who look, speak, and act like candidates for political office” (p. 1). According to Lovett, this process screens out “thinkers in chief” with the willingness to engage in controversial topics in favor of those that seek to avoid potential controversy as a way of appeasing the search committee. Dennison (2001), on the other hand, argued that the would-be giants of today shun the college presidency because of its 24-hour work schedule and the unlikely prospect of institutional change in favor of positions where the “reward is commensurate with the energy, effort, and talent required to succeed” (p. 273).

The Modern College

The literature suggests that these changes in the office of the modern president mirror changes in the modern college. In their study of college presidents that serve on corporate boards, Goldschmidt and Finkelstein (2001) argued that universities are “more entrepreneurial and market driven” (p. 34). As evidence, they noted the close relationship between research universities and businesses as indicated by the ever-increasing royalties collected from patents derived from faculty research. Goldschmidt and Finkelstein added that in 1999 royalties collected by research universities amounted to well over \$500 million.

Without question, the modern college has expanded in both its reach and capacity when compared to the typical college in previous eras. Many state universities have evolved into multicampus systems serving students through a network of campuses spread throughout a given state. Others have expanded their reach and capacity by offering select degree programs entirely online. Although this mode of education may have been pioneered by for-

profit colleges, not-for-profit colleges and universities have increased their offerings in this area. With an eye toward new frontiers and new revenue streams, some prestigious American colleges, including Duke, Johns Hopkins, Massachusetts Institute of Technology, New York University, and Yale, have overseas campuses in operation or have announced plans to do so.

Of course, these changes have affected the role and function of the college president. According to Goldschmidt and Finkelstein (2001), “twenty-five years ago, college presidents reported spending about one-third of their time in contact with individuals external to the university” (p. 34). However, modern college presidents “devote considerably more time” with external groups in an effort to “raise financial gifts from alumni and other potential donors; [meet] with leaders in social, business, and political circles and serving on external advisory boards” (p. 34).

The fact that college presidents now spend a considerable amount of time and energy with groups outside the institution is borne out in the ACE survey of college presidents. According to this report, most presidents at public universities (69.2%) indicated that legislators and policymakers represented their most challenging constituents (ACE, 2012). Similarly, presidents at private doctoral degree-granting institutions spent 75% of their time on fundraising, more than any other category. Presidents at public doctoral degree-granting institutions spent 53.8% of their time on fundraising. This was second only to time spent on budgeting and finance (57.5%). Likewise, presidents at public associate’s degree-granting institutions spent 59.3% of their time on budgeting and finance.

Influence of Law and Legal Counsel on Higher Education

One of the many changes that have occurred in the past century is the increased promulgation of the laws and regulations affecting higher education. However, the influence of the law on higher education and the view of lawyers as a necessary component to the functioning of institutions of higher education is a relatively new occurrence. Prior to 1960, lawyers had little input in the functioning of colleges and universities (Wright, 1985). Although higher educational institutions date back to colonial colleges of the 17th century, the first university counsel's office wasn't established until 1925 at the University of Alabama (Ruger, 1997). The absence of lawyers working for institutions of higher education evidences how seldom institutions of earlier eras were faced with legal issues and indicates that lawyers were not seen as essential to their functioning. Wright (1985) described the role of attorneys as being in all "matters central to academic life, central to the faculty, especially, lawyers were as foreign as firemen—less useful, and more expensive than firemen at that" (p. 365). In his description of the role of lawyers in higher education, Wright referenced the work of Jacques Barzun (1968), who listed 40 senior positions essential to the functioning college administration. Therein, Barzun listed positions from bookstore managers to decorators but did not include lawyers. The role of lawyers at institutions of higher education prior to 1960 was at most "tangential" (Wright, 1985, p. 365). In the unusual event that a college or university of that era would need legal services, they would be provided *pro bono* by alumni or by a member of the Board of Trustees (Ruger, 1997).

According to both Wright (1985) and Ruger (1997), the influence of law in the area of higher education stemmed from Vietnam Era campus disruptions and Civil Rights protests. As a result, a series of events followed that would forever change the campus legal

landscape. In an effort to stamp out war protests, many colleges adopted student conduct codes. Around the same time, courts began to recognize the due process rights of college students. The seminal case in this regard is *Dixon v. Alabama State Board of Education* (1961), for which the U.S. Fifth Circuit Court of Appeals held that students' constitutional due process rights were violated when a state college summarily expelled students without affording the students a hearing. At the behest of the Alabama State Board of Education, the students, who were enrollees at what is today known as a historically Black college, were expelled for participating in an off-campus protest against Alabama state laws mandating racial segregation in public accommodations. In its ruling, the court invalidated the doctrine of *in loco parentis* (Latin for "in the place of the parent") that governed the student-college legal relationship. Prior to that time, the courts, via rulings based on the doctrine of *in loco parentis*, treated universities as entities distinct from other governmental institutions or businesses and shielded universities from virtually all student initiated legal actions. Through the doctrine of *in loco parentis*, courts afforded universities great deference in disciplining students, almost the same deference that a parent was afforded in decisions regarding rearing a child. The invalidation of *in loco parentis*, the proliferation of conduct codes, the recognition of student due process rights, and the passing of civil rights laws that provided legal remedies for harassment and discrimination formed the basis for lawsuits by students against universities and a greater need for the input of lawyers into college decision making.

In addition to the tort suits that resulted from the events of the 1960s, the 1970s saw the imposition of federal government efforts to regulate the activities of higher education institutions. Wright (1985) referred to the framework of federal laws affecting higher

education as a “maze of regulations” (p. 369). Lee (2009), in discussing the “number and types of statutes and judicial precedents” directed at higher education, surmised that it was “probably the most heavily regulated organization in the United States” (p. 649). Indeed, federal regulations affecting higher education are too numerous to list. Some of the more prominent are, to name a few, Title IX of the Education Amendments of 1972, prohibiting sex discrimination in education; the Civil Rights Act of 1964, conditioning the receipt of federal funds upon nondiscrimination in policy and practice, affirmative action regulations governing admissions and employment; the Family and Educational Rights and Privacy Act (FERPA; 1974), limiting the disclosure of student records; and the Rehabilitation Act of 1973, prohibiting discrimination based on disability for institutions receiving federal funds.

According to Ruger (1997), the “worth of counsel is tested during difficult situations” (p. 183). As Ruger defined it, successful counsel should be able to “understand their client’s needs, combine them with institutional goals and legal doctrine, to produce advice that is understandable, relevant, and useful” (p. 184). Daane (1985) described the college lawyer’s role as being divided into six domains of responsibility: “Advisor–Counselor; Educator–Mediator; Manager–Administrator; Draftsman; Litigator; and Spokesman” (p. 404). Lee (2009) noted that the role of lawyers initially centered on transactional functions, including real estate purchases and contracts. Today, those functions have broadened tremendously. The modern college lawyer has, in addition to the aforementioned transactional duties, the responsibility of counseling the college in policy development, managing the litigation risk of current and proposed policies, and defending the college in threatened or actual litigation (Lee, 2009). The tremendous expansion of laws and regulations governing higher education and litigious college employees and students seeking that wrongs be redressed in the courts

have made the college counsel, who were as “foreign as firemen” on campus, an “indispensable component of decision-making” in higher education (Kaplin, 1985).

Lawyers as College Presidents

The growth of laws, regulations, and litigation concerning higher education has made campus legal counsel an essential component for many colleges and universities. As interim President at St. Louis University and former general counsel to several institutions, William R. Kauffman (2001) stated that university counsel “is in a position to know more about the broader scope of the college or university environment than practically any other administrative officer with the exception of the president” (p. 3).

Others realizing the unique knowledge and experience of college attorneys have advocated that campus counsel be considered as candidates for the presidency. Kathleen C. Santora, chief executive for the National Association of College and University Attorneys, has urged organizations that groom college presidents to consider looking at the general counsel’s office as a previously unexplored talent pool (Schmidt, 2012). In speaking about the qualities of lawyers that make them good presidential candidates, Kerr stated that their legal training and practice have made them “accustomed to living with controversy,” an element of daily life for many modern college presidents (Johnson, 1987, para. 6). Thomas Ehrlich, a lawyer and former president of Indiana University, spoke of how a lawyer’s problem-solving skills made them viable presidential candidates. More specifically, Ehrlich stated that lawyers are “trained to take a problem, break it into its component parts, work through the issues and put it all back together again” (Johnson, 1987, para. 10).

However, selecting a lawyer to serve as president, particularly one from outside of higher education, may spark controversy. Such was the case at Kennesaw State University,

where, in 2016, Mr. Sam Olens, then serving as Georgia's attorney general, was selected and overwhelmingly approved by the Georgia Board of Regents to serve as the university's president. Although the chancellor described him as "a proven consensus builder" (Schmidt, 2012, p. 2), his selection as president was met with "protests, angry letters, and petitions" (Schmidt, 2012, p. 1). While serving as attorney general, Olens was obligated to advocate on behalf of his client, the State of Georgia. As with many lawyers, this meant taking positions that are not necessarily in line with one's personal beliefs. While serving as attorney general, Olens opposed same-sex marriage and transgender students' access to use the restroom consistent with their gender identity (Schmidt, 2012, p. 1). Subsequently, as president, Olens stated that he was committed to "mutual respect, open communication, and tolerance" (Schmidt, 2012, p. 2). It remains to be seen whether the campus community can reconcile Olens's past stances on social issues with his new role as leader of a large, diverse institution within the Atlanta metropolitan area.

However, the resistance within the campus community at Kennesaw State was a reaction not only to Olens's prior work as attorney general but also to the way he was selected. Olens did not have any experience in higher education. Moreover, he was selected for the position without a national search and, according to several members of the faculty, the position was not even advertised (Schmidt, 2012). Because of the selection process, faculty were concerned that their voice was shut out of the hiring of Olens (Schmidt, 2012).

Despite the controversy at Kennesaw State University, researchers have spoken positively of considering lawyers in the pool of presidential candidates, and, indeed, there are several lawyers who have had successful careers as college presidents. The most notable of these is likely Gordon Gee. A graduate of Columbia Law School, Gee served as president of

five major universities, including the University of Colorado, Brown University, Vanderbilt University, and two stints at both West Virginia University and Ohio State University. The ranks of lawyer presidents also include Derek Bok who served as president of Harvard for 20 years, Stephen Trachtenberg of George Washington University, and John Sexton of New York University, among others.

In 1987, Kerr noted that the hiring of lawyers as president was a burgeoning trend (Johnson, 1987). However, college presidents with law degrees remain a relatively rare occurrence. As mentioned previously, 5.4% of college presidents indicated a law degree as their highest degree (ACE, 2012). This figure is virtually unchanged since the 2006 study. Undoubtedly, there were respondents to ACE's survey that had a Ph.D. in addition to a juris doctorate, and those individuals may have indicated a Ph.D. as their highest degree obtained without mentioning their juris doctorate. Thus, the figure reflected in the ACE study may underrepresent the number of college presidents with a juris doctorate. In any event, Kerr's pronouncement of the hiring of lawyers as college presidents has not come to fruition. Moreover, a closer examination of ACE's survey shows a stark distinction between lawyers who entered into the college presidency from the academic ranks versus those who entered through the practice of law. According to ACE's latest president survey, only 1.0% of college presidents indicated that they were involved in the practice of law immediately prior to entering into the presidency, and practicing lawyers entering the presidency were trailed only by medical professionals and military personnel at 0.8% and 0.2%, respectively (ACE, 2012).

These data suggest that lawyers holding academic positions are favored over those engaged solely in the practice of law in terms of being considered as viable presidential

candidates. In speaking about lawyers entering the presidency, Benno Schmidt, former dean of Columbia Law School and President of Yale University, stated that it's the law professors' academic emphasis not their law degree or experience that makes them good college presidents (Johnson, 1987). Thus the "similarities more than the dissimilarities with other academics" make these law professors and deans palatable to presidential search committees (Johnson, 1987, para. 22). Historically, law deans and professors have not been viewed as viable presidential candidates. According to Michael Sovern, former president of Columbia University and former dean of its law school, "fifty years ago, to select a law school dean would be like making an outsider university president. Now [law school deans] are very much academics" (as cited in Johnson, 1987, para. 26).

Although these comments speak to the different paths to the presidency of law professors and practicing lawyers, there is little in terms of scholarly work on either. In order to help fill that gap, this study provides an examination of the leadership of college presidents who were once practicing lawyers.

Lawyers, Leadership, and Legal Training

In our society, a lawyer is seemingly presumed to possess certain qualities for leadership—or so it seems, if one simply examined the leadership positions of national importance that are routinely held by lawyers. As Rhode (2011) put it, "the legal profession has supplied a majority of American presidents and, in recent decades, almost half of Congress" (p. 1). Moreover, lawyers routinely are elected as governors and state legislators, and it's not uncommon to find them at the head of major U.S. corporations (Hamilton, 2011). When these facts are juxtaposed against the poor esteem the American public has for lawyers and the legal profession, it causes a certain amount of bewilderment—it is indeed a paradox.

More concerning is that there is “no systematic research” that lawyers are effective in these prominent leadership roles (Rhode, 2011, p. 1). Contrary to Rhode’s suggestion, there seems to be no support in the literature that leadership skills are confined to certain fields of study or that those skills cannot be taught and learned.

What is surprising, however, when considering the number of lawyers in prominent leadership positions, is that law school curriculum is typically void of leadership coursework or training (Rivers James, 2010). Moreover, the lack of leadership coursework goes against the rhetoric offered by American law schools. Indeed, a recent study analyzing law school mission statements found that 38 law schools claimed to foster leadership in their mission statements, but only two offered leadership coursework (Hamilton, 2011). In addition to the lack of leadership curriculum in law schools, “legal organizations, including law firms, dragged their feet on leadership development” (Rubenstein, 2008, p. xi). Thus, lawyers who have developed leadership skills have done it “the hard way: through experience, through mistakes, and if they are fortunate, from mentors with years of leadership experience” (Rubenstein, 2008, p. xi).

Although business schools and organizational management disciplines have adopted leadership curriculum and training (Rivers James, 2010), law schools have been hesitant to modify their programming to include leadership development courses. Much of the law school curriculum is focused on building analytical reasoning skills, gaining knowledge of the black letter law, fostering the ability to conduct legal research, and developing clear and concise writing skills (Rhode, 2011). In essence, the law school curriculum is aimed at teaching law students how to think like a lawyer but not necessarily to be a leader. According to Hamilton (2011), “this omission is a type of train wreck in legal education” (p.

1). Hamilton added that “legal education’s failure to engage students and the profession in developing leadership skills including character and moral courage may in turn contribute to professional dereliction” (p. 1).

However, the omission of leadership training within the law school curriculum and the legal profession is changing. A few law schools, such as Harvard, Ohio State, Santa Clara, and Elon, now offer leadership courses (Hamilton, 2011). In addition, state bar associations and law firms are beginning to offer leadership training (Hamilton, 2011).

Defining Leadership

To study how attorneys view their legal training and its effect on their leadership, one must have at least a developmental understanding of the phenomenon of leadership. However, defining leadership is a difficult task. As Burns (1978) noted, “leadership is one of the most observed and least understood [phenomenon] on earth” (p. 2). Bennis (1989) commented that “leadership is like beauty: it’s hard to define, but you know it when you see it” (p. 1). Indeed, leadership is something that can be experienced but is still intangible. “It cannot be touched, smelled, or tasted, but it can be understood by how it is seen, heard, thought, and felt” (Komives, Lucas, & McMahon, 2007).

According to Stogdill (1974), “there are almost as many definitions of leadership as there are people who have attempted to describe the concept” (p. 259). Stogdill’s (1974) statement and Bennis’s (1989) metaphor relating leadership to beauty serve as recognition that the conceptualization of leadership is dictated by context. Thus, leadership is a socially constructed phenomenon (Komives et al., 2007). As Yukl (1994) noted, “leadership means different things to different people” (p. 2). This social construction adds to the difficulty in setting forth a universally recognized definition of leadership. Despite the challenges of

defining leadership and to build a foundational understanding of the concept, in this literature review I will describe how scholars have attempted to define leadership.

In understanding leadership, it may be best to start by setting forth some broad characterizations. Komives et al. (2007), in defining leadership, found it helpful to describe truths about leadership. According to these authors, leadership can be characterized by certain truths, as follows: (a) leaders are made not born, (b) leadership occurs within all levels of an organization, (c) charisma is not necessarily required, (d) good leadership takes many different forms, (e) leadership is distinct from management, and (f) one can learn leadership skills. Similarly, Northouse (2010) described components essential to leadership, as follows: “(a) leadership is a process, (b) leadership involves influence, (c) leadership occurs in groups, and (d) leadership involves common goals” (p. 3).

These broad characterizations of leadership help to better shape one’s understanding. Still the difficult task remains of defining leadership. As noted above, the definitions of leadership are many. So instead of focusing on the plethora of leadership definitions available, in this literature review I provide an examination of how the concept of leadership has evolved over time. The term leadership first appeared in the 1800s and was generally used to describe the power of political figures (Komives et al., 2007; Stogdill, 1974). Relatively soon after its conception, scholars began to describe leadership as a measure of control or as a measure of one’s ability to coerce or persuade another (Komives et al., 2007). For example Bundel (1930) described leadership as “the art of inducing others to do what one wants them to do” (as cited in Stogdill, 1974, p. 9). Bennis (1959) described leadership “as the process through which an agent induces a subordinate to behave in a desired manner” (as cited in Stogdill, 1974, p. 9). Similarly, Mumford (1906–1907) characterized leadership

as “the preeminence of one or a few individuals in a group in the process of control of societal phenomena” (as cited in Stogdill, 1974, p. 7).

Modern definitions of leadership have moved beyond notions of control and have been focused more on a relational process based on mutual benefit to achieve some shared goal (Komives et al., 2007). For example, Northouse (2010) defined leadership as a “process whereby an individual influences a group of individuals to achieve a common goal (p. 3). In defining leadership as a “process,” Northouse implied that there is a relationship between leaders and those being led. More specifically, Northouse’s definition of leadership “emphasizes that leadership is not a linear, one-way event, but rather an interactive event” (p. 3). Likewise, Gardner (1990) defined leadership as “the process of persuasion or example by which an individual (or leadership team) induces a group to pursue objectives held by the leader or shared by the leader and his or her followers” (p. 1). In describing the relationship between leader and follower, Gardner stated, “communication and influence flow in both directions; and in that two-way communication, non-rational, nonverbal, and unconscious elements play their part” (p. 1). Through this two-way process, Gardner added, leaders shape and are shaped (p. 1). In regard to this point, Bass and Bass (2008) stated, “although there is usually one head of a group, we cannot ordinarily attribute all leadership that occurs in a group to just its head” (p. 24).

These varied and numerous definitions of leadership informed this study. That is not to say that any singular definition is manifest here. It simply means this study was conducted with the understanding that leadership is an evolving and socially constructed term. Therefore, in conducting this study I had to be open to setting aside whatever preconceived

notions there may have been about leadership and understand leadership as defined by the participants.

Distinguishing Leadership from Management

In distinguishing leadership from management, Bennis and Nanus (1985) noted that “managers are people who do things right and leaders are people who do the right thing” (p. 221). This quote goes along with the distinction of management and leadership found throughout the literature. For example Northouse (2010) stated that managers “accomplish activities and master routines,” whereas leaders “influence others and create visions for change” (p. 11). Gardner (1990) added that a manager’s duties are tied to an organization, whereas a leader “may have no organization at all” (p. 4). In a detailed depiction between the role of managers and leaders, Bass and Bass (2008) made the following distinctions: “the manager will plan but won’t envisage an attractive future for the department”; “will organize and structure the department, but won’t enable its members to improve their performance”; and “will control what happens in the department but won’t empower employees to make decisions” (p. 23).

Despite these distinctions, there is overlap between leaders and managers. Both leaders and managers are necessary in organizations (Komives et al., 2007), and both “involve influencing a group of individuals toward goal attainment” (Northouse, 2010, p. 11). Northouse (2010) further described the overlap between the construct of leaders and managers as follows: “When managers are involved in influencing a group to meet its goals, they are involved in leadership. When leaders are involved in planning, organizing, staffing, and controlling, they are involved in management” (p. 11).

So much overlap between the function of leadership and management may cause one to question whether the distinction, at least in part, is an overstatement. Gardner (1990) summed this up as follows:

Many writers on leadership take considerable pains to distinguish between leaders and managers. In the process leaders generally end up looking like a cross between Napoleon and the Pied Piper, and managers like unimaginative clods. This troubles me. I once heard it said of a man, “He’s an utterly first-class manager but there isn’t a trace of the leader in him.” I am still looking for that man, and I am beginning to believe that he does not exist. Every time I encounter utterly first-class managers they turn out to have quite a lot of the leader in them. (pp. 3–4).

In sum, leadership is an amorphous concept, hard to define but easy to identify. It has multiple definitions and is informed by social and cultural contexts. Although it can be distinguished from management, leaders and managers can also play comparable roles within an organization. In addition, leadership isn’t just found in an organizational head but in many different positions, regardless of title.

Leadership Theory

As set forth earlier, leadership can be a difficult concept to define. Many of the same characterizations expressed toward defining leadership can also be used in regard to leadership theory. Komives et al. (2007) described the maze of leadership theory as “bewildering,” “incomplete,” and “inconclusive” and compared attempting to understand it to attempting to “wade through swampy waters” (p. 45). However, leadership theories as well as all theory “is about generalization, relating a new situation to an old one in order to discern patterns and figure out what is likely to happen” (Sears, 2005, p. 2). In this section of the

literature review, the evolution of leadership theories is examined. These theories have evolved since their conception.

Stogdill (1974) organized these leadership theories into six categories: (a) great man theories, (b) environmental theories, (c) personal–situational theories, (d) interaction–expectation theories, (e) humanistic theories, and (f) exchange theories. According to Stogdill (1974), great man theories are based on the assumption that “a leader is endowed with superior qualities” that differentiates her or him from followers (p. 17). Environmental theorists took the view that great leaders weren’t born but were forged from “time, place, and circumstances” of their environment (Stogdill, 1974, p. 18). Personal–situational theorists proffered that leadership was the result of the interaction between the personal traits of an individual and the situational factors in which he or she operates (Stogdill, 1974). Under interaction–expectation theories, leadership is governed by the extent a leader “initiates and maintains structure in interaction and expectation” (Stogdill, 1974, p. 20). Humanistic theorists are concerned with the function and development of organizations. They understand the leader’s role in modifying the organization to provide for and allow individuals to realize their full potential while simultaneously meeting the needs of the organization (Stogdill, 1974). Exchange theorists understand leadership as an equitable exchange between leaders and followers, whereby the leader is provided with high status in exchange for her or his unique contributions to the group (Stogdill, 1974).

Bensimon, Neumann, and Birnbaum (1989), in their book on leadership theories in higher education, organized leadership theory as follows: (a) trait theories, (b) power and influence theories, (c) behavioral theories, (d) contingency theories, (e) cultural and symbolic theories, and (f) cognitive theories. Similar to the great man theory expressed above, trait

theories understand leadership in terms of certain characteristics endowed to leaders that differentiate them from followers (Bensimon et al., 1989). Power and influence theories focus on the interaction between leader and follower and can be divided into two different themes based on the direction of power and influence (Bensimon et al., 1989). Social power is concerned with how leaders influence followers (Bensimon et al., 1989). Social exchange, on the other hand, is concerned with a reciprocal relationship of mutual influence between leader and follower (Bensimon et al., 1989). Behavioral theories examine the relationship between a leader's behavior and group performance (Bensimon et al., 1989). Contingency theories assume that a leader's effectiveness is dictated by the ability for the leader to employ the proper behavior or traits in a given situation (Bensimon et al., 1989). Cultural and symbolic scholars measure the success of a leader based on her or his ability to "articulate and influence cultural norms and values" (Bensimon et al., 1989, p. 21). Under cognitive theories, leadership is a social construction born out of a human need to impose order, whereby observers attempt to develop understanding of organizational occurrences that are incomprehensible (Bensimon et al., 1989).

There is a substantial amount of overlap as well as a substantial amount of difference between how Stogdill (1974) and Bensimon et al. (1989) organized and described leadership theories. In this literature review, I also present and examine categories of leadership theory as articulated by Komives et al. (2007), who included information such as the assumptions and criticism of a given theory as well as the time period in which the theory was in use among scholars studying leadership. This additional information assists with forming a foundational understanding of leadership and a framework for this examination of leadership

theory. However, in this literature review I also took from other scholars to supplement Komives et al.'s characterization.

Great-Man Theories

Great-man theories of leadership were prominent from the mid-1800s to the early 1900s (Komives et al., 2007). Proponents of the great-man theory believed that “the history of the world is the history of great men, who determined what the masses could accomplish” (Bass & Bass, 2008, p. 49). These theorists did not believe in leadership by the masses; rather, they believed that the directions the masses chose were dictated by a “superior few” (Bass & Bass, 2008, p. 49). It is these superior few who guide society and initiate its movement in one direction and prevent it from being taken in another direction (Bass & Bass, 2008). Further, several of these early theories followed the eugenics movement and believed that great leaders begat great leaders. Therefore, superior leadership would have to depend “on a proportionally high birthrate among the abler class” (Bass & Bass, 2008, p. 49).

There are many criticisms of this theory. Perhaps chief among them is that, despite the many historical and contemporary examples of great women leaders, these early theorists largely ignored them and focused exclusively upon male examples of leadership (Bass & Bass, 2008; Komives et al., 2007). Further, there is no scientific proof supporting the theory that leadership traits or skills are inheritable.

Trait Theories of Leadership

If, as great-man theorists believe, leaders are born with leadership characteristics, then these qualities should be identifiable. This assumption led to the development of the trait theories of leadership during the early 1900s (Stogdill, 1974). Trait theorists sought to understand the characteristics of leadership. In their research, “two questions were usually

posed: (1) What traits distinguish leaders from other people? [and] (2) What are the extent of the differences?" (Bass & Bass, 2008, p. 50). Trait theorists believe that leadership can be explained by the existence of certain characteristics such as intelligence, self-confidence, and height (Komives et al., 2007; Yukl, 1994) and that it was traits such as these that distinguished leaders from followers and were responsible for a leader's success.

Scholars have attributed the fall of trait theory to the work of Stogdill (1948), who argued that leadership could not be defined solely by the existence of certain traits. Indeed, "persons who are leaders in one situation may not necessarily be leaders in other situations" (Greenwood, 1993, p. 7). Trait leadership failed to consider the context in which these leadership traits were most useful.

Behavior Approaches

Leadership theory moved away from questioning "what [or who] a leader is" to questioning "what a leader does" (Komives et al., 2007, p. 47). Thus, leadership theory began to incorporate behavioral or skills approaches to leadership. These behavioral approaches to leadership emphasized skills, knowledge, and abilities that can be learned over time as opposed to traits or fixed characteristics innate to a particular individual (Northouse, 2010).

According to Komives et al. (2007), there have been two seminal studies of behavioral approaches to leadership: one emanating from The Ohio State University and the other from the University of Michigan. The Ohio State University study found behavioral leadership existing in two dimensions: consideration and initiating structure. Yukl (1994) defined consideration as the degree of support a leader provides to her or his subordinates. As the name suggests, "initiating structure" refers to the degree to which a leader can define

the roles in an effort to achieve a certain outcome (Yukl, 1994). The University of Michigan study found that effective and ineffective leadership could be distinguished based on the existence of three behaviors: task-oriented behavior, relationship-oriented behavior, and participative leadership. The University of Michigan study suggested that effective leadership includes a focus on high performance standards for the group (Komives et al., 2007).

As with trait leadership, many of the behavior leadership approaches operate under the assumption that there is one type of effective leadership (Komives et al., 2007). These behavioral approaches failed to take into consideration that no form of leadership is effective across all situations (Komives et al., 2007). Also, these behavioral traits fail to correlate or predict the effectiveness of leadership behaviors with a particular type of leadership for a given situation (Komives et al., 2007).

Situational Contingency Approaches

The leadership theories addressed thus far have focused on the leader. Great man and trait theories centered on the innate characteristics of leaders, and behavioral theories moved from a focus on characteristics to skills and abilities of leaders. Situational contingency approaches alter the premise that effective leadership is bound up solely in the characteristics or behaviors of the leader. Rather, situational contingency approaches focus on the situation in which an individual operates. The leader is, therefore, determined by the situation (Komives et al., 2007), and effective leadership then is “contingent on the demands imposed by the situation” (Bass & Bass, 2008, p. 49). Under situational contingency approaches, the effective leader must possess the wherewithal to adapt her or his leadership styles as the situation demands (Northouse, 2010).

Komives et al. (2007) used the phrase, “situational contingency” to describe leadership theories that consider a given situation or that is contingent on context. The broad use of this term is a simplification, as there are distinctions between situational leadership theories and contingency leadership theories. Paul Hersey and Ken Blanchard are credited with developing the more widely known situational leadership models (Komives et al., 2007). Situational leadership theories have undergone several refinements since the concept was introduced in the 1960s. However, in essence, these theories state that effective leaders should vary their leadership style based on the developmental level of their followers. Here, leaders should vary their style between delegating, supporting, coaching, and directing leadership styles in accordance with the competency and willingness of followers in regard to a certain task (Northouse, 2010).

Although situational theory requires that leaders vary their style, contingency theory takes a slightly different approach. Like situational approaches, contingency theories operate under the presumption that effective leadership is the product of its context. Whereas situational leadership requires effective leaders to vary leadership style based on the development of employees, contingency leadership theory attempts to match leaders to contexts in which their leadership style will be effective (Northouse, 2010).

Fred Fielder developed one of the first and most widely used contingency models in the 1960s (Northouse, 2010). In developing contingency theory, Fielder studied the effectiveness of hundreds of leaders, primarily in military contexts (Northouse, 2010). From these studies Fielder was able to make generalizations about which types of leaders are effective in given situations and then match the leaders to a context in which they are likely to be successful (Northouse, 2010). Using his Least Preferred Coworker scale, Fielder

categorized leaders as either being task motivated or relationship motivated. Fielder also characterized a set of situational factors to “determine the favorableness of various situations in organizations” (Northouse, 2010, p. 113). Fielder’s contingency theory posits that task-motivated leaders are effective in both very favorable and very unfavorable situations. Relationship-motivated leaders, on the other hand, are believed to be effective in moderately favorable situations.

Influence Theories

In describing influence theories, Komives et al. (2007) focused exclusively on charismatic leadership. However, it should be noted that charismatic leadership “is often described in ways that make it similar to, if not synonymous with, transformational leadership (Northouse, 2010, p. 173). Both charismatic and transformation leadership were developed into formal theories in the late 1970s (Komives et al., 2007).

Charismatic leadership theory. Prior to the work of Max Weber in 1924, the term “charisma” existed primarily in the religious context (Bass & Bass, 2008). Weber defined charisma as a “special personality characteristic that gives a person superhuman or exceptional powers and is reserved for a few, is of divine origin, and results in the person being treated as a leader” (Northouse, 2010, p. 173). Although interest in leader charisma developed as leaders of social movements used their influence and vision to address a problem, Robert House is credited with formalizing charismatic leadership theory (Komives et al., 2007).

Most of the research and theoretical development of charismatic leadership has focused on the behavior of leaders (Conger & Kanungo, 1998). Thus, it follows that House’s model of charismatic leadership emphasizes the behavior of charismatic leaders. As defined

by House, charismatic leaders possess certain personality traits including “being dominant, having a strong desire to influence others, being self-confident, and having a strong sense of one’s own moral values” (Northouse, 2010, p. 174). In addition to these personality traits, charismatic leaders are able to display certain behaviors, including being

strong role models for the belief and values they want their followers to adopt . . .
 appear[ing] competent to followers . . . [and being able to] articulate ideological goals
 that have moral overtones . . . communicate high expectations for followers . . .
 exhibit confidence in followers’ abilities to meet these high expectations . . . [and]
 arouse task-relevant motives in followers that may include affiliation, power, or
 esteem. (Northouse, 2010, pp. 174–175)

Beyond the traits and behaviors of leaders, House’s charismatic leadership theory examines leadership’s effect upon followers (Northouse, 2010). Followers under House’s theory must trust the leader, be obedient, and cast their affections upon the leader (Northouse, 2010). Followers also identify with the leader on an emotional level and experience a heightened level of confidence that together the leader and followers can achieve expressed goals (Northouse, 2010).

Since its conception, House’s model of charismatic leadership has undergone several revisions. These revisions have focused more on the role of followers in charismatic leadership than on House’s initial leadership model. Primary among these revisions is the work of Boas Shamir and his colleagues (Conger & Kanungo, 1998), which focused on the self-concept of followers (Shamir, House, & Arthur, 1993). Self-concept, as Shamir et al. (1993) defined it, refers to the basic human need to create an identity and to seek affirmation for that identity. Under the self-concept-based theory, charismatic leadership transforms

followers' self-concepts by: (a) changing the perceptions followers have of their work, (b) giving followers an appealing vision of future possibilities, (c) fostering the development of an organizational identity among followers, and (d) increasing self-efficacy for the individual and the collective group (Conger & Kanungo, 1998). In essence, under the self-concept model, charismatic leadership requires a symbiotic relationship between the leader and follower through which the charismatic leader transforms follower's self-concepts and tries to link the identity of followers to the collective identity of the organization (Northouse, 2010, p. 175).

Similar to House's model, Conger and Kanungo's (1998) model of charismatic leadership focuses on leader behavior. Conger and Kanungo's model postulates that charismatic leaders employ different behaviors adapted to the various stages of the leadership process. They describe leadership as a process existing in three stages. In the initial stage, charismatic leaders must be sensitive to the capabilities and needs of followers and must assess the status quo (Conger & Kanungo, 1998). This assessment includes an assessment of constraints that may prevent goal attainment and the capabilities and satisfaction level of followers (Conger & Kanungo, 1998). In addition, they must have a keen ability to identify underutilized opportunities as well as environmental deficiencies. In the second stage charismatic leaders develop and state goals and set forth "an idealized future vision" (Conger & Kanungo, 1998, p. 49). In the third stage, charismatic leaders articulate and provide a vision regarding how the goals can be achieved by the organization, employing "innovative and unconventional" methods directed toward achievement of their vision through the use of influence upon their followers (Conger & Kanungo, 1998, p. 49).

Transformational leadership theory. Since the early 1980s, transformational leadership theory has been the focus of much research (Northouse, 2010). This popularity may stem from its focus on motivation, the development of followers, or from the need of workers to feel inspired to succeed (Northouse, 2010, p. 171). At its essence, transformational leadership is a process of exchange between leaders and followers that “involves an exceptional form of influence that moves followers to accomplish more than what is usually expected” (Northouse, 2010, p. 171). Burns (1978) defined transformational leadership “as a relationship of mutual stimulation and elevation that converts followers into leaders and may convert leaders into moral agents” (p. 4). Burns further defined transformational leadership “as a process where leaders and followers raise one another to higher levels of morality and motivation” (p. 20). In this process, the transformational leader through the use of charisma and vision is able to move followers past their own self-interest to act in the best interest of the organization (Bass, 1985; Northouse, 2010). Ultimately, through transformational leadership, “both leaders and followers raise each other to higher ethical aspirations and conduct” (Komives et al., 2007, p. 54). According to Bass’s (1985) model of transformational leadership, this transformation in the leader–follower relationship can occur in any one of three ways:

- (1) by raising the level of awareness, the level of consciousness about the importance and value of designated outcomes, and ways of reaching them;
- (2) by getting us to transcend our own self-interest for the sake of the team, organization, or larger party;
- [and] (3) by altering our need level on Maslow’s hierarchy or expanding our portfolio of needs and wants. (p. 20)

In addition to the ways by which transformational leadership can occur, Bass (1991) formulated six characteristics of transformational leaders:

1. Visionary abilities: The transformational leaders can articulate a forward vision.
2. Led by values: The behavior of transformational leaders is guided by an essential set of values.
3. Qualities of the agents of change: Transformational leaders create adaptive, entrepreneurial, innovative, flexible institutions; their personal and work place image makes it possible for them to lead people in this type of environment.
4. Courage: Transformational leaders manage risk, are not risk adverse and willing to challenge complacency and convention.
5. Openness and faith in the followers: Transformational leaders are sensitive to their followers and seek to empower them.
6. Ability to face complexity and uncertainty: Transformational leaders have the ability to transcend difficult situations.

Reciprocal Leadership Theories

Komives et al. (2007) described reciprocal leadership theories as “relational” and involving “leader–follower interaction” (p. 53). This is not to say that previous leadership theories didn’t involve leader–follower interaction. Indeed, leaders do not exist in a vacuum, and therefore, the leaders require followers. In many of the theories discussed to this point, leadership is characterized by the traits or actions of the leader, without a participatory role for followers. According to Komives et al. (2007), reciprocal leadership theory inverts this focus and places more emphasis on followers. Under reciprocal models,

leadership [is] not just something that a leader does to followers; rather, leadership is a process that meaningfully engages leaders and participants, values the contributions of participants, shares power and authority between leaders and participants, and establishes leadership as an inclusive activity among interdependent people.

(Komives et al., 2007, p. 53)

This literature review is focused on several dominant reciprocal leadership theories: transactional leadership theory, servant leadership theory, and followership. Each is addressed in the following sections.

Transactional leadership theory. Thus far in this literature review, a transformational leader has been described as a monolithic figure able to deploy other leadership styles. This is not likely the case, as a transformational leader will often also display transactional qualities. As Bass (1985) noted, “while conceptually distinct, transformational and transactional leadership are likely to be displayed by the same individuals in different amounts and intensities” (p. 26). Therefore, in this description of transformational leadership, it is prudent to describe transactional leadership and how it varies from transformational leadership. Burns (1978) described transactional leadership as a process through which “one person takes the initiative in making contact with others for the purpose of an exchange of valued things” (p. 19). Also through this process, the transactional leader garners influence not by inspiring subordinates to a greater sense of awareness, as with the transformational leader, but rather, the transactional leader influences followers by appealing to their self-interest (Northouse, 2010). According to Burns, transactional leaders engage in a process of exchange with followers; jobs for votes, or subsidies for campaign contributions, and such transactions “comprise the bulk of the

relationships among leaders and followers” (p. 3). Bass and Bass (2008) distinguished transformational leadership from transactional leadership in the realm of politics as follows: “in exchanging promises for votes, the transactional leader works within the framework of the self-interest of his or her constituency, whereas the transformational leader moves to change the framework” (p. 41). Kerr, Gade, and Kawaoka (1994) described transactional leadership as a democratic and participatory process involving the exchange between leaders and followers of things having intangible value, such as political or economic value, without a greater purpose. Burns described transactional leadership as one that emphasizes inclusivity and consensus building, relying on tools such as coercion and reward. Although the transformational leader seeks to alter the institution to conform to her or his vision, the transactional leader, rather, seeks to manage the institution. For the transactional college leader, “it can be a mistake to imagine what he or she does affects the institution significantly” (Fisher & Koch, 1996, p. 25). Bass (1985) characterized transactional leadership into the following four behaviors:

1. Contingent reward: The transactional leader identifies the work that needs to be completed and motivates followers by offering rewards in order to receive the desired result.
2. Passive management by exception: The transactional leader addresses a failure to meet unacceptable standards with correction and punishment.
3. Active management by exception: The transactional leader actively monitors the work product of followers and uses corrective measures to ensure acceptable performance.

4. *Laissez faire*: Transactional leaders take a hands-off approach towards their followers' performance; they do not respond to performance lapses or problems. According to Fisher and Koch (1996), these characteristics render the transactional leader well suited for successful organizations but it "seldom results in major reforms and is ill-suited for difficult times" (p. 25).

Servant leadership theory. Robert Greenleaf is credited with formulating servant leadership theory (Bass & Bass, 2008). Based on his years of experience as an executive at AT&T, Greenleaf found that leaders arise through first serving (Northouse, 2010). Greenleaf further posited that leaders should set aside their egos, view themselves not as superiors but as "first among equals," and focus on developing leadership among their followers (Bass & Bass, 2008, p. 51). Servant leaders are concerned about their followers, particularly those with little power or more need, and through the building of relationships, encourage their followers to grow (Bass & Bass, 2008). In fostering follower growth and development, servant leaders purposefully hold back from using their personal power and measures of control they could potentially exert over followers (Northouse, 2010). Moreover, servant leaders view themselves as stewards of the organization, including its human resources, for which they have been placed in charge. This stewardship requires servant leaders to put the need of others first for the benefit of the organization. Though this process is similar to that of a transformational leader, the servant leader increases the awareness of her or his followers while "uplifting the mission and values of the enterprise" (Komives et al., 2007, p. 57). In an effort to further characterize servant leaders, Komives et al. (2007) provided the following illustration:

A person who joins the student government association because she wants to provide better academic services and advising based on the desires of the student community is an example of a servant leader. Someone who gets involved with student government because she wants to run for office and maybe someday even be president is simply an example of someone with leadership aspirations. (p. 57)

Although servant leadership has risen to prominence among leadership theories, it has not been well researched (Bass & Bass, 2008). Moreover, there has been some incongruence among which factors comprise servant leadership. On this point, Northouse (2010) compared two studies of servant leaders.

In their study, Barbuto and Wheeler (2006) identified five factors common to servant leaders: (a) altruistic calling, (b) emotional healing, (c) persuasive mapping, (d) wisdom, and (e) organizational stewardship. Altruistic calling refers to the servant leader's desire to selflessly serve others (Barbuto & Wheeler, 2006). Emotional healing refers to the leader's "ability to recognize when and how to foster the healing process" and to create space in which followers can safely express their feelings (Barbuto & Wheeler, 2006, p. 306). Persuasive mapping "encourages others to visualize the organization's future in such a way that is persuasive and offers compelling reasons to get followers engaged" (Barbuto & Gifford, 2010, p. 7). Wisdom refers to the "combination of height of knowledge and utility" (Barbuto & Gifford, 2010, p. 7). Finally, organizational stewardship is concerned about the internal health of the organization as well as the health of the local community (Barbuto & Gifford, 2010).

Sendjaya, Sarros, and Santora (2008), in their study of servant leadership, developed six completely different factors: (a) voluntary subordination, (b) authentic self, (c) covenantal

relationship, (d) responsible morality, (e) transcendental spirituality, and (f) transforming influence. Voluntary subordination refers to the servant leader's "willingness to take up opportunities to serve others whenever there is a legitimate need regardless of the nature of the service, the person served, or the mood of the servant leader" (Sendjaya et al., 2008, p. 406). Authentic self is the natural tendency of servant leaders to willingly work behind the scenes without seeking approval or recognition for their efforts (Sendjaya et al., 2008). Covenantal relationship refers to the servant leader's ability to accept others for who they are in a way that fosters creative growth and experimentation without fear (Sendjaya et al., 2008). Responsible morality is the calling upon the servant leader to not only personally pursue but also persuade others to pursue the higher morals for the benefit of the organization (Yukl, 1994) Transcendental spirituality describes how the servant leader views the calling upon her or his life as effecting change in others' lives by service (Sendjaya et al., 2008). Finally, transforming influence refers to a contagious nature of the servant leader's method of influence that brings about positive organizational change (Sendjaya et al., 2008).

Although Barbuto and Wheeler (2006) and Sendjaya et al. (2008) developed differing factors to further describe the characteristics of leadership, these factors are all based on an initial calling to go beyond oneself that results in leadership. Greenleaf (1977) described this as a sense that "begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead" (p. 21). Through further study, researchers may reach a consensus on factors that constitute servant leadership.

Followership. Some scholars have described the call to credit "larger-than-life leaders" for organizational change as a "romance of leadership" that ignores the role of followers (Riggio, Chaleff, & Lipman-Blumen, 2008, p. 179). According to Komives et al.

(2007) “followers in many ways have been viewed in the leadership literature as sheep in need of a leader to tell them what to do, how to do it, and when to do it” (p. 57). Robert E. Kelley’s work in the late 1980s offered a contrast to this notion, and in so doing, “constituted a sharp rap on the knuckles of the field of leadership for neglecting followers” (Riggio et al., 2008, p. 2). This new focus on followership pushes against the notion that followers are subordinate to leaders and instead posits that leader and followers have equally important roles but different duties and obligations (Komives et al., 2007). In outlining effective followership, Kelley (1988) provided the four following essential qualities: “they manage themselves well; they are committed to the organization and to a purpose, principle, or person outside themselves; they build their competence and focus their efforts for maximum impact; they are courageous, honest, and credible” (p. 144). Komives et al. (2007) added that, to foster effective followers, “followers need to be empowered, honored for their contributions, and valued for the satisfaction and pride they take in their roles of helping the organization achieve its goals and vision” (p. 58).

Authentic Leadership

Of the newer leadership models that focus on the relationship between leader and follower, authentic leadership has been seen as a point of commonality (Komives et al., 2007). Authentic leadership is a relatively newly developed concept, but it lacks a consistent definition among scholars (Northouse, 2010). Northouse (2010) grouped these definitions into three categories: intrapersonal, developmental, and interpersonal. Shamir and Eilam (2005), in describing the phenomenon from an intrapersonal perspective, stated that authentic leaders operate from their convictions and values as informed from their life experiences. Just as the name connotes, the developmental definition of authentic leadership begins from

the perspective that authenticity can be developed through lived experiences or “major life events, such as a severe illness or new career” (Northouse, 2010, p. 207). Unlike the intrapersonal definition of authentic leadership, the developmental definition does not stem from static traits. Rather, it is a learned behavior comprising four components: balanced processing, internalized moral perspective, relational transparency, and self-awareness (Avolio, Walumbwa, & Weber, 2009). Finally, the interpersonal definition of authentic leadership is relational and is the combined product of the leader’s output and the followers’ response (Northouse, 2010). This interpersonal definition is reciprocal and requires buy-in from the followers. The expected results, then, “are achieved only when followers identify with or accept as appropriate the values advocated by the leader (Northouse, 2010, p. 208).

Summary

This chapter provided a review of the literature on leadership as well as a review of literature on the college presidency, research on the common pathway to the college presidency, lawyers as college presidents, and leadership development of lawyers. Within the review of leadership, definitions of leadership were examined as was the evolution of leadership theory.

Although the body of literature on leadership is expanding, with several leadership theories enjoying prominence, there seems to be a lack of studies about how lawyers develop leadership as well as how lawyers become college presidents. This study adds to the available research by examining how college presidents with backgrounds in the law perceive their legal training and experiences in terms of its effect upon their leadership.

CHAPTER 3. METHODOLOGY

Qualitative research methodology “relies on detail and thick descriptions” (Rossman & Rallis, 2011, p. 137). Employing a qualitative methodology, with this study I sought to understand how college presidents with backgrounds in the practice of law make meaning of their legal training and experience in terms of its effect upon their leadership. In this chapter, individual components of the research process are set forth and explained.

The qualitative research process is “typically comprised of four essential components, with each informing the other” (Rossman & Rallis, 2011, p. 137). This study followed the quintessential qualitative research process as described by Crotty (1998). It began with an epistemology and then moved to the selection of a theoretical perspective; the theoretical perspective informed the methodology, and the methodology then guided and shaped the methods used (Crotty, 1998).

This study was informed by an inductive process that ultimately was “shaped by . . . experience[s] in collecting and analyzing data” (Crotty, 1998, p. 8). Indeed, a major tenet of qualitative research is that “the researcher is the means through which the study is conducted” (Rossman and Rallis, 2011, p. 5). The research questions and research design required subsequent change to reflect my development in understanding the depth and breadth of the research problem.

Epistemology: Constructivism

Epistemology is a philosophical assumption that grounds one’s understanding of knowledge or “how we know what we know” (Rossman & Rallis, 2011, p. 5). This study was grounded in a constructivist epistemology. Constructionism is “the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices,

being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context” (Crotty, 1998, p. 8). This constructed meaning is “varied and multiple,” consisting of a complexity of subjective meaning and having been “negotiated socially and historically” and “shaped by cultural norms” (Crotty, 1998, p. 42). In this study, I sought to understand the meaning participants had constructed of their legal training and experience in terms of its effect on their leadership. In so doing, I was guided by Esterberg’s (2002) three assertions regarding constructionism:

1. “Humans act toward things based on the meaning those things have for them.
2. The meaning of things arises out of social interaction.
3. Meanings are created (and) changed through the process of interaction” (p. 15).

Theoretical Perspective: Interpretivism

A theoretical perspective “is an approach to understanding and explaining society and the human world” (Esterberg, 2002, p. 15). It is reflective of “assumptions about reality that we bring to our work” and serves as “justification of our choice and particular use of methodology and methods” (Crotty, 1998, p. 3). For this study, I employed an interpretivist theoretical perspective within a constructivist epistemological framework. Interpretivism “looks for culturally derived and historically situated interpretations of the social life-world” (Crotty, 1998, p. 67). Stated differently, interpretivism is an attempt to understand the meaning that is drawn from experience and social interaction (Merriam, 2002). As such, interpretivism was an appropriate lens for me to use to evaluate how participants interpreted the effect of their legal training and experience upon leadership.

Methodology: Phenomenology

Informed by an interpretivist theoretical perspective, in this study I employed a phenomenological methodology. At its essence, phenomenological research seeks to “derive meaning for a particular phenomenon from the perspective of those that have experienced it” (Crotty, 1998, p. 2), and “it requires us to engage with phenomena in our world and make sense of them directly and immediately” (Crotty, 1998, p. 79). Phenomenology rejects the notion that phenomena and the individual are totally distinct, as the “phenomena’s only meaning is derived from the experience in which it is perceived” (Crotty, 1998, p. 79). My focus, then, was not on the phenomena or the individual but rather upon the meaning derived from their interaction.

Phenomenology is the recognition that certain meanings are not necessarily innate but are provided early on from the “mélange of cultures and subcultures into which we are born” (Crotty, 1998, p. 79). Phenomenology requires one to put these previous notions in abeyance, bracketing them away, and allowing the experience to speak, unburdened by one’s previous understandings. Through this process new meanings arise. Stated metaphorically, “phenomenology slackens the intentional threads which attach us to the world” and through this process one can “watch the forms of transcendence fly up like sparks from a fire” (Merleau-Pont, 1962 p. xiii, as cited in Crotty 1998, p. 80).

Intentionality, *epoché*, and transcendental phenomenological reduction have been identified in the literature as core components of phenomenology (Crotty, 1998, p. 79). Because phenomenologists believe that each of these components is essential “to facilitate the derivation of knowledge” they will be addressed here in turn (Moustakas, 1994). Moustakas (1994) described intentionality as an “indispensable . . . starting-point and basis”

for phenomenology (p. 245). Moustakas defined intentionality in terms of consciousness or the state of being aware, and in so doing, stated that “intentionality refers to consciousness, to the internal experience of being conscious of something” (p. 28). However, intentionality goes beyond simple awareness; it also reflects on one’s relationship to the human world, particularly how meaning is derived from one’s interaction with it. As Moustakas stated, intentionality requires that one “recognize[s] that self and world are inseparable components of meaning” (p. 28).

After intentionality, the phenomenologist then moves on to the process of *epoché*, which requires that one set aside one’s preconceived notions. It necessitates “a new way of looking at things, a way that requires that we learn to see what stands before our eyes, what we can distinguish and describe” (Moustakas, 1994, p. 33). In essence *epoché* is the process of bracketing phenomena away from whatever culturally derived meanings existed previously.

Following *epoché* is transcendental phenomenological reduction. Here the phenomenon is “perceived and described in its totality, in a fresh and open way . . . [and] a complete description is given of its essential constituents, variations of perceptions thoughts, feelings, sounds, colors, and shapes” (Moustakas, 1994, p. 34). Moustakas (1994) defined each term in the transcendental-phenomenological reduction process. He stated that transcendental refers to the fact that “everything is perceived freshly, as if for the first time” (p. 34). The term “phenomenological” refers to the fact that the “world is transformed into mere phenomena,” and the term reduction represents that this process “leads us back to the source of the meaning and existence of the experienced world” (Moustakas, 1994, p. 34).

Critical Phenomenology

The above-described phenomenological processes may represent a new understanding of phenomenology. In this understanding, phenomenological research “exists as an exploration, via personal experience, of prevailing cultural understandings” (Crotty, 1998, p. 83). Yet, at its outset, phenomenology was something different. According to Crotty (1998), phenomenology was first developed as a critical methodology. Crotty postulated that, somehow in its American adoption, phenomenology has become unmoored from its critical roots. In its critical form, phenomenology is more than just putting aside culturally formed meanings and presumptions; “it is rooted [in] suspicion of culture and the understandings it imposes on us.” (Crotty, 1998, pp. 80–81). Crotty stated that “despite its ability to liberate, phenomenologists remain very aware that [culture] is also limiting” (p. 81). Culture unshackles while it simultaneously creates boundaries. Crotty added that culture imposes some meanings at the exclusion of others. Furthermore, the meanings imposed have “come into being to serve particular interests and will harbor its own forms of oppression, manipulation and other forms of injustice” (Crotty, 1998, p. 81).

In sum, phenomenology is more than just the search of new meaning through experiential interaction. Rather, as Moustakas (1994) described, it is a step-by-step process that

attempts to eliminate everything that represents a prejudgment, setting aside presuppositions, and reaching a transcendental state of freshness and openness, a readiness to see in an unfettered way, not threatened by the customs, beliefs, and prejudices of normal science, the habits of the natural world or by knowledge based on un-reflected everyday experience. (p. 41)

It's about saying "No!" to the meaning system bequeathed upon members of society, taking a fresh look at a phenomenon while calling into question the forces that created its presupposed meaning (Crotty, 1998).

In this study, I employed the core components of phenomenology identified above. I first engaged in intentionality, consciously focusing on the leadership issues addressed in the research problem. Then I engaged in *epoché*, bracketing my preconceived and culturally formed notions and focusing intensively on the meaning of lived experience as derived by the participants. Finally, through the process of transcendental phenomenological reduction, I attempted to perceive and describe the phenomena in a new and open way. In essence, the process of intentionality, *epoché*, and transcendental phenomenological reduction involves the setting aside of preconceived notions and, to the extent of reasonable practicability, one's own experiences with the phenomenon to foster a better understanding of the lived experiences of the participants. To aid in the process, I engaged in reflexive journaling to identify and expose relevant preformed notions about the phenomenon

Data Sources

In settling upon a population of interest and selecting participants, there are "two waves of decisions: the first identifies the setting or population of interest; the second details how [the researcher] will sample within the setting or population" (Rossman & Rallis, 2011, p. 67). These decisions are informed by the characteristics of the study. Here, I sought to understand how college presidents with backgrounds in legal practice interpret the effect of their legal training and experience upon leadership. As stated in the literature review, it is rare for a lawyer to be selected for the college presidency. In ACE's most recent president survey only 5.4% of respondents indicated that a juris doctorate was their highest degree

obtained, and those who have practiced law instead of coming up through the ranks of law school faculty is some unknown, but smaller, subset (ACE, 2012). Therefore, the population for this study was relatively small. For this reason, participants were purposefully selected, as it is “essential that all participants have experience of the phenomenon being studied” (Rossman & Rallis, 2011, p.137). More specifically, this study employed opportunistic sampling. Opportunistic sampling “involves on-the-spot decisions about sampling to take advantage of new opportunities during actual data collection” (Creswell, 2013, p. 155). Opportunistic sampling centers upon flexibility, allowing one to “take advantage of whatever unfolds as it unfolds” (Creswell, 2013, p. 179).

As it relates to this study, opportunistic sampling had particular advantages over other sampling methods. First, the population of interest was relatively small and not readily identifiable through systematic means. Second, given the small size and the relative high profile of the population, it was likely that I would encounter some measure of reluctance on the part of the participants, as some individuals who I contacted may have had concerns with regard to confidentiality as members of such a small population. These concerns may have created hesitancy to respond to my requests to participate.

Identification and Recruitment of Participants

Given the small population of individuals who met the criteria of this study, identifying and recruiting participants took substantial effort. Janice Friedel and Marisa Rivera served a primary role in helping to identify members of the target population. In addition, they connected me with persons within their network of higher education scholars who also suggested potential participants. These scholars included Brent Cejda at the University of Nebraska-Lincoln and Jim Killackey formerly of Appalachian State University.

Also, Aaron LeMay, who is a former practicing attorney and currently Associate Vice Chancellor for Finance and System Controller for the University of North Texas System, served as a good resource for potential participants. Others were identified using various Internet searches and by reading higher education news articles regarding this phenomena. In identifying potential participants, I focused on the following selection criteria: (a) had a juris doctorate degree; (b) had engaged in the practice of law in their professional career; (c) had not worked as tenured faculty member or academic dean; (d) had been selected president of a 2- or 4-year, public or private nonprofit institution of higher education; and (e) was still serving in that capacity or had since retired from serving as president.

The literature review provides support for the notion that law school faculty and law school deans are considered for the presidency because they are in fact academics. Though the path from law school faculty to the presidency may be one less traveled, it is nevertheless still a pathway through the usual academic ranks. Because this study was focused on those who had traveled the nontraditional pathway—practicing lawyer to president and how they approach leadership—presidents that were once law school faculty or law school deans were excluded.

Using the aforementioned contacts and resources, I identified 24 individuals who met the above criteria. Of those 24 individuals, 13 were contacted via e-mail and invited to participate in the study. Four individuals responded and agreed to participate. This resulted in a relatively small sample size. However, a relatively small number of participants is likely appropriate for this design. As Rossman and Rallis (2011) pointed out, in a phenomenological study with multiple very long interviews with each participant, “it would be unwise to have a sample of more than three to five people” (p. 139). More important than the number

of participants is reaching the point of saturation, when new data only confirm what has previously been collected and thereby signal that there is little need for interviewing additional participants (Patton, 1990). Saturation was reached early on in this study.

Data Collection

Semistructured Interviews

Phenomenological research seeks to make meaning of lived experiences, and in this study I sought to capture and understand meaning via a semistructured interview process focused on participants' stories. Indeed, storytelling is a component of meaning-making (Suter, 2011). To elaborate on the connection between storytelling and meaning making, Seidman (2002) described storytelling as a "microcosm of . . . consciousness" (p. 1). He added that storytelling is meaning making because it is a "process of selecting constitutive details of experience, reflecting on them, giving them order, and thereby making sense of them" (p. 1). Thus, it follows that interviewing is the most common method of data collection in phenomenological studies (Moustakas, 1994).

Using qualitative phenomenology, I sought to understand how college presidents with a background in law perceive their legal training and experiences in terms of its effect upon their approach to leadership. In conducting interviews for this study, I used broad, open-ended questions (see Appendix A). Using phenomenological methods, sought to suspend my own ego, I bracketed away my assumptions and, to the extent possible, let participants' stories and their meaning unfold through a semistructured process. This open-ended process is a hallmark of phenomenological methods. It allows for the participant and researcher to form a relationship based on the participants' stories, one that is devoid of formality or strict structure. Further, it is an acknowledgment that the researcher is "not the center of the

world” and focuses the importance on participants’ stories (Seidman, 2002, p. 3). As Moustakas (1994) stated, the “phenomenological interview involves an informal, interacting process and utilizes open-ended comments and questions” (p. 114). Seidman (2002) suggested that constructionism requires “broad and general” questions “so that participants can construct the meaning of a situation” (p. 8). He added that these open-ended questions should seek to understand the historical and cultural setting of the participants by focusing on the “specific context in which they live and work” (p. 8).

Two-Part In-Depth Interviews

Although the essence of phenomenological inquiry may be open-ended without rigid structures, it is not lacking of organization. Here, the interviews were organized using two separate interview sessions for each participant. Each of the two sessions focused on a different aspect of the participants’ lived experience. This multiple interview process was designed to explore meaning through contextualized understanding, for “without context there is little possibility of exploring meaning of experience” (Seidman, 2002, p. 11). Seidman (2002) added that “people’s behavior becomes meaningful and understandable when placed in the context of their lives and the lives around them” (p. 11).

Each interview session had a different focus (see Appendix A). The first session focused on present and historical experiences in relation to the phenomenon. The second session focused on how participants made sense of their experience with the phenomenon. Taken together, the interviews allowed me and the participant to contextualize and examine their lived experience.

With the permission of the participants, the interview data for this study was recorded. The resulting audio files were then transcribed by a professional transcriptionist. Then, the transcribed data were reviewed and compared against the audio recordings.

Data Analysis

In qualitative research, data analysis typically consists of the following stages: organizing the data, identifying codes, combining the codes into themes, and displaying and comparing the data through charts and tables (Creswell, 2013). In this study, I was guided by the work of Moustakas (1994) and Creswell (2013) in developing the phenomenological data analysis process. That process consisted of “analyzing the data for significant phrases, developing meanings and clustering them into themes, and presenting an exhaustive description of the phenomenon” (Creswell, 2013, p. 194).

Because of the large amount of data generated during this study, I used QSR International’s Pty Ltd.’s NVivo qualitative analysis software. The use of computer-assisted analysis is growing among qualitative researchers, but it is not yet widely used (Creswell, 2014). Nevertheless, there are numerous benefits for using qualitative analysis software. In this study, using the QSR programs facilitated the organizing of, storing of, and searching through the data, allowing me to retrieve and analyze the data more efficiently (Creswell, 2013).

Trustworthiness Criteria

In this study, I sought to conduct a rigorous and in-depth examination of the above-identified phenomenon. In so doing, I relied on the following strategies: (a) member checks and (b) a reflexivity statement.

Member Checks

In member checking, the “researcher solicits participants’ views of the credibility of the findings and interpretations” (Creswell, 2013, p. 252). Although there are a variety of techniques available, “this technique is considered . . . the most critical technique for establishing credibility” (Lincoln & Guba, 1985 p. 314). As Creswell (2013) suggested, I allowed participants to review the preliminary theme analysis for their input on the validity of their input as well as what had been omitted. Participants also had the opportunity to view their transcribed interview.

Reflexivity

Merriam (2002) defined reflexivity as a “critical self-reflection by the researcher regarding assumptions, worldview, biases, theoretical orientation, and relationship to the study that may affect the investigation” (p. 31). This is a process whereby researchers as human instruments set forth their position in relation to the study, including their values and assumptions that may affect the analysis (Merriam, 2002). Below, I provide a reflexivity statement setting forth my background and how it affected my assumptions regarding the topic. Then, throughout the research process I set forth ongoing thoughts about the research. As stated earlier, *epoché* required that I put aside my presumptions. This reflexivity statement was the method by which I attempted to identify assumptions so that I could bracket them away.

Reflexivity statement. In addition to being a graduate student, I am a lawyer. I practice in the area of higher education law. The phenomenon identified in the literature is that lawyers often do not receive formal leadership training in law school or subsequently during their years in practice. I have personal experience with this phenomenon, as it holds

true for me. I cannot recall a time, either in law school or during the completion of any of my continuing legal education requirements, when I attended a course on leadership or when one was offered.

Delimitations

This study was limited to college presidents with a law degree. Participants were either current or former presidents of 2- or 4-year, regionally accredited institutions of higher education. This study was focused on how college presidents who were once practicing lawyers perceive their legal training and experience in terms of its affect upon their approach to leadership.

Limitations

The following limitations should be considered. The first that must be considered is my role as a researcher. As a law school graduate and having had experience in the practice of law, I have some experiential knowledge of how legal training and coursework may affect leadership. However, using trustworthiness criteria described earlier, I worked to ensure that the results were not biased by my prior experiences.

A second limitation is the small population and correspondingly small sample size. Also, the identified population of potential participants lacked racial and gender diversity. As set forth above, college presidents with law backgrounds are relatively rare. Moreover, this study captured only the experiences and meanings as formulated by a few individuals in these populations. Thus, the results may not be applicable to other contexts or generalizable to all college presidents with experience in the practice of law.

Opportunistic sampling was used because of the difficulty in identifying persons who met the criteria of this study. Ideally, I would have liked to use maximum variation sampling

to include graduates from various tiers of law schools and those who had government, nonprofit organization, law firm, and in-house corporate counsel legal experience. However, as a graduate student with limited resources, I did not possess the means to identify and include participants from such a wide array of backgrounds.

I made efforts to build rapport with participants and encourage honest and open responses. However, my limited resources did not allow me to interview each participant in person. Therefore, interviews were conducted via phone. This may have served as a factor in the openness of participants and limited what they chose to share. In addition, because the participants occupied such a high profile, they may have perceived certain risks in sharing sensitive information.

Ethical Considerations

Good research is that which is done ethically (Merriam, 2002). Primary among any ethical consideration is to ensure that all participants are protected. As a practicing lawyer and as a graduate student, I have taken courses and successfully passed examinations on ethics. I have successfully completed the Multistate Professional Responsibility Examination (MPRE), a two-hour, 60-question examination that governs the professional conduct of lawyers. I have also received certification from the National Institutes of Health's (NIH) Office of Extramural Research on protecting the rights of human research participants. After receiving authorization from my research committee to begin this study, I next had this study and its methods for participant protection approved by the Institutional Review Board (IRB) at Iowa State University (see Appendix B). Once IRB approval was obtained, I began recruiting potential participants via e-mail using the consent letter (see Appendix C). After agreeing to be a part of the study, participants were asked to sign the consent form (see

Appendix D). The consent form as well as the consent letter set forth the rights of the study participants. These rights included the right to withdraw their participation at any time, the right to have their identity remain confidential, and the right to skip any question. To ensure confidentiality, I used pseudonyms to protect participants' identities. This included the name of the participant and any person the participant identified. In addition, fictitious names were created and used instead of the actual name of the institutions where participants studied or were employed.

Summary

In this study, I sought to understand how college presidents with experience in the practice of law make meaning of their legal training and practical experience in terms of its effect upon their leadership. In this chapter, I set forth the methodological framework used for this study. More specifically, I used a constructivist epistemology, an interpretive theoretical framework, and a phenomenological methodology. Participants for this study were selected using opportunistic sampling. Data were collected using a two-part phenomenological interviewing process. The data were then coded, and using NVivo 10 software, themes were identified.

CHAPTER 4. RESULTS

In this chapter the results of this study are presented. This study comprised an examination of how college presidents with juris doctorates make meaning of their legal training and their work experience in the practice of law in terms of its effect upon leadership. All four participants were interviewed over two sessions. The audio from the interviews were recorded and resulted in over 150 pages of transcribed data. To aid in the presentation and understanding of data, the findings were divided into three categories: (a) pathways to presidency, (b) leadership development, and (c) leadership in practice.

The section titled Pathways to the Presidency includes participants' descriptions of their educational and practical experiences that were personally meaningful along their pathway to the presidency. The section begins with an examination of the participants' pathway to the presidency. The section also presents responses related to the first research question, that is: How do college presidents with a background in the law perceive their legal training and work experience in terms of the benefits to them as presidents and the effect upon their approach to leadership?

In the section titled Leadership—The Hard Way, I present participant responses that relate to the second research question: What experiences have been beneficial to college presidents with a background in the law in developing leadership? As set forth in the literature review, scholars have explored the dearth of formal leadership training lawyers receive while in law schools or from continuing legal education courses offered by their state bar association. In the context of the aforementioned phenomenon, in this section how participants believed they came to develop their leadership skills is examined. This includes participant responses on how they defined leadership, how they perceived themselves as

leaders, the effect their legal training had on their approach to leadership, and their experience with leadership development courses and mentorship.

In the section titled Application of Leadership, data are presented relevant to the third research question: How do college presidents with a background in the law characterize their approach to leadership? Here participant responses are presented that show how they approached leadership from a practical perspective. This includes participants' narratives that exemplify their approach to leadership, an examination of how participants respond to the specific contextual challenges posed by leading an institution of higher education, and how they respond to criticism.

Pathway to the Presidency

In this section, the study participants are introduced and an in-depth examination of their pathway to the presidency is provided. The description of the participants' pathway begins with their educational journey, progresses through their legal and various other types of work experience, and concludes at the presidency. Participants' postpresidency professional experiences are not relevant to this study and are not presented in these findings.

In both the consent letter and consent form, I notified the participants that their participation in this study would remain confidential. Therefore, pseudonyms are used in the presentation of the findings in this chapter as well as the discussion in Chapter 5. In addition to the use of pseudonyms for participant names, the names of colleges and universities where participants worked or studied have been omitted.

Participant Profiles

Sam. Sam was raised in the suburbs of a major city on the east coast. He graduated from a public high school before attending an elite private liberal arts institution. From there,

he graduated *summa cum laude* and attended an Ivy League institution, where he enrolled in a dual-degree graduate program. Four years later he graduated with a juris doctorate and a master's degree in public policy. For the more than 20 years that followed, Sam was engaged in the practice of law as a commercial litigator at a large, regional law firm. He also worked at several smaller law firms during his career. While practicing law, Sam simultaneously devoted a significant amount of time to the nonprofit sector. This included *pro bono* legal work as well as serving as a volunteer and board member for various nonprofit organizations. Seeking to utilize his degree in public policy full time, Sam left the private practice of law and sought a full-time position in the public sector. It was at this time that he was offered a position as general counsel for a large private research university. Intending to stay as general counsel for a short period of time before continuing to pursue a public sector position, Sam worked as general counsel and served in other roles at the university for almost a decade. He was promoted out of the general counsel role to become the executive director responsible for one of the university's separate campuses and oversaw the addition of a graduate program at the university. Soon thereafter, Sam accepted a position as president of a private liberal arts university.

Rick. Rick attended large state universities for both his undergraduate work and legal studies. Later he returned to graduate school to obtain a master's degree. Upon the completion of his legal studies, Rick began work at a small-town law firm. He described his practice as a typical practice for a small-town lawyer. His caseload consisted of a wide variety of legal matters. Standing out among his client list were the small municipalities he represented. These municipalities did not have the resources to hire full-time in-house legal counsel. After some time, he ran for and was elected as district attorney for a local

municipality. While serving as district attorney, his role consisted mainly of prosecuting high profile personal crimes, such as homicide, rape, child molestation, and domestic violence. After serving two terms as district attorney, Rick returned to the private practice of law. After some time back in private practice, Rick ran and was elected into a position within state government. He served two terms in that role before he was hired to be president of small, rural 2-year state college.

Alan. Alan completed his undergraduate studies at a state research university. He then obtained a master's degree in higher education administration. Thereafter, he worked in various administrative roles in higher education including leadership training and working with student organizations. He then accepted a position as assistant dean of students at a large state research university where he had responsibilities over orientation, student leadership development, and student conduct. While working full time as assistant dean of students, Alan enrolled in law school. Upon completion of this degree, he accepted a position as associate general counsel at a university where he focused on litigation and patent licensing. He left the general counsel's office to begin working for a personal injury firm. Soon thereafter, he left to open his own legal practice focusing on litigation, including personal injury and construction litigation. He then attempted an unsuccessful run for an elected position within state government. He retired from the practice of law for a short period of time before receiving a call from a local college to serve as in-house counsel and lobbyist. He served in that role for a couple of years before being recruited and selected as president of a community college.

Chris. Chris was raised in a remote rural town. Prior to college he was very active in civic organizations and in his local church. He continued to serve in various capacities once

he enrolled in college. Chris attended a large research university for his undergraduate studies and was elected president of the student body. Thereafter, he served in the U.S. military. Upon his return from military service, he attended law school at an Ivy League institution. After completing his studies, he returned to his home state to practice law. At his firm, he maintained a transactional practice with both corporate and nonprofit clients. In addition to practicing law, Chris served in various nonprofit and business executive organizations. After practicing law for several years, he accepted an appointment by the governor to an office in state government. Thereafter, he was appointed to the state board with oversight responsibility for the state's higher education institutions. He served on that board for more than 10 years. From there, he applied to and was selected as president of a large state institution.

It was a requirement for this study that all participants had to have practiced law at some point prior to becoming a president of a college or university. Although the practice of law was a commonality among the participants, there was still much diversity in terms of their work history. Some of the participants were litigators, whereas others were transactional lawyers. One served in the military, and three held positions in state government. Despite their varied experiences, each participant at some point developed an interest in becoming a college or university president. The next section comprises data regarding when participants developed interest in being president of a college or university.

Interest in the Presidency

The participants all had similar educational backgrounds and work history. Each had obtained a juris doctorate degree and soon thereafter began practicing law. However, each developed an interest in the college presidency at a different stage. Some like Rick had

detailed plans early on to be a university president. Rick explained how he became interested in the college presidency as follows:

I was the student body president at my undergraduate school and had what I thought was just an unbelievable spectacular experience. I was a member of dean's council and university council and the board of trustees that year. Got to know very, very well the university president and vice president of student affairs. These people really inspired me, and I always wanted to find a way to have a three-part career. My goal going into college was to go to law school. My goal in being a lawyer included spending the time in public service, like being a congressman or something. That was my naive dutiful goal. But then as I went through college and had these great experiences with university administrators, I added having a university life. So leaving my bachelor's degree and going to law school, I had a goal to spend roughly a third of my career as a lawyer, a third of my career in public service, and a third of my career in higher education. I naively thought, "Wouldn't it be fun to be a university president?" And so I almost accomplished that, sort of. I became a university president, had a successful legal career, but I was never a congressman or something like that, but I was [in state government] and so that's kind of the story. I've always wanted to have multiple careers that I could build upon experiences from each to inform the next.

Rick explained how, although he had attained much of what he had envisioned for his career's trajectory, he did not see his accomplishment in becoming a college president as solely the result of his gifts or talents:

I've just thoroughly enjoyed being what I've been able to do. Yeah, so that's the goal, and when people now ask me, "Hey, I want to be a university president," I tell them it's just unbelievable luck so this is not something that . . . that you can . . . it's fortunate circumstances. I'm really a believer that that's true, true for me.

Like Rick, Chris's trajectory toward the college presidency began as he was completing his undergraduate studies. He had a good experience while serving in leadership roles as an undergraduate student. Like Rick, Chris was also a student body president. However, whereas Rick had developed a three-part career plan that included the practice of law, serving in congress, and being college president, Chris's interest in being college president did not begin until he began serving on boards with either oversight or service to higher education institutions, as he explained:

I think it was first of all, I loved college and I was student body president. I was successful. I knew the president because I worked with him on university matters. But I think it was really the 10 years I spent on college boards, and I was head of the board that oversaw the universities, I was head of the board that was advisory to this university's president, I was on a fundraising board for the College of Law, I was on a fundraising board for the general university foundation. So I had a lot of exposure to issues of importance to the university, and I came to believe that if I wanted to express my desire to serve my state, being president of the university would be a great way to do it, and I was not disappointed. Almost all issues in this state somehow travel through the university president's office during the course of their discussion.

Chris and Rick were very intentional about their interest in the college presidency early on, whereas Alan and Sam's interest in the presidency developed later, seeming to

result from a mix of happenstance and calling. Alan explained how he developed an interest in become president:

I don't think I ever sat down and said I want to be a college president and I know . . . I was only [working at a] college . . . for 2 years before I got my first presidency. . . . Things just kind of fall into place and . . . I think I worked pretty hard, and at least these people that had to make decisions agreed with me. So . . . not that I ever went after one, but actually the search consultant that hired me for [my first] presidency, I'd known him since [the 1960s]. We [worked at a college] together, and so he called me . . . pretty much out of the blue when I was working for [another college], asked me to apply for the job, and I went through the process and got it. He was also the search consultant . . . when I got the job this time so . . . it's kind of . . . developing relationships over time and then . . . working hard.

Alan's calling to enter into higher education stemmed from his work as a lawyer. He noted that he saw commonalities in the types of clients he represented and his student population:

The kind of students that we're serving here are the same kind of individuals I represented in my law practice. . . . Many of them just . . . want things made right and they're willing to work to get it done. They want to do better for themselves and their families.

Likewise, Sam found his way to higher education drawn by a calling. Alan seemed to have been drawn by some kinship between the types of individuals he represented in his law practice and the type of students at his institutions. Sam, on the other hand, seemed to be pursuing a need to have a greater effect on societal change. As set forth above, Sam was

heavily involved in nonprofit and social justice efforts while practicing law. However, as he expressed, his frustration with the practice of law seemed to be what sent him in search of a career change:

My frustrations with the law and the business of law got to the point where I was no longer interested in billing my time in 6-minute intervals at \$400 an hour on projects that judges wouldn't read and that made no difference to clients; so I gave 6 months' notice to my firm [that] I was quitting the law.

Although Sam intended to quit law and begin working for a nonprofit full time, he somewhat reluctantly took a job as general counsel. Drawn by a need to effect societal change, Sam explained his transition as follows:

Higher education is the last and best chance that we as a society have to inculcate the value of service to others into the hearts and daily routines of those who are not only privileged but inevitably destined to be leaders of our communities, either in business or in politics or public service or community service or nonprofit activities or whatever. And the way that you get . . . the only way I can see the term, the legal profession, was to make sure that those going into the law from college . . . appreciated and held dear their ability to influence the quality of lives not just for . . . themselves and their families but for their entire communities, which would benefit them in the long run. So I saw going into higher education as the way that I could best shape public policy and quality of life for communities, and that had always been a passion of mine.

After working in higher education for some time, in various high-level capacities, Sam began pursuing the college presidency:

I had done virtually all the stuff you'd want to do in higher education leadership except actually teach classes. And so as I was anticipating the end of my term in [one location], I started throwing my hat into the ring for certain leadership positions in higher education, [as] president for a liberal arts school, which . . . has been my passion ever since [my earlier college days], and I was awarded the presidency.

In Chapter 5, the themes that are central to the question of how college presidents with legal training and experience in the practice of law come to understand and make meaning of these experience in terms of their effect upon leadership are explored. However, before that can be fully explored it is important to provide a framework for understanding not only the paths that led the participants to the presidency but also their motivation for doing so. The next section explores how participants have made meaning of their experiences in the practice of law and legal training.

Thoughts on Legal Training and Practice: Benefits to the Presidency

Clark Kerr, who helped establish the University of California System, spoke about the qualities of lawyers that make them good presidential candidates. He stated that their legal training and experience have made them “accustomed to living with controversy” a commonplace element in the daily lives of many college presidents (as cited by Johnson, 1987, para. 6). Kerr was not a lawyer but could envision the value of having a lawyer as a university president. In this section, data on participants' perceptions of the benefits of legal training and experiences in the practice of law are presented.

Participants generally perceived their legal training and work experience as being great assets to them in their role as president of a college or university. Indeed, there were no contrary views among the participants regarding this point. Chris expressed his perception

that his legal training and experience in the practice of law allowed him to make decisions amid ambiguous factual context:

I think that one of the benefits is every lawyer has a problem. There are facts and those facts have to be applied to the law, so you have to dig up the facts, you have to discover the law, apply them, and then . . . try to resolve the issue in hand. And I once told another president who wasn't a lawyer that . . . as a lawyer I've learned to dig into facts and law until I was ready to bet someone else's life or property on my assessment. But as a lawyer, you gain the confidence to make a decision in the face of ambiguity. I think that's very important. While you're so used to the judge thing, let's move on, whether it's a perfect assessment of what the facts are, a perfect assessment of what the law is, lawyers have to go on. So living with ambiguity's a big skill a lawyer has too.

Chris also related how he saw value in his legal training because it taught him how to relate to many different types of people and personalities:

At Harvard Law, Derek Bok, former dean of the law school, was president of the university. He had legal training but . . . he was not a legal private practitioner. He was a professor. But if you look at the presidency . . . all the way up to Barack Obama, there's been a lot of lawyers in Congress and the Senate. . . . I think that you can relate to different segments of society because that's what lawyers have to do.

Alan commented on how he found that his experience as a lawyer made him better able to understand and navigate issues with legal consequences and also gave him the willingness to address those types of problems early on before they began to fester:

I do not practice law here. But because I have a legal background . . . I'm a better consumer of legal services because . . . most of the time, I have a better idea of what questions to ask and challenge . . . bold statements that X, Y, Z is true. Well, X, Y, Z are not always true. And so just to better challenge cause in the end, I know that . . . when the crap hits the fan, the fan's always pointed towards the president. So . . . sooner or later, I'm going to get it so I might as well be involved earlier on. . . . I always say you can't change the law, but you can change the facts . . . and it's the facts that kill you.

In addition to being a better consumer of legal services by knowing what questions to ask, Alan also believed that his legal training put him in a better position to protect the university from legal liability, noting:

I think one thing . . . my law degree does . . . I read things with a different eye than most other people. I mean, words are important so . . . I think too often in higher education . . . we don't worry about contracts, we don't worry about . . . documents 'cause everything works out for the best and it will be okay. Well that's generally the truth. But a lot of these documents . . . they're not good for the institution. . . .

Probably the outcome may not have changed in the end, but it could have been worse if you . . . haven't read the documents that you're signing.

Although Alan saw benefit in legal training, he expressed that much of the functional benefit the he gained from his legal background came from his work practicing law:

Well everything we do has legal consequences and so I think that . . . not only having a law degree, I think you have to practice law. . . . I don't think a law degree does it. I think you have to have practiced law in the trenches so that you really understand it. I

think it just gives you a much better grasp of the consequences of everything you do because, again, everything we do has legal consequences.

Like Alan, Rick found that having practiced law made him a better consumer of legal services. Rick also found that having litigation experience made him less anxious about the threat of litigation. In fact, he explained how he saw it as a benefit when someone with a conflict with the institution retained legal counsel:

So somebody comes in and says to me, “Hey, we can’t do that because we’ll get sued,” and I say, “Bull, I don’t care if I get sued. I understand this better than anybody does, we’re not going to get sued and, if we do, tough luck, let them sue.” Or somebody comes in all scared, “Oh my gosh, this is terrible, they just hired a lawyer,” and I’ll say, “No, we should be happy about that because now they got somebody they can talk to and we’ve got somebody reasonable we can work with; this is a positive thing. We should never make anybody feel bad about that.” Or somebody from the HR office comes in and says, “I don’t think we can do this.” I say, “Well, I actually think we can.” So I think that as long as a lawyer working as a president doesn’t take on kind of an arrogant-ish sort of “I’m a lawyer, I know everything approach” and does it softly enough. . . . I found myself relieving people, helping our own department chairs, HR, legal counsel think through things more clearly.

Similarly, Sam perceived that his background in legal training and in the practice of law aided him while he was president and noted how the time that he spent as university counsel was particularly beneficial to him:

As a litigator, I had to predict worst cases, I had to think around corners, and so as a general counsel, I spent most of my time advising my client on better ways of doing things and to avoid the potholes or claims that would derail or postpone or delay implementation of good things; we just had to think of a better way. As general counsel of the university, I spent an enormous amount of time mediating disputes between and among the president and the vice presidents, the vice presidents and the provosts, the provosts and the deans, the deans and the department heads, the department heads and the professors, the professors and the students, all fighting about little tiny, crappy things, which were all big things to them, but getting a real appreciation for the way you move a complex organization forward in the context of dispute resolution.

Participants were questioned on their perceptions of whether their legal training and experience in the practice of law served to adequately prepare them for the presidency. Participants' responses are set forth below. In general, participants found that their experience was more than sufficient preparation. Some even viewed their pathway and preparation superior to those who reach the presidency through a more traditional means.

Chris gave a detailed account of how the skills learned in legal training matched up very well with the typical duties of a university president:

First of all, let's think about what you learn. In law school . . . you learn about the basic tenets of organization of our society, the civil wrongs, the criminal wrongs, the legislative process, ethics . . . specific kinds of regulation and so forth. Those are all good backgrounds for a lawyer. You also learn how to write and how to advocate and how to teach young lawyers how to help you . . . how to motivate young people

to be with you, all that kind of sort of thing. So I really do feel that law is [an] adequate degree to become president. I do think, however, that like any other degree you might have, practical experience with education is important.

Chris also explained how his legal experience prepared him for dealing with the regulations and the various constituencies concerning higher education:

Well I do not underestimate the power of studying law. . . . This relates to a couple of your later questions, but . . . you learn how to resolve disputes, you learn how to write clearly, you learn how to speak in public, you learn how laws are made and regulations are made. Today, higher education is a highly regulated business, and it is subject to political, I guess I would say, leadership inclinations in the legislature and the governor's office and the regents or the board of governors. And so I think law was the big prep, especially the way I did it. I was not a litigator; I helped people solve their problems.

Rick perceived that their backgrounds had clear benefits to them in their capacity as university presidents. However, Rick expressed how his background in particular, having practiced law but also having served in politics, made him better prepared to face the challenges of being a college or university president than someone whose pathway was through academia only, particularly someone who rose through the ranks of faculty:

So I want to answer that a little broadly if I can. I happen to believe that the background of being a lawyer and, in my case in particular, being a lawyer who was an elected county attorney and an appointed city attorney for multiple municipalities and, adding on that, working on family law matters and small business litigation and HR challenges at all different places where I've been, that that legal experience that

included kind of a public relations political component as I'm advising mayors and city councils how to work through very difficult public challenges and how to work with their staff, community, all these things and then the political part that goes even as far as working with the state legislature as a member of the state legislature, that that is the perfect training to be a university president. I think it's vastly superior to being a history teacher who becomes a history department chair who becomes a dean who becomes a provost, becomes a president. Every single day of my life, I'm a lawyer part of the day, I'm a politician part of the day, I'm a fundraiser part of the day. I have to keep an eye on regulation and legislation that's going on. That is the most helpful thing. I'm negotiating issues all the time. And all of these skills that I've described I gained as a lawyer. They don't naturally come to teachers who become department chairs. I think law is the greatest preparation for all these skills. Rick added to his point that colleges could benefit from someone serving as president from outside of academia as follows:

I am a lawyer every day and I believe the university is better off by having somebody [who] understands all of these things so well than an academic who's never, ever experienced this stuff. We have plenty of academics on campus. What we really need is somebody who respects them in their role that can make these really hard decisions and do them in an informed way fearlessly, fearlessly.

Chris expressed similar thoughts:

I was a lawyer and was exposed to a lot of leaders and leadership problems and I think, more than anything else, that prepared me, which is a different breed than starting as a professor and becoming a chairman and then a dean and then a provost

and then maybe president of a small college and then president of a large college. I jumped right into the fire. And so part of that was my own inclination that I could lead.

Participants generally found great value in their legal training and work experience as practicing attorneys. Participants perceived that their legal training and work experience was a good pathway to reach the presidency and that their pathway adeptly prepared them for the day to day duties as president. However, none of the participants had experience as a tenured faculty member. The next section includes data on the challenges presented by the lack of faculty experience.

Challenges Associated with Lack of Faculty Experience

None of the participants had served as tenured faculty prior to becoming president. Although, generally, participants did not view that experience as vital to their role as president, they did, however, see a need to address their lack of faculty experience in some way to alleviate the concerns of faculty at their respective institutions. Rick and Sam were the only participants to discuss this matter, and in general, they found that being cognizant of the faculty's concern helped alleviate the matter. Rick noted:

Let me make one little comment about being the president as a lawyer and that is I think that people have a love/hate relationship with lawyers. They have a lot of respect, but they also have some significant negatives. So I think it's important for a lawyer acting as the president of the university to do everything in her or his power to not talk like a lawyer, to not act like a lawyer, to use all the lawyer skills and approaches and everything but to never talk like one because they don't want to be reminded that I'm a lawyer. . . . They want to think that I'm one of them. So I never

say things like we need to get some evidence on this. . . . I just avoid all the lawyer talk because I don't want them to think they're talking to a lawyer, I don't want to act like lawyer talk. I'm going to talk like an American, so to speak. I just want to talk like an average, everyday person. So I've worked hard to rid myself of lawyer speak. Not speaking like a lawyer relates to developing an understanding of the cultural context of higher education. Rick discussed how he worked early on in his career to learn the culture of higher education:

To be a president of a university, one really has to know the culture of the universities . . . really has to understand the culture. And that is, of course, what a faculty member who moves up the ranks to become a president gets naturally. Lawyers have to figure that out. And so for me, I graduated from law school, I got a law job, and then I immediately began working to build all these connections to higher education. I became an adjunct faculty member. My dad was a faculty member, so I had this at the kitchen table. I did some volunteer projects. I became a member of a trustee for a college, spent 12 years as a trustee including being a chair of the board. And in the legislature, I was on the higher education appropriations committee. So I've spent a lot of time while practicing law really understanding the culture and governance and the values of higher education. And I think that's critical to be successful. So if a lawyer is going to ultimately become a president, that lawyer has got to find a way to really understand the culture, and part of it is convincing the faculty in particular that you're one of them or that you understand them or you care about them and you value what they value in order to be able to lead them successfully in the shared governance role.

Sam also spoke about the challenges of, and how he overcame, being in the small minority of presidents that have reached the college presidency from the practice of law without having first been a law school faculty member or dean:

On the challenges that lawyers face becoming presidents: What a lawyer brings to the position of presidency is not good teaching. It's not good scholarship. It's not the traditional basket of attributes that have allowed schools to promote the best of their best to be the image of who they are. . . . What lawyers bring to the role that isn't helpful is the suspicion and irritation that nonlawyers generally have towards lawyers because their experiences with lawyers have been less than satisfactory because the justice system doesn't deliver justice, because lawyers are expensive, because lawyers have enormous egos, because lawyers always sit at the end of the table and demand respect, because lawyers talk a lot, because lawyers dominate, because lawyers, you know, all that kind of stuff. And so [lawyers] are low on the list of people that academics really hope will come in and lead their schools. So it's a challenge to build that bridge, to create the elements for success that are most needed these days in the schools that need them most.

Summary

This section contained participants' responses regarding their pathway and preparation for the presidency. First, the participant profiles provided a general overview of each participant's pathway and preparation. Next data on how the participants' understood their pathway and preparation in terms of its benefits and challenges were presented. In the next section, the study moves beyond preparation and delves into how participant understand their background in terms of its affect upon leadership.

Leadership—The Hard Way

According to the literature, lawyers receive little formal leadership development education in law school. Also, there is a dearth of legal development courses offered by local state bar associations. Thus, there seems to be a void in leadership training for lawyers. Though few lawyers are chosen to be college president, lawyers often occupy leadership roles. The question then becomes: How do lawyers in leadership roles navigate around or fill this leadership preparation void? According to Rubenstein (2008), they form leadership the hard way (p. ix). Was that true for the participants of this study? If so, how did they describe the hard way? What follows are participant responses on how they navigated or filled the aforementioned void. First, data are presented on how participants defined leadership. The next section includes participant responses on how they perceived themselves in terms of leadership. The third section contains participants' perceptions on whether their legal training and experience practicing law adequately prepared them for leadership. In the last section, participants' perceptions about how areas other than their legal training and experience practicing law affected their approach to leadership are presented.

Defining Leadership

As set forth in the literature review, there are many ways to define leadership and various ways in which leadership has been understood and has evolved since the inception of the concept. In short, there is great diversity in how the concept of leadership is defined and understood. Likewise, there was a wide diversity among participants in the way each defined leadership.

Chris noted how he often studied the literature on leadership and was fond of Burns's definition of leadership:

I've always been enamored with James MacGregor Burns' definition, motivating others to act in their own self-interest. That's paraphrasing it, but he defines it, as most writers do today, as a relationship between one who aspires to lead and those who choose to follow. One writer I read said followership is a voluntary act. And so to get people to follow you, you have to . . . appear to be acting in their self-interest. And so motivating others to act in their own self-interest is pretty much what I think. I was on a panel with Burns one time and . . . I asked him if he would say ethically motivating others because that was a lot of scandal . . . in society at the time. He said "Yes, I took that for granted," but he would say ethically motivating others to act in their own self-interest.

Though Chris was steeped in the theoretical understand of leadership, other participants expressed the concept in more practical terms. For example, Alan described leadership in terms of communication and team building:

To me, it's building a team and giving them the support that they need and to make sure that there's adequate communication. . . . Whether it's a business, a church, or a marriage, communication's what kills you or the lack thereof. So I think my job is to make sure the various sections of the college understand what's going on.

Rick defined leadership in terms of getting the organization to work toward a vision. According to him, getting buy-in into his vision for the organization involves some manner of manipulation:

[Leadership is] moving somewhere with other people, not moving somewhere alone. So leadership is creating a vision, advancing the vision, and advancing it with a lot of other people who are part of that vision. That's the way I would describe it. It's the ability to do that and it involves, I would use in a positive way, it involves some manipulation. . . . I've got a lot of things that I want to accomplish, but I cannot tell people this is my goal, please do it for me. . . . It's more like showing up at the school and finding people who share the same vision and then empowering them and then giving them the credit and helping them succeed. All the while, it's really my goal. But there are so many people here that, every goal one could have, it's shared by lots of people. So [among] some of my most important initiatives I could introduce you to all the people who think that it was their idea and their initiative, and I'm thrilled they feel that way, but it wasn't; it was my idea.

Similar to Rick, Sam also described leadership in terms of getting followers to buy in to a shared vision, setting forth several definitions for leadership:

One is the ability to identify targets of opportunity, futures, visions around which competing interests, different interests, [and] different segments can come together and own part of. The second is the ability to motivate people by desire, not power, to want to and actually contribute to the production of the elements that are required to reach that vision. And the third is ensuring that the elements and the outcomes are not owned by the leader but by the producers so that, when the leader leaves, there is sustainability over the elements. So vision, management, and persistence for sustainability I think are the three criteria I would use to define what a real leader or what leadership is all about.

Sam also expressed how he believed that leadership is learned through action, not through classroom instruction:

Leadership to me is a process. . . . It's what you learn by doing. It's how you learn to get people to abandon parochial interests and focus on common interests while preserving their perspectives, trying to maximize benefit, not necessarily their own personal benefit, but getting some benefit out of it but making sure other people benefit as well in a way that, after the leader steps out, the resolution continues because it is mutually owned by the participants. And I learned that by doing. I never learned that in a class.

Self-Perceptions of Leadership

After participants were asked to define leadership, and per the interview protocol, they were asked a series of questions designed to elicit responses about their perceived leadership style. Specifically, participants were asked (a) How would you describe your leadership style, (b) what qualities set you apart as a leader, and (c) how do you get the people you lead to perform at their best. Participants' responses were wide ranging.

Chris's leadership style appeared to be shaped his family and by a moral calling. Honesty and transparency were salient for Chris. During his interview, he used terms like transparency, honesty, or ethics 12 times:

So I've tried to be a good person. Sometimes I've failed at that but, most of the time, I did the very best I could to be honest and I think that also prepared me to become a president. . . . I try to be a transparent and honest president, and not everybody wants to be transparent, not everybody's honest, but I think the people who are thinking that they didn't have an educator as a president soon learned that there were assets to

having people who had a good sense of what was right and wrong and how to communicate.

Chris characterized his leadership style in terms of motivating others to act in accordance with his vision:

Some presidents come in, spend a year studying, and then announce what they want to do. I knew I wanted to do some things. I move quickly and moving quickly sometimes has problems associated with it, but most of the time, people want their leaders to act and they want to know in what direction they're going. So I set up task forces, administrative, student affairs, different things like that, had people working on the direction of the university. . . . I followed a long-serving president . . . so people were ready to take a look at a new course of action.

In terms of getting followers to perform at their best, Chris described a multipronged approach. The first prong of the approach focused on ensuring that persons were employed in positions that matched their skill set. The next prong involved giving them the right training, and the final prong involved ensuring that followers were rewarded properly for their efforts:

Well I think the first thing is selecting the right people. . . . Good people apply for different jobs; some of them aren't necessarily made for those jobs. They are made for some other job, but selecting the people who have the skills to match the job requirements. I think delegating to them clearly what you would like them to do. I think having the team engage in goal setting and mission valuation, things of that nature so they're familiar with what you want them to do, giving them the right training, all of which I did when I was here, and then being liberal with praise. In

public education, we don't have the ability lots of times to reward people with big salaries . . . like one does in business and that sort of thing, but I think you can invest in praise and then give them a raise when you have the money and, if they know you care about them and are giving them a chance to lead, I think people will follow.

Chris also noted that the efforts of followers were a vital part of his work as president:

So you got to have good people. You don't run the university yourself. What you do is motivate others to run it well. So I didn't try to run the university. I tried to get the right people to express my values and to help them form collective values that we shared.

There seemed to be substantial overlap in Alan's perception of his leadership style when compared to Chris's perceived style. Like Chris, Alan noted that hiring good people and supporting them were vital components of his leadership:

The ability to attract very good people to employment with wherever I happened to be and then letting them do their job and then supporting them where I could actually accomplish something and then paying attention to the data. . . . If we're going to hire somebody to do a job . . . what's the data say now and what's our expectation as to what the data should say if they're doing their job correctly. So . . . the data doesn't drive us but it informs us. So I think that that is . . . something that I've done particularly well.

Alan reiterated and expanded upon the importance of supporting followers:

I see my number one job as being a cheerleader for those [who] want to really work hard. . . . It's taking a personal interest in them, understanding what they want as a professional as well as what they want on the job, and understanding what their skills

are and what their roadblocks are and helping them clear the way. The biggest issue that most leaders have is the entrenched bureaucracy and regimen that preceded them. So it's just letting them know that they've got my support to change things that should be changed . . . and just personal encouragement.

Alan's leadership style centered on self-perceptions of drive and work ethic. The concept of hard work was repeated frequently during his interview, for example:

You know . . . I'm [near the age where some people retire], and I'm as excited about work as I was when I was 19. When I wake up in the morning, I can't wait to get to work . . . and I love that. I've never had a job that I did not absolutely love. And I feel as I've gotten tired with a job . . . I leave and . . . so far, I've always landed on my feet.

Alan went on to add the following:

I'm a relative workaholic. . . . I get to work at 5:30 in the morning or 5:25 actually and . . . work till after 6:00 at night and then frequently go to night meetings. I work every Saturday at least four hours, every Sunday at least four hours. But you know, for me to keep up with all the things that are going on, it takes that amount of time. And again, every other president may do the same thing. I don't know. . . . The one thing I do know that I hear people comment on is that I'm everywhere. You know, if there's a meeting of a chamber or a political meeting, whatever it may be . . . I'm always in the room. One of my several phrases . . . [is you] must be present to win.

Rick, in his response to the aforementioned questions on leadership style, discussed the delicate balance he tries to strike to impart his vision upon the institution while

simultaneously allowing others to take some measure of ownership and input over the institution's direction:

What I like to think is that I am a very, very collaborative, understanding, humble kind of a person who doesn't need credit for anything but who wants people to feel like they're being well led. It's a hard balance to set a strong direction and inspire people while all the while trying to make it look like it's everybody else's idea and that you're trying to help them succeed in their goals. So I would describe myself as a rather nonlawyer-like sort of humble person who doesn't talk like it's me. I rarely use the word I, even if that's the right word. I rarely, really use it. I feel like I'm very collaborative. I have certain principles that are undeniably important to me and that I'm unwilling to compromise on, but within that, there's a lot of room for other people to share in it or modify some components of how to get there. . . . Anyway, so I think I'm somewhat . . . humble, collaborative though strongly directed and willing at the end of an informed process, I'm willing to make very, very difficult decisions that I'm convinced are right that will make other people angry. So it's a balance of this strong versus humble orientation. You have to be in both places at certain times.

Rick also provided insight into his perceptions of the importance of delegating tasks and knowing when to do so:

So I'm one guy. I can't sit in my office and accomplish the goals I have; it's not possible. I can get a lot more done if I can motivate 850 people to do it, so I'd get 100 times more done, to find people . . . that have got the skills and the knowledge and the excitement about it. So there's a tradeoff between the things only I can do, the things that I can delegate and someone else can do but maybe not do quite as

good, and the things that other people can do far better than I could ever dream of doing and how to spend my time in those three different areas; it's really hard to figure that out perfectly well. And no matter what, one of those areas or all of them still are lacking. So if I can get somebody . . . in one of the other departments to feel really jazzed about something that I also want to get done, they're going to do a better job. So that's . . . what I think the value is.

Like Alan and Chris, Rick also discussed the importance of providing support to his followers:

If I can spend 2 hours every day just going from department to department or faculty office to faculty office, staff to staff and just listen to them, hear what their dreams are, what their hopes are, figure out what in there matches the university's mission or my vision and then for me to help excite them about that, then I think I could be enormously productive and help everybody else build things. I can do more for morale by giving somebody a 10-minute really great listen than I can by raising their salary. . . . I generally believe that everyone on campus knows or can know what my weaknesses are. I don't need to hide them from them. They know or else they're going to figure it out. But while I can make them feel great, if I will walk in a humble way and say, "I need a little bit of help, can you help me figure this out," they do. It's awesome for both of us.

In response to the questions regarding leadership style, Sam also discussed his efforts to collaborate with institutional stakeholders. He also perceived himself to be a servant leader, and he described what servant leadership meant to him:

I lead from a round table. . . . In the 40 years that I have been out here doing stuff, I have only infrequently sat at the head of the table. I usually sit at the middle. In all my years as general counsel . . . I only twice summoned anyone to my office; I always went to theirs. I think servant leadership is what drives me because I believe that what I'm doing is not at all for me but in service to a greater mission and calling. . . . What I brought was 100% trust in people with whom I worked and 100% transparency, well 95% transparency in everything on which I worked with them, and no one ever worked harder than I did. I never asked anyone to work longer hours or work with greater intensity than I worked. I demanded that my salary be less than what was paid to the prior presidents. . . . I never put in for expenses and the like because I knew that the finances of the school were terrible. I refused to hire administrative staff that I knew were needed when the result would be we'd have fewer dollars to pay salaries for folks who were their sole wage earners for their families and whom I thought were materially underpaid and the school . . . was abusing [them] . . . by paying them less because it knew that they wouldn't leave.

This section presented data on how participants defined leadership as well as data on how they characterized their own leadership. Participants' responses were varied. Sam described himself as a servant leader, whereas Chris identified most with James McGregor Burns' definition of leadership. The section that follows explores the meaning that participants made of their legal training and experience in the practice of law in terms of their effects upon leadership.

Leadership Preparedness

As set forth in the literature review, lawyers receive little formal leadership training in their law school or from their respective state bar associations. Though leadership curriculum and training has become a common component of business schools and organizational management disciplines (Rivers James, 2010), law schools have continued to focus almost exclusively on understanding the black letter law, building analytical reasoning skills, legal research, and writing. This is an omission that Hamilton (2011) cited as a “professional dereliction” (p. 1). In this section, data are presented regarding the various ways that participants perceived their legal training and experience in the practice of law in terms of preparing them for leadership.

Law as preparation for leadership. Much like what the literature suggests, Chris did not include law school classes or state bar programs in discussing his leadership development. Rather, he noted how he developed much of his leadership skills while engaged in the practice of law:

The facilitation skills I’m writing about in my article I learned when I was a lawyer when we had a trained facilitator come in and teach 10 leaders in the firm how to run better meetings and that sort of thing. I think being in practice . . . you don’t walk [in] and tell your tax partner, “Hey, do this by 4:00 today” like you might in a business. You can do that if you have associates and so forth. But basically, you’re in a collaborative environment, and you have to help each other and . . . it’s more like being on the faculty. When you’re a professional, it’s more like being on the faculty than it is if you’re in business.

Like Chris, Rick also discussed how the practice of law helped him as a leader by making him a better communicator and by helping him develop critical problem-solving skills:

I think that my legal training helps me be a critical thinker, to avoid quick assumptions, to recognize that in every case there [are] multiple sides to the story, that even the person who is as wrong as wrong as wrong can be has something that's valid. And I think you get that in legal training and legal practice.

In terms of critical thinking Rick added:

We also develop this—at least those whose legal practice is the type of legal practice that does it—we spend a lot of time in mediation, a lot of time trying to help people recognize reality. So my first partner said you have two jobs as a lawyer: number one is to get the very best thing possible for your client and number two is to convince your client it's the very best thing possible. So not only are we negotiating between adverse parties but we're also trying to work through the emotions of our own clients and really think carefully to analyze problems. It's spectacular training for leading the university.

Likewise, Sam also highlighted his critical thinking and analysis skills when discussing leadership skills that he gleaned from his legal training and practice and also related the art of trial lawyering and using persuasion as a means of effectuating change:

So my legal training gave me the ability to analyze, to take the big picture and break it down. My [postgraduate] training . . . got me to think about policy and implementation, which made me always begin to think [about] how the policy comes out at the end of the pipeline, not how you start it by drafting the policy or the

legislation. And as a trial lawyer, it was the second skill, the how do you change, how do you affect, how do you make 12 jurors who you don't know agree with you, what are the big ideas, and how do you work backwards to prove it? In public policy school, it's called reverse mapping, and the idea is you project. You're always trying to figure out what . . . you need in order to persuade and you make sure that you do the research and answer the questions before the questions come up. It's also risk management. You look at problems . . . you look at possibilities, and you try to figure out where can they derail and what do you need, what can you put in place to either mitigate that risk, eliminate the risk or insure against it or not do it or just accept it. So that kind of professional skill at anticipating problems or your opponents and preparing thoroughly for engagement was also a lawyering skill that I think served me very well as a university president.

Preparation outside the context of law. Despite the lack of formal leadership preparation programs offered in law schools and state bar associations, participants, as set forth in the prior section, drew upon their legal education and work history in preparing for leadership. However, they did not rely exclusively upon their legal background as preparation for leadership. Some participants found value in both formal and informal professional leadership development programs, which will be addressed later in this chapter. This section includes participant data on other types of preparation outside the context of the law.

Chris credited his service on higher education boards as being partly responsible for his leadership development. As set forth earlier, Chris served on the board that oversaw colleges and universities in his state. At other times, he also served on a law school

fundraising board, a university foundation fundraising board, as well as a college president advisory board.

Likewise, Sam developed leadership through the service of others. Sam's focus, however, was on service to persons in financial need:

In my own career, I spent a substantial amount of time doing volunteer legal services for the poor *pro bono*, and as a result of that, I was engaged with many volunteer efforts or many nonprofits, both in the legal services and the associated lower income or transformative sector like Habitat for Humanity or MANNA or food banks and things like that. And the experiences I gained in that professional/semi-professional volunteer community leadership role also I think made me appreciate even more the urgency of inspiring college students to use their gifts in a service to community, especially for those who are not as privileged as they. So in terms of how I drove my presidency, it was very much in the it's not about service learning that's all about you, it's about service and community and how we can help other people's viewpoint, and so my role as a lawyer and its professional emphasis on service to those without the means to pay for lawyers I think was a third core value and strength for me as a college president.

In addition to his work to benefit persons in financial need, Sam also found leadership development by volunteering with those in the business community, particularly his local chamber of commerce. As Sam explained, volunteering with the chamber served as a mechanism to develop leadership, but it also served to benefit his students:

I was also very engaged with the chamber of commerce. I thought it was essential that our higher education not be limited to what you can get . . . on this side of the

stone walls and the safety of our campus, but that the real value/proposition for any university had to be the employability of its students afterwards. So I took every effort I could to get involved in chambers of commerce, and I did that not just for the major majority chamber but also minority chambers—Hispanic, African American, Asian, Pacific—where it was not just to be the White guy in the room, but I'm trying to anticipate how they could be of use to my students and how my students could be of use to them, 'cause I saw in those organizations the ability to help my students mature. So that just meant more work, more meetings, evening stuff . . . but I thought it . . . ended up being a leadership thing for me, but it wasn't because I was looking for leadership things for me. It was the way I was going to be able to pull assets from them to use for advantage for my students.

Others also found value in serving in the chamber of commerce; this included Chris and Alan. Both these participants stated that service to the community was a key to their leadership development. This service took various forms. In his early life, Chris was involved in church and local civic groups. Service in these groups, as well as family influences, were impactful in his leadership growth

I grew up . . . in a small town. My father was a small businessman and my mother was a nurse. My dad had been in the military. My mother had a huge heart. And I think the family life was part of my leadership education. For example, my mother was my den mother. I grew up in the scouts, and I became an Eagle Scout, and if you do that, you do get experience leading, and I was an . . . elected officer in my church group in high school and so forth. So I had developed leadership skills prior to my formal higher education.

In regard to the influence of his father in particular, Chris added:

As I said, my parents were wonderful people. My dad was [an] exquisite role model of fine character. . . . He's dead, but I never heard him tell a lie in his lifetime. And so sometimes that got him in trouble but, most of the time, he was deeply respected.

Chris also explained how, later in his career, he found value in service on various boards:

I was head of the . . . business executive organization. . . . I belonged to the chamber and all the other things that corporate lawyers do. And I was appointed by various governors who I knew; it's a small state, I was appointed by various governors to higher education boards, which got me interested in higher education administration.

I was actually on relevant boards for 10 years before I became president.

In addition to service in their local communities, participants also found value in serving in politics. Whether it was appointed or an elected position, all participants served in or ran for state political office.

Leadership development courses. Leadership development for the participants was a life-long endeavor. For example, Chris engaged in leadership development programs very early in life as a scout and in his church. Rick, on the other hand, found that leadership programs he enrolled in as an undergraduate student to be the most salient. According to Rick, "I had a whole series of formal leadership programs when I was an undergraduate student, and they were spectacular. I still rely back on things I picked up."

The previous section comprises data on how participants developed leadership through mostly informal means. Participants stated that their legal education, their work experience, and various types of service opportunities in which they participated aided in their leadership development. Participants were also questioned about their experience with

formal leadership development programs. They were asked to share any skills, traits, and techniques that they learned from such programs as well as their general perceptions of the value of these programs. The results of this line of inquiry were mixed.

Several participants indicated that they found little value in formal leadership development programs. For example, when questioned about his experience with such programs, Alan stated that there was very little benefit to such programs compared to their expense, specifically

I am very unconvinced that going to national conferences is a benefit to the institution. I think it's good for the people sometimes for networking, but it's an extremely expensive endeavor with relatively low return. I prefer to pick things that are targeted like . . . we're very active in a STEM group in Washington, D.C., that puts us in touch with . . . dozens and dozens of large multinational companies which . . . directly benefit us as well 'cause those are the companies we work with.

Indeed, Alan added that there was more value in some of the development that he was already doing on campus:

I used to take them . . . to the national [conference] and . . . we'd take eight or ten of them, plane flights, hotels, easy to blow through 10,000 bucks, and they would say they learned nothing there that we weren't already doing here. . . . It's a nice reward for people that work hard to give them the chance to go out and visit with their peers nationally but . . . I think [there is]very little return on investment to the institution.

Alan clearly believed that the costs of the large formal leadership programs outweighed the benefit. Rick believed similarly, describing:

I went to Harvard University's experienced presidents' seminar, spent 3 days, spent a ton of money. I didn't take anything out with me. I thought it was a complete waste of my time. It's a bunch of talking heads, passing out handouts.

When asked to elaborate about what he meant about the term talking heads, Rick stated:

Well so you get these faculty members that are brilliant and rightfully so, and they have a lot that they've learned, and they can get up and give a great lecture, great lecture. And after sitting for 2 days, I might pull out three or four concepts that I'd like to go home and learn more about, but they're small pieces, and they're speaking to a large group, and they're not very experiential based. They're talking heads mostly. . . . It's harder for me to sit and listen.

Rather than formal leadership development courses, Rick preferred to learn about leadership in a more informal setting. Rick expressed his perception that there was greater value and greater opportunity for leadership growth in having a back-and-forth conversation with the expert or lecturer in question:

For me, the best way I can develop leadership is to sit down with somebody [who's] a great leader or has a quality that I admire and try to figure out how to learn from that person. And if there's a subject that I need to know more about or . . . some area of the university that we need to develop, then I just go about processing, kind of self-study it or find people [who] know and talk to them. and I'll find books and read them.

He added:

What I like to do is get in a very informal environment—it's not lecture based; it's sit down with any of those academics. . . . So for example, we had somebody visit our

campus and give a lecture, an hour-long lecture, and it was really amazing. She used every academic term she knew, so we were all impressed with how smart she was. Most everything she said went over the heads of everybody in the room 'cause nobody was trained in her narrow discipline to understand her language. Like a lawyer in a room talking to a bunch of lay people that, [for] half of them, language goes over their head. But if there's one lawyer in the room, we've impressed the lawyer. So after this lecture was over, I had a chance to have lunch with her. That was unbelievable 'cause we were able to talk back and forth . . . and follow rabbit trails . . . that was great. So these seminars to me are staged presentations, [academically] staged, but if I can find somebody . . . I admire [who's] written a book or get two or three people together [who have] read the same book, and we can just sit down and brainstorm, then the creative energies really get flowing, and I find that to be spectacular, so that's my preference.

Sam, on the other hand, did find some benefit in the formal leadership development program he attended as president. Instead of a lecture-based program with "talking heads" as Rick described, Sam described the leadership development program that he attended as more collaborative and ultimately beneficial:

That was a really good leadership training program for college presidents. The issues we talked about were fascinating. The different approaches that . . . other college presidents would have to issues was probably more instructive than the materials or the professors . . . the practitioners who came to talk to us, because it really opened my eyes to the variety of different approaches and stratagems and philosophies that

people . . . highly educated people can bring to analysis and resolution of issues. So that to me was truly excellent.

According to Sam the benefits of this leadership development program were not just the collaborative instruction; it also extended to the network that he developed among the members of his cohort. Sam stated that the leadership development resulting from the conversations with individuals in his cohort exceeded what he experienced in the classroom:

What it created was . . . a network. . . . We enjoyed seeing each other when we saw each other, and I think we met quarterly or something like that or maybe every month or every other month, but in between meetings, we took advantage of the opportunity to call and say, “Hey, help me think through something.” And I think, in my experience, that’s been the best value of education programs, not the one shot, you’re in class, learn what you got, and go home, but connecting with others who you know share a common orientation and the brain power to help advance your own thinking and experiences that will enrich it where you don’t have those experiences.

Chris also attended a formal leadership development program during his presidency. The program focused on decision making, and Chris expressed how he found it challenging but beneficial:

So I also went to a decision-making conference on how to make good decisions. . . . It was a difficult thing because I had not studied that much like an engineer might, but it was truly helpful . . . biases and decision making and intuitive decision making, analytic decision making, different things like that.

Chris noted that, in general, he found formal leadership development programs beneficial:

We would talk about the issues. It gave me a good sense of where I was. Was I staying up, was I current, did I know what was going on, did I have anything to add? I think . . . testing your own position.

In addition to this more formal component, Chris also created a more informal mechanism for leadership development. Chris described how this program served not just as leadership development for himself but also for his staff:

So then also I started bringing in these gurus I'd been reading about and, over the 12-year period, I bet you I brought in 25 or 30 major writers on the subject of leadership, and I would have the team of the university together, and we'd have like a conference where we'd listen to this person and [talk] about their books and their ideas afterward.

Likewise, Rick developed an informal leadership development program for himself and his staff. Rick described the program as follows:

We have a cabinet meeting almost every Monday morning, two or three Mondays a month, and we have 2 hours blocked out for the cabinet, but we'll spend the first half hour or 40 minutes talking about some leadership issue or idea, some book that somebody's been reading or an article or something on campus that we ought to talk about as a group. So it's really kind of a training, leadership development component of every cabinet meeting. . . . If for some reason, all we have is an hour . . . we'll still do this training. And it might take a half an hour to get through it 'cause I think that the relationship building and development for each of us is that important.

Mentorship. As set forth above, there are many pathways through which participants developed leadership skills. The explanations in the previous subsections illustrate the participants' experiences with leadership development courses. Whether it was a formal or

informal leadership development program, participants consistently preferred collaborative learning elements of the courses. This section includes participant responses about their perceptions and experience with mentors and the role those mentors played in developing the participants' approach to leadership.

As a youth, Chris connected with leaders within his community, and they served as his mentors. Chris described how, through each stage of his life, he connected with the mentors who were in close proximity to him:

I've had great mentors my whole life. In my small town, I had family members and . . . my mother's family was from another state and she had family members. But . . . I got to know other leaders in town—the scout master, the pastor . . . the banker, the lawyer . . . and everybody knew who everybody else was. So I had [that] before I came to campus. Then on campus . . . when I became student body president, I was close to . . . the vice president for student affairs and I was close to the president of the university. I did not have as many mentors [when I was enrolled abroad] because I wasn't there very long, but I had good friends and friends are mentors in their own way. Same thing at [law school]. And then when I came home, I was in a firm that was small enough, seven lawyers, that they had to invest in their future partners. So I had two or three lawyers I worked with who took me under their wing, explained what was going on. One of them was a great war hero, and he was nice to . . . get me involved in the community and say [Chris] is going to do a good job for you, put him on that committee and so forth. Some of my clients became great mentors—bank presidents and association leaders and things of that nature. So I've had lots of mentors, and I give them a lot of praise because they had a rough stone to work with

and they tried to smooth it up. And these mentors, some of them were 40-year mentors, I called them every time I had a [question or problem] . . . or they'd feel free to call me and tell me about what they thought and that sort of thing.

Rick expressed how he identified a specific mentor who helped him understand leadership but also found that he could learn leadership traits from almost anyone with whom he interacted:

So the mentor in my life [who] helped me think through leadership more than anybody else or better than anybody else was the vice president of student services . . . who also served as my advisor when I was a student body president. He did a lot of training/mentoring. I watched him. He was probably the most of anybody. And then I would say that every person I've interacted with since then has had a trait about leadership . . . everyone, whether I liked them or not, whether they were on my side or not, everybody's had something, so I'm constantly looking for those things.

Unlike Chris and Rick, Sam found it difficult to locate good mentors. He explained how he even found that individuals who are good leaders don't necessarily make good mentors:

I never was privileged enough to have a mentor, so that was something I wish I had had but never had. . . . I was the number two to a very creative, very dynamic, very energetic president. . . . I was general counsel and then I became executive vice president under him at his request. And I said one of the deals was that he had to mentor me and teach me why he was doing certain things, and he promised to do that. So I figured that was . . . about as good as I was going to get. He was totally terrible at mentoring. He was so egotistical and so much of a tornado that he never ever

thought about mentoring me. And when he tried, it was, “This is what I do, watch what I do,” rather than figuring out where I was and helping me grow from where I am. So that was really inadequate all the way along through higher [education].

The participants were able to obtain mentors with varying rates of success and at various stages of their respective careers. Chris was fortunate enough to have had mentors around him his whole life. Rick found his most influential mentor while an undergrad, and Sam did not find a mentor who he thought was impactful.

Summary

In this portion of Chapter 4 the experiences that shaping participants approach to leadership and how they made meaning of those experiences were examined. The final portion of this chapter examines how participants practiced leadership.

Application of Leadership

In this section, participant data are presented that show the various ways in which participants put leadership into action. First is a presentation of their comments about leadership challenges within the realm of higher education. This is followed by their descriptions of how they implemented leadership in practice. Finally, comments they made about how they respond to criticism are provided.

Leadership Challenges Specific to Higher Education

Leadership is not practiced in a vacuum. The setting or context in which the leader finds herself or himself may be as important as an individual’s approach to leadership. Rick noted how leadership in the context of higher education is different from and more challenging than is leadership in the context of private business:

If you're just a lawyer or a CEO of a corporation, you can create a vision and you can go there and demand that everybody go with you and be successful. Of course, in higher education, we operate through a system of persuasion and consensus to try to bring people along. So leadership is far more complicated at a university than it is anywhere else in the world that I know of. It's more like political leadership than it is like CEO leadership.

Chris had similar thoughts on the challenges of leading an institution of higher education. He provided this perspective on the challenging context of higher education:

I asked the dean of the Harvard School . . . who owns the university, and he said, "Oh my goodness son, never ask that question let alone try to answer it; there're too many people that think they're exclusive owners, and they all have a different idea about how to run the place."

Chris went on to explain:

So it is not an easy job because you have so many different powerful constituencies. Parents paying the bills, students going to class and growing up, faculty who are basically, a lot of them are in their own kind of world, and that's how they get to think deeply about their subjects, and that's what we pay them for. You have . . . hospitals that may be running out of money, you [have] . . . athletic departments . . . you [have] things on campus happening that are in the news; it's a volatile situation. . . . What a president has to do I think is maintain a sense of stability and act stable in a volatile environment sometimes. That's more important than I've expressed. . . . I really think that is important.

For Chris, trying to provide a sense of stability was salient. As he described, it's not just the disparate interest of stakeholders that make leading a college difficult, it's also the ever changing political environment:

Almost all issues in this state somehow travel through the university president's office during the course of their discussion. . . .Today, higher education is a highly regulated business, and it is subject to political, I guess I would say, leadership inclinations in the legislature and the governor's office and the regents or the board of governors. I think one big challenge for . . . big public universities is the volatile environment in which the presidents find themselves.

Participants indicated that contextual challenges for leadership emanated from various stakeholders. Previously, the focus was on challenges emanating from state political structures that affected primarily participants who worked as presidents at public institutions. However, whether public or private, the board can present challenges for leadership. For example, Rick described the challenges he faced with the board affected how he interacted with others:

But my [board and board staff] drive me crazy, and I can have these conversations with them and think you're not listening to me or you've got [many] schools you're overseeing, and I wish you would care about mine. I'm one of the smaller ones. I wish that you cared about me as much as you cared about the big ones. And in every single one of those conversations that I get frustrated, I walk away thinking I have got to not act this way with the people that report to me. I have got to not be this way with everybody else, and it's a constant reminder. So I love the experience of feeling not listened to . . . 'cause it reminds me that I need to listen.

Sam described how his leadership challenge with the board stemmed from a difference of opinion regarding his vision for the university and the role of the board:

I worked probably 19 hours a day every day of the week. And it was really truly exhausting, but I was convinced that the school faced a lot of imminent challenges that needed to be addressed because, if they weren't addressed quickly . . . the festering would lead to much greater threats that could be fatal for the school. And [the chairperson of the board] didn't see it that way. [The chairperson] was annoyed that I was doing too many things at once . . . was annoyed that I was spending too much time with students because it wasn't presidential. What do you say to something like that? And when I talked about the necessity to be international so that our students appreciated diversity so that they could do better in their communities as leaders of the whole, not just of the segments they come from, that pushed [the chairperson] the wrong way. . . . But I wore it on my sleeve, and they knew where I stood, and I refused to do things that I was being told to do on what I thought was not just principled grounds but moral and objectively better grounds than I was being told to.

Leadership in Practice

In responding to questions about their leadership, participants described how they implemented their approach to leadership at their institutions. These accounts were sometimes in the form of narratives. At other times, participants described their process for facilitating meetings with senior management or their process for dealing with a particular challenge. It should be noted that participants were not directly prompted to provide narratives or practical descriptions. Although participants' perceptions of their approach to

leadership were insightful, their narratives and practical descriptions provided further understanding of their approach to leadership. Moreover, these narratives and practical descriptions are insightful because they illuminate not only how participants were practicing leadership but also the specific context in which they were practicing it.

Chris found the leadership tactic of motivating and inspiring his followers through praise as particularly useful. He also provided the following narrative regarding his approach to using praise:

And I think you can praise. I've watched people praise their staffs, and I think that was really good. In fact, my wife and I discovered that there was no award here. . . for certain groups of people. And so we set up a[n] . . . award . . . with a certificate and it said . . . "has excelled at." The first one we gave was to the man who planted the tulips on campus in the spring, and people would marvel and go out and take pictures and sit there and love it and say it was one of the best things . . . and they looked forward to it in the spring. But no one had ever thanked him, so we went to the physical plant, had his wife come in, had all the guys come in 20 minutes early and gave him the . . . award. Everybody cried. It was very nice. Another thing, we used the shining star. . . . We gave [it to] the spouse of one of our big donors . . . he'd never been mentioned. And we said he's been to all these banquets and dinners and been supportive of his wife and so forth, and he just thought it was wonderful. And so you learn a lot about praise and investing in praise and that sort of thing by watching other people do it.

In addition to this narrative on the use of praise, Chris also provided a narrative related to leading in a time of crisis. The crisis in this example was the terrorist's attacks on September 11 and their aftermath:

Two days later, I spoke on the lawn of the campus. Seventy-five hundred people came and, for something like that, you're either ready or you're not. And in my case, I talked about Winston Churchill, I talked about . . . Abraham Lincoln, I talked about other stresses, leaders . . . countries that had [crises] and how they faced them and how it was important to be prepared to fight and defend our democracy while treating everyone fairly, and . . . the next few days of walking around campus, I'd see students from the Far East, you know, kind of cower away. [I] caught one of them crying and I said "What's wrong," and she said, "I don't know what's going to happen." So it's not just politics; it's events of the day.

Alan gave practical insight into how he approaches leadership and discussed his approach for understanding the role and function of the persons who report directly to him:

So when I got my first presidency . . . I went around to all the vice presidents at the college . . . and I said, "Okay, tell me about your job so that when I go as president, I'll understand . . . the VPs and functions that report to me." And so I learned a lot just about the detail. So I think knowing the details of what's going on makes me a good president. I don't know that anybody else doesn't do the same thing, but that's something that I try to really have a good handle on: the facts, the numbers, the budgets, enrollment trends, whatever. So I try to know about as much about everybody's job as they know to the extent that I can.

In discussing leadership, Sam revealed how he had been transparent—perhaps a better term may be authentic. In his narrative Sam discussed being “open” with a perspective donor:

I remember going to a donor’s house. . . . She was an artist, and she had her art everywhere. We had a wonderful time. And there was a pond in her back yard that was drying up, and the question of global warming came up, and she basically said she thought it was a crock, and I disagreed with her. Now she ended up giving money. Did she give as much money as she would have if I hadn’t disagreed with her? Who knows. But the development director I was with told me I had done really foolish things and I said that, on the contrary, I thought that the value of an educated mind was the ability to discuss and disagree on issues of importance, listen to the other side, not try to win but at least be open, so if I couldn’t express my opinion and show that I was a thoughtful college president, I’m just sucking up. So you know, maybe I did bad as a college president in that regard. I didn’t need to pick a fight with her. I just thought it was a very limited viewpoint for someone who had been so privileged to be where she was that she wasn’t thinking. So who knows. There’s that leadership or the opposite of leadership.

Responding to Criticism

Participants faced direct challenges to their leadership. Sometimes, as in the example of Chris responding to his campus during the aftermath of 9/11, the challenges were due to circumstances beyond the participants’ control. In other situations, the challenges were in the form of criticism from followers or other stakeholders. This section includes data on how participants responded to such criticism.

Rick expressed how, despite how he may have felt initially about the criticism, he tried to find things from which he could learn:

I think I'm like the vast majority of humans. We have an initial negative response to criticism and tend to be a little defensive. . . . So I think I'm like everybody else and this is something that I struggle with a little bit too. . . . This is my goal. I don't tell you that I'm doing this well. This is my goal. My goal is that when somebody criticizes me, I don't want to shut them down because there's probably something there that I can learn from them or there's something underlying in their message that I need to help them with. And so my goal is to listen carefully, to validate what they're saying, to thank them for being brave enough to tell me because too many people are timid, and to make sure that at the end of the discussion when they're criticizing me—again, I'm telling this is my goal, I'm not telling I do it well—but my goal is that at the end of our discussion that they feel good about themselves and validated for having engaged with me as a person. . . . And I want them to know that I have reasons for what I do and to try to help them understand that but to try to find something in what they told me that I can tell them that's a great idea; I'm going to try to work on that. We both come out better off as a result of it. . . . This is where I say I'm very happy that you're going to keep my name clear and some of my comments.

Chris relied, in part, on skills he learned as a lawyer when addressing criticism. He explained how it was like being in a negotiation:

I think you have to listen and I think that's one thing I learned as a lawyer. . . . If you're negotiating and someone wants to be critical of you or your clients, you've got

to listen to them, see what they're saying, and you have to be empathetic and ask if they're right. And I think that's very important. You have to take notes, listen, show them. I've found that if people think you listen and made a different decision, they [think], "Well at least I got to talk to him; he seemed to understand what I was saying." And I think that's important.

Chris also spoke about the value of remaining open and receptive to the criticism without taking it too personally:

I think one thing to remember is don't get so used to it that you're not influenced by criticism. You know, you get pretty tough, you get pretty tough, so you don't care what people are saying; you just want to go to bed, or you want to go out to a movie or you want to go on to the next thing you've got on your plate. So I think listening and asking is . . . right. . . . I think asking others to respond and asking the staff not to be too protective . . . all those things are important. I try to respond to the feedback . . . by framing what I thought the questions were and answering them to the best of my ability. Framing the questions or framing criticism is very important.

Chris also expressed how he handled criticism by giving it an outlet:

I think also not taking it too personally. When you head a large organization, people are going to direct their criticism to the head of the organization 'cause that's the only place they know to direct it, if they know where to direct it. . . . We had this parents club, and we had a person called the parent advocate, and their job was to take parents' complaints and solve them. And one of the legislators said, "What have you done up there; I don't get any complaints anymore, and what is this parents' club anyway." . . . And I think that structuring how you receive criticism, I think being

willing to have it come into the office and giving people a place to vent and say what they believe. Some of the criticisms are absolutely correct and you have to be man enough or woman enough or leader enough to accept them.

Summary

The study's findings were presented in this chapter organized into three overarching sections. The first section, Pathways to the Presidency, provided participants' descriptions of their educational and practical experiences that were personally meaningful along their pathway to the presidency. In the next section, Leadership Development, participant descriptions were presented on experiences that were influential in their leadership development. The final section, Application of Leadership, contains participants' responses on how they practice leadership in their role as president of a college or university. The findings from the study presented in this chapter will be interpreted and discussed in the next chapter.

CHAPTER 5. DISCUSSION

In this chapter, first a summary of the study is provided and then the findings from the study are interpreted and discussed. The discussion section includes an examination of how the findings fit within the context of the literature review. Additional themes from participants' responses are discussed. This chapter also includes implications for further research and recommendations for the future.

The purpose of this study was to examine how college presidents with a background in the law make meaning of their legal training and their work experience in the practice of law in terms of its effect upon leadership. The findings of this study may have several implications. The literature review set forth the impending leadership crisis in higher education. Specifically, scholars have raised questions regarding whether there will be a sufficient number of qualified individuals in the traditional leadership pipeline to fill the positions opening by the predicted number of retiring college presidents. Although the dominant pathway to the presidency remains through that of the CAO (Murray, Murray, & Summar, 2000), by examining college presidents who reached the presidency from the practice of law, this study may contribute to the discussion of how the pool of individuals presumed to be qualified to be college presidents can be expanded to incorporate persons outside of the traditional pathways.

In addition to broadening the pathway to the presidency, the study may have implications for the educational offerings of law schools and state bar associations. As set forth more fully in the literature review, lawyers often hold leadership positions of national importance (Rhode, 2011). Despite the prominence of lawyers in leadership positions throughout state and federal government, law schools and state bar associations have been

slow to develop leadership preparation courses for lawyers (Hamilton, 2011). Given the dearth of leadership training for lawyers, this study may provide insight into how lawyers go on to develop leadership.

The literature review provided the contextual framework for this study by identifying relevant past research. The first section of the literature review focused on the role of modern college president including a perspective on the modern college presidency, the changing role of the college president, and the modern college. The second section of the literature review provided an overview of the intersection of law and higher education, including an examination of the literature on the influence of law and legal counsel on higher education; lawyers, leadership, and legal training; and lawyers as college presidents. The final section of the literature review was focused on leadership and included literature on defining leadership and leadership theory.

For this study, a qualitative research design was used to understand participants' perceptions of their legal training and experience practicing law in terms of their effect upon leadership. The study was guided by a phenomenological approach. Because phenomenological research seeks to "derive meaning for a particular phenomenon from the perspective of those that have experienced it" (Crotty, 1998, p. 2), it was the appropriate approach for this study of the meaning participants drew from their legal training and experience.

Potential participants were identified using opportunistic sampling, which centers upon flexibility, allowing one to "take advantage of whatever unfolds as it unfolds" (Creswell, 2013, p. 179). This was an appropriate sampling method for this study given the relatively few number of colleges participants who met the criteria of this study, that is: (a)

had a juris doctorate degree; (b) had engaged in the practice of law in their professional career; (c) had not worked as a tenured faculty member or as an academic dean; (d) had been selected president of a 2- or 4-year, public or private nonprofit institution of higher education; and (e) was still serving in that capacity or had since retired from serving as president. Of the 24 individuals identified who met the criteria, 13 were contacted and invited to participate and four responded. Those four participants took part in two semistructured telephone interviews. The data from the interviews were analyzed in a method consistent with the approach outlined in Creswell (2013), “analyzing the data for significant phrases, developing meanings and clustering them into themes, and presenting an exhaustive description of the phenomenon” (p. 194).

The three themes that emerged all centered on the participants’ lived experiences with the phenomenon. The first theme, pathways to the presidency, comprised how participants’ educational and practical experiences were personally meaningful along their pathway to the presidency and what meaning they derived from their pathway in terms its benefits to them as presidents as well as an the challenges presented by entering the college presidency through their particular pathway. The second theme, leadership development, addresses the second research question and includes experiences that were beneficial in developing the participants’ leadership, given the dearth of formal leadership training lawyers receive while in law schools or from continuing legal education courses offered by their state bar association (as detailed in the literature review). The second them also addressed how participants believed they had come to develop their leadership skills, how they defined leadership, how they perceived themselves as leaders, the effect their legal training had on their approach to leadership, and their experience with leadership development courses and

mentorship. The third theme, application of leadership, relates to the third research question: How do college presidents with a background in the law characterize their approach to leadership? Participant provided responses showing how they approached leadership from a practical perspective, including narratives that exemplified their approach to leadership, how they responded to the specific contextual challenges posed by leading an institution of higher education, and how they responded to criticism.

Findings

To aid in the placement of participants' responses in the broader context of the literature and to provide the reader with an organized presentation of participants' personally meaningful and relevant experiences, the findings are structured consistent with the study's research questions, as follows: How do college presidents with a background in the law perceive their legal training and work experience in terms of (a) their benefits to them as presidents and (b) their affect upon their approach to leadership? What experiences have been beneficial to participants in developing leadership? How do participants characterize their approach to leadership? Each research question is addressed below in turn.

Research Question 1(a): How do college presidents with a background in the law perceive their legal training and work experience in terms of the benefits to them as presidents?

The literature review revealed that lawyers are viewed, at least by some, as possessing a distinctive skill set that would make them good candidates for the college presidency. According to Kauffmann (2001), university lawyers are uniquely positioned to know more about the function and scope of the university than is any other person, save the president. Thomas Ehrlich, a lawyer and former president of Indiana University, spoke of

lawyers' skill sets that make them desirable candidates. He stated that lawyers are "trained to take a problem, break it into its component parts, work through the issues and put it all back together again" (as cited in Johnson, 1987, para. 10). Even non-lawyers, like Clark Kerr, commented positively on the skills that lawyers possessed in terms of benefits to the university and expected that the hiring of lawyers as college presidents would become a trend (Johnson, 1987)

Kerr's prediction has yet to materialize. However, Kerr, Ehrlich, Kauffmann, as well as others perceived that a lawyer's skill set would be beneficial as president. Participants believed the same—uniformly so. They believed that their lived experience of academic legal training and practical experience from working in the legal profession had positive meaning and great value. The participants perceived that their pathway and preparation aided them in decision making and allowed them to confidently make tough decisions amid difficult or ambiguous circumstances. In addition, that perceived that the practice of law allowed them to relate to many types of people and with various personality types and also made them better problem solvers, better mediators of internal disputes and negotiators with external parties, better consumers of legal services, and better protectors of the university's assets.

Indeed, there were very few aspects of their pathway and preparation that the participants did not perceive as invaluable assets. Two participants even indicated that their pathway to the presidency made them better prepared to be president than a pathway through a college's academic unit—the pathway most often taken. In essence, modern college presidents "devote considerably more time" with external groups in an effort to "raise financial gifts from alumni and other potential donors; [meet] with leaders in social, business,

and political circles and serving on external advisory boards” (Goldschmidt & Finkelstein, 2001, p. 34). Participants perceived themselves as particularly well-suited to thrive in this modern context.

Despite the overwhelmingly positive meaning participants associated with their pathway and preparation, participants were nevertheless cognizant that others within the university may have been dismayed that the president was not selected from the academic ranks. Further, participants were aware that individuals within the academic departments may be hostile toward them because of bad experiences they had had with lawyers or with the justice system. Participants addressed these concerns by working to understand the culture of the institution, by using the skills of a lawyer but not acting or sounding like a lawyer, and by building connections with faculty—all skills that a lawyer would use in attempting to build rapport with a jury.

Without exception, participants thought their legal training and experience practicing law were great assets to them as presidents. Participants were able to cite skills learned in law school and needed for the practice of law that they perceived to be absolute assets to them as presidents. All but one participant also described how they overcame the concerns of faculty.

Research Question 1(b): How do college presidents with a background in the law perceive their legal training and experience in term of the effect upon their approach to leadership?

This research question was focused on a phenomenon identified in the literature. Throughout American society, lawyers occupy leadership positions of national importance. The majority of U.S. Presidents and recently almost half of the U.S. Congress have

comprised lawyers (Rhode, 2011). The same extends to governors and state legislators, and it's not uncommon to find them at the head of the major U.S. corporations (Hamilton, 2011). However, there is a paradox in that the majority of Americans hold lawyers in poor esteem and there is "no systematic research" that lawyers are effective in these prominent leadership roles (Rhode, 2011, p. 1). Further, the typical law school curriculum, as well as legal organizations such as law firms and state bar associations, has been slow to offer leadership development coursework (Rubenstein, 2008). According to Rubenstein (2008), lawyers who have developed leadership skills have done it "the hard way, through experience, through mistakes, and if they are fortunate, from mentors with years of leadership experience" (p. xi).

Rubenstein's (2008) statement was true for participants of this study. The participants identified wide-ranging sources from which they developed leadership skills. However, none mentioned that they took part in leadership development in law school or from programs offered by state bar associations. Participants seemed to learn about leadership the hard way, cobbling leadership together as they progressed through careers. Participants identified that they gleaned leadership from sources as varied as the Boy Scouts of America and mentorship by senior members of their law firms.

Participants were able to identify leadership skills they gained from private practice. Many of those skills centered on facilitation, collaboration, and persuasion. Certainly these are not skills exclusive to the practice of law; however, participants honed their skills in these areas during their years of private law practice and found that they came to rely on these same skills when they served as president. Practice in a law firm is a partnership and often a practice among equals. As one participant stated, he cannot order his law firm partner to complete a task by the close of business. The same holds true for higher education,

particularly with the shared governance model. Thus, participants practiced leadership, not through orders or demands, but through facilitation, collaboration, and persuasion—skills they had honed in private practice.

Research Question 2: What experiences have been beneficial college presidents with a background in the law in developing leadership?

To address this research question, I set forth some of the literature and correlating themes from participants about the meaning they made of their legal training and experience engaged in the practice of law in terms of its effect on leadership. Emergent themes related to participants' perceptions of experiences outside of the law that have influenced their leadership are presented below. Again, Rubenstein's (2008) quote that lawyers who have developed leadership skills have done it "the hard way: through experience, through mistakes, and if they are fortunate, from mentors with years of leadership experience" (p. xi) is relevant to this research question. But here, the focus is how participants made meaning of those sources of leadership stemming from outside of their legal training and experience.

As set forth in the prior section, in preparing for leadership, participants seemingly drew upon their legal education and work history to fill the void left from a lack of formal leadership preparation programs offered in law schools and state bar associations. However, participants did not rely solely upon their legal background as preparation for leadership. They were able to take advantage of leadership development courses for presidents, but some did not find them meaningful in terms of their effect upon leadership. In fact, these participants were unconvinced of the value of the national leadership conferences that they attended as presidents. Two participants described these courses in terms that were pointedly negative, including "an extremely expensive endeavor with relatively low return," a

“complete waste of time,” and “consisting of a bunch of talking heads.” Despite the mixed perceptions of the formal leadership development courses offered to presidents, the participants had positive perceptions of their college’s internal leadership development programs that were offered to those in senior leadership positions at their institution.

Participants’ experiences described here are consistent with the statements from Rubenstein (2008). Through trial and error, when participants were less than satisfied with formal leadership development offerings to college presidents, they created their own. Even among the participants who found value in formal leadership development courses for college presidents, the most salient aspect of the course seemed to be the collaboration outside of the classroom among peers as opposed to the in-class instruction. The ability to collaborate was an aspect of the internal leadership development programs that participants also found personally meaningful.

Participants stated that, in addition to formal leadership courses offered to presidents, they learned leadership from various other areas outside the context of their legal training and experience. Their responses in this area were wide ranging and consisted of experiences from their youth in civic and religious organizations, leadership development courses in undergraduate courses, and volunteer opportunities in nonprofit organizations. Again, this is consistent with Rubenstein’s (2008) findings. Participants cobbled leadership skills together from various sources.

Research Question 3: How do college presidents with a background in the law characterize their approach to leadership?

Participants were asked to characterize their approach to leadership. As set forth in the literature, leadership is difficult to define, and scholars often define it differently. For

example, Burns (1978) described it as “one of the most observed and least understood phenomena on earth” (p. 2), and Bennis (1989) commented that “leadership is like beauty: it’s hard to define, but you know it when you see it (p. 1). As Stogdill (1974) noted, “there are almost as many definitions of leadership as there are people who have attempted to describe the concept” (p. 259).

Similarly, any one leader may, at times, exhibit wholly different leadership characteristics. This phenomenon has been identified in the literature. As Bass (1985) noted, “while conceptually distinct, transformational and transactional leadership are likely to be displayed by the same individuals in different amounts and intensities” (p. 26). The same was generally true for the participants. Indeed, their self-perceptions of leadership often fell within the scope of several different types of leadership theories. However, one general commonality existed regarding how participants perceived their leadership. Participants generally characterized their leadership style as one that centered on the needs of followers, defining leadership as supporting, motivating, and empowering followers to coalesce around a shared goal. The following paragraphs discuss how participants self-perceptions of leadership correlates with several of the leadership theories set forth in the literature review.

In the literature, there is a continuum on which the theoretical understanding of leadership is based. That continuum starts with the great man and trait leadership theories, which focus more on the innate characteristics of the leader, and has evolved to now include transactional theories and servant leadership theory, which recognize the value of followers. Participants perceived themselves as being on the latter end of this continuum.

Participants did not characterize their leadership in terms consistent with great-man theories. As set forth more fully in the literature review, great-man theorists believed that

genetics were the enabling factor allowing the “superior few” to rule over the masses (Bass & Bass, 2008, p. 49). Indeed, participants did not indicate that their penchant for leadership was due to some inherited ability. Rather, participants generally viewed the practice of law as the crucible in which their leadership abilities were formed, not in their respective genetic pools.

Great-man theories were followed by trait leadership theories. Like great-man theorists, trait theorists believed that leadership was due to fixed characteristics innate to the individual. While great man theorists focused on genetics, trait theorists believe that leadership is due to traits such as intelligence, self-confidence, and height (Komives et al., 2007; Yukl, 1994) and that it was traits such as these that distinguished leaders from followers and were responsible for a leader’s success. While participants were highly credentialed, which may denote a high level of intelligence, and there was no perceived lack of confidence among participants, such traits were not mentioned as sources for leadership. That is not to say that traits like intelligence or self-confidence are not important for effective leadership. Rather, it is simply a recognition that such traits were not salient for participants when asked to characterize their leadership.

While innate traits were not salient, participants generally characterized their leadership in terms of their interaction and influence upon their followers. The literature review details several leadership theories that are centered on the leader-follower relationship and that correlate to participant data. They are charismatic leadership, transformational leadership, and servant leadership.

Northouse (2010) described charismatic leaders as being able to display certain behaviors, including being “strong role models for the belief and values they want their

followers to adopt . . . appear[ing] competent to followers . . . communicat[ing] high expectations for followers . . . exhibit confidence in followers' abilities to meet these high expectations (p. 174-175). Under the self-concept model, charismatic leadership requires a symbiotic relationship between the leader and follower through which the charismatic leader transforms follower's self-concepts and tries to link the identity of followers to the collective identity of the organization (Northouse, 2010, p. 175).

Of the participants, Rick's self-perceptions of leadership most closely align with that of the charismatic leader. When asked to characterize his leadership, Rick discussed his desire to be a strong role model that imparts his vision upon the institution, all the while doing so humbly and without taking direct credit for institutional advancement. Rick also discussed the importance of ensuring that his followers felt as though they are being well led. These are all characteristics identified in the literature of a charismatic leader.

While Rick's characterization of his leadership fit with what scholars have identified as the qualities of a charismatic leader, Chris's characterization more closely matched that of the transformational leader. As set forth in the literature review, Burns (1978) defined transformational leadership "as a relationship of mutual stimulation and elevation that converts followers into leaders and may convert leaders into moral agents" (p. 4). Burns further stated that transformational leadership is "a process where leaders and followers raise one another to higher levels of morality and motivation" (p. 20). In this process, the transformational leader, through the use of charisma and vision, is able to move followers past their own self-interest to act in the best interest of the organization (Bass, 1985; Northouse, 2010). For Chris, leadership was guided by his morals and the influenced by his family and his service in the church. Honesty and transparency were central to Chris's

leadership. Chris acknowledged the importance of followers and motivating them around a shared vision, and Chris would use praise as a motivational tool, showing followers that their leader cared about them. These are all qualities of a transformation leader. Like Chris, Alan also exhibited some of the qualities of the transformation leader. Alan uses praise as a motivational tool to inspire followers to work hard toward achieving their shared vision.

Sam identified himself as a servant leader. He was the only participant to identify a particular leadership theory in characterizing his leadership. Servant leaders set aside their egos, view themselves not as superiors but as “first among equals,” and focus on developing leadership among their followers (Bass & Bass, 2008, p. 51). Servant leaders are concerned about their followers, particularly those with little power, and they encourage their followers to grow (Bass & Bass, 2008). In fostering growth among followers, servant leaders purposefully hold back from using their personal power and measures of control they could potentially exert over followers (Northouse, 2010).

Sam exhibits servant leadership by holding back his power, as president, when interacting with followers. Sam characterized it as leading from a round table instead of from the head of the table. Sam exemplified servant leadership in several ways, including by demanding a salary lower than his predecessor, by meeting with faculty and staff in their respective offices, not in his, and generally, by putting the college’s mission and his followers above his own needs.

In sum, participants generally recognized how central the leader-follower relationship is to effective leadership. Whether supporting followers through praise and building consensus around a shared vision, their recognition of the value of followers is a theme that was present in their responses. For participants, good leadership was not just

about motivating followers to act around a shared vision but also included inspiring a sense of confidence in the followers that they were being well led. Rick stated this concept directly; however, it was present in the other participants' comments as well, as they used terms such as being a good person, honest, transparent, and hard working. These qualities were personally meaningful to participants because they represented what participants saw as good leadership. Also, the qualities were meaningful because participants wanted their followers to notice these qualities and to see value in them so that the followers had positive perceptions of the participants' leadership. Moreover, the similarities in which participants chose to characterize their leadership highlights the difficulty in attempting to match a particular participant with a particular leadership theory. For example, every participant was concerned about the growth and development of their followers, a hall-mark of servant leadership, and sought to ensure that their followers were given opportunities to develop into leaders. Also, each participant acted as transformational leaders, motivating follower to transcend their self-interest for the benefit of the organization. In essence, participants did not act within the confines of any one leadership theory. They seemed to apply a broad and multifaceted approach to leadership in which elements from a variety of leadership theories are present.

Implications

The findings of this study may have several implications. As set forth in the literature review, there have been predictions of a tsunami of retirements among the ranks of leaders of higher education institutions, and scholars have questioned whether a sufficient number of qualified leaders are present in the traditional leadership pipeline. In providing an examination of how the participants' approach and understand leadership, this study adds to

the research and discussion of how the pool of qualified college presidential candidates can be expanded to incorporate persons outside of the traditional pathways.

Moreover, because law schools and state bar associations have been slow to develop leadership preparation courses for lawyers (Hamilton, 2011), many attorneys have been forced to learn leadership the hard way (Rubenstein, 2008, p. xi). This study in part entails an examination of how college presidents who were once practicing lawyers have come to develop leadership competencies despite the lack of course offerings from state bar associations and law schools on the subject. Given the number of leadership positions in government and in business held by lawyers, understanding how lawyers learn about leadership could be helpful to law schools as well as state bar associations as they attempt to provide leadership development courses to lawyers.

Recommendations for Future Research

There are several interesting trends present among the participants' responses that could be examined further in future studies. One item that was consistent among the participants is that they seemed to possess a calling for leadership early in life. For example, three of the four participants were student government presidents at their respective undergraduate institutions. Also, three of the four participants either ran for public office or were appointed to state-wide positions in government. Given the high rate of leadership positions in our society occupied by lawyers, it would be interesting to see what factors called these individuals to lead so early in life. Although great man and trait leadership theories are out of favor, the age and frequency at which participants held leadership positions suggest that some driving factor for leadership seems present, whether that factor is internal or external.

The focus of this study was on the perception of participants about their leadership. However, it would be interesting to see how whether participants' self-perceptions match that of their followers. More broadly, if nontraditional candidates are to be considered for the college presidency more regularly, additional research should be conducted regarding how followers perceive these presidents and whether that perception changes over time as compared with presidents from traditional pathways.

Some participants offered critiques of the formal leadership development courses offered to college presidents. While the participants were satisfied with the expertise of the presenters in these courses, these participants preferred an experience that allowed for more collaboration among their colleagues. Additional research should be conducted to determine whether the critique offered by these participants are common among presidents that attend such leadership development courses.

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APPENDIX A. INTERVIEW PROTOCOL

In-depth individual interviews will be used to gather data from each participant. The following guidelines will be used for each interview session. Follow-up questions and additional probes such as “Tell me more”, “Describe what you mean”, or “Give me an example of what you mean” will be utilized depending on conversations.

Part 1

1. Tell me about your educational back ground and prior work history.
2. How did you first develop an interest in becoming a college president?
3. What has been important in preparing you to become president?
4. Do you feel that your legal training and work experience adequately prepared you to lead a college or university? Can you explain?
5. What does the term leadership mean to you?
6. How would you describe your leadership style?
7. What qualities set you apart as a leader?
8. What would you like to change about your approach to leadership?
9. How do you get the people you lead to perform at their best?
10. How has your legal training or professional legal work affected your approach to leadership?
11. What do you see as the benefit to a university by having a president that has legal training and experience working as a lawyer?

Part II

1. What have you identified as strengths and opportunities to further develop your approach to leadership?
2. What mechanism(s) do you have in place, if any, to identify opportunities for growth in your leadership style?
3. What has been your biggest challenge to developing or enhancing leadership? How have you attempted to overcome it?
4. Have others been critical of your approach to leadership? Provide examples.
 - a. How did you respond to the feedback?
5. What role have mentors played in developing your approach to leadership?
 - a. How did you seek mentorship?
6. Have you participated in formal leadership development programs? If so, what role have these programs played in your leadership development?
 - a. Can you share a few leadership techniques, skills or traits you may have learned from these programs?
 - b. How do you feel about those programs? Do you feel they adequately prepared you?

APPENDIX B. IRB APPROVAL

IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY

Institutional Review Board
Office for Responsible Research
Vice President for Research
1138 Pearson Hall
Ames, Iowa 50011-2207
515 294-3500
FAX 515 294-4267

Date: 12/10/2014

To: Dr. Jermaine D Johnson
638 22nd St
West Des Moines, IA 50265

CC: Dr. Janice Friedel
N247F Lagomarcino Hall
Dr. Cameron C Beatty
0355 Memorial Union

From: Office for Responsible Research

Title: Barristers at the Helm: A Phenomenological Exploration of the Leadership Development of University Presidents with Law Backgrounds

IRB ID: 14-565

Approval Date: 12/10/2014 **Date for Continuing Review:** 12/9/2016

Submission Type: New **Review Type:** Expedited

The project referenced above has received approval from the Institutional Review Board (IRB) at Iowa State University according to the dates shown above. Please refer to the IRB ID number shown above in all correspondence regarding this study.

To ensure compliance with federal regulations (45 CFR 46 & 21 CFR 56), please be sure to:

Use only the approved study materials in your research, including the recruitment materials and informed consent documents that have the IRB approval stamp.

Retain signed informed consent documents for 3 years after the close of the study, when documented consent is required.

Obtain IRB approval prior to implementing any changes to the study by submitting a Modification Form for Non-Exempt Research or Amendment for Personnel Changes form, as necessary.

Immediately inform the IRB of (1) all serious and/or unexpected adverse experiences involving risks to subjects or others; and (2) **any other unanticipated problems involving risks** to subjects or others.

Stop all research activity if IRB approval lapses, unless continuation is necessary to prevent harm to research participants. Research activity can resume once IRB approval is reestablished.

Complete a new continuing review form at least three to four weeks prior to the **date for continuing review** as noted above to provide sufficient time for the IRB to review and approve continuation of the study. We will send a courtesy reminder as this date approaches.

Please be aware that IRB approval means that you have met the requirements of federal regulations and ISU policies governing human subjects research. **Approval from other entities may also be needed.** For example, access to data from private records (e.g. student, medical, or employment records, etc.) that are protected by FERPA, HIPAA, or other confidentiality policies requires permission from the holders of those records. Similarly, for research conducted in institutions other than ISU (e.g., schools, other colleges or universities, medical facilities, companies, etc.), investigators must obtain permission from the institution(s) as required by their policies. **IRB approval in no way implies or guarantees that permission from these other entities will be granted.**

Upon completion of the project, please submit a Project Closure Form to the Office for Responsible Research, 1138 Pearson Hall, to officially close the project.

Please don't hesitate to contact us if you have questions or concerns at 515-294-4566 or IRB@iastate.edu.

APPENDIX C. CONSENT LETTER

Dear President _____:

You are invited to participate in a leadership study. This study examines how college presidents with law backgrounds approach leadership. To participate in this study you must be a present or former college or university president and have a juris doctorate degree.

Study Procedures: If you agree to participate, you will be asked to engage in three phone interviews. During these interviews, you will be asked open-ended questions about your professional experiences. The audio from these interviews will be recorded. At any time during the study, you may skip questions that make you feel uncomfortable or stop the interview(s). Transcripts of the interview will be sent to you via email.

If you are interested in participating or learning more about the study, please contact, Jermaine D. Johnson, Jermaine@iastate.edu. I very much appreciate your participation. If you have any questions about the rights of research subjects or research-related injury, please contact the IRB Administrator, (515) 294-4566, IRB@iastate.edu, or Director, (515) 294-3115, Office for Responsible Research, Iowa State University, Ames, Iowa 50011.

Thank you in advance.

Jermaine D. Johnson, J.D.
Doctoral Student, School of Education
Iowa State University
Jermaine@iastate.edu

APPENDIX D. INTERVIEW CONSENT FORM

Title of the Study: Barristers at the Helm: An examination of leadership development of college presidents with law backgrounds.

Investigators: Jermaine D. Johnson, J.D.

Introduction: The purpose of this research study is to examine the affect on legal training and professional experiences on how college presidents develop their leadership style.

Description of Procedures: Participants will take part in two interviews.

During the study you will be asked open-ended questions about your professional experiences. The interviews groups will be audio recorded. At any time during the study, you may skip any questions that make you feel uncomfortable.

You will be emailed a copy of the transcription from our interview. You may then edit it if you would like for clarity. We will also email you our findings for your approval.

Risks: Although minimal, participants may experience emotional discomfort recounting stories related to their past experiences. As a participant, you may refuse to answer any questions that make you feel uncomfortable.

Benefits: If you decide to participate, there may be no direct benefit to you. Your participation in the study has the potential to help educators better understand leadership development.

Costs: There are no costs associated with participating in the study.

Participants Rights: Your participation in this study is completely voluntary and you may refuse to participate at any time

Confidentiality: As a researcher, I am committed to protecting your identity. In the event you share personal and unique story information, specific information such as your legal name will be withheld so that you cannot be identified. In addition, any information about third parties will not include their name nor specific role in the institution. Records identifying participants will be kept confidential to the extent permitted by applicable laws and regulations and will not be made publicly available. However, the Institutional Review Board (a committee that reviews and approves human subject research studies) may inspect and/or copy your records for quality assurance and data analysis. These records may contain private information. Your name, schools, and any identifying information will be removed from all documentation to assure the anonymity of your participation.

Questions: For further information about the study contact Jermaine Johnson at jermaine@iastate.edu. If you have any questions about the rights of research subjects or research-related injury, please contact the IRB Administrator, (515) 294- 4566, IRB@iastate.edu, or Director, (515) 294-3115, Office for Responsible Research, Iowa State University, Ames, Iowa 50011.

Signature: Your signature indicates that you voluntarily agree to participate in the study, that the study has been explained to you, that you have been given time to read the document, and that your questions have been satisfactorily answered.

Participants Name (Printed)_____

(Participants Signature)_____

(Date) _____