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DEANING CRITICALLY: LEADERSHIP FUNDAMENTALS

*Camille A. Nelson**

The recent attacks on Critical Race Theory have led me to (re)consider how such fundamental inquiries and legal analysis by scholars could be so deeply threatening to the establishment, let alone the administration of a country thought to be the preeminent example of democracy the world over. After all, at base, Critical Race Theory (hereinafter “CRT”) is rooted in democratic ideals, including foundational notions of equality and inalienable rights, notably life, liberty, and the pursuit of happiness,¹ as well as freedom of speech and the right to petition the government for redress of grievances.²

CRT attempts to shore up inclusion, access, transparency, and equity, all of which are implicit in our core democratic philosophy.³ Thus, a central tenet of CRT is urging us to always do better, so that we live true to whom we aspire to be, our mission as it were, by holding a lens and a mirror to the inconsistencies between our ideals and our actions, especially as those actions are jurisprudentially anchored or supported. CRT is capacious enough as a body of work to recognize the interdisciplinary connections of contemporary phenomena as implicating education, history, politics, economics, sociology, psychology, and of course law,

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1. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

2. U.S. CONST. amend. I.

3. See Kimberlé Williams Crenshaw, *Twenty Years of Critical Race Theory: Looking Back to Move Forward*, 43 CONN. L. REV. 1253, 1260 (2011) (“CRT was the offspring of a post-civil rights institutional activism that was generated and informed by an oppositionalist orientation toward racial power”); Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329, 336 (2006) (“Critical Race Theory’s main goal is the liberation of minorities and other socially subordinated people”); Rebecca Tsosie, *Engaging the Spirit of Racial Healing Within Critical Race Theory: An Exercise in Transformative Thought*, 11 MICH. J. RACE & L. 21, 29 (2005) (“CRT is concerned with understanding how legal structures operate to continue oppressive social, political, and economic conditions and to justify maintaining conditions of ‘injustice’ in the United States”); Robert L. Hayman, Jr., *The Color of Tradition: Critical Race Theory and Postmodern Constitutional Traditionalism*, 30 HARV. C.R.–C.L. L. REV. 57, 60 (1995) (“In order to accommodate previously marginalized voices, Critical Race Theorists call for a modification of jurisprudential dialogue”); Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997); see generally Richard Delgado & Jean Stefancic, *Critical Race Theory: An Annotated Bibliography*, 79 VA. L. REV. 461 (1993).

to name but a few of the interwoven disciplines.⁴ Perhaps provocatively, but I think quite helpfully, leaders of enterprises, institutions, and schools can learn a great deal from CRT. In an era when discussions of anti-racism have moved from the margins to the mainstream, in the midst of a racial reckoning, we are confronted by the hyperbolic call to shut down a theory,⁵ one that might be powerful enough to change the way we do business, whether for profit or not. And therein lies the potential danger to the establishment.

I. CORE

While it might seem simple, the specter of living true to our word is profoundly destabilizing. At base, it requires us to share, to be empathetic, to be good listeners, and to be open-minded about the implications and impact of our words, deeds, and actions. It simultaneously requires self-awareness and larger inquiries about systems, structures, and policies. But why is this so hard? Have we unlearned our moral A, B, Cs?

Years ago, Robert Fulghum wrote a book entitled, “*All I Really Need to Know I Learned in Kindergarten*”⁶ (hereinafter “*Kindergarten*”). Central to the Fulghum’s premise was that wisdom was to be found in the simple teachings, and in the mores, we instill in young children. Fulghum’s list of things learned included sharing, playing fair, putting things back where you found them, not hitting (and I would extrapolate to not hurting people), not taking things that aren’t yours, trying to live a balanced life (today we tend to focus on wellness), sticking together (I might expand to coalition building), and being aware of wonder (there is an analogue to keeping a mind open to the possibilities).⁷ Interestingly, I am not so sure that the underpinnings of CRT are that different from Fulghum’s

4. See Crenshaw, *supra* note 3, at 1256–57 nn.3-12 (2011) (“Today, CRT can claim a presence in education, psychology, cultural studies, political science, and . . . philosophy”); Gloria Ladson-Billings & William F. Tate IV, *Toward a Critical Race Theory of Education*, in *CRITICAL RACE THEORY IN EDUCATION: ALL GOD’S CHILDREN GOT A SONG* 11, 18 (Adrienne D. Dixson & Celia K. Rousseau eds., 2006) (discussing the connection between education inequality and racism); *FOUNDATIONS OF CRITICAL RACE THEORY IN EDUCATION* (Edward Taylor et al. eds., 2009) (collecting works applying Critical Race Theory as a tool to explore the racial and cultural politics of education); Barbara Luck Graham, *Toward a Critical Race Theory in Political Science: A New Synthesis for Understanding Race, Law, and Politics*, in *AFRICAN AMERICAN PERSPECTIVES ON POLITICAL SCIENCE* 212 (Wilbur C. Rich ed., 2007) (collecting essays exposing the pervasive but hidden racial dimensions of politics in the United States, including deeply rooted threats from whiteness within political science); ROBERT R. GUTHRIE, *EVEN THE RAT WAS WHITE: A HISTORICAL VIEW OF PSYCHOLOGY* (2d ed. 1998) (discussing and documenting the historical relationships between different aspects of psychology and race).

5. See, e.g., Barbara Sprunt, *The Brewing Political Battle Over Critical Race Theory*, NPR (June 29, 2021), <https://www.npr.org/2021/06/02/1001055828/the-brewing-political-battle-over-critical-race-theory> (describing how some Republican lawmakers publicly decried and called for an end to the teachings of Critical Race Theory in schools by referring to the academic approach as “cultural warfare,” and stating that the theory “brings division,” and “advances hate.”).

6. See generally ROBERT FULGHUM, *ALL I REALLY NEED TO KNOW I LEARNED IN KINDERGARTEN* (15th ed. 2004) (hereinafter *KINDERGARTEN*).

7. *Id.* at 2.

Kindergarten basics for life. Certainly, I think both teachings might provide food for thought for leaders.

II. LEADERSHIP FROM *KINDERGARTEN*, OR WHY IS IT SO HARD FOR US TO BE KIND TO ONE ANOTHER?

Roughly nine years ago, I was asked as a second-year dean to return to what I lovingly refer to as “baby deans” school, to speak to the “entering class” of new deans. Just as I had benefited from the remarks the year before, I was determined to share what I had learned thus far, and to offer some insights about what I wish I had known before I started. I thought about what I might share from having one year of deaning under my belt. What guiding principles, concrete examples, and aspirational urgings might I provide? I decided to speak about what I referred to as “Critical Race Deaning.” In retrospect, I think this is not at all radical, and is more akin to Fulghum’s basics, much of which we should have learned long before. It is, or should be, textbook. And so, I return to a textbook.

III. BY THE BOOK

For several years when I first started teaching, I taught CRT, along with a number of doctrinal classes including Contracts, Criminal Law, and Legal Professions. By far the most difficult course to teach was CRT. Regardless of the smaller seminar-size format, it was comparatively more challenging, probing, searching, and fatiguing than even the very large first-year classes I taught. While students were challenged to think in new ways, like reading cases and statutes for insights that were often not addressed in other classes, the most compelling part of the class was the personal involvement with the subject matter, and the unpeeling of layers of self that comes with increased awareness and mindfulness generated from the scholarship and ensuing discussion. Importantly, the students were also asked to engage in civil, but open and honest, dialogue with each other and to listen to and learn from one another, as I like to say, not just to respond. This often proved to be a profound experience for the students, and professor, alike.

CRT can be threatening for some precisely because it has the potential to lead to revelatory moments, both academic and personal. These deep-dives confront ways of knowing, theretofore more familiar and comfortable. In this way, ignorance really is bliss. And learning is disruptive to the status quo in its pedagogical archeology. CRT unearths, reveals, and discusses the white supremacy upon which much of our legal, political, and economic systems are built.⁸ For many in the class, this excavation was taking place for the first time. As such, this body of work could be confronting, and controversial for some; for others, it is eye-opening and liberating; and for others still, obvious and banal.

Just as importantly, CRT speaks to the virtues and ethics needed to shift our culture to both live true to those *Kindergarten* teachings of sharing, playing fair, listening, putting things back, cleaning up, and sticking together, and also to our highest democratic ideals of equality, life, liberty, and happiness. And so, it was

8. See, e.g., Crenshaw, *supra* note 3, at 1253.

easier to teach Contracts, as that did not seem to implicate the self as much – one could distance oneself from the analysis, separate the harm, and abstract the substance far easier than seeing the injustice and raw inhumanity often explicitly revealed through CRT. Thus, CRT is unnerving and disconcerting for some as it requires that we dig deep within ourselves to understand how history still lives. It urges us to do better, for everyone’s sake – to share, to be fair, to be kind/not hurt others, to be aware, to not steal, to say sorry, and to restore and repair. These are things we constantly remind children, but which we often fail to reinforce with our adult selves.

And so, in preparing to teach CRT, each time I fretted over the syllabus and course materials. I was grateful to have landed upon Perea, Delgado, Harris, Stefancic, and Wildman’s *Race and Races: Cases and Resources for a Diverse America* (hereinafter “*Race and Races*”).⁹ Brought to market by a leading publisher, and resembling so many of the other voluminous and heavy casebooks, I appreciated the serious treatment given to the material by the authors, editors, and the publisher, and knew that the sheer weight of the book was a credibility enhancer befitting the difficulty of the cases, statutes, constitutions, and articles therein. Some basic themes or tenets can be ascertained from this casebook, as well as many scholarly articles and essays about CRT. Indeed, *Race and Races* neatly presents and frames some of them for our consideration. Many of the principles are so foundational as to be akin to Fulghum’s *Kindergarten* learning, and so they are also instructive as we contemplate life, leadership, and deaning, especially in the 2020s.

IV. THE TENETS¹⁰

A. *Make the Implicit Explicit*

While this suggestion can certainly be interpreted as about transparency in decision-making, which is very important and often an articulated goal in dean prospectuses and conversations with search committees, I would like to suggest that there is more to it than that. Specifically, it is important to look for the assumptions underlying discussions about the enterprise, in this case the law school, and of course the university as well.

Certainly, it is almost impossible to obtain all the information needed to make a perfect decision, especially with time constraints, or in a time of crisis. Nonetheless, it is crucial to obtain as much information about the unknowns, as

9. JUAN F. PEREA ET AL., *RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* (3d ed. 2014).

10. *Id.* at 4:

This book offers tools, histories, and analysis for the study of race. No single volume, however, can begin to capture the full richness and varied experiences of race in a large, multiracial society like ours In the hope that a comparative, historical, and politically engaged discussion of race can begin to illuminate what has been called . . . America’s most intractable problem, we offer this book.

about the knowns. Meaning, in addition to the data that is ostensibly objective,¹¹ it is also important to figure out as much as possible about the subjective variables, including who is involved, how and why, the history, what is motivating the dynamics, and why, and to try to understand what is missing from the decision-making matrix. As we learn from CRT, the narratives undergirding these perspectives and/or data points can be revealing and helpful.

While sometimes a challenge, it is important to obtain a robust understanding of what is going on beneath the surface. As with caselaw, the analytical interplay between objective and subjective is informative. We are learning from studies of implicit bias that what operates beneath the surface is important.¹² In organizations, bias can derail, impede, and tank the priorities and goals one is trying to achieve. Sometimes people try to both share and hide this information, either for personal or professional (or both) reasons. And so, in leadership, this tenet of CRT works archeologically – it may reveal hidden gems or valuable artifacts entombed. Either way, making the implicit explicit allows for greater comprehension and appreciation of the organization, its culture, function and dysfunction. Such understanding is helpful as decision-making must, nonetheless, take place. Informed decision-making is better than uninformed decision-making, even if what is revealed through the process is disconcerting.

Making the implicit explicit harkens to Fulghum's principle of sharing. When information, data, insights, perspective, and history are obscure it is harder for community members to understand and respect a decision, even if they disagree. It is also hard for a decision-maker to understand the constellation of concerns that should inform a decision when context is opaque. So, when information, data, insight, and perspectives are shared, the institutional leaders are able to make better decisions, especially if buy-in is needed. Decisions made through blurry or inaccurate organizational information, without helpful shared background and context, renders frail, off-kilter, or misaligned decisions subject to hyper-scrutiny, and suspicion in some cases and cultures, yet to systematic deference in others, which deference usually does not accrue to so-called "non-traditional" deans and institutional leaders.¹³ As such, it is my sense that many women deans and deans

11. Camille A. Nelson, *Towards Data Driven "Deaning,"* LSSSE (Aug. 22, 2019), <https://perm.a.c.c/5M5U-AY5R> (discussing the importance of data-powered decision making).

12. See generally Anthony G. Greenwald & Linda Hamilton Krieger, *Implicit Bias: Scientific Foundations*, 94 CALIF. L. REV. 945 (2006) (introducing the concept of *implicit bias* as an aspect of the "new science" of unconscious mental processes that include implicit memory, implicit perception, implicit attitudes, implicit stereotypes, implicit self-esteem, and implicit self-concept); Elayne E. Greenberg, *Fitting the Forum to the Pernicious Fuss: A Dispute System Design to Address Implicit Bias and 'Isms in the Workplace*, 17 CARDOZO J. CONFLICT RESOL. 75, 90 (2015) (explaining how implicit biases arise in the workplace and shape "employment decisions from hiring selection, working advancement and termination"); Naomi Ellemers, *Women at Work: How Organizational Features Impact Career Development*, 1 POL'Y INSIGHTS FROM BEHAV. & BRAIN SCIS. 46, 49 (2014) (studies "reveal that subtle discrimination negatively affects . . . work outcomes (career success, job stress, performance, turnover), physical health (substance use, cardiovascular health, body size), and psychological health (stress, emotions, satisfaction, self-esteem) . . . [and] can set in motion a self-fulfilling cycle of motivational withdrawal and performance failure").

13. See PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA (Gabriella Gutiérrez y Muhs et al. eds., 2012); see also PRESUMED INCOMPETENT II: RACE,

of color face heightened expectations of transparency, given the dearth of deference that is naturally accorded them.¹⁴

B. Look for the Hidden Norm

Central to Fulghum's suggestions was the urging to remain vigilant by *looking*. In terms of leadership this may seem basic, but it is often less than obvious, as it calls for a more in-depth examination of statements, perspectives, and ways of doing and knowing.

It can be folly to accept, without deeper appreciation, what is being shared as culture, truth, or practice. Sometimes, I have found that these are really desires, habits, and personal preferences. It is also crucial, although often harder, to ferret out what is *not* being shared, and why. This is a frustrating phenomenon akin to what we learn in first year criminal law about commissions versus omissions – either can be devastating. As such, institutional scans for unexamined norms and hidden information can be very helpful in charting a more informed, inclusive and intentional path forward. As a visual learner, I sometimes perceive these ways of being as akin to organizational record skips whereby people can fall into worn groves of doing, rather than operating towards an unencumbered exploration of what might be possible, and attainable.

Similarly, *Race and Races* asks, “What perspective is being universalized for all people? Is that view really representative and objective?”¹⁵ It is easy to be comfortable with the status quo, especially when it serves one's interests. It is more difficult to ponder, and then create, disruptive innovation, even if it results in new achievements, as it is simply hard work to shift mindsets, and ultimately organization culture and structures.

CLASS, POWER, AND RESISTANCE OF WOMEN IN ACADEMIA (Yolanda Flores Niemann et al. eds., 2020).

14. See M. Anisman-Razin et al., *Support for Leader's Decisions in Conflict and Negotiation: Women Do Not Benefit from Relevant Expertise While Men Do*, 39 POL. PSYCH. 633, 645 (2018) (“Our results reveal that even when women have domain-specific expertise they may not benefit from it, as men do, and still suffer from bias and backlash in the form of lower support in the policies they promote.”); *New Study Finds Gender and Racial Bias Endemic in Legal Profession*, AM. B. ASS'N (Sept. 6, 2018), <https://www.americanbar.org/news/abanews/aba-news-archives/2018/09/new-study-finds-gender-and-racial-bias-endemic-in-legal-professi/> (finding that “women of color experience prove-it-again bias at a higher percentage than any other group—35 percentage points higher than white men and 10 percentage points higher than men of color and white women.”); Laura M. Padilla, *Women Law Deans, Gender Sidelining, and Presumptions of Incompetence*, 35 BERKELEY J. GENDER L. & JUST. 1, 19-20 (2020):

The essence of privilege is that we default to presumptions of competence for white men, until they prove otherwise. But for women, “prove-it-again” is the norm. “Women of color, white women, and men of color reported that they have to go ‘above and beyond’ to get the same recognition and respect as their colleagues.”

[W]hen people in power are “other,” they are likelier to experience presumptions of incompetence, regardless of the source of “other.”

15. PEREA ET AL., *supra* note 9, at 3.

Norms are norms precisely because they serve the interests and fit within the mindset of those who were able to craft the *status quo*.¹⁶ Given what we know and have experienced in the making of the history of our profession, these norms slant to the exclusive, rather than the inclusive.¹⁷ In many instances, these norms can benefit from thoughtful engagement in order to more responsively sync with moments when there is a professed desire to foster diversity, inclusion and, what I think needs to be added to this mix to create a winning trifecta, empowerment in service of community members, both internal and external.

C. *Avoid We/They Thinking*

This tenet of avoiding insider-outsider thinking begs the question of who is the “we” and who is the “they.”

In a country that professes the ideals of democratic inclusion, consider the role of race [gender, class, sexual orientation, religion, disability, ethnicity ...] in promoting or hindering that value. We/they thinking is usually designed to render some group outside the polis.¹⁸

Part of me bristles when I am told, “That is not the way we do it here.” There is so much to unpack. Who is the “we”? And why is that the case? There are reasons that I am more inclined to accept, and others that may require further probing about the rationale, context, and ethos. Perhaps the ways of doing and behaving remain entirely appropriate, sound, and optimal, but it is usually not a futile exercise to *think* a bit about whether that is indeed the case. Ironically, this act of *thinking* is one of the hardest things to achieve in our day-to-day work.¹⁹ This is largely a function of the pressures of time – we are too busy *doing* and *not thinking*.²⁰ As

16. See LARRY M. BARTELS, *UNEQUAL DEMOCRACY: THE POLITICAL ECONOMY OF THE NEW GILDED AGE* 5–6 (2d ed. 2016); MARTIN GILENS, *AFFLUENCE AND INFLUENCE: ECONOMIC INEQUALITY AND POLITICAL POWER IN AMERICA* 81 (2012) (revealing through political science research that the government’s policies reflect the views of the wealthy but not of the poor or middle class).

17. See PRESUMED INCOMPETENT, *supra* note 13, at 3 (“Not only the demographics but the culture of academia is distinctly white, heterosexual, and middle- and upper-middle-class. Those who differ from this norm find themselves, to a greater or lesser degree, ‘presumed incompetent’ by students, colleagues, and administrators.”).

18. PEREA ET AL., *supra* note 9, at 3.

19. See, e.g., Dorie Clark, *If Strategy Is So Important, Why Don’t We Make More Time for It?* HARV. BUS. REV. (June 21, 2018), <https://hbr.org/2018/06/if-strategy-is-so-important-why-dont-we-make-time-for-it> (explaining how to find more time to think strategically, which nearly 100% of leaders say they have no time for even though they identify being strategic as the “leadership behavior most important to their organization’s success”); Dan Pontefract, *Are CEO’s Acting Like Creative Thinking Role Models?* FORBES (Sept. 10, 2018, 8:30 AM), <https://www.forbes.com/sites/danpontefract/2018/09/10/are-ceos-acting-like-creative-thinking-role-models/?sh=1ea017a6c81c> (“If we do not earmark a significant portion of time to be creative [e.g., reading, thinking, listening, and letting the art of the possible permeate] we have little chance of erasing the indifferent, indecisive, or inflexible thinking mindsets.”).

20. See M. Mark Wasicko & Brad Balch, *A Tale of 2 Deans: What Is the Difference Between an Effective Dean and a Mediocre One?*, CHRON. HIGHER EDUC. 17 (Oct. 2016), <https://chronicle.brightspotcdn.com/08/38/cf5b55866216e511dd7d3f727965/chronfocus-deansv7-i.pdf> (“As dean,

ridiculously simple as it sounds, I am trying to intentionally build in time to think each day. That said, this is one of the hardest moments and goals to achieve as it is the most susceptible to being scheduled over, or cannibalized in other ways. I suspect this challenge is replicated across enterprises, institutions, and schools, as seldom do people pause to ask, “is this the best way to go forward,” “are we setting our sights high enough,” “are we achieving our mission,” “how can we innovate and improve?”

And so, it should come as no surprise that re-evaluation, use of data, and strategic analysis of information is essential to good decision-making, and therefore, to leadership. Therefore, it is often a good idea to regularly consider and evaluate the ongoing maintenance of ways of thinking and doing, especially if the circumstances have changed, priorities shifted, or crises emerged.

As a Contracts professor, “changed circumstances” and the importance of context resonates.²¹ We are taught to re-evaluate decision-making, determinations, and agreements when conditions and underlying facts shift or are altered.²² This is especially the case as we are in the midst of Pandemic-Leadership and Pandemic-Management.²³ While it might be easy to reduce these leadership imperatives to crisis management, I think there is more to it than that.

my day-to-day life has been a constant series of meetings that required quick decisions. It was like playing 10 simultaneous games of chess — blindfolded.”); R. Lawrence Dessem, *Maybe Deaning is Not for You*, 39 U. TOL. L. REV. 261, 264 (2008) (stating that it is “unrealistic for a dean to presume that she can serve as dean, preserve time for herself and her family, and still carry on anything approaching a full-blown research agenda”).

21. See, e.g., E. ALLAN FARNSWORTH ET AL., CASES AND MATERIALS ON CONTRACTS (9th ed. 2019); Yehezkel Margalit, *In Defense of Surrogacy Agreements: A Modern Contract Law Perspective*, 20 WM. & MARY J. WOMEN & L. 423, 459 (2014) (“[M]any research studies recommend that the contract should be inspected in light of the new and not the original circumstances.”); John D. Wladis, *Impracticability as Risk Allocation: The Effect of Changed Circumstances upon Contract Obligations for the Sale of Goods*, 22 GA. L. REV. 503, 505 (1988) (explaining the need to consider changed circumstances since “often neither party caused nor could foresee or control the circumstances”).

22. See Jeff Rosenthal, *Want to Be a Better Senior Leader in Today’s World? Revamp Your Decision-Making*, FORBES (Nov. 15, 2021, 7:00 AM), <https://www.forbes.com/sites/forbeshumanresourcescouncil/2021/11/15/want-to-be-a-better-senior-leader-in-todays-worldrevamp-your-decision-making/?sh=13c58cb73c2d> (“Being clear about how to make the best decisions given the situation, understanding (and potentially resetting) your own natural style and biases, and leveraging ways to engage others is what sets great leaders apart in their decision-making abilities.”); April Mara Barton, *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*, 73 BAYLOR L. REV. 115, 123 (2021) (arguing “leaders must be adaptive and adept at reading each circumstance and intuitively know where to lean”); Shauna Van Praagh & Eliza Bateman, *Becoming a University Educator: Teaching Tomorrow’s Law Teachers*, 69 J. LEGAL EDUC. 749, 750 n.4 (2020) (noting that the “classical path” for joining the U.S. legal academy . . . is gradually falling out of favor, as law schools reevaluate and reprioritize the skills necessary to succeed in legal academia”).

23. See Michael Waterstone, *Top Ten Leadership Lessons Learned from Being Dean During COVID-19*, 52 U. TOL. L. REV. 337, 341 (2021) (framing the many decisions made during the pandemic, without precedent (e.g., how to close campus; for whom to close campus; attendance policies; scholarship determinations; clinic operations; grading; exam format), and noting that “trying to reflect on how these decisions related to our values as an institution, and how we could and should position ourselves for future success, was time well spent”).

As leaders, we must be leading in the moment, but also looking to the future. As COVID represents perhaps the biggest seismic shift to hit our profession and educational systems, indeed our society, many bets are off. It behooves us as leaders to insist on visionary thinking and to contemplate a future that may look radically different from even a year ago.²⁴ The pandemic has likely forced long overdue conversations and deliberations about the future of work and school. I do not think a simple reversion to the ways of thinking and doing from circa February 2020 is appropriate without first questioning whether it should persist as the best path forward.

I think the post-pandemic setting for law schools could be one of the most challenging and hyper-competitive moments, with appropriate increased foci on diversity and inclusion, mental health and well-being; all of this overlaid with fiscal austerity, faculty demographic shifts, university shifts, and technological need. In a nutshell, the post-COVID reality for law schools will likely feature significant disruption.²⁵ This is not necessarily bad for law schools and universities, but it will require new ways of thinking, innovation, and a re-doubling of efforts to better support and position our students and graduates for professional spaces that will also be significantly transformed.²⁶

In this milieu, there is no place for we-they thinking. This is not only the moral case, but also the new reality as we know that significant demographic shifts will further evolve the country,²⁷ its systems, structures, and institutions, including

24. See Christian Sundquist, *The Future of Law Schools: COVID-19, Technology, and Social Justice*, 53 CONN. L. REV. ONLINE 1, 7-8, 19-20 (2020-21) (“Despite the gloomy repercussions of the pandemic on legal education (and on education generally), it has created a rare opportunity for innovative law schools to reevaluate the traditional law school curriculum and mission,” with a focus on hybrid online learning and virtual dispute resolution methodologies, and “curricular change, expanded experiential opportunities, and social and racial justice.”).

25. See *id.* at 19-20; Raymond H. Brescia, *Lessons from the Present: Three Crises and Their Potential Impact on the Legal Profession*, 49 HOFSTRA L. REV. 607, 649 (2021) (explaining how the “pandemic opened the door for innovation that could enable the profession to adapt after the crisis recedes and to make strides toward satisfying” twin imperatives that the profession has long been criticized for not sufficiently addressing: becoming more inclusive and diverse and expanding access to justice); Filippa M. Anzalone et al., *The Road to Attorney Well-Being: Past, Present, and Future*, 65 BOS. B. J. 22, 22 (2021) (noting that for law students soon entering the profession, the “increased awareness of wellbeing in the legal profession [as a result of the pandemic] has paved the way for rethinking how to make positive organizational and culture changes, and how to reduce stigma around seeking help and self-care.”); Kinda L. Abdus-Saboor, *Lessons from Pandemic Pedagogy: Humanizing Law School Teaching to Create Equity and Evenness*, 69 J. LEGAL EDUC. 621 (2020); Mark A. Cohen, *Post-Pandemic Legal Education*, FORBES (Aug. 13, 2020, 5:58 AM), <https://www.forbes.com/sites/markcohen1/2020/08/13/post-pandemic-legal-education/?sh=48f8b2675d2f>.

26. See Sundquist, *supra* note 24, at 20-23 (Noting that due to the “perfect storm of the COVID-19 pandemic, technological change, and renewed attention to social justice issues[,]” the author posits that the future will ensure that students can engage in high-level critical analysis and independent judgment; emotive, client-focused representation and other experiential learning practices; emerging legal technologies in the classroom and in advocacy; and a new offering of required first-year courses focusing on antiracism, bias, and cultural competencies).

27. See Hugh T. Ferguson, *Demographic Changes and Pandemic Fallout Could Alter Higher Ed Enrollment Trends*, NAT’L ASS’N STUDENT FIN. ADM’RS (Apr. 19, 2021), <https://www.nasfaa.org/news->

higher education, so more inclusive and informed ways of decision-making will better position the institution for success.²⁸ Community building and enhancement will drive better decision-making, as more brain power invested in problem-solving, creation, and innovation will inure to the benefit of the students and the school. In similar fashion, Fulghum suggested that, “When you go out into the world, watch out for traffic, hold hands, and stick together.”²⁹ And, even if socially distanced, this is certainly a time for sticking together.

D. Remember Context

As stressed above, context matters. The editors of *Race and Races* remark that, “People do not live in the abstract; they live situated lives.”³⁰

I have benefited greatly from trying to take the time to appreciate the nuances of each particular institution. While not perfect by any stretch of the imagination, I have tried to speak with, and listen to, as many people as I can in an attempt to learn about the culture. Two quick related points: first, as alluded to above, that does not necessarily mean that the culture is always sacred – but if you do not know it, you cannot assess it. As noted, management consultant Peter Drucker stated, “Culture eats strategy for breakfast”³¹ Importantly, I also think that culture is borne of context. So, understanding the frame “in which a problem arises may reveal levels of unsuspected complexity, [and] also avoid facile solutions”³²

Second, in learning the culture, it is crucial to speak with and get to know as many people as possible. This is the case especially if there are/were we’s and they’s. One person’s view of “the culture” may be another person’s experience of toxicity. To the extent that some people may have been “core” to the culture, it is just as important to reach out to and learn from those who may not have been so perceived. As community members, they too have insights and expertise from which the school or institution can benefit. Of course, that is particularly relevant if you have been hired to be a change agent – if you were not, knowing the culture is still essential as we all seek to preserve what is best about the law school.

item/25318/Demographic_Changes_and_Pandemic_Fallout_Could_Alter_Higher_Ed_Enrollment_Trends; Frank Lamas, *Look at the Numbers*, INSIDE HIGHER EDUC. (Aug. 10, 2020), <https://www.insidehighered.com/admissions/views/2020/08/10/look-demographic-indicators-should-motivate-change-higher-education>.

28. See generally NATHAN D. GRAWE, DEMOGRAPHICS AND THE DEMAND FOR HIGHER EDUCATION (2018).

29. KINDERGARTEN, *supra* note 6, at 6-7.

30. PEREA ET AL., *supra* note 9, at 3.

31. Jacob M. Engel, *Why Does Culture ‘Eat Strategy for Breakfast’?*, FORBES (Nov. 20, 2018, 7:00 AM), <https://www.forbes.com/sites/forbescoachescouncil/2018/11/20/why-does-culture-eat-strategy-for-breakfast>.

32. PEREA ET AL., *supra* note 9, at 3.

E. *Seek Justice*

Much of Fulghum's urgings about kindergarten learning can be read through the legal lens of seeking justice. Share everything. Play fair. Don't hit people. Put things back where you found them. Clean up your own mess. Don't take things that aren't yours. Say you're sorry when you hurt somebody. These are foundational, elemental really, to justice work.

As lawyers we often fashion eloquent versions of these teachings, as do the editors of *Race and Races*, when they ask, "What is a just result that fosters democratic inclusion?"³³ One would hope that, for our society, this goal of fostering democratic inclusion is not controversial. Critical race theorists importantly emphasize the democratic values underpinning the body of work.³⁴ It is my understanding that much of CRT is driven by the goal of accountability and holding us to the best version of ourselves as constitutionally articulated.

As leaders, it is important that we pause and ask ourselves the same question, both internal and external, to the school. Even though there may be inherited systems and policies that make achieving the goal of democratic inclusion holistically difficult, there may be nuanced options available if people are willing to embrace the possibilities that allow for change, if only incremental at first instance.

I acknowledge that the systems and policies may themselves beg careful interrogation, just as I recognize that universities and other large bureaucracies tend to move slowly in such areas for myriad reasons, including university rules, collective bargaining agreements and other labor and employment policies, faculty governance, system-wide and school structures, organizational culture, and fiduciary board policies, not to mention university and school budgets. But alas, it is my sense that you can tell a lot about people and institutions by the way they spend that which is often precious to them – time and money. Both are often constrained, requiring prioritization and discretionary allocation and expenditure. Nonetheless, how one spends one's time and money as an institutional leader should be mission-enhancing, future-oriented, and justice-seeking, in service of our students and alumni.

F. *Consider the Nature of the Harm*

As with the above Kindergarten urgings to Play fair. Don't hit people. Put things back where you found them. Clean up your own mess. Don't take things that aren't yours, this CRT tenet from *Race and Races* speaks to a balancing. It asks us to query whether the harm is "minimal or serious[.]" and further begs, "whose characterization is being given credibility?"³⁵ These questions are particularly apt for leaders as there are often not just multiple sides to a story, but there are multiple dimensions.

33. *Id.*

34. *See, e.g.,* Crenshaw, *supra* note 3, at 1253.

35. PEREA ET AL., *supra* note 9, at 3.

Like context, given the perceived stakes, these dimensions of narrative may have historical fixity, as well as small “p” political implications. But what are those stakes? On the one hand, as attributed to Henry Kissinger, “[t]he reason that university politics is so vicious is because stakes are so small.”³⁶ On the other hand, as a Lord of the Rings nerd, I harken to what Galandriel says in the prologue of the *Lord of the Rings: The Fellowship of the Ring*, “[a]nd nine, nine rings were gifted to the race of men, who, above all else, desire power.”³⁷

For higher education and its economics, in a time of increased pressure from the pandemic, and the racial reckoning, not to mention the insurrection, inauguration, and impeachment, both perspectives may be apt. Deans may do well to recognize that people may be flexing precisely because the resources and access to power, in whatever form, are more constrained than ever. With constraint comes anxiety, fear, and concern for jurisdiction and territory, all of which relate to real or perceived notions of potential harm and power shifts.³⁸

In my decision-making, I regularly assess what will happen not if we act positively by doing something affirmative, but rather, what will happen if we decide *not* to act. Given the aforementioned fear, anxiety, and possible shifting of resources that comes with change, there is often serious investment in, and loud voices urging, non-action.³⁹ After over ten years of deaning I have seen that change is hard, especially in higher education.

36. *Quotes by Henry Kissinger*, GOODREADS, <https://www.goodreads.com/quotes/609695-the-reason-that-university-politics-is-so-vicious-is-because> (last visited Sept. 23, 2021); John P. Frazee, *Why We Can't Just Get Along*, CHRON. HIGHER EDUC. (Apr. 1, 2008), <https://www.chronicle.com/article/why-we-cant-just-get-along/>; Jid Lee, *Why Academic Politics Are So Vicious*, AM. ASS'N UNIV. PROFESSORS, <https://www.aaup.org/article/why-academic-politics-are-so-vicious> (last visited Dec. 29, 2021). *But see Academic Politics Are So Vicious Because the Stakes Are So Small*, QUOTE INVESTIGATOR (Aug. 18, 2013), <https://quoteinvestigator.com/2013/08/18/acad-politics/>.

37. *The Lord of the Rings: The Fellowship of the Ring (2001) Cate Blanchett: Galadriel*, IMDB, <https://www.imdb.com/title/tt0120737/characters/nm0000949> (last visited Nov. 8, 2020).

38. *See* LAURA L. BEHLING, *THE RESOURCE HANDBOOK FOR ACADEMIC DEANS* 80 (2014) (“The decision-making arena can indeed be fraught with mistrust and fear, especially when the decision involves the allocation of scarce resources.”); K.R. McClure, *Building the Innovative and Entrepreneurial University: An Institutional Case Study of Administrative Academic Capitalism*, 87 J. HIGHER EDUC., 516, 537, 539 (2016) (describing how “faculty members resisted the encroachment of innovation and entrepreneurship into an area of academic life over which they had some control . . . indicating that faculty members diversely interpret, mediate, and resist forces of academic capitalism[.]” and recommending upper-level administrators “mitigate conflict by actively soliciting input and involvement from faculty members.”).

39. BEHLING, *supra* note 38, at 202:

In leading this kind of institutional change, the dean . . . must recognize two principal obstacles that stand in the way. One is structural; most forms of faculty governance exist, in part, to make change, even innovation, slow and challenging. Preservation of present process and form is a primary *raison d'être* for many faculty governance structures. Conservation—even inertia—has a higher value than change.

Perhaps more difficult to address than structural resistance is that less tangible resistance, a more generalized fear of change itself We fail to recognize it in operation around us because it hides, even embeds itself, into more acceptable or virtuous forms of resistance to change: those *universally* accepted principles of the college and institutional memory. Resistance to change and fear of change are antithetical to the heart and soul of

However, if through an omission we decide not to act, we must similarly consider the nature of the harm, and ask whether through our non-action or inaction, harm is nonetheless being worked. We must similarly query whether through our failure to engage, we are supporting exclusive, injurious, or normatively questionable institutional ways. Again, given the nature of these institutions, their histories, policies, cultures, and practices, change is often incremental and slow, but even pragmatism should still lead to more inclusive and forward-looking ways of serving the students, and the community more generally.

I think it is important to state what might be obvious to many, but which may be elusive in internal politics, and that is ensuring that the “for the sake of the students question” is emphasized. While reasonable minds may differ on the answer to this question, and recognizing that it has near, intermediate, and long-term aspects, we need to be ever mindful of the diverse array of student interests (academic, career and professional, well-being, and financial) as decisions are, or are not being made.

G. *Trust Your Intuition*

I don't know that this CRT tenet has an obvious corollary with Kindergarten teachings, (perhaps Live a balanced life—learn some and think some and draw and paint and sing and dance and play and work every day some; or Wonder. Remember the little seed in the Styrofoam cup: The roots go down and the plant goes up and nobody really knows how or why, but we are all like that[.])⁴⁰ but I really like it. Intuition is rarely a contemplated part of articulated leadership speak.

I have shared with my children that I surmise that we may be the only species in the animal kingdom to actively, and intentionally, disregard our instincts. Whether it be called a little voice, an angel, a sixth sense, the universe, our gut, or a hunch, we often stubbornly disregard that intuition, over and over again. I am trying not to do that. I will confess that many, if not most times, when I have not “trusted my gut,” as it were, or when I have been deferential against my instincts, I have regretted it.

I think especially as women, and in my case as a black woman, we are gender- and race-normed away from listening to our own wisdom and to, instead, be conciliatory in navigating our identities for fear of being labeled, and acted against, in sexist, classist, and racist ways.⁴¹ Undermining the heeding of my instincts, I am

entrepreneurship. The patient yet shrewd dean will experience a degree of success in coaching some faculty and staff through the cycle of change. For others, the noise will never get loud enough that they see the value of joining the journey.

40. KINDERGARTEN, *supra* note 6, at 6-7.

41. See Laura M. Padilla, *Women Law Deans, Gender Sidelineing, and Presumptions of Incompetence*, 35 BERKELEY J. GENDER L. & JUST. 1, 26 (2020) (“All deans must adapt, but women, especially women of color, have to adapt in more ways and in more circumstances to reduce challenges to their authority and to make their constituents more comfortable.”); NATIONAL RESEARCH COUNCIL ET AL., *SEEKING SOLUTIONS: MAXIMIZING AMERICAN TALENT BY ADVANCING WOMEN OF COLOR IN ACADEMIA: SUMMARY OF A CONFERENCE 24* (Karin Matchett ed., 2014) (discussing the research of Joan Williams, distinguished professor of law and director of the Center for Work-Life Law at Hastings College of Law, University of California, and specifically “tightrope bias” where women in academic culture are commonly faced with the choice to be respected (i.e.,

ever mindful of the angry black woman trope, the trigger-happy criticality, the hyper-scrutiny yet ironic heightened expectations, the belligerence and lack of respect, and certainly the incessant comparison to other leaders, usually white men.⁴² Whether loved or loathed, they are the benchmark and the prototype against which we are judged, in many domains. Raced and gendered scales and frames of reference have been consistent across generations, and across people of all genders and races, so this is not new.⁴³ Unfortunately, this normative atmosphere has a

showing traditionally masculine traits) but ostracized and not liked, or liked (i.e., showing traditionally feminine traits) but not respected and, thus, expected to perform a larger proportion of the collective work); Yolanda Flores Niemann, *Lessons from the Experiences of Women of Color Working in Academia*, PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA 472 (Gabriella Gutiérrez y Muhs et al. eds., 2012) (“Women of color cannot—and should not—reasonably be expected to change their culture because they have entered a white academic world. However, cultural differences may be misperceived, misinterpreted, and/or translated as not belonging to academia or noncollegial by their white colleagues and/or students.”); Carmen G. Gonzalez, *Women of Color in Legal Education: Challenging the Presumption of Incompetence*, 61 FED. LAW. 49, 51 (2014):

Women of color may feel compelled to conceal or mute aspects of their identities to make their students and colleagues feel comfortable—to mask the very diversity that makes their presence in legal academia so valuable. They may sidestep controversial topics. . . , shun ethnic hairstyles or attire, and behave in an exaggeratedly lady-like manner to avoid triggering stereotypes, such as “the angry black woman,” or the “working-class Chicana militant.”

42. See Alison Cook & Christy Glass, *Above the Glass Ceiling: When Are Women and Racial/Ethnic Minorities Promoted to CEO?*, 35 STRATEGIC MGMT. J. 1080, 1081 (2014) (“Decision makers tend to view women and minorities as less competent and capable of leading organizations compared to white men”); NATIONAL RESEARCH COUNCIL ET AL., *supra* note 41, at 23 (noting that women’s mistakes are taken more seriously and remembered longer than those made by men (“recall bias”) and objective rules are applied rigorously to women and leniently to men (“leniency bias”)); Maura Cheeks, *How Black Women Describe Navigating Race and Gender in the Workplace*, HARV. BUS. REV. (Mar. 26, 2018), <https://hbr.org/2018/03/how-black-women-describe-navigating-race-and-gender-in-the-workplace> (“Statements said by a black woman in a group discussion were also least likely to be correctly attributed compared to black men, white women, and white men. Black women in leadership positions are also more likely to be criticized or punished when making mistakes on the job.”); *New Study Finds Gender and Racial Bias Endemic in Legal Profession*, AM. B. ASS’N (Sept. 6, 2018), <https://www.americanbar.org/news/abanews/aba-news-archives/2018/09/new-study-finds-gender-and-racial-bias-endemic-in-legal-professi/> (finding that “[s]ixty-three percent of women of color report having to go ‘above and beyond’ to get the same recognition as their colleagues.”); Padilla, *supra* note 41, at 30:

This trend [white males’ disengagement after the appointment of a woman or racial minority CEO] is especially troubling for women law deans as it can create serious morale and productivity problems while also making it difficult for team building and collaboration. When administrations and peers already set high expectations of women deans’ performance and heavily scrutinize their actions, women deans’ jobs become even more difficult if white men who work under them identify less with the law school because of their appointment and become less inclined to help their colleagues, especially colleagues of color.

43. Deborah Jones Merritt & Barbara F. Reskin, *Sex, Race, and Credentials: The Truth about Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199, 299-300 (1997) (uncovering “evidence of systemic discrimination against both minority and white women in the designation of initial professional ranks . . . providing strong evidence that hiring markets do not yet work in an even-handed manner.”); William T. Bielby, *Minimizing Workplace Gender and Racial Bias*, 29 CONTEMP. SOCIO. 120, 120-21 (2000) (“Minimizing gender and racial bias in the workplace need not be a utopian project. Social research conducted across many decades has taught us much about what generates and sustains workplace inequalities by gender and race.”); Jenny R. Yang, *Adapting Our*

permanence that will not soon disappear as it is the implicit, and sometimes unconscious, operating system in many places.

Given this terrain, I work harder. I realize that I am read, heard, and encountered in ways that are filtered through identity lenses – race, gender, age, class, nationality, ethnicity, sexual orientation, and the intersections thereof, perceived and real. Identity operates for each leader in complex and different ways. In this milieu, it is even more important that you trust your intuition. Your past experiences, mistakes, achievement, pain points and healing moments all inform present situations and enhance your ability, with each encounter, to appreciate and understand more clearly, and sometimes to see and feel, what is invisible and unarticulated. To some extent, this is stepping out on faith, often in oneself.

I cannot make this point any better than the late Professor and activist Trina Grillo. She stated:

[w]e must believe what our bodies tell us. They teach us to check for the deep, internal discomfort we feel when something is being stated as gospel but does not match our truth. Then they teach us how to spin that feeling out, to analyze it, to accept that it is true but to be able to show why that is so. They also teach us to be brave.⁴⁴

Such courage is crucial to leadership.

I often tell my students to remember why they came to law school, especially if they want to be an agent for societal change. I mean to suggest that they not let the substance of the law and its processes diminish what their hearts and experiences also tell them. Just as it is now recognized that emotional intelligence

Anti-Discrimination Laws to Protect Workers' Rights in the Age of Algorithmic Employment Assessments and Evolving Workplace Technology, 35 ABA J. LAB. & EMP. L. 207, 211-12:

As a society, limited progress has been made in addressing discriminatory hiring practices that have contributed to widespread occupational segregation—a major contributor to wealth and opportunity gaps across race, ethnicity, and gender. Studies have confirmed that hiring discrimination against Black and Latinx workers has experienced little or no decline over a twenty-five-year period, with white applicants receiving thirty-six percent more callbacks than Blacks and twenty-four percent more callbacks than Latinx applicants. Another study found that Asian-named applicants were twenty percent less likely to receive callbacks from employers with 500 or more employees and nearly forty percent less likely to receive callbacks from smaller employers. Other research has documented that men are viewed as more fact-based, reasoned, and logical when giving the exact same venture capital pitch as women. People with disabilities and older workers face systemic employment discrimination as well. Subjective decision-making practices have long perpetuated discrimination while being very difficult to challenge under current laws and class certification standards. Algorithmic systems could help identify and remove systemic barriers in hiring and employment practices. But to realize this promise, they must be carefully designed to prevent bias and to document and explain decisions necessary to evaluate their reliability and validity.

44. Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16, 22 (1995).

is a crucial part of excellence and high achievement,⁴⁵ so too can our feelings and insights be relevant and helpful.⁴⁶ We just need to figure out how and why.

I mean to say the same thing for law school deaning. As part of leadership, especially deaning at a law school with its multiple constituencies which are often in tension, you have to *feel* that you can make a difference, a positive difference. It is that same pursuit and sense of passion that we seek to instill in our students that we must preserve in ourselves!

H. *Ask, Who Benefits?*

In *Race and Races*, this final tenet is framed as, “[a]sk yourself why was this rule adopted and who benefits from its observance?”⁴⁷ And so, if the benefits are Fulghum’s proverbial “cookies,”⁴⁸ it begs a question to which I hope the answer is that the “cookies and warm milk” inure to the benefit of our students. Whether in the near or long term, the benefits of our institutional decision-making should ultimately accrue to our students, through improved academics and legal competencies, experiential and professional opportunities, and the appreciation of their degrees.

As mentioned above, we must keep this imperative front and center in our decision-making, even if the connection to decisions seems tenuous. For instance, faculty engaged in scholarly pursuits, as well as teaching excellence, elevate the school, its repute, and the nature and depth of intellectual discourse, both at the school and in the community. So too fiscally sound decisions mindfully curb escalating tuition rates and fees. Similarly, structures that are technologically fortified, secure, and accessible prepare our students for the rapidly evolving world of practice and professional opportunities, which require more entrepreneurial, inclusive, and innovative practice systems and analytics.⁴⁹

45. See generally DANIEL GOLEMAN, *EMOTIONAL INTELLIGENCE* (Bloomsbury Publ’g, 25th anniversary ed., 2020); see also Lauren Landry, *Why Emotional Intelligence Is Important in Leadership*, HARV. BUS. SCH. ONLINE (Apr. 3, 2019), <https://online.hbs.edu/blog/post/emotional-intelligence-in-leadership> (“The most effective leaders are all alike in one crucial way: They all have a high degree of what has come to be known as emotional intelligence. It’s not that IQ and technical skills are irrelevant. They do matter, but . . . they are the entry-level requirements for executive positions.”).

46. Charity Scott & Paul Verhaeghen, *Calming Down and Waking Up: An Empirical Study of the Effects of Mindfulness Training on Law Students*, 21 NEV. L.J. 277, 323 (2020) (describing the positive benefits of mindfulness training on law students, consistent with other research findings, which include “increases in ability to focus attention; reappraise situations; be in a better mood; and show self-compassion, self-acceptance, and personal growth—all aspects of self-awareness and mindfulness which support the ‘soft’ skills that are as important for professional success as the intellectual skill of legal analysis”); Chai M. Tyng, et al., *The Influences of Emotion on Learning and Memory*, FRONTIERS PSYCH. (Aug. 24, 2017), <https://www.frontiersin.org/articles/10.3389/fpsyg.2017.01454/full> (“[I]t is well established that emotions influence memory retention and recall . . . Some studies report that positive emotions facilitate learning and contribute to academic achievement”).

47. PEREA ET AL., *supra* note 9, at 4.

48. KINDERGARTEN, *supra* note 6, at 6-7 (“Warm cookies and cold milk are good for you.”).

49. See Bob Ambrogi, *Tech Competence*, LAW SITES, <https://www.lawsitesblog.com/tech-compence> (last visited Oct. 1, 2021). For instance, in 2012 the ABA’s House of Delegates voted to amend Comment 8 to Model Rule 1.1, which pertains to competence, to read as follows and, thus far, thirty-

V. CONCLUSION

At the end of the day, both Fulghum's *Kindergarten* and the referenced tenets in *Race and Races*, strive to enhance our understanding of society, our systems, structures, and culture. In terms of leadership fundamentals, we can be inspired by theory animated by a desire for continual improvement along many trajectories. All leaders are likely driven by that same desire. How can we ensure that when we leave an enterprise, institution, or school, it is better – its systems, operations, culture, and resourcing, including person power – than when we found it? Hopefully these elemental suggestions can assist us in that journey, especially for those of us who are tasked as educators with preparing and uplifting the next generation of leaders. This is an incredible honor and responsibility, one requiring critical deaning.

nine jurisdictions have adopted some semblance of this rule: "Maintaining Competence[:] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. (Emphasis added)."

