



**INDIANA UNIVERSITY**  
**SCHOOL OF LAW**  
Bloomington

**Deliberative Leadership**  
Spring 2017

Time: Tuesdays, 5:35 to 7:35

Professor Henderson, Office 255

Place: Room 214

Phone: 812-856-1799

Office Hours: M 4-5:30 pm, by appointment

Email: wihender@indiana.edu

**Overview**

For decades, law students have come to law school with the vague, unexpressed hope that their legal education will one day enable them to make the world a better place. That impulse is seldom directly nurtured during the 1L year, as students focus on learning substantive law and the technical skills of legal reasoning. As it turns out, using the law to make the world a better place is more complicated than most entering law students realized. During this course, 2Ls and 3Ls will revisit the topic of doing good, but this time with a greater base of legal knowledge and a targeted set of readings and exercises that span an entire semester.

In virtually all realms of business and civic life, lawyers make up a disproportionate share of the leaders. This may occur because law school develops the requisite analytical skills and self-confidence. Alternatively, highly able students may gravitate to law more than other fields. Regardless, truly effective leadership is in perennial short supply. If law school is, in fact, leader school, then legal educators should take up the task of increasing the quality and quantity of leader output. That is the goal of Deliberative Leadership.

During this course, we will study methods and styles of leadership, including the types of leaders that highly talented people (like Maurer graduates) find inspiring and thus are willing to follow. Through the course assignments, you will also be given the opportunity to take on several roles that you need to master before you can be a credible and effective leader, including follower, teamworker, and equal co-contributor within a group setting. We will experience firsthand that academic ability does not readily translate into effectiveness as a leader. Rather, over any sustained period, character, reliability, and integrity are required to influence the behavior of others.

Joining with students in these discussions will be numerous visiting lawyers, including several Indiana Law alumni. Although the visiting lawyers will bring the benefit of additional work and life experiences, we will strive to make all the interactions peer-to-peer.

**Learning Objectives**

Through this course, students will:

- Read contemporary and classic texts in decision-making, communication, and leadership
- Collaborate with peers to plan and run successful professional meetings

- Practice individual and group decision-making
- Gain experience advancing organizational goals (i.e., when and how to follow, when and how to lead)
- Gain experience interacting with successful senior professionals
- Use reflective practice and double-loop learning to become a more effective professional
- Gain confidence and knowledge in when and how to effectively lead others.

**Structure, Format, Teaching Methodology**

Deliberative Leadership is a two-credit hour course limited to 20 students. There will be five student teams with a maximum of four members per team. To a substantial degree, these student teams will run the classes. The course meets on Tuesdays from 5:35 to 7:35. Each class session falls into one of four types:

1. Foundational Concepts (2 classes, Weeks 1-2)
2. Guest Lawyer Focused (5 classes, Weeks 3-12)
3. Student-Led Classes (5 classes, Weeks 3-12)
4. Call to Action Speeches (1 class, Week 13).

The schedule for the semester is set forth below.

Week	Date	Focus of class	Assigned Team
1	Jan. 17	Foundational Reading	
2	Jan. 24	Foundational Reading	
3	Jan. 31	Guest Lawyer Focused	Team 1
4	Feb. 7	Guest Lawyer Focused	Team 2
5	Feb. 14	Student-Led Topics	Team 3
6	Feb. 21	Guest Lawyer Focused	Team 4
7	Feb. 28	Student Led Topics	Team 5
8	Mar. 7	Guest Lawyer Focused	Team 3
9	Mar. 21	Student-Led Topics	Team 1
10	Mar. 28	Guest Lawyer Focused	Team 5
11	Apr. 4	Student-Led Topics	Team 2
12	Apr. 11	Student-Led Topics	Team 4
13	Apr. 18	Call to Action Speeches	

**Reading for Weeks 1 and 2 (Foundational Concepts)**

For the first two weeks, Professor Henderson will assign readings and lead class discussion. The assignments reflect his best judgment on where to begin our inquiry. Beginning with Class 3, we will graft on the perspectives of lawyers and students.

Week 1: Checking Our Assumptions about People. Assessing Our Motives. Alignment.

- Viktor Frankl, “Why to Believe in Others” (1972) (4 min. video)
- Carl Braun, *Management and Leadership* (1954) (excerpts)
- Nummi, This American Life, Mar. 26, 2010 (Podcast) (link and transcript posted on Canvas)
- Batman, This American Life, Jan. 9, 2015 (Podcast) (link and transcript posted on Canvas).
- Randall Kiser, *How Leading Lawyers Think: Expert Insights Into Judgment and Advocacy* (2011) (chapter 8, Perpetual Learning).

Week 2: Getting Comfortable with Yourself. Avoiding Defensive Reasoning and the Doom Loop.

- James Capshew, *Herman B Wells: The Promise of the American University* (2012) (excerpts)
- Bill George, Peter Sims, Andrew N. McLean, Diana Mayer, "Discovering Your Authentic Leadership," *Harvard Business Review*, Feb. 2007.
- Henderson, "The Inferiority Complex of Law Schools," *National Law Jurist*, Mar. 2012.
- Chris Argyris, "Teaching Smart People How to Learn," *Harvard Business Review*, May 1991.

### **Summary Document**

After covering the foundational concepts during Classes 1 and 2, each student team will produce a summary document that captures the learning of the class to date.

**Requirements:** 750 words max, due Friday Jan. 27 at 4 pm. Please upload to Canvas at the Summary Document Assignment.

The summary document is in part a mechanism for improving understanding and retention of complex information, and in part a quality control measure, as students will be running subsequent classes.

Each student team needs to revise its summary document twice during the semester: once before the team's Alumni-Lawyer session and once at the end of Week 12. For Guest Lawyer weeks, the student team running that week's session will circulate its revised summary document to visiting lawyers and the entire class by 4 pm of the Friday before the session. Each team should consider its summary to be an organic document that reflects the team's learning to date. The length of the circulated summary document can grow by 250 words for each of the five Guest Lawyer sessions (1000 for Team 1, 1250 for Team 2, up to 2000 words maximum for the fifth and last team). The summary document should reflect team discussions that occurred *outside of class* as well as ideas and concepts learned from other teams (with full attribution). The final summary document should be no more than 2,500 words. When crafting the document, the goal should be the creation of a good working tool to guide students' future professional development (due Apr. 14 at 4 pm).

### **Guest Lawyer Classes**

Five classes will focus on readings selected in advance by visiting lawyers (two lawyers per session, ten visiting lawyers total over the semester). Below is the list of visiting lawyers:

Date	Team	Visitors
Jan. 31	1	Jessica Merkel (IU Law '06), Partner, Bungler & Robertson Sam Ardery (IU Law '83), Partner, Bungler & Robertson
Feb. 7	2	Pat Gillette, Mediator and Speaker, formerly Partner (retired), Orrick Randall Crocker, Managing Partner, von Briesen & Roper
Feb. 21	4	NaShara Mitchell (IU Law '10), Entrepreneurship & Innovation, Butler University Margaret "Meg" Christensen (IU Law '07), Partner, Bingham Greenebaum Doll
Mar. 7	3	Stephen Beard (IU Law '98), VP-General Counsel, Heidrick & Struggles Jim Riley, Of Counsel and Former Name Partner, Riley Bennett & Egloff
Mar. 28	5	James Beckett (IU Law '98), CEO, Qualmet Jill Marchant, General Counsel, Farm Credit

Professor Henderson will forward to the organizing team of students the contact information for the visiting lawyers and their selected readings. Each lawyer has agreed to make him or herself available for a one-hour phone call for class planning with students. You should carefully plan this phone call. The only structural requirement for these sessions is that one hour is devoted to the readings and ideas of

each visiting lawyer. Your goal should be maximizing the learning experience for both the lawyers and your fellow students. Professor Henderson will make himself available to assist students in the planning process.

Paper copies of the readings will be circulated in class one week ahead of their scheduled coverage in class. Professor Henderson's assistant, Libby Pfothenauer ([epfotenh@indiana.edu](mailto:epfotenh@indiana.edu)), Rm 252A, can make copies for distribution. In addition, each team is expected to circulate discussion questions or a similar preparatory memorandum to the class by 4 pm Friday before the class session that team has organized. An email list can be obtained from Libby Pfothenauer.

### **Student-Led Topics**

Each student team will be in charge of planning, organizing, and leading one class session. Student teams should select readings and design their sessions based on what they believe will be of value and interest to the current generation of Indiana Law students. That is the criteria you are trying to maximize. Nothing else.

In compiling readings, students must draw upon at least two sources, though they can include videos, podcast, and other media types. Materials that are extraneous to the session theme should be edited out. Readings should be approximately 20 to 50 pages. (To stimulate ideas, students can review resources listed on a master bibliography compiled by Professor Henderson. See Appendix. These resources are only suggestive.) In preparation for their assigned sessions, students need to plan carefully. If you don't plan, your chances of executing a great class are near zero. Professor Henderson is available to help, but not to manage. It is your turn to be charge.

During these session weeks, up to 20 minutes at the beginning or end of class will be allotted to Professor Henderson to debrief what we learned from the Guest-Lawyer Focused sessions and to connect together course themes. Otherwise, Professor Henderson's role will be limited to consultation on session planning, providing ongoing feedback, and being a regular participant in the discussions.

### **Call to Action Speeches**

During the final week of class, every student will deliver a call-to-action speech about something they care deeply about. The object of the speech is to persuade the listener and get him or her to take action. Students are limited to five minutes; they have the option of using up to one visual aid (e.g., a single PowerPoint slide). In preparation for their speeches, students will be encouraged to read Chip Heath & Dan Heath, *Made to Stick: Why Some Ideas Survive and Other Die* (2007).

## Assessment and Grading

Students will be graded based on team work product (each team member gets the same grade), teamwork (grades can vary by individual), class participation, a call-to-action speech, and a final applied research / reflective essay. This class is limited in size and thus not subject to a mandatory curve.

Grade allocation	Description
30%	<p><b>Team work product.</b> Each team member gets the same grade.</p> <ul style="list-style-type: none"> <li>• <i>Summary Document</i> (10%). See Foundational Concepts section, supra.</li> <li>▪ <i>Quality of Class Planning and Execution</i> (20%). Each team must plan and run an Alumni-Lawyer Focused session and plan and run a Student-Led Topic session. Planning is evidenced by a written lesson plan, of which some or all will be shared with the class in advance. Each session will be evaluated by fellow students using a very simple feedback tool. Results will be reported back to student teams.</li> </ul>
10%	<p><b>Teamwork.</b> Grades will vary based on Professor Henderson’s observations and feedback solicited from peers.</p>
20%	<p><b>Class Participation.</b> Students are expected to attend and actively participate in class discussions. To track contributions, each class will be memorialized using a Harkness Diagram. See Appendix 3.</p>
10%	<p><b>Call-to-action speech.</b> 5 minutes max on a topic of deep interest to the student. Must be written out (750 word max.), practiced in advance, and turned in at the beginning of Class 13.</p>
30%	<p><b>Research Paper Based on Course Readings.</b> Students will write a capstone paper that synthesizes ideas and learning from the course readings and related readings that expand a core thesis (3,000 words max). This is an exercise in both applied research and reflective practice. See Donald Schön, <i>The Reflective Practitioner</i> (1982). Due on Friday, May th. Grading criteria include:</p> <ol style="list-style-type: none"> <li>1. <i>Originality</i> (20%) – synthesizes and derives new insights from course materials.</li> <li>2. <i>Organization</i> (20%) – has a clear thesis and a logical flow.</li> <li>3. <i>Depth of analysis</i> (20%) – marshals facts and theories based on course reading and theme; considers opposing views.</li> <li>4. <i>Evidence of personal or professional growth</i> (20%) – the students will be part of a team and have close personal contact with exceptional lawyers. Discusses impact of others on student’s worldview.</li> <li>5. <i>Candor</i> (10%) – honestly communicates personal values and perceptions.</li> <li>6. <i>Prescriptive advice</i> (10%) – closes the paper by offering advice to students who might take this course in future years.</li> </ol>

**Appendix 1**  
**Suggestive Bibliography**

**Leadership**

- Joseph L. Badaracco, [Questions of Character: Illuminating the Heart of Leadership Through Literature](#) (2006)
- Arlene Blum, [Annapurna: A Woman's Place](#) (1998).
- Larry Bossidy and Ram Charan, [Execution: The Discipline of Getting Things Done](#) (2002)
- Peter Cappelli, Harbir Singh, Jitendra Singh, and Michael Useem, [The India Way: How India's Top Business Leaders Are Revolutionizing Management](#) (2010).
- Jim Collins, [Good to Great: Why Some Companies Make the Leap...and Others Don't](#) (2001).
- David H. Freedman, [Corps Business: The 30 Management Principles of the U.S. Marines](#) (2000).
- Sydney Finkelstein, [Why Smart Executives Fail: And What You Can Learn from Their Mistakes](#) (2004).
- Howard Gardner, [Leading Minds: An Anatomy of Leadership](#). (1995).
- John Gardner, [On Leadership](#). (1993).
- Bill George with Peter Sims, [True North: Discover Your Authentic Leadership](#) (2007).
- Doris Kearns Goodwin, [Team of Rivals](#) (2005).
- Belle Linda Halpern & Kathy Lubar, [Leadership Presence: Dramatic Techniques to Reach Out Motivate, and Inspire](#) (2003).
- Jim Lovell and Jeffrey Kluger, [Lost Moon: The Perilous Voyage of Apollo 13](#) (1994).
- J. Edward Russo & Paul J. H. Schoemaker, [Winning Decisions: Getting It Right the First Time](#). (2002).
- Michael Shaara, [The Killer Angels](#) (1974).
- Noel M. Tichy, [The Leadership Engine: How Winning Companies Build Leaders at Every Level](#) (1997).
- Michael Useem, [The Leader's Checklist](#) (2011).
- Michael Useem, [Leadership Moment: Nine True Stories of Triumph and Disaster and Their Lessons for Us All](#) (1998).
- Michael Useem, [Leading Up: How to Lead Your Boss so You Both Win](#) (2001).
- Michael Useem, [The Go Point: When It Is Time to Decide](#) (2006).
- Larry Zicklin, [Old City Enterprises Case Study](#) (2013)

## **Decision Making**

Graham T. Allison and Philip Zelikow, [\*Essence of Decision: Explaining the Cuban Missile Crisis\*](#) (1999).

Max Bazerman & Don A. Moore, [\*Judgment in Managerial Decision Making\*](#) (2008).

Arlene Blum, [\*Breaking Trail: A Climbing Life\*](#) (2005).

Atul Gawande, [\*The Checklist Manifesto: How to Get Things Right\*](#) (2009).

Kenneth R. Hammond, [\*Judgment Under Stress\*](#) (2000).

[\*Harvard Business Review\*](#), special issue on decision making (Jan. 2006).

Daniel Kahneman, [\*Thinking, Fast and Slow\*](#) (2012).

Gary Klein, [\*Sources of Power: How People Make Decisions\*](#) (1998).

Gary Klein, [\*Intuition at Work: Why Developing Your Gut Instincts Will Make You Better at What You Do\*](#) (2003).

J. Keith Murnighan & John C. Mowen, [\*The Art of High-Stakes Decision-Making: Tough Calls in a Speed-Driven World\*](#) (2002).

Robert E. Rubin with Jacob Weisberg, [\*In an Uncertain World: Tough Choices from Wall Street to Washington\*](#) (2003).

Barry Schwartz, [\*The Paradox of Choice\*](#) (2004).

Michael Useem, [\*The Go Point: When It Is Time to Decide\*](#) (2006).

J. Frank Yates, [\*Decision Management: How to Assure Better Decisions in Your Company\*](#) (2003).

## **What Motivates (Us and Others); How We Persuade**

Adam Grant, [\*Give and Take: A Revolutionary Approach To Success\*](#) (2013)

Daniel H. Pink, [\*Drive: The Surprising Truth About What Motivates Us\*](#) (2011).

Daniel H. Pink, [\*To Sell is Human: The Surprising Truth About Moving Others\*](#) (2013)

Dan Heath & Chip Heath, [\*Switch: How to Change Things When Change is Hard\*](#) (2010).

David Foster Wallace, [\*This is Water\*](#) (2005)

## Appendix 2

### Instructions for Guest Lawyers

The late Len Fromm, who served as Dean of Students from 1982 to 2012, emphasized with students the importance of “timely self-disclosure.” In order to establish trust and open up the possibility of deep interpersonal relationships, we have to be able to engage in honest communication about who we are and what we value. This is a hard concept to teach, as many students find it abstract and something not necessarily relevant to the practice of law. Yet a lawyer who cannot build trust is unlikely to be very effective.

After much reflection, I have concluded that my best shot at teaching timely self-disclosure is to have it modeled by successful practicing lawyers. I have invited you to this class because, based on the information I have gathered, you are a person of strong character who is unafraid to share with others some of the key lessons of your professional life.

As a visiting lawyer, your duties for this class are three-fold.

First, select a reading (5 to 40 pages) that encapsulates a valuable principle or insight that you have come to believe is true. It can be fiction, nonfiction, funny, serious, religious, philosophical, existential, historical, political, sociological, the biography of a famous or obscure person, something pertaining to business or government or leadership, or something squarely related to the law. It can be something you read 30 years ago and have remembered ever since, or something you read last week which seemed to encapsulate a lot of what you have learned in life. All that matters is that it has significant to your personal and professional journey since law school. During the week of your visit, this reading will serve as the basis for a one-hour, student-facilitated discussion.

Second, to enable the students to adequately prepare for the discussion, please make yourself available to help the student team formulate a session plan (one hour is adequate), including discussion questions based on your reading. Note it is the student team’s responsibility to prepare the session, not yours. Although your input will likely be welcome, please let them lead.

Third, provide feedback directly to your student group on your interactions with the team members. For example, did they contact you in a timely manner? Were the team’s communications clear and respectful? Was the team fully prepared for the planning call(s)? Did they demonstrate true intellectual curiosity in their questions? Did they consider your advice on its merits, engaging directly with your key points? Did they follow through on everything they promised? Did they ask you to do things they could and should have done themselves? Would you be inclined to recommend these students to a friend?

Finally, this class will test a hypothesis I have developed over the last several years. Specifically, it has been my observation that practicing lawyers who spend a full day at Indiana Law immersed with students come out of the experience feeling refreshed, revitalized, and with a sharpened perspective on what is truly important in their professional lives. I will be asking you if this was, in fact, your experience.

Appendix 3, Sample Harkness Diagram

