A SHORT COMPARISON OF MILITARY LEADERSHIP WITH LAW SCHOOL LEADERSHIP—MORE SIMILARITIES THAN DIFFERENCES?

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WHEN some people learn that I was The Judge Advocate General of the Army before becoming Dean at the Texas Tech University School of Law, they ask whether there is a significant difference between being an Army general and a law school dean. In their minds, I suppose, the stereotypical image of a general simply shouting orders to obtain immediate compliance sharply contrasts with the stereotypical image of a tenured academic faculty member ignoring the dean’s desires and direction with impunity. I will admit I have played to the stereotypical view by sometimes responding to the question stating: “Yes, there is a significant difference. I have found being a dean is akin to being a cemetery superintendent in that I still have people under me, but no one listens to what I say.”

The cemetery superintendent-law dean analogy never fails to get a laugh. But having now completed over seven years as dean, I have concluded that—at least in terms of relevant leadership skills—there are many more similarities than differences between my former and current positions. In this short article, I will attempt to identify those attributes of leadership that, in my experience, are constants regardless of position. I will also attempt to identify some differences that are particular to law school leadership, especially in today’s environment. Perhaps by doing so I can contribute my small part to the storehouse of knowledge and “lessons learned” that more experienced deans have so kindly shared with me over the last seven years.

I do not pretend to have become an expert in the many facets that make up the art and science of leadership, but leadership, including the study of leadership, has always been an interest of mine. Perhaps this is because, as some have said, the Army is the greatest leadership laboratory in the world, and I spent over thirty years in that lab. But also, to paraphrase Dr. Ken Jones, the President of Lubbock Christian University, leadership is a subject of interest because the future of all people is tied to the leader they follow, and effective leadership provides the path for people to rise to the level of their dreams.1

I think it is always useful to begin leadership discussions by differentiating between leadership and management. Leadership and management are neither


1. See L. KEN JONES, LEADERSHIP AFTER GOD’S OWN HEART 6, 8 (2005).
synonymous nor interchangeable. The old saying goes: “Managers do things right. Leaders do the right thing.”

The easiest way to simplify the difference is to say that you lead people and you manage resources. I learned early in my military career that Army sergeants have a wonderful capacity for describing lofty principles in succinct terms. One Army sergeant clearly described the difference between leadership and management to me by simply—and correctly—noting that you cannot manage an infantry unit up a hill into enemy fire to seize an objective.

People are the focus of leadership and there are innumerable books and articles that describe a leader’s role as basically inspiring and empowering the people for whom that leader is responsible. This description is undoubtedly true—so far as it goes—but the very definition of leader assumes that those who are led are working toward some goal. To have a valid goal toward which to lead people, the leader—and consequently, the led—must understand their organization. What is the organization’s purpose? What is the strategic vision for the organization? Leaders who do not completely understand their organization, and who do not have a strategic plan for that organization’s future, are simply caretakers, not leaders. This issue of organizational purpose and vision is one matter on which Army leadership and law school leadership differ rather significantly.

There is only one U.S. Army. Its purpose, as succinctly stated in the Officer’s Oath, to “support and defend the Constitution of the United States against all enemies, foreign and domestic,” is both unique and invariable. Certainly, the Army’s strategic vision for how to accomplish its purpose changes with technological advances, the geopolitical climate, and the leadership’s analysis of many other factors, but the overarching goal remains the same. Each of the nation’s law schools, on the other hand, while they all graduate persons with law degrees, seems to have quite different purposes and strategic visions. This article does not intend to discuss the concept of law school stratification, nor is it important for purposes of this article to assign value to different schools—public, private, historic, new, etc. The differences can be parsed many ways.

It is only important to the concept of effective leadership that law school leaders understand what the real—as opposed to the imagined—purpose of their law school is so they can devise and effectively communicate to the various constituent groups that make up a law school community a strategic vision to reach or enhance that purpose. In communicating with different constituent groups—faculty, staff, students, alumni—the message regarding purpose and vision may be slightly altered to fit that group’s interests, but the central message must be consistent.

Without digressing too far into a discussion of the differences between law schools and, thus, the differences in their goals and visions, I simply suggest that differences are good. As Jim Collins points out in his exceptional book on

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2. See, e.g., Scott Eblin, Let Go to Lead at the Next Level, LEADER TO LEADER, Fall 2006, at 11-15.
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organizational quality, a good starting point for the leader of an educational institution is to articulate in his or her own mind whether, if that school ceased to exist tomorrow, anyone would notice or care. Obviously, if your law school is no different from any other in terms of purpose and adds nothing unique to the law school world, the answer to Dr. Collins’s question might be one you do not wish to hear.

After the law school leader—generally the dean—answers the institutional purpose question in his or her own mind and develops a strategic vision for the school, with input from other constituent groups, the next issue facing the dean is how to communicate effectively that purpose and vision to all parties whose participation will be important to organizational success. Nearly all writers agree that the ability to communicate effectively is a critical attribute of leadership, but as with many principles, saying and doing are quite different things. For certain, one of the most important aspects of communicating a “vision”—which is often shorthand for a combination of purpose and strategic vision—is to ensure the leader’s vision aligns as perfectly as possible with the interests of those he or she hopes to lead. Or as one writer succinctly says, really effective leadership communication has occurred when the led group adopts the leader’s vision as their vision.

This ability to communicate clearly—always an important leadership attribute—is especially important when the persons with whom the leader is communicating belong to today’s generations of “techno-geeks” who are constantly receiving information from all forms of digital media. Because these generations are best able to function at peak efficiency when everything makes sense, has clarity, and is in focus, breaking through the information overload is the communication key. Although these younger generations—which include the current law students, young alumni, and some young faculty—are often characterized as more “me” centered and less willing to adopt organizational goals than prior generations, at least one person who has studied them believes that “[w]hen they understand the mission, vision, and values of their overall organization; can clearly articulate their role within the organization … they are able to become highly motivated and remarkably productive.”

Once an organizational purpose is identified and clearly communicated to all interested parties, I believe, based on my own experience and study, that there are certain immutable leadership traits and attributes that are important to effective leadership. First among these is taking care of people. This can take many forms depending on the circumstances. From the faculty’s perspective, for example, the dean primarily exists to facilitate their teaching and scholarship and

to represent effectively their interests to, and shield them from, the university administration. And by doing those things, a dean is taking care of people—in this case the faculty. But taking care of people also includes personal involvement by the leader in the important roles of mentoring, assisting people in reaching their personal and professional goals, praising their accomplishments, and helping them through their disappointments.

Taking care of people can be as simple as a thank you. In my experience, a leader can never say thank you enough. Those simple words can enhance organizational effectiveness immensely, especially when said to lower level staff members who are critical for the effective functioning of an organization, but who may wonder if the dean even knows they exist. Additionally, as your mother doubtless taught you, saying thank you is the right thing to do. And in this same philosophical area, I once heard it said that you can tell a lot about a person’s character simply by observing how they treat the janitorial staff. Not a bad standard, I think.

In the general area of taking care of people, mentorship bears some special mention. I have attended many ceremonies over the years where someone was being appointed or promoted to a new and higher position. In nearly 100% of those instances, the person being promoted has—quite sincerely I believe—said something to the effect that he or she has reached this new height by “standing on the shoulders” of those who preceded and assisted them. In many respects, mentorship is merely that: monitoring careers, encouraging everyone to reach their potential, and helping them to attain promotion.8 In essence, the most important attribute of a mentor is simply caring. But in their role as mentors, leaders must always be alert to avoid both the reality and the perception of cronyism. A leader who pushes forward only “his boys” or “his girls,” and who is perceived as having an “A team” to the exclusion of everyone else, will for certain create morale problems that will significantly and negatively affect the organization.9

In addition to encouragement and assistance, I strongly believe that subordinates—be they faculty, staff, students, or soldiers for that matter—have a right to expect that their mentor-leader will point out their honest errors, but underwrite that error at least once in the interest of developing initiative and full potential.10 Perhaps I believe this so strongly in part because of my personal experience while serving as a Field Artillery Battery Commander during the Vietnam War. I was an Army Captain at that time, a relatively young junior leader in charge of the six howitzers and about 150 soldiers making up one of the

9. See id.
10. See U.S. Dep’t of Army, Leadership and Command at Senior Levels (FM 22-103) (June 21, 1987) (citing General Bruce C. Clarke on the inside front cover). The Army, thankfully only for a short time, once adopted a management policy called “Zero Defects”—no tolerance for mistakes. In addition to inducing organizational paralysis, that policy also creates an environment where ethics are easily compromised.
three firing batteries in the Fifth Battalion of the Fourth Artillery—an organization commanded by a Lieutenant Colonel John J. Ridgeway.

During the time in question, my battery was battle-tested and battle-worn. As part of a major operation called Lam Son 719, we fought from our “home” fire base at Con Thien, near the coast of Vietnam, all the way through Khe Sanh to the Laotian border. Then, apparently because of one of those odd political decisions that marked the Vietnam conflict, we were ordered to give back all of the ground we won and return to Con Thien. During that “reverse march,” my battery was designated to stay behind with an infantry unit to protect our retreating forces from harassing attacks by the North Vietnamese Army (NVA). Suffice it to say, that was an eventful mission with more attacks and counterattacks than can be detailed here. Eventually, we made it back to our fire base at Con Thien, a location less than one mile from the so-called Demilitarized Zone (DMZ) between the Vietnams.

Because the NVA did not care where the DMZ was located, they soon began using it to launch daily, and nightly, rocket attacks on our position. Between our return fire at those rocket launch locations and supporting fires for our infantry units, Colonel Ridgeway informed me that my battery was firing more artillery rounds on a continuous basis than any unit in Vietnam. Hence, my soldiers had been engaged in very heavy combat operations for over two straight months, and they were firing the howitzers—and dodging rockets—24/7 in twelve-hour shifts. Against this background, early one morning as our shift was changing, the Brigadier General who commanded our larger organization, Colonel Ridgeway’s boss, dropped in with his helicopter. “At last,” I thought, “the General is here to thank the men for their courage, skill, and dedication over these last difficult months,” as this was his first visit to our unit. I was very wrong.

As the General looked around, apparently all he saw were tired and unshaven soldiers ending a twelve-hour shift, and the empty gunpowder canisters and other remnants of our night’s work strewn about before being collected by the incoming shift. To me he said: “I don’t know that much about artillery”—and I thought that was certainly true—“but what I see here causes me to believe you should be removed from command. Can you give me any reason why I should not remove you?” I was so disappointed that the General had not even spoken to my soldiers, much less thanked them, and I was so angered by his comment, that I quickly responded: “No, if you think I should be removed from command, I cannot think of any reason not to do it.” So he did. Then the General flew back to his headquarters and informed Colonel Ridgeway that he had removed Captain Huffman from command—the termination of my military career for all practical purposes.

Fortunately for me, Colonel Ridgeway was one of those special leaders who believed that young and impetuous Captains were entitled to one (serious)

11. To answer one question that may have entered the reader’s mind at this point, by far the most important accomplishment of my professional life is that no man for whom I was responsible was killed in Vietnam. We had a number of men wounded, but none seriously, and all of them returned to duty with the battery.
mistake. As I later learned, he risked his own career for me by essentially telling the General that he was sure the General had more important things to do\textsuperscript{12} than to determine which Captains were qualified to command Batteries in Colonel Ridgeway’s Battalion. That was Colonel Ridgeway’s job. The Colonel added that if the General did not think Colonel Ridgeway correctly chose battery commanders, then the General’s role was to remove Colonel Ridgeway from command. I am sure there was more to it than that, but, as reported to me, that was the gist of the conversation. As a result, the General relented and I was informed that I was back in command, and my career was back on track before I could even pack my duffel bag.

In Colonel Ridgeway’s subsequent “mentoring” discussion with me, he minced no words to ensure I understood the teaching point and that my “get out of jail free” card was used up. I seem to recall him asking me if I were insane because anyone who challenged a General to fire him must be totally off his rocker and making other comments in a similar vein, but, I mostly just remember being very thankful that I had the benefit of a leader with great moral courage who believed that I was worth saving. Years later, when I was selected for promotion to Brigadier General myself, I was certainly “standing on the shoulders” of Colonel John J. Ridgeway. I always try to remember his example when junior people for whom I am responsible make an error that could be career terminal. We sometimes forget the many speeches our fathers gave us, and we may forget the preacher’s sermon, but we never forget examples.

Colonel Ridgeway was a great role model. Being a positive role model, personally and professionally, is, in my opinion, another imperative attribute a leader must possess. It is easy to say that a leader should look like a professional, act as a professional, be technically competent in his or her profession, and generally present a persona others who hope to succeed in that profession want to emulate. As with all these principles, however, being a good role model is more difficult than describing what one should be. For example, I think law faculty members do students a disservice when they do not dress as professionals when they are behind the podium. We, as law faculty, are role models for the profession to which our students aspire and part of our responsibility is to educate them on how they will be expected to dress and act when interviewing, clerking in law firms, and some day practicing law and interacting with clients.

Of course, appearance, while important, is not the most important attribute effective role models must embody and personify. In fact, the list is long: character, credibility, selflessness, humility, honesty, consistency, evenhandedness, compassion, competence, caring. There are many more that could be listed as well, but two aspects in particular bear special emphasis. One is character. In many ways, the values reflected in a leader’s character become the values of the organization itself; thus, it follows that a leader should be attentive to ensuring the values reflected in his or her actions are consistent with the values the leader

\textsuperscript{12} Hubris, a combination of an exaggerated sense of self-importance and the resulting belief that the rules do not apply to you, is something law deans as well as generals must guard against. See WEBSTER’S 3D NEW INT’L DICTIONARY 1098 (1966) (defining hubris as “overweening pride or self-confidence”).
In the vernacular, it is not enough to “talk the talk;” the leader must “walk the walk.”

Consistency between words and actions seems to be especially important when dealing with the younger generations now populating law schools. As one writer notes, these self-designated “millennials” are “equipped with exquisitely tuned hypocrisy detectors that sound an alarm whenever any sort of inconsistency or double standard may be present in a leader’s behavior.”

If that is true, their alarms must be ringing overtime in light of the string of recent revelations concerning our nation’s political, educational, and athletic leadership.

In fact, the disdain with which most people view hypocritical leaders simply validates the importance that being a consistent and positive role model plays in being an effective leader.

High values and a consistent reflection of those values through one’s character, words, and actions are obviously important, but if I had to pick one of the many important attributes an effective leader-role model must embody, it is integrity.

The moral courage to do what is right, regardless of personal consequences, at least in my experience, equates more closely to the personification of leadership than any other single trait.

All law deans can relate several examples of peers and colleagues who have lost their deanships because they refused to accept the actions of higher administrators that would harm the school of law for which they were responsible.

Most often, the issue is the desire of university leaders to use the law school as a “cash cow” to the detriment of law students, faculty and programs.

In the military, one exemplary example of personal integrity in a leader that I observed involved former Chief of Staff of the Army, General Eric “Ric” Shinseki, an old friend and my boss (and principal client) when I served as The Judge Advocate General of the Army.

13.  GLEN, supra note 6, at 117.


15.  Fortunately, most of these deans are rewarded for their integrity by being selected for another law deans’ position. For example, Don Guter, fired as law dean at Duquesne, is now president and dean of the South Texas College of Law. See Brian Tierney, Guter to Lead South Texas College, DUQUESNE DUKE (Pittsburgh, Pa.), Mar. 26, 2009, http://media.www.theduquesneduke.com/media/storage/paper1278/news/2009/03/26/News/Guter.T0.Lead.South.Texas.College-3683763.shtml.

To summarize a lengthy series of events, as Congress was considering war with Iraq following the September 2001 attacks on the New York World Trade Center Towers and the Pentagon, the Bush administration’s position, articulated by then Secretary of Defense Donald Rumsfeld, was that the United States could undertake and win the contemplated war in a matter of weeks with a relatively small force.\(^\text{17}\) In simplified form that was, as they say, “the party line.” As part of its deliberations, Congress directed General Shinseki to appear before them and during his appearance asked him whether Secretary Rumsfeld’s prognostication was correct.\(^\text{18}\) In keeping with his oath to testify truthfully before Congress and his duty to the soldiers of the Army he led, General Shinseki testified that Secretary Rumsfeld—his boss—was correct in his assertion about what it would take to win the war, but, in the General’s opinion, it would require “several hundred thousand soldiers” and years of effort to “win the peace” and to bring stability and security to the fractious tribes in Iraq.\(^\text{19}\) General Shinseki’s statement, quite obviously, varied significantly from the “party line.”

Subsequent events, of course, proved that General Shinseki was exactly right,\(^\text{20}\) but, for purposes of this article, the point is that when General Shinseki spoke the truth, when he demonstrated his integrity, he also knew the personal consequences would likely be severe. In fact, not long after General Shinseki’s testimony, Secretary Rumsfeld announced General Shinseki’s successor as Army of Chief of Staff, thereby significantly undercutting General Shinseki’s authority during his remaining time in office and essentially terminating the military career of a great leader.\(^\text{21}\) To me, and to many others, Ric Shinseki demonstrated the “gold standard” of what it means to be a leader with integrity. And to reiterate, one never forgets examples.

No matter how much integrity, character, or skill a leader has, it is a simple fact of organizational leadership that things will go wrong within that organization. To return to the vernacular, even with the most engaged and perceptive leaders, or in the highest functioning entities, be it military units or law schools, “stuff” happens. Illegal, unethical, or just unfortunate activities will occur and the leader will have to deal with them. One of my mentors, Major

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19. *Id.*

20. As of this writing, some eight years and nearly 4,500 soldier deaths since the war with Iraq was launched, thousands of U.S. forces are still engaged in attempting to bring peace and security to that country. *See GlobalSecurity.org, U.S. Casualties in Iraq, http://globalsecurity.org/military/ops/iraq_casualties.htm* (noting that 4,280 American Service members had died in Iraq as of November 2009).

General (Ret.) Ken Gray, once told me that the “big three”—sex, drugs (including alcohol), and money—would termin ate more promising careers than all other activities combined. Based on my experience, he was probably correct, but anyone who has held significant leadership positions in large organizations cannot help but marvel at the many ways people can advertently or inadvertently send their own lives—and sometimes the entire organization—flying off the tracks into various forms of disaster.

In addition to internally-generated problems, external forces can create great stress and disturbance within an organization (e.g., significant budget reductions imposed by the university administration). Regardless of the source of the problem, the important role for the leader is to remain visibly positive and optimistic. Not Pollyannaish, but always positive. And the more dire the circumstance, the more important a positive leader becomes to the success, and sometimes the survival, of the organization.

My most dramatic personal example of this leadership attribute also comes from my time as an Artillery Battery Commander during the Vietnam War. As I related in the earlier discussion of taking care of people, the fire base at Con Thien, where my unit was “home based,” was subjected to daily and nightly rocket attacks for an extended period of time. The purpose of these attacks, in addition to the goal of killing us outright, was to cause my soldiers to flee for cover and abandon the howitzers, which in turn would leave our patrolling infantry units without artillery fire support. Without the support of covering fire from our artillery, our infantry would then be easier targets for attack by the often numerically-superior NVA infantry who attacked from their hideouts in the so-called DMZ.

Thus, one of my roles as the leader of our artillery unit was to convince my soldiers to stay with their howitzers and continue their fire missions, both against the rocket launchers and in support of our infantry, regardless of the rocket attacks we received. In part, this goal was accomplished by digging earthen emplacements for our howitzers—foxholes for cannons if you will—and then building a parapet around each howitzer with triple layers of sandbags that would shield both the howitzers and their crews from rocket blasts and flying shrapnel.


23. DEVLYN, supra note 5, at 111-15.


25. Building these protective measures required grueling work by tired men who frequently pled to be allowed to rest and sleep instead of filling sandbags, and more than one accused me and my First Sergeant of having no mercy. But I had learned from another mentor, Major General Ross Ayers, a legendary Field Artilleryman of WWII fame, that to allow men to rest instead of ensuring their safety was a “mercy” no combat commander could afford.
These measures, while they could not protect from a direct hit by a rocket, did give the men some confidence that if they ducked momentarily behind the parapet when they heard the scream of an incoming rocket, they would be fairly well protected and could immediately resume their firing mission.

Unfortunately, one dreadful day a rocket did score a direct hit on the main bunker of the infantry unit that shared our fire base as the unit was gathered in the early morning, before they moved out on the day’s patrols, to present awards for valor earned during earlier missions. The rocket had a delayed impact fuse that allowed it to penetrate the sandbagged bunker roof and explode inside, collapsing the large bunker on top of the infantrymen who survived the initial explosion. Every man from my artillery battery who could be spared from the counter-fire mission, including me, joined in using shovels, boards, and even hands to try to rescue those infantrymen buried alive by the rubble. Although we did uncover some survivors, most of what we found was so horrific that it was indelibly imprinted in the memories of all who were there.

Against this background, the next day another rocket attack started, and, as we always did in these circumstances, my First Sergeant and I left my command bunker for the fire direction center bunker, located near the howitzer emplacements, to better monitor and control the battle and to visibly demonstrate to the men that we were not hiding in a corner somewhere when they were expected to stay with their howitzers during the attack. Our movement involved crossing an open area about the size of a football field. When we were only about half-way, we heard another incoming enemy rocket. We could tell this rocket was going to be close, so we sprinted and dove into the crater created by a previous rocket just as the new rocket hit nearby. The First Sergeant escaped injury, but I suffered a relatively minor wound on my left thigh and a thin cut across my cheekbone.

As we thanked our lucky stars (again), I said to the First Sergeant—a grizzled veteran of the Korean War and a previous tour in Vietnam—“Well, they finally got me. I guess you can have the battery clerk type up my Purple Heart paperwork.” But the First Sergeant viewed things differently. After examining my wounds, he said words (translated here from the somewhat earthy language used to make a point by Army sergeants throughout history) to the effect of “Captain, here is what we are going to do. We will go to your sleeping bunker and clean up the cuts. You can change out of those ripped pants and put a band-aid on your face. If anyone asks what happened, say you cut yourself shaving.” As he further explained, “Captain, the men are tired and scared. They desperately need your positive leadership. As long as they see you (unhurt and apparently invulnerable) walking among them and encouraging them, they will

27. See id.
believe everything is fine and they will stay with the howitzers and accomplish their mission. So that is what you must do.” And that is what I did.

Although I was an actor in this leadership story, it should be obvious that the real leader was my First Sergeant. He knew and understood that the difference between victory and defeat is often positive leadership—another example I have never forgotten.

As I noted at the outset of this short article, I do not pretend to be an expert in the art and science of leadership, but I have had the benefit of great mentors and leadership examples, and I find the topic both interesting and important. Based on my experience, both individual and organizational achievement are often directly tied to good leadership. To reiterate my central premise, the most important traits of good leadership apply equally to all forms of organizations—military, civilian, academic, or whatever. Developing realistic goals and an appropriate strategic vision, effectively communicating, taking care of people, mentoring people toward individual and organizational goals, underwriting at least one serious error made by young subordinates to encourage and develop initiative and potential, consistently serving as a role model for high values and integrity, and staying positive and optimistic, especially when times are tough, are just some leadership qualities of universal application.

Other leadership qualities beyond those listed are doubtless quite important. I commend the reader with an interest in leadership to a detailed reading of the references I have footnoted as well as the many other volumes written on the subject. Note, however, that the attributes I have discussed have one thing in common: they all describe actions. Leadership is action, not a position.