



Flexible and Adaptive Leadership in the Context of a Barrister Operating in a Project-Oriented Environment

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Certificate of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which has to a substantial extent been accepted for the award of any other degree or diploma at Torrens University Australia or any other educational institution, except where due acknowledgement is made in this critique. Any contribution made to the research by colleagues with whom I have worked at Torrens University Australia is acknowledged.

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Finally, I would like to acknowledge the fact that this work would not have become a reality were it not for the unfaltering support of my extraordinary and amazing wife, who makes me a better man.

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Editorial Assistance

This critique has been professionally edited by Dr Rebecca Hazleden, and limited to formatting, grammar and style. Such editing did not alter or improve the substantive content or the conceptual organisation of this critique.

Contributor Approvals

This work includes interviews with a number of individuals, who have graciously provided their time and views.

Material Confidentiality Statement

The research respondents have requested that their identities remain confidential.

Abstract

The practice of law as a barrister dates back more than 300 years, and during that time has seen little significant reform.

Barristers are typically slow to embrace change, but are nonetheless analytical and extraordinarily creative, and each has his or her own story and idiosyncrasies, which in my case manifested in an autocratic style of leadership and an ad hoc approach to the formulation and implementation of solutions in a turbulent project-oriented environment.

The impact barristers have on the social, economic and political landscape is significant. However, despite the impact and level of change that barristers generate, they receive no leadership training, and nor do they receive guidance in the use of problem-solving paradigms. In spite of this, barristers are perceived by solicitors and clients as leaders who are masters of strategy, tactics, and the formulation of outcome-specific solutions.

This critique follows my journey in the development of my aspirational personal contingent leadership paradigm as a barrister, from my initial autocratic approach to leadership, which became outmoded due to a shift in stakeholder type and stakeholder perceived objectives, to one which embraces a flexible and adaptive leadership model. Through my research I have developed and propose here an alternative to the autocratic style of leadership and the ad hoc approach taken by me as a New South Wales barrister.

The alternative proposed is the Strategic Objective Analysis and Implementation Model (SOAIM). This framework embraces flexible and adaptive leadership within the parameters of ethical and honest behaviour. It provides structure to the analysis of issues and challenges encountered by clients, and the implementation of outcome-specific strategies and solutions in a project-oriented environment.

Chapter 1 introduces the factors that initially influenced my development as a leader. In Chapter 2, I conduct a literature review of leadership, considering different leadership characteristics, supporting insights, styles and the rationales relevant in their application. Chapter 3 addresses the evolution of my personal contingent leadership paradigm over the past ten years as a barrister. In Chapter 4, I explain the research structure and design and identify why a qualitative research approach and a constructivist research paradigm were appropriate to the case study methodology adopted. In Chapter 5, I identify how the data was analysed with the use of the NVivo qualitative research software tool. I describe how, through qualitative research methodology, I developed insights that were then considered through an inductive and deductive pathway to develop plausible answers to the research sub-questions and overarching research question. In Chapter 6, I discuss the synthesized insights identified in the research relevant to the four propositions and the research sub questions, along with the answers to my overarching research question. which led to the observation that the literature review did not identify barristers as leaders in the traditional sense. This revelation led me to develop a flexible and adaptive leadership tool relevant to my personal contingent leadership paradigm which incorporated a structured problem-solving model known as the Strategic Objective Analysis and Implementation Model (SOAIM). I then go on to describe the components of this model and their method of operation, whilst also identifying the limitations inherent in the model's application and why further monitoring over time is necessary to identify any relevant modifications or improvements which could be made to enhance its effectiveness.

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Glossary of Key terms

ALAM	Adaptability Leadership Application Model
Bar	The New South Wales Bar
Barrister	A lawyer with a practising certificate issued by the New South Wales Bar Association
Buddy	Mentor
Chamber	A room in which a barrister does his or her work
Chambers	A number of rooms on one or more floors where barristers share space and expenses but not profit
DBL	Doctor of Business Leadership
DEA	Drug Enforcement Agency (New South Wales Police Force)
Embedded	
Unit	An empirical contemporary event forming a component of the case study in this critique
Instructor	Solicitor or instructing legal clerk
Lawyer	A barrister or solicitor
MBP	Marist Brothers Penshurst
PCLP	Personal Contingent Leadership Paradigm
PFFESR	Positive Influence, Flexibility, Focus, Ethics, Simplicity and Reflection
POEM	Project-Oriented Environment Model
POP	Project-Oriented Profession
SOAIM	Strategic Objective Analysis and Implementation Model
Solicitor	A lawyer with a practising certificate issued by the Law Society of New South Wales

Chapter 1: Overview of the Research Context

1.1 Introduction

In this chapter, I provide an overview of the context in which my experience as a leader has evolved over the past ten years. I provide a summary of that leadership experience in the context of a barrister operating in a project-oriented environment.

“Autocratic” leadership has been my default leadership style since the early 2000s. However, over the past ten years my leadership has evolved into a more fluid and flexible model. My development as a leader has been influenced by identifiable experiences, people and events. My journey from follower to leader is personal and specific to me and involved three specific stages in my life: my childhood; my young adulthood and membership of the New South Wales Police Force; and my career as a New South Wales barrister operating in a project-oriented environment. Although this critique examines the past ten years of my life as a leader in the context of being a New South Wales barrister, the two earlier stages of my life are also of significance in my evolution as a leader.

I have recently reflected on why my default leadership style for almost two decades has been an authoritative model. The reasons were not immediately apparent to me, and the question was not an easy one to answer. What became evident after much reflection was that this evolution as a leader was the story of the person who I had been and the leader I aspired to become.

To put my journey as a leader into context, I thought it would be helpful to ‘begin [my story] at the beginning’ (Carroll, 1865, p. 182). The final months of 1969 were, and still are, of significance to me. It was the year of ‘a number of firsts and a few lasts’—for example: the first manned space craft landed on the moon (Wolverton, 2009, p. 86); Balmain won its last Rugby League Premiership (Heads, 2017); the first Concord tests were conducted

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in France (Norris, 2015); the Beatles played their last public performance (Runtagh, 2016); Neil Armstrong and Edwin ‘Buzz’ Aldrin became the first people to set foot on the moon (Wolverton, 2009, p. 86); the United States Air Force closed its Project Blue Book after 22 years of investigating UFOs (Serena, 2019); and my father and mother had their firstborn son, me.

My father and mother immigrated to Australia in the 1950s. My father arrived from the Middle East, and my mother as an orphan from Europe. My formative years were influenced by my parents, and I have many fond memories of a supportive and loving family. Although we were not wealthy, living in a community housing area in East Sydney, I was reared in a caring, inclusive and diverse family.

My parents were both Catholic, and consequently Catholicism influenced my schooling, my beliefs and my way of life, leading and guiding me to join the New South Wales Police Force, and ultimately to attend Law School in Sydney and join the New South Wales Bar. Each of these institutions contributed to my development as a leader.

During those early years, I learnt how to be a follower. The school I was attending was attached to the local church. Religion provided me with a sense of belonging, community and commonality. In this context, it instilled in me a clear delineation between stakeholders: God, the clergy and the congregation (the followers). When I was about nine years of age, my family moved further west, and I attended the local Catholic school and later Marist Brothers Penshurst (‘MBP’). While at MBP, I built friendships with likeminded children who enjoyed football and the outdoors, but also art, music, literature, maths and science. MBP had, to my mind, a wonderful school spirit, a sense of belonging and fellowship. I was a very impressionable adolescent, and reflecting back on that time, one of my main role models was JM, who was our year master. He was thoughtful and compassionate, and sought to maximize the best in his students. JM did not display what I would regard as a command and control

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style of leadership. His style was a combination of a number of different styles, depending on the circumstances. That is not to say that other teachers at MBP did not adopt a command and control approach—they did, but it was predominately a style reserved for the science faculty. MBP adopted a hierarchal structure with the Marist Brothers Order heading the school.

The New South Wales Police Force had some similarities to the Catholic Church and MBP. It promoted a sense of family and camaraderie. It had a hierarchal structure and a command and control type culture (Dixon, 2001, p. 203). Notwithstanding the negativity associated with the New South Wales Police Force's command and control style culture (Dixon, 2001, p. 203), I have very fond memories of the New South Wales Police Force. I was very fortunate to have crossed paths with individuals who were selfless, compassionate and caring.

The first of these people was Eric, a streetwise old Senior Constable who was my “buddy” during my first year as a Probationary Police Constable, and who became a lifelong mentor and friend. Eric had a flexible approach to leadership. Then there was Bill, a Detective Superintendent, and Commander of the Major Crime Squad South. Bill had a presence about him. He was a leader who became something of a father figure to me. After an undercover job, I would meet with Bill in the morning when he came into work, or later in the afternoon. We would sit down together and chat; he was a warm, compassionate and considerate man, notwithstanding his cold tough exterior. He would always take time to listen to me, he would ask me about my goals, hopes and aspirations, and what I intended to do once I had finished law school. Bill introduced me to Brian, another Detective Superintendent, who would become my Commander when I returned to plain clothes work at a Local Area Command, and who gave me the opportunity to take on a full-time position with the Special Operations Group, and eventually with the Prosecutors.

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Each of these men saw the New South Wales Police Force as a vocation, and each had similar traits. They were disciplined, focused and genuine, and each of them took on the roles of teacher, mentor, leader and friend. I embraced the New South Wales Police culture and the command and control approach to leadership, which I sought to emulate.

On reflection, the leadership style used by each of my mentors was not solely restricted to command and control. Rather, the style adopted by them was more flexible and fluid, which I did not appreciate at the time. This lack of appreciation on my part led me to adopt a more authoritative approach to leadership. The style of command and control became my signature go-to approach in the context of working as a criminal law barrister, particularly when dealing with difficult solicitors, clients, opponents, witnesses or judges.

Over the past three decades, I have noticed that, for some other judicial officers, command and control is also their apparent default leadership style. Some of those judicial officers would resort to bullying tactics, which supplemented their command and control style of leadership. My personal observations in this regard have been corroborated by the fact that the New South Wales Bar Association has recently appointed an anti-bullying liaison officer.

Thus, my journey along the path of leadership development commenced with my initially being a follower and developed into my being a leader in my role as a barrister operating in a project-oriented environment.

So, what is a barrister? And what is a project-oriented environment? A barrister in New South Wales is a lawyer who has been issued with a practising certificate by the New South Wales Bar Association. The environment the barrister operates within is what I describe as a 'project-oriented environment'.

1.2 Project-Oriented Environment

This phrase ‘project-oriented environment’, is a phrase I developed in the context of my profession, identifies the mode by which a barrister practises law. A barrister is a creature of referral, generally being briefed by a solicitor. The solicitor forwards the barrister a brief and each brief is an individual project. This project-oriented method of briefing impacts on how the barrister receives his or her work and the relationship the barrister has with various stakeholders. The work has a temporary nature about it, which also impacts on the relationship a barrister has with his or her stakeholders. For example, there are generally three types of relationships which a barrister has with a solicitor stakeholder: the first type is with the solicitor who sends the barrister a one-off brief; the second type is with the solicitor who briefs the barrister on an irregular basis; and the third type is with the solicitor who sends the barrister regular briefs.

The project-oriented environment in the context of the work of a barrister is dynamic and turbulent, with issues and challenges that are specific to the brief and the client. Once the brief is completed, the barrister then moves on to the next brief, the next project (Huemann, Keegan, & Turner, 2007, p. 317), which has different issues and challenges, solutions, solicitors, clients, opponents, judges, juries, facts and applicable laws. Hence, the stronger relationships are those the barrister builds with the solicitors who regularly brief him or her. The barrister will usually act for a client and then never act for him, her or it again, unless the client is a corporate or government body, or is a recidivist in the criminal sense, or litigious in the civil context.

Thus, generally a barrister is briefed and retained by a solicitor. That same solicitor is retained by a client, and both take on the role of stakeholder within the barrister’s project-oriented environment. However, they are not the only stakeholders in this context of the

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practice of law. Rather, there are a number of other stakeholders who are also relevant. These include:

- a) justice, the justice system and its administration;
- b) the public;
- c) the judiciary;
- d) other members of the profession;
- e) staff, such as secretarial personnel, researchers, clerks, practical legal training (PLT) students and reception staff;
- f) external research resource providers such as libraries, LexisNexis, the Lawbook Company; and
- g) the Government/Crown.

As indicated above, a barrister's mode of practice is within a project-oriented environment. However, the mode of practice of a barrister places significant conditions on how that barrister practises law, including that:

- (a) barristers are required to operate for all intents and purposes as sole traders, (cl. 12 *Legal Profession Uniform Conduct (Barristers) Rules 2015 (NSW)*);
- (b) a barrister is not permitted to employ other lawyers or incorporate (cl. 12 *Legal Profession Uniform Conduct (Barristers) Rules 2015 (NSW)*);
- (c) a barrister's main vocation must be the practice of law as a barrister (cl. 9 *Legal Profession Uniform Conduct (Barristers) Rules 2015 (NSW)*);
- (d) a barrister is not the solicitor or the client's mouthpiece and must remain independent (cl. 42 *Legal Profession Uniform Conduct (Barristers) Rules 2015 (NSW)*);
- (e) a barrister must not:

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- (i) act as a person's general agent or attorney in that person's business or dealings with others;
 - (ii) conduct correspondence in the barrister's name on behalf of any person otherwise than with the opponent;
 - (iii) place herself or himself at risk of becoming a witness, by investigating facts for the purposes of appearing as an advocate or giving legal advice;
 - (iv) act as a person's only representative in dealing with any court, otherwise than when actually appearing as an advocate;
 - (v) be the address for service of any document or accept service of any document;
 - (vi) commence proceedings or file (other than file in court) or serve any process of any court;
 - (vii) conduct the conveyance of any property for any other person;
 - (viii) administer any trust estate or fund for any other person;
 - (ix) obtain probate or letters of administration for any other person;
 - (x) incorporate companies or provide shelf companies for any other person;
 - (xi) hold, invest or disburse any funds for any other person (cl. 9, 11 & 13 *Legal Profession Uniform Conduct (Barristers) Rules 2015 (NSW)*).
- (f) a barrister must only do barrister work, being:
- (i) appearing as an advocate;
 - (ii) preparing to appear as an advocate;
 - (iii) negotiating for the client;
 - (iv) representing a client in or conducting a mediation, arbitration or other alternative dispute resolution of the dispute;

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- (v) giving legal advice;
- (vi) preparing or advising on documents to be used by a client or others in relation to the client's case or affairs (cl. 11 *Legal Profession Uniform Conduct (Barristers) Rules* 2015 (NSW)).
- (g) a barrister must accept a brief from a solicitor to appear before a court in the field in which the barrister practises or professes to practise (cl. 17 *Legal Profession Uniform Conduct (Barristers) Rules* 2015 (NSW)).

In addition to the matters identified above, the barrister is also obliged to act in accordance with certain beliefs and dictates, which are enacted in legislation and appear in Clause 4 of the *Legal Profession Uniform Conduct (Barristers) Rules* 2015 (NSW), including:

1. Barristers owe their paramount duty to the administration of justice.
2. Barristers must maintain high standards of professional conduct.
3. Barristers, as specialist advocates in the administration of justice, must act honestly, fairly, skillfully, bravely and with competence and diligence.
4. Barristers owe duties to the courts, to their clients and to their barrister and solicitor colleagues.
5. Barristers should exercise their forensic judgments and give their advice independently and for the proper administration of justice, notwithstanding any contrary desires of the client.
6. Barristers must accept briefs to appear regardless of their personal beliefs.
7. Barristers must not refuse briefs to appear except on proper professional grounds (known as the "cab rank" rule).
8. Barristers must compete as specialist advocates with each other and with other legal practitioners as widely and as often as practicable.

The key concept here is that a barrister must be objective and independent. These restrictions do not apply to a solicitor.

Traditionally, solicitors have attracted the work for themselves and the barristers. The solicitor generally has a closer relationship with the client and as a consequence may from time to time lack the objectivity that a barrister may provide (Cohen, 1987, p. 21)—although, as with barristers, the ultimate duty of solicitors, whether in public companies or not, is to the administration of justice (Boyd, 2016).

1.3 The Start of a Legal Career

In New South Wales, to become a lawyer, a candidate is required to attend law school, and to complete all the necessary academic and practical requirements of their course. Following the successful completion of their law course, the law graduate will either join the solicitor or barrister arm of the profession. Where the candidate desires to go to the New South Wales Bar, the candidate is required to undertake the Bar Examination, which consists of three core subjects: (1) Practice and Procedure, (2) Evidence and (3) Ethics. They must achieve a result of no less than 75% in each subject to receive a pass mark. On successful completion of the Bar Examination, the candidate is eligible to participate in the Bar Course. During the Bar Course, the candidate spends a period of some twelve months under the tutelage of an experienced junior counsel (a pupil master) with no less than seven years' experience. On successful completion of the tutelage period, the candidate is issued with an unrestricted practising certificate.

Where a graduate law student has decided to pursue a career as a solicitor in New South Wales, he/she joins a law firm, and the path is more oriented towards mercantile and transactional matters or litigation.

1.4 Differing Roles of a Barrister and a Solicitor

The role of a solicitor is very different from that of a barrister, and this has resulted in the adoption of different professional rules. Traditionally, a solicitor's role has been divided into two areas: mercantile and transactional work or litigation. In litigious matters, the solicitor generally briefs a barrister to advise and appear. Solicitors have a rapport with the client and recommend which barrister to use. The barrister provides leadership, guidance and advice, formulating the strategy and implementing a framework with the objective of producing the desired outcome for the client. Solicitors in New South Wales are governed by the Law Society of New South Wales and a barrister by the New South Wales Bar Association.

The term "lawyer" is a generic term used to describe either a barrister or a solicitor; however, in New South Wales it is generally used to identify a solicitor. Lawyers must either hold a practising certificate issued by the Law Society to practise as a solicitor or from the Bar Association to practise as a barrister, but not both.

1.5 Being a Barrister

Becoming a barrister is a challenge. It demands years of study and a great deal of life experience. It also requires sacrifice and commitment, both professionally and personally (Langford, 2018).

It was not until recently that I came to the realization that a barrister is a leader. I have set out below why this is the case, and the challenges this brings in the context of my aspirational Personal Contingent Leadership Paradigm.

The barrister's role as a leader is corroborated by Fred Rodell, former Professor of Law at Yale Law School, who said, 'It is not the businessmen, no matter how big, who run

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our economic world, but the lawyers' (Rodell, 1939, p. 3). Professor Rodell believed that, although we all live in the world, it is the lawyers who run it. He said that industry and finance was an elaborate structure maintained by lawyers, from the advice provided on the establishment of a company, through the purchase of property, to getting divorced. Professor Rodell said that 'we cannot die and leave our property to our children without calling on a lawyer to guide us' (Rodell, 1939, p. 3).

Although these observations were made more than eight decades ago, they still hold true today (Collins, 2016, p. 30). Lawyers still have a great impact on our lives today, from administering sophisticated corporate trust structures, to buying property, borrowing money or protecting a person's rights and freedoms. It is an everyday occurrence that a barrister will lead a team of lawyers and other professionals to preserve and protect his or her client's rights and freedoms. The protection of a person's rights and freedoms, and the ability to act on behalf of another fellow human being, is a great privilege.

People rely on the barrister's ability to lead, by the application of his or her skills in the field, whether the field is the courtroom, parliament, on the board of directors or participating in mediation. That is an enormous amount of power, and 'great power carries with it great responsibility' (Robinson, 1879, p. 6).

Stakeholders rely on the barrister's skills and abilities as a leader. A typical example of this occurs when a client brings a problem to a solicitor. The solicitor retains a barrister to solve that problem. The barrister will consider and analyse the brief (which sets out the issues and challenges), provide technical and tactical advice on how the matter is to proceed, formulate a case theory and seek to achieve a positive outcome, by its implementation.

1.6 Aspirational Personal Contingent Leadership Paradigm

Since first coming to the New South Wales Bar in 2000, I have predominately appeared in criminal matters. While this has been supplemented by a continuous flow of commercial work, I have for the most part been known in New South Wales as a barrister specializing in criminal law (McNab, 2016, p. 203).

The criminal cases I have appeared in since coming to the New South Wales Bar have been varied. These cases have included:

- homicide
- rape
- armed robbery
- large commercial drug importations
- large commercial supply of drugs
- drug manufacturing
- kidnapping
- extortion
- fraud
- environmental offences
- serious assaults occasioning grievous bodily harm
- contravention of the firearms legislations
- corruption and perverting the course of justice
- driving under the influence and larceny.

The solicitors who have briefed me, and the clients who have retained them, have sought a positive outcome. Generally, in this project-oriented environment, solicitors and clients do not refrain from personal expression in connection with the case and how it should

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be run. I have found the autocratic style of leadership effective in dealing with some of these solicitors and clients. This factor has been a significant contributor to my autocratic default style of leadership.

However, over the past five years there has been a significant restructuring of my practice, which has attracted work from the public sector in New South Wales, Victoria and Queensland. This has taken the form of prosecutions, civil disputes and advice work. The work has also included the provision of leadership relevant to executive governance, policy and transformational reform. I am cognizant that a strict autocratic style of leadership to the practice of law as a barrister may not be as effective as it previously has been, particularly in light of the public sector work I have recently been undertaking. Perhaps a flexible and adaptive approach to leadership may be more appropriate, complemented by a more structured issue and challenge analysis, and solution implementation model, rather than the ad hoc approach I have traditionally been adopting.

1.7 Summary

In Chapter 1, I have:

- (a) identified the context in which my experience as a leader has evolved over the past ten years in my professional vocation as a New South Wales barrister;
- (b) identified that a barrister operates in a project-oriented environment;
- (c) identified what a project-oriented environment means in the context of my profession;
- (d) provided a summary of my leadership experience in the context of my profession and how my personal contingent leadership paradigm was developing.

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This experience and the restructuring of my practice has manifested in the realisation that an autocratic style of leadership is now a redundant default leadership style for me as a barrister. This has been due to the shift in the type of stakeholders I now engage with. My current stakeholders have different expectations and objectives. I have observed that perhaps a more flexible and adaptive style of leadership may be more effective, complemented by a structured strategy objective analysis and solution implementation model, rather than the ad hoc approach I had previously adopted.

Chapter 2: Leadership Literature Review

2.1 Introduction

In this chapter, I undertake a literature review so as to ascertain whether such a review justifies the adoption of my aspirational personal contingent leadership paradigm in the context of my role as a barrister operating in a project-oriented environment, and whether a flexible and adaptive approach to leadership is more appropriate to me as a barrister at this time.

The literature review examines a number of theories, supporting insights and characteristics of leadership. The theories examined include the great man theory, trait theory, behavioural and leadership style theory, situational and contingency leadership theory, Fielder's contingency theory of leadership, House's path-goal theory of leadership, transactional leadership, transformational leadership, emotional intelligence, outcome or task-based leadership, ambidextrous leadership, Dominican model leadership, virulent leadership, management verses leadership simpliciter, and generalist verses specialist leadership.

I also examine various supporting insights and characteristics of leadership such as vision, diversity, personal characteristics of an individual leader and the resilience concept. Whist also considering factors which impact upon leadership, such as the transient character of modern employees and technology.

I then move away from general leadership concepts and examine how diversity has impacted upon leadership in specific professions, and thereafter examine leadership in the medical profession, the management accounting profession and in the military.

I later consider core leadership concepts such as aspirational core values, the moral compass theory and the character theory.

I identify two leadership tools that could be used by me as a barrister, specifically the PESTLE and SWOT analysis frameworks.

I move onto consider leadership in the legal profession. I then undertake an analysis of the training that is provided to lawyers specifically in New South Wales and observe that lawyers are not trained in leadership either at the undergraduate or post graduate level.

At the conclusion of the literature review I formulate a table and relevantly identifies the styles of leadership which are available to me as a barrister, whilst concluding that a flexible and adaptive leadership style might be helpful in replacing my redundant default autocratic style of leadership.

2.2 Theories, Characteristics and Supporting Insights of Leadership

Hughes, Ginnet and Curphy (2002, p. 6) said that leadership is complex (Dennis, 2019, p.219), involving three components: the leader, the follower and the situation (Davis, 2007, p. 55). However, Reser and Sarros (2000, p.10) argue that there is no common classification for leadership theory, due to the 'lack of a universal definition' (Chebbi, Yahiaoui, Vrontis, & Thrassou, 2017, p. 425).

More recently, Balconic, Venturella, Fronda and Vanutelli (2019, p. 213) also said that leadership is a complex process (Curral, Margues-Quinteiro, Gnomes, & Lind, 2016, p. 1), and McIntyre Miller (2016, p. 17) suggested that not only is leadership complex, but the environment within which leadership is implemented is also complex, and suggested that leadership should be approached in a more 'holistic fashion', looking at the micro, meso and macro conditions.

Although there is no common classification of a leadership system, Bass (1997, p. 5) said that ‘leadership is a universal phenomenon in humans, as in many species of animal.’ More recently, Pressentin (2015, p. 19) said that the concept of leadership is universal.

Leadership is not only complex but vital to society (Reser & Sarros, 2000, p.11; Chebbi et al., 2017, p. 426). ‘Myths and legends about great leaders were important in the development of civilised societies’ (Bass, 1997, p. 3). Societies have used myth as a plausible means of securing dominance over their community by their leaders since time immemorial (Bass, 1997, p. 3).

Bolden, Gosling, Marturano and Dennison (2003, p. 6) asserted that there have been a number of leadership models developed over time, including the Great Man Theory, Trait Theory, Behaviourist Theory, Situational Leadership Theory, Contingency Theory, Transactional Theory and Transformational Theory.

2.2.1 Great Man Theory

Bass (1997, p. 4) argues that every civilization has had concepts associated with leadership. He further argues that from time immemorial, leaders have held positions of power, these have included prophets, priests, chiefs and kings. He asserts that in ancient times leaders had predominately been men who by their own self proclamations, had innate qualities and were born to lead.

Petriglieri (2016, p. 4) argues that this theory that leaders were born to lead has been adopted at various points in history ultimately culminating in the proposition that rulers derived their entitlement to rule from a higher authority. He also argues that this particular concept has fallen out of favour in academic circles, but added that it remains alive in politics and business.

2.2.2 Trait Theory

Trait theory says that one's characteristics make one a leader (Chao, 2017, p. 64), and one does not become a leader as a consequence of learning (Klenke, 1996, p. 57). A trait is defined as 'a distinctive physical or psychological characteristic of an individual to which her or his behaviour may be attributed' (Klenke, 1996, p. 57).

It has often been assumed that leaders possess certain psychological and physical traits (Wyatt & Silvester, 2018, p. 609); one important trait used to be that the leader was a man (Greener, 2010, p. 253). It was also asserted that leadership could not be learnt (Klenke, 1996, p. 63). This theory has fallen into disfavour and it is now accepted that leadership can be learnt (Greener, 2010, p. 250), particularly by learning leadership skills (Lawrence, 2016, p. 3) or through leadership development programs (Seidle, Fernandez, & Perry, 2016, p. 603). However, Northouse (2016) asserted that traits do contribute to leadership and identified five specific traits: intelligence, self-confidence, determination, integrity and sociability (Chao, 2017, p. 65).

2.2.3 Behavioural and Leadership Style Theory

This theory does not define effective or ineffective leadership by leadership traits; rather, the central consideration is based on the behaviour and actions of the leader. Three forms of leadership style which adopted such an approach are the authoritative, democratic and laissez faire models of leadership (Klenke, 1996, p. 65). A significant consequence of leadership is the influence a leader has over his or her followers. It has been asserted that this influence 'requires the leader to engage in necessary behaviours to transfer potential influence into actual influence', with those behaviours then translating into 'leadership effectiveness' (Blickle et al., 2013, p. 603).

2.2.4 Leadership as Situationally Determined: the Contingency Approach

Contingency Leadership theory assumes that leader effectiveness is contingent on the interplay of the leader's qualities and the factual matrix of an identifiable situation. Thus, the variables of the situation influence the nexus between the leader's behaviour and effectiveness. Ultimately, one would need to know the relevant variables to predict the type of behaviour which would be the most appropriate and effective (Betaubun et al., 2018, p. 200; Klenke, 1996, p. 66).

Contextual factors are regarded as important in this theory, and it is important to understand factors such as the nature of the task, the availability of human and material resources, the organizational characteristics and the attributes of the followers, in order to determine leadership effectiveness (Betaubun et al., 2018, p. 200).

2.2.5 Fiedler's Contingency Theory of Leadership

This theory distinguishes between task- and relationship-oriented leadership. These two leadership orientations are concerned with three contingencies: the relationship between leader and follower, how familiar the follower is with the task, and the power the leader has over the followers to enforce compliance by rewarding or punishing them (Klenke, 1996, p. 67). The effectiveness of the leader will depend on the situation (Durden, 2018).

2.2.6 House's Path-Goal Theory of Leadership

This situational theory posits that the effectiveness of the leader is determined by an elevation of the followers' motivation while undertaking the specific task or achieving the desired outcome (Bickle, 2017, p. 33; Klenke, 1996, p. 71). This is also described as the influence the leader has over team members' motivation to achieve the goal or task through interaction (Bickle, 2017, p. 33). This theory is also called the path-goal theory, as the model

emphasizes how leaders influence the followers' perceptions of work goals, self-development goals and paths to goal attainment (Bickle, 2017, p. 33; Klenke, 1996, p. 71). In this context, Domingues and Vieira (2017, p. 638) said that the contingent reward is the basis for a positive model of goal orientation and performance. The assumptions made in this theory are that the immediate or future satisfaction of the follower determines the perceived effectiveness of the leader's behaviour (Domingues and Viera, 2017, p. 638; Klenke, 1996, p. 71).

This theory has four components of leadership behaviour: the clarity of what is expected of the follower in the direction given by the leader; what the follower needs by way of support; the leader's degree of consultation with the followers, which is partly determined by the degree to which the leader receives the followers' views or opinions; and the setting of goals and what is expected by the leader of the followers. (Domingues & Viera, 2017, p. 638; Klenke, 1996, p. 71).

2.2.7 Transactional Leadership Theory

Sahyaja & Sekhara Rao (2019, p. 248) have said that this leadership model can be described as symbiotic in nature and is known as the transactional leadership theory. Klenke (1996, p. 80) said that transactional leadership exists when an individual takes the initiative in contacting others with the purpose of exchanging something of value. The central idea here is the exchanging of one thing for something else of roughly equal value. Sahyaja & Sekhara Rao (2019, p. 248) say that this form of leadership has been described as a situation where the leader seeks to achieve 'maximum efficiency' resulting in mutual reward. They also assert that this transactional leadership model promotes a form of interdependence between the leader and the followers and is one of the components of ambidextrous leadership the other component being transformational leadership.

2.2.8 Transformational Leadership Theory

Transformational leaders appeal to the collective interests of their followers by creating new visions and new cultures. Klenke (1996, p. 81) argues that transformational leaders, ‘achieve more than obtaining compliance of their followers; they are able to shift the needs, values and beliefs of their followers’. He further argues that such leaders gain influence through dominance, self-confidence, and moral conviction regarding their causes and beliefs, elevating the person from follower to leader.

Sahyaja & Sekhara Rao (2019, p. 248) assert that in transformational leadership, the leader is innovative and creative, empowers the culture through team building, trust and mutual respect, and gives the team autonomy over certain aspects of the work. They also say that the transformational leader in the context of an organization is an individual who may also change the policy, rules or direction of the entity.

Brody (2018, p. 21) argues that in the context of transformational leadership, the leader provides vision and a direction for the team’s objectives, instils pride and develops mutual respect between the leader and the followers. He also argues that followers are provided with ‘inspirational motivation’, and that leaders and followers are committed to achieving a common vision. He also asserts that this form of leadership creates a supportive culture, where the leaders possess a genuine concern for the followers, and which motivates the followers to challenge themselves.

2.2.9 Emotional Intelligence Leadership Theory

Lumpkin and Achen (2018, p. 6) said that emotional intelligence leaders have an awareness of self, auto regulate, nurture, motivate, interact and empathize with their followers. Karp and Helgø (2008, p. 34) argued that ‘how we handle ourselves and our relationship can be managed to determine success in business and personal life’. They define

this as emotional intelligence. Put another way, emotional intelligence is the ability to recognize our emotions by dealing empathetically with others, including the ability to engage in interpersonal relationships.

2.2.10 Management versus Leadership

Dye (2014, p. 68) argued that leadership and management are not the same thing. Fundamentally, leadership is about change, and management is about the day-to-day processes of maintaining order and consistency. Management directs, and leadership motivates (Kowch, 2013, p. 26). Thus, managers organize people and implement plans, and leaders align people and provide them with challenges, thereby empowering them (Kotter, 1990, p. 107).

2.2.11 Outcome or Task-Based Leadership

Role modelling is used by team members to replicate their leader's behaviour and success, and the follower's performance is directly proportionate to the leader's performance (Barua et al., 2019, p. 231).

Ulrich, Zenger and Smallwood (1999, p. 28) have suggested that 'Results-based leadership means achieving outcomes, not just having great character ... Leaders focused on desired results must articulate what they need accomplished.' They have identified three considerations: improve interpersonal skills, delegate more and implement total quality management. Thus, it is proffered that a positive organizational environment promotes better outcomes, and that task performance and positive leadership have a close nexus (Barua et al., 2019, p. 232).

2.2.12 Ambidextrous leadership

Sahyaja and Sehara Rao (2019, p. 249) said that ambidextrous leadership is an advanced leadership style, which seeks to influence firm performance in a positive way, by bringing a balance to the organization through transformational leadership (exploration and exploitation), transactional leadership, and leadership behaviour. This form of leadership seeks to balance both exploration and exploitation, which is used in this context to mean goal refinement.

2.2.13 Dominican Model of Leadership

Otte (2015, p. 5) argued that this is a value-based leadership framework, consisting of three main constructs: the Dominican values of truth, community and justice. He also argued that the Dominican ethos is made up of a number of components: normative values, *studium* and *co ad cor loquitur*. The normative values deal with justice, community, truth, partnership and compassion. The *studium* deals with study, reflection and conduct. He further argued that the *co ad cor loquitur* relates to three questions: Who am I and who can I become? What are the needs and opportunities of the world? What is my role in building a more just and compassionate world?

2.2.14 Virulent Leadership

Winn and Dykes (2019, p. 44) asserted that virulent leadership has an adverse impact on the organization it contaminates, and that this type of leader has a complete disregard for the organization and its members, resulting in negative performance or impact over the short and long term. They also asserted that virulent leaders adopt dysfunctional behaviour, such as lying, not listening to feedback, lack of ethics, rewarding incompetence, cliquishness, bullying, deception, intimidation, and coercion. Virulent leaders lack commitment and

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undertake their tasks at the lower end of the hierarchy of performance (Odierno, 2012, p. 5; Winn & Dykes, 2019, p. 38), seeking to achieve short-term goals by creating an environment where poor morale is the norm. There is a lack of inspiration, encouragement and genuine concern for followers. There is also a lack of foresight for future development of team members and the organization. The environment and team members lack joint commitment.

Odierno (2012, p. 5) argued that the virulent leader lacks a positive empowering influence and has an adverse impact on the morale of the organization. He also argued that virulent leadership is a combination of egocentric leaders who are motivated by self-interest. He further argued that their behaviour is tailored in such a way as to achieve maximum benefit for themselves, regardless of any adverse impact on the organization, team members, subordinates or the task or outcome to be achieved.

In the context of virulent leadership, Reed (2015, p. 11) argued that a disservice is done to the principle of leadership by depicting virulent leadership ‘exclusively’ in a ‘positive light’. Kellerman (2004, p.28 as cited in Reed, 2015, p. 11) said that to deny the existence of *“bad leadership is ... misguided ... [equivalent and] ... tantamount to a medical school ... [that] claim[s] to teach health while ignoring disease”*.

Einarsen, Aasland and Skogstad (as cited in Reed, 2015, p. 12) describes destructive leadership as the systematic and repeated behaviour by a leader, supervisor or manager that violates the legitimate interest of the organization by undermining and/or sabotaging the organization’s goal, tasks, resources, and effectiveness and/or the motivation, well-being or job satisfaction of his/her subordinates.

Through bad leadership, the environment within which the individual is working is harmed, thereby reducing motivation and job satisfaction (Reed, 2015, p. 12).

Hornstein (1996, pp.15–16) says the characteristics of bad leaders can be characterized as ‘eight deadly sins’:

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1. Deceit: lying or giving false or misleading information through acts of omission or commission;
2. Constraint: restricting subordinates' activities in domains outside of work;
3. Coercion: threatening excessive or inappropriate harm for noncompliance with the boss's wishes;
4. Selfishness: protecting themselves by blaming subordinates and making them scapegoats for any problems that occur;
5. Inequity: providing unequal benefit or punishment to subordinates due to favouritism or non-work-related criteria;
6. Cruelty: harming subordinates in normally illegitimate ways, such as public humiliation, personal attacks, or name-calling;
7. Disregard: behaving in ways that violate ordinary standards of politeness and fairness, as well as displaying a flagrant lack of concern for subordinates' lives;
8. Deification: implying a master–servant relationship in which bosses can do or say whatever they please to subordinates because they feel themselves to be superior.

Winn and Dykes (2019, p. 44) observed that the US Army carried out an investigation that uncovered the impacts virulent leaders have had, which included a high increase in suicide rates among enlisted soldiers. They further argue that the virulent environment created and or maintained by virulent leaders can be overcome by genuine leaders promoting resilience in the organization.

2.2.15 Generalist versus Specialist

Watkins (2012, p. 67) said that the approach of the modern age in relation to leadership is that leaders should be generalists rather than specialists, and an organization's leadership must be able to make decisions that impact on the organization as a whole, while also evaluating the talents of its team members. Conversely, it has been observed, in the context of the medical profession, that specialist clinicians have moved into leadership positions based on their specialist skills (Landry et al., 2019, p. 42) as a consequence of the requisite technical and evaluation skills they brought with them, resulting in the provision of a higher quality level of service.

2.2.16 Vision

Hall (2013, p. 37) said that the leader is responsible for setting the vision of an organization, facilitating the implementation of processes and procedures, and providing direction, with the objective of achieving that vision. He also said that vision is influenced by culture, and matters relevant to vision include customs, beliefs and values.

Kotter (1990, p. 105) said that the measure of success of the vision is 'how well it serves the interests of important constituencies—customers, stockholders, employees' and how simple it is to replicate it. He goes on to add that there are such things as bad visions, and those are the ones that ignore the rights of stakeholders and/or are unrealistic. He says that when an organization which 'has never been better than a weak competitor in an industry suddenly starts talking about becoming number one, that is a pipedream, not a vision'. Thus, the vision must be attainable and realistic.

2.2.17 Diversity

Hartzell and Dixon (2019, p. 79) pointed out that diversity has positive implications. These implications include positive outcomes, staff retention, employee satisfaction and improved financial performance. They also pointed out that diversity is an essential ingredient in the workplace, as different people bring different ideas, perspectives, experiences, beliefs and assumptions. To use a metaphor, diversity is an essential part of the recipe for leadership. They further point out that it facilitates the creation and development of new ideas and the cross-fertilization of old ones: ‘Diversity is valuable because innovation and learning are the products of differences’.

Diversity is not limited to cultural diversity, but also includes, for example, diversity between generations. Barrows (2017, p.3) wrote about an example of this, in which a GenX CEO hired a Millennial to ‘help him keep a learning mindset’, and to keep up-to-date with evolving technology.

Suskauer (2019, p. 4) said that the Florida Bar seeks to foster an inclusive and diverse environment for its lawyers, with a view to promoting diversity in the legal profession.

2.2.18 Personal Characteristics

Khan and Javed (2018, p. 129) argued that personal characteristics have an impact on leadership and the ethics of that leadership. They further argued that personal characteristics, in the context of ethical leadership, include fairness, honesty, trustworthiness, good interpersonal communication, high ethical standards, compassion, principled decision making and fair distribution of reward. These lead to a more effective and efficient leader.

Personal characteristics can also endear the leader to the follower, giving the leader credibility ‘as a functional role model’ (Esmaelzadeh, et al., 2017, p. 684). Chemers (1993, p. 315) said that such personal characteristics include confidence and optimism. He also said

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that personal characteristics translate into motivating followers and instilling in them the idea to have confidence in their leaders. Important leadership characteristics include being ‘dynamic, insightful, risk-taking, enterprising, confident, visionary, determined, ethical, assertive and conforming’ (Atwater et al., 1991, p. 7).

2.2.19 Resilience as a Characteristic of Leadership

Smith (2017, p. 6) referred to resilience as a characteristic of leadership, and deals with mental toughness and said that this concept is relevant to leadership despite being generally used in the context of sport. He observed that the literature on this area has been generally confined to a nursing or military context. He also criticizes the concept of resilience as being poorly defined.

2.2.20 Transient Character of Modern Employees

MacIntosh and Walker (2012, p. 123) argued that people are the lifeblood of any business and are the most important resource a business has. They assert that job satisfaction, or lack thereof, has been identified as a prime indicator of why people choose to depart from an organization. They also asserted that an employees’ belief that he or she is being appropriately compensated for the work undertaken is, as may be expected, an indicator of job satisfaction. Staff are much more transient today than in the past. Bennis (2001, p. 8) argued that our society is more temporary, and more like a ‘free agency society’.

2.2.21 Technology

Technology is a factor relevant to leadership, and leaders need to understand technology so that they may apply this technology in accomplishing the requisite tasks and achieving the desired outcomes (Apsorn et al., 2019, p. 640). A leader needs to embrace

technology by enhancing the access to that technology within their own organization (Apsorn et al., 2019, p. 641).

Greengard (2019, p. 21) argued that a leader's success in business will be dependent on understanding people, process and technology at a deeper level. He says that the level of recent technological advancement is unprecedented, and that changes (organisational and clinician's approach to treating patients), particularly within the medical profession, have been driven by technology. He says that technological change has a flow-on effect, not just impacting on doctors, nurses and other health professionals, but ultimately patients and the treatment they receive. He also says that the key consideration when adopting technological change for business and in the medical profession is to embrace the technology that adds value. He further argues that as different technology is adopted, different thinking and behaviour will need to also be applied. For example, physician leaders 25 years ago sought to protect doctors by preserving their autonomy. Today, the same physician leaders organize colleagues with a view to becoming more efficient and collaborative.

2.3 Diversity and Theories of Leadership in Other Professions

2.3.1 Diversity in Leadership through Consideration of Other Professions

In Section 2.3, I will consider what insights may be derived by examining leadership literature which may be relevant to other professions. This is undertaken by conducting a literature review specifically relevant to those professions to conceptualize my leadership conduct as a New South Wales barrister and how that may impact on my Personal Contingent Leadership Paradigm.

The military was chosen because of the significant contribution it has made to leadership, both in terms of research and the development of leadership relevant to real life

situations (Sinek, 2014, p.105). I envisage that there may be commonalities between the military and the New South Wales Bar, as both are required to deal with conflict, operate within a structured hierarchal environment, and are affected by the needs and desires of their respective stakeholders, available resources, and tactics used in their respective arenas. In addition, the profession of medicine was chosen, because medical doctors, like barristers, are professionals who operate in a project-oriented environment, and who value collegiality. I also considered it relevant to examine accountants, because to a significant extent they deal with legislative compliance in an organizational environment and are required to satisfy the needs and desires of various stakeholders, as are barristers. These professions have been selected as they may provide insight into their respective professional fields, which may provide diverse perspectives on leadership and ultimately add value to my work.

2.3.1.1 Leadership within the Medical Profession

Van Der Weyden (2006, p.345) stated that the Royal College of Physicians' review of professionalism found that leadership was an essential prerequisite leading into the 21st century. Jenson (2019, p. 49) said that in the context of contemporary medical leadership thinking, leaders choose the right things to do while managers ensure that these things are done correctly. Dowton (2004, p.653)) said that leadership is ultimately a social function within an organization or group. He also said that organizational models are outmoded, and little attention is given to new leadership models or the development of individual leadership within the medical profession (Cruess, Johnston, & Cruess, 2002, p.209; Dowton, 2004, p.653).

De Brun, O'Donovan and McAuliffe (2019, p. 72) acknowledged that conventional leadership has been more focused on individual medical leaders leading groups and teams as part of a hierarchical organizational structure, with greater vertical leadership and a leader–

follower interaction model. However, they added that, in recent years, a more collective approach to leadership has been advocated in the medical profession, where there is a distribution of leadership across shared roles and responsibilities, with sharing of ‘influence among all members of the team’ (De Brun et al., 2019, p. 91).

Marvel, Wozniak and Reed (2018, p. 695) stated that improvements in leadership within the medical profession can be achieved through training and education, and they identified a number of leadership competencies or leadership prerequisites relevant to the medical profession. Their study of family physicians who were Chief Residents identified four main leadership competencies: communication and interpersonal skills; advocacy skills; emotion management skills; and skills of organization, flexibility and fairness.

Jenson (2019, p. 50) suggested that leadership in the medical profession for doctors can be improved through mentoring and coaching. The proposition of mentoring and coaching junior medical doctors has also been supported by Marton, Wright and Pister (2019, p. 46), who suggested that such an approach has gained popularity in the context of improving the physician’s performance by focusing on specific skill development.

Medical doctors have traditionally been autonomous and couched in hierarchical structures within their practice, be it as clinicians in hospitals or clinical practices (Dowton, 2004, p.653)). Greengard (2019, p. 23) stated that this approach of autonomy is now giving way to medical doctors seeking to be more efficient and collaborative in the practice of medicine. Marvel et al. (2018, p. 695) indicated that, during their study, the Chief Residents identified a number of leadership self-rating competencies (referred to as ‘essential prerequisites’), which included that medical doctors: be approachable and listen; be fair, flexible and adaptive to change; encourage and facilitate the development of others; maintain confidentiality; facilitate open discussion groups and group decision making; manage their

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emotions; convey viewpoints effectively; address conflict diplomatically; and be well organized.

Dowton (2004, p.652) indicated that medical doctors have encountered a number of issues in the past, including ‘funding constraints, demand for greater accountability for safety, quality and efficacy of healthcare, and public access to medical information.’ It was also observed that there had been a move from local clinical control to control being transferred to aggregated hospitals. Clinicians who had practices which were hospital based found themselves ‘feel[ing] lonely and isolated in coping with increasingly devolved responsibility’ for the delivery of healthcare. Dowton (2004, p.652) intimated that the development of leadership within the medical profession has been a challenge for the profession.

Van Der Weyden (2006, p.345) noted that ‘leadership must be intimately connected to the process of change. The leader expresses not what the group is but what it might be’ and asserted that, notwithstanding the sense of isolation in the medical profession among clinicians, leadership should have sufficient self-awareness to look to an aspirational model of what it could be, as opposed to what it currently is, so appropriate change can be facilitated.

Dowton (2004, p.653) described leaders as ‘shepherds’ who influence the evolution of healthcare. Change has crept into the profession due to ‘professional bureaucracy’, resulting from ‘disseminated power, individual autonomy and inflexible structures’ (Mintzberg, 1983, p.36). It is also significant that such implementations have resulted in change being ineffectively addressed (Jenson, 2019, p. 50). However, this concept of leaders being shepherds is regarded as important by Jenson (2019, p. 50) as well as Marton et al. (2019, p. 46), who assert that this “mentor” type of approach could be used to effect improvement of

leadership within the medical profession, while also acting as a tool to overcome the sense that the medical profession operates as a professional bureaucracy.

Dowton (2004, p.653) also observed that the professional mode of practice for individual doctors has ‘moved from control by individuals to constraint by systems, from flexibility to rigidity of practice,’ from primarily an individual blend of art and science to management by multi-professional teams, and most importantly for many in the profession, stability has been replaced by uncertainty. He asserted that there was a degree of dissatisfaction which had led to frustration in the inability to deliver care in the desired fashion, coupled with a desire for a more balanced lifestyle, ‘leading to an exodus from a lifetime commitment to clinical practice’ (Dowton, 2004, p.653). He argued that change must be recognized and respected, and that having eminence in discipline-specific fields does not translate into an ability to lead or to adapt to change in the context of leadership (Dowton, 2004, p.653). These beliefs were expressed by Dowton (2004, p.653) some 16 years ago, and have since been widely acknowledged (Marton et al., 2019, p. 48) in medical professional leadership development, which now offers training, socialization and support through skill building and leadership development, predominately as a consequence of medical professional integration and in the implementation of mentoring and coaching programs.

Dowton (2004, p.654) counselled leaders in modern professions and service industries away from the hierarchical approach to leadership. He suggested that such structures promoted command and control models of leadership which are focused on power, control and outcomes. In this context of leadership, he used the metaphor of an organization as ‘a living organism capable of internal self-organisation’. Thus, leadership is viewed as overseeing components within the context of related subsystems forming a healthcare social ecology (Morgan, 1997, p.102; Griffin, 2002, p.67). This observation appears to have developed into what De Brun et al. (2019, p. 72) called ‘collective leadership.’

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Dowton (2004, p.654) suggested that when considering the development of leadership models, leaders must facilitate the design and supervise the complicated networks within the healthcare ecosystem. In the development of new leadership models, regard needs to be given to the work that leaders undertake, and such work should be authentic, purposeful and professional (Dowton 2004 p.653; De Brun et al., 2019, p. 72). Dowton (2004, p.653) advocated strengthening governance within hospitals and the healthcare system, which would result in leaders being more effective (De Brun et al., 2019, p. 72). However, he cautioned that the implementation of such a model brings with it the dangers of ‘falling into a morass of hierarchically driven bureaucracies’ (Dowton, 2004, p.654). Where such a model is used, he suggested that education and training should be adopted as components of leadership, together with coordinated governance. Marton et al. (2019, p.48) said that mentoring and coaching programs could provide a platform for skill building and leadership development.

Dowton (2004, p.654) asserted that where a short-term “bandage” approach is desired by the profession, then a command and control approach could be adopted. However, where a sustainable organization is desired, the following factors are necessary:

- sensitivity to the environmental context (the ability to learn and adapt);
- a sense of cohesion and identity (or the ability to build a community and persona for the organization) (Wells, 1997, p.52);
- tolerance and decentralization (the ability to build constructive relationships with other entities); and
- fiscal conservatism (or the ability to govern growth and evolution).

A number of other considerations were identified by Dowton (2004, p.654) as relevant to leadership, including:

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- championing identity: the role of a leader is to enhance the identity of the people within the organization or professional body, formulating new stories from members of the profession and from outside the profession;
- creating linkages: this is undertaking relationships with people within and outside the system;
- translating complexity: this means adopting and encouraging flexible thinking in designing and implementing work practices;
- modelling behaviour: leaders should display intellectual rigour, honesty, transparency and integrity in all activities. Adopting explicit professional values is of great importance (Pendleton & King, 2002).

Van Der Weyden (2006, p.345) referred to leadership in the context of ‘medical tribalism,’ where doctors are operating in groups which display tribal qualities, resulting in a protectionist approach which has adversely impacted on the profession. He agreed with Sir Donald Irvine, a former President of the United Kingdom General Medical Council, who said, ‘Tribalism has a profound impact on the profession—we are a dysfunctional profession at that level right through the system, and it is hurting us’ (Van Der Weyden, 2006, p.345). Dame Janet Smith, the Chair of the Shipman Inquiry, agreed, saying, ‘Tribalism causes doctors as a group to protect themselves rather than acting collectively’ (Van Der Weyden, 2006, p.345).

Burge (2013, p.2) adopted a different approach to the development of leadership in the medical profession, identifying leadership opportunities in three different areas—academic, clinical and political. She said that not everyone wants to be a leader, but rather, it is something that ‘many [doctors] find themselves pushed ... [into] as their interests, passions or achievements grow’ (Burge, 2013, p.2). For example, Professor Michael Kidd, a past

president of the World Organization of Family Doctors, said, ‘I certainly didn’t imagine when I was at school or at university that I would become the president of a medical college or president of a global medical organisation’ (Burge, 2013, p.2). Professor Kidd attributed his development as a leader to people who provided him with mentorship, support, advice and opportunities. This allowed Professor Kidd to develop his leadership skills and his ‘own leadership style’ (Burge, 2013, p.2).

Marvel et al. (2018, p. 694) suggested that leadership competencies can help as tools in identifying training priorities for future leadership skill development in doctors. Loh (2014, p.152) added that it would also be prudent to consider what metric could be used to evaluate leadership in the context discussed above, as leadership is evaluated in the ‘performance appraisal framework’ (Loh, 2014, p.152) and argued that a leadership model needs to be developed, to teach doctors not only to ‘effectively manage down and sideways, but also manage up’ (Loh, 2014, p.152). If doctors are to be taught to be leaders, we should look to history for guidance (Loh, 2014, p.152). It was Aristotle who declared that all ‘great leaders must first learn to follow’ (Loh 2014, p.152) and Loh (2014, p.152) asserts that followership is an integral part of becoming a better leader.

So, what is “followership”? Bjugstad, Thac, Thompson & Morris (2006, p.310) stated that followership is the ability to effectively follow the intent and support the efforts of the leader in order to maximize the organization’s objectives. This proposition is adopted by Loh (2014, p.152). Hansen (1987, p.43) asserted that the leader’s vision is given legitimacy when effective followers accept the leader’s authority.

Loh (2014, p.152) acknowledged that there is constant change in the medical profession, which needs to be considered and, if appropriate, embraced. Kellerman (2008, p.6) suggested that the ‘ability to adapt to constant change in the workplace’ and the ability to discard past experiences is an essential part of being a follower. Loh (2014, 152) said,

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‘effective followers are dependable, cooperative and open to new ideas’ and concluded that ‘a doctor who is an effective follower will also be a much better clinical leader, because such a doctor will not only be able to lead his or her own team, but also support his or her own leaders, as well as the organisation as a whole.’ Loh (2014, 152) also acknowledges that this is an area that requires further research.

Burge (2013, p.3) suggested that several factors make an effective leader, in that ‘it is often their values, and how those values are actioned, that earns trust and collaboration.’ Professor Stephen Leeder, the Director of the Menzies Centre for Health Policy said, ‘good values matter far more than charisma, strength and every competence under the sun’ (Burge, 2013, p.3). Therefore, people who are charismatic and strong do not necessarily make better leaders. Burge (2013, p.3) also acknowledged that there are destructive leaders. In considering whether a person is an effective leader, Professor Leeder asked two questions: ‘Where is the team he or she is a member of in which they are participating as a leader?’ and ‘What are their values?’. Professor Leeder has stated that unity is required through ‘admirable, progressive values, with lots of checks and balances, and accountability to keep us all on track’ (Burge, 2013, p.3). Effective leading is not about ‘traits and skills’—a great leader inspires people ‘to have a focus on the greater good, have a clearly articulated vision and possess an infectious passion’ (Burge, 2013, p.3).

Education is a means by which doctors develop their skills as leaders. One example of this is what Tim Moore is doing in the field of education (Burge, 2013, p.4). Dr. Moore is a senior technical consultant and has been a co-coordinator of the Public Health Leadership and Management Course at The University of Melbourne, Melbourne School of Population and Global Health (Burge, 2013, p.4). This course explores the characteristics of leadership and the differing leadership styles and their application. Dr. Moore said, ‘One of the big things

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about leadership is being adaptable to situations, people issues, and perhaps the environment’ (Burge, 2013, p.4).

This same view is shared by Burge (2013, p.4), who identified eight points that Professor Michael Kidd suggested should be embraced by aspiring leaders:

1. Get some first-hand experience and learn to lead by leading.
2. Seek out experience.
3. Read about other leaders.
4. Research the skills and techniques needed; for example, if you are not a good public speaker, or know little about risk management, get educated.
5. Seek mentoring with an accomplished leader.
6. Learn from poor leaders. Examine what it is about people who are not good leaders that makes them so and make sure you don’t repeat their mistakes.
7. Use your head and your heart ‘to make rational decisions that are balanced by compassion. Then use your gut to make sure the decision feels right.
8. Support other leaders and those who seek to lead. ‘If you are a leader and someone new is appointed to a leadership role in your discipline, be one of the first to call to congratulate them and offer your support’ (Burge, 2013, p.4).

Marton et al. (2019, p. 48) pointed out that the environment in which the medical professional operates is rapidly changing. They stated that leadership development through mentoring and coaching programs, which provide a formal structure and an evaluation process, will lead to the fostering and development of a medical environment and culture, which will translate into long term benefits for the profession through improved performance for practitioners.

Riess and Neporent (2018, p. 22) suggested that in the medical profession of late there has been a leadership empathy movement, emphasizing understanding others. They have said

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that this is applied through simple techniques, including listening to patients, treating patients the way you would want your family to be treated, walking a ‘mile in your patients’ shoes. placing yourself at your patients’ level and being more culturally aware. Riess and Neporent (2018, p. 29) said that leadership empathy will lead to time saving, more efficient doctors and greater patient satisfaction, and that such a leadership approach can be learnt and developed through education and training.

Nizami, Latif, Hussain, & Rashid (2017) conducted a study of the role of leadership in the medical profession, specifically in the context of autocratic and democratic leadership styles. They observed that, in the context of the medical profession, the autocratic type leaders focus on performance and decision making, and pay little attention to their employees. Conversely, the democratic leaders focus on employees and their performance, through communicating with them, motivating them and helping them. Although their study demonstrated that there was no single dominant leadership style, they suggest that different leadership styles should be used in different situations, and leaders should adopt both styles, applying either the autocratic or democratic leadership style dependent on the situation (Nizami et al., 2001, p. 5).

2.3.1.2 Leadership from the Management Accountant’s Perspective in Education and Training

Fory (2014, p.15) argued that, in the context of management accountants, ‘leaders must be effective teachers to ensure proper training of employees.’ Richtermeyer (2018, p. 32) said that leadership recognition, advancement and development is facilitated through mentoring on a formal and informal basis. Fory (2014, p.15) asserted that accountants are leaders and must be capable of providing new employees with formal training to avoid those

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new employees learning bad habits. It is important for them to be trained in the correct way of doing whatever they are doing.

Keener (2018, p. 42) also said, in the context of leadership in accounting, that one should embrace change, take risks and remain focused and determined, while also improving oneself through education in leadership.

In this context, Fory (2014, p.15) asserted that it is important that leaders pass on their knowledge to their team; Hood (2019, p. 1) said that this can be done through mentoring, and what she describes as ‘shepherding’ team members towards the top end of the profession. Fory (2014) said that this also establishes a relationship between the leader and the team, a level of trust and credibility which can be used to motivate both leader and team. A leader, by taking on the role of a teacher, is able to ‘establish’ himself or herself into a position so as to gain the confidence of members of the team. These training sessions may be regarded as opportunities for both the leader and the team members.

Fory (2014, p.15) referred to different levels of training interaction between the leader and team members, pointing out that there is formal training, informal training and ad hoc training. The first relates to situations involving new employees, the second relates to operational matters and the third is used when mistakes are found to occur. ‘Rather than screaming and berating anyone, the team is brought in to identify the core problem that caused the mistake so that everyone can learn from it’. He also says that it is important that the leader conveys to the team that ‘it’s okay to make mistakes because mistakes allow for learning and growth’ (Fory, 2014, p.15). But in situations where the mistake or mistakes are significant, he describes these significant mistakes as catastrophic. This is a situation where the ‘leader must step in and take definitive action to avoid [the] catastrophe.’ Fory (2014, p.15) described the role of leaders in the context of accountants as that of a guide or shepherd, who assists the organization to avoid pitfalls or to work through them. The

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accountant is in a unique position, accessing information from within and outside of the organization. They are considered the ‘go-to people’ for the interpretation of such data (Fory, 2014, p.15).

Fory (2014, p.16) asserted that networks and organizations are important resources for accountants, and having interpersonal skills is a necessity, and accountants in the corporate environment may well have an extensive network to operate within, also pointed out that they cannot lose sight of the duties to the company, particularly those accountants who are on the board of directors. This role, which accountants take on from time to time, is a significant leadership role, and by its very nature imposes ethical and fiduciary duties on the accountant, as one of the major roles of accountants is to strive to maximize profits for shareholders

Niesche (2019, p. 59) said that chartered accountants have a great deal of technical training and skill; however, he says that they lack what he calls “soft skills” in leadership, i.e., interpersonal skills. He said that these soft skills become more important as technology advances and the more mundane accounting tasks are undertaken by machines.

Leadership in the accountancy context was considered by the United Nations when the Sustainable Development Goals (SDG) were established. One of the considerations when developing this model was the role of accountants in facilitating the SDGs. PepsiCo was one of the companies that had developed a sustainability governance model relevant to accountants and to the SDG. This model “*reache[d] across the organisation and focuse[d] on three key areas whose successful development depend[ed] on management accountants and reporting practices*” (Busco, et al. 2017, p. 32). These three key areas were:

1. Governance and decision making: Transparency and accountability is assigned to identifiable individuals or teams, who determine strategies, prioritize (which is activity-oriented), identify gaps and facilitate decision making processes to advance sustainability (which is an agenda).

2. Tracking and reporting metrics: A metric is used to measure targets over time. The metrics adopted are standardized to track progress over performance; these are purpose-specific “pillars”. Reporting responsibilities and obligations are defined, and protocols adopted to ‘ensure compliance and data verification’ (Busco et al., 2017, p.32).
3. Facilitating business integration: Measuring PepsiCo’s progress is the objective, through each pillar adopting a sustainability agenda, which requires the development of scorecards and checklists which measures the timeline objectives (Busco et al., 2017, p. 32).

Busco et al. (2017, p. 23) further considered leadership in this context and said that the ‘capabilities, skills and responsibilities required of financial professionals have changed.’ Accountants are no longer merely responsible for financial reporting or tracking of financial results. Accountants are financial experts and are required to provide support to ‘strategic decision making, operation efficiency ... value creation and to combine solid accounting skills with knowledge of the business, leadership abilities, and management expertise’ (Busco et al. 2017, p. 23).

Busco et al. (2017, p. 23) also said that accountants should have a greater involvement in the corporate governance framework, ‘translating governance principles into strategic decision making and strategic performance management systems.’ This is a ‘linking of governance to strategy’, and in turn translates into ‘business performance’ (Busco et al. 2017, p. 23).

Busco et al. (2017, p. 24) suggested that this approach is also necessary to overcome the issue of corporate misconduct, managerial misconduct and corporate failures. They argued that governance is not enough to police such corporate deviance. They asserted that effective corporate governance should consider the need to implement effective

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organizational policies and long-term objectives which represent a scope of good governance that will provide the structure through which the organization may identify and establish objectives, and thereby develop the strategy to achieve these objectives. They also suggested that a performance monitoring program should be implemented.

Busco et al. (2017, p. 25) promoted a model called the ‘controllership initiative’ which was adopted by GE. This initiative was aimed at creating ‘greater transparency and accuracy in financial management’ (Busco et al. 2017, p. 25). The intention was that this process would cultivate a culture of integrity and accountability. This was said to be achievable by adopting a three-step process:

1. compliance with applicable laws, regulations, and company policies;
2. integrity in communications, which shall ensure timely, complete, fair, understandable, and accurate reporting of actual and forecasted financial and nonfinancial information;
3. rigorous processes in terms of performance measurement, communication and knowledge sharing to ensure that management decisions are based on accurate economic analyses that include a prudent consideration of risks and that sound control procedures are constantly maintained (Busco et al., 2017, p. 25).

Niesche (2019, p. 60) says that significant in the development of leadership in the field of accountants is the ability to communicate and interact with others. Niesche (2019, p. 60) advocates the importance of continued education in the development of leadership in the accounting context.

2.3.1.3 The Military Leadership Perspective

The military take leadership development seriously by establishing places of academic learning dedicated to the development of future leadership in their ranks; that is, they teach their members how to become better leaders through education (Sinek, 2014, p.105). The military has the responsibility not only to protect the nation, but in the process of doing so, it is also charged with the responsibility of ‘producing responsible leaders of character’ (Reed, 2015, p. 1).

Reed (2015, p. 1) said that leadership in the military is seen not only as a ‘role or process but also as a solution to almost any problem.’ The role of a leader is complex, particularly in the military. In a democratic society, the military is something of a paradox in that it is necessary for a democracy, as it affords protection, but it also poses a significant threat to democracy. Hence, he says that educating leaders in the setting of a military organization has considerable benefit to reducing that threat.

Major General John M. Schofield said in 1879 that ‘The discipline which makes a soldier of a free country reliable in battle is not to be gained by harsh or tyrannical treatment’ (Reed, 2015, p. 11).

Reed (2015, p. 11) argued that past cruel treatment of soldiers had an adverse impact on an army, and a commander should inspire his soldiers, rather than cultivating a sense of resentment and a desire to disobey. Gen. Stephen J Townsend, the Commander of the Training and Doctrine Command in the US Army, indicated during an interview on 15 August 2018 that teamwork is the cornerstone of the army and of any organization (Dilanian & Howard, 2018, p. 10).

Odierno (2012, p. 19) said that leadership is ‘not about giving orders, it’s about earning respect’, which is another way of saying that a leader should lead by example. General Omar Bradley of the United States Army said, ‘Leadership in a democratic army

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means firmness, not harshness; understanding, not weakness; generosity, not selfishness; pride, not egotism' He argues that leaders should motivate both within and outside of the chain of command, with the ultimate focus being the greater good of the organization. He goes onto say that the United States Army has defined an army leader as anyone who has assumed a role or been assigned a responsibility and who influences people under his or her command, and has defined leadership as 'the process of influencing people by providing purpose, direction, and motivation to accomplish the mission and improve the organization'.

Odierno (2012, p. 19) was the Chief of Staff and a General in the United States Army, since retired. He identified eight leadership expectations of a military leader:

1. Have a vision and lead change.
2. Be your formation's moral and ethical compass.
3. Learn, think and adapt.
4. Balance risk and opportunity to retain the initiative.
5. Build agile, effective, high-performance teams.
6. Empower subordinates and underwrite risk.
7. Develop bold, adaptive, and broadened leaders.
8. Communicate—up, down, and laterally.

He says that the military leadership model is based on influence, i.e. influencing people by providing them with a purpose and direction, while also motivating them to successfully accomplish whatever goals they have set. This leadership model is also about improving the organization.

The military has spent a great deal of time and put a great deal of thought into what makes a military leader. An example of this can be found in what the United States Army describes as 'The Underlying Logic Army Leadership, Leadership Requirements Model,' which identifies six components:

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1. character: has army values, empathy, warrior ethos/service ethos and discipline.
2. leadership: leads others, builds trust, extends influence beyond the chain of command, leads by example and communicates.
3. presence: has military and professional bearing, fitness, confidence and resilience.
4. development of others: creates a positive environment, fosters *esprit de corps* (pride, mutual loyalty and fellowship).
5. intellect: possesses mental agility, sound judgment, innovation, interpersonal tact and expertise.
6. achievement: produces results.

The first three of these components are identified as 'leader attributes'. The next three components are identified as 'leader competencies' (Odierno, 2012, p. 5).

The US Army also asserts that there are what it identifies as 'components of leadership' (Odierno, 2012, p. 2). These include:

- a) there must be at 'least two people or groups, one which leads and another which follows.'
- b) the leader must be in a position which influences others in the group to achieve the desired results and in the process facilitates the development of the organization.
- c) the leader must promote a balance between achieving the desired outcome and caring for the group members.

Further, the US Army views the sustainability of the organization as paramount and says that this can be achieved by 'sustaining a positive climate through open communication, trust, cohesion and teamwork' (Odierno, 2012, p. 2).

Odierno (2012, p. 2) says that the US Army requires their leaders to be competent and says that effective organizations rely on the competence of leaders who are respectful and followers who are loyal. As the US Army has a hierarchical structure, all US Army leaders are also followers. Before one can become a good leader, one must therefore be a good follower, ‘learning loyalty, subordination, respect for superiors, and even when and how to lodge candid disagreement’. He also says a leader must also develop in his or her followers’ competence, commitment and trust as “[t]rust characterizes positive relationships”.

2.4 Theories of Leadership: Values, Character and Leadership Tools

In Section 2.4, I shall consider what insights can be derived by examining aspirational core values, character and leadership tools, from a literature review that is specifically relevant to these leadership components, to conceptualize my leadership conduct as a New South Wales barrister in the context of a project-oriented environment, and how this may impact on my Personal Contingent Leadership Paradigm.

2.4.1 Aspirational Core Values

When discussing values, Thomas Jefferson said, ‘in matters of style, swim with the current, in matters of principle, stand like a rock’ (Goethals, Sorenson, & Burns, 2004).

Zydiunaite (2018, p. 44) says values can be positive or potentially limiting. Rokeach (1973, p.5) defines values as ‘an enduring belief that [a] specific mode of conduct or end state is personally or socially preferable relative to an opposite or converse mode of conduct or end state.’ Illies and Reiter-Palmon (2007) define values as ‘stable, individual characteristics ... that serve as behavioral guides, [and] influence both the choices people

make ... and the problem [and] solutions they generate”. Zydiunaite (2018, p. 44) says values are a guide.

In the context of organizations, core values have been defined as ‘the guiding principles and tenets of an organisation that influence attitudes, norms, and beliefs of people working in the organisation’ (Manohar & Pandit, 2014, p.667). The same authors described a set of core values as ‘a guide for the organisation’ that ‘gives clarity and direction to the organisation. They play an important role in shaping the culture of the organisation.’

Covey (1991, p. 69) said that the leadership style one adopts springs from one’s core ideas and feelings about the ‘nature of man’ (Bennet, Bennet & Lewis, 2015, p. 102). In the context of an individual, core values are developed over the course of one’s life and are important because they provide guidance and direction (Fisher, et al. 2013, p.153). Fisher et al. (2013, p.153) said that one’s core values are constantly being redefined, but also act as one’s ethical anchors.

2.4.1.1 A Moral Compass

Stout (2010, p.2) said that the term morality embodies notions of honesty and consideration, of doing the right thing rather than simply pursuing one’s own material interest.

A moral compass allows an individual to move beyond personal self-interest (De Cremer, 2011, p. 80). The moral compass may be described as a means of keeping one’s passions in check (De Cremer, 2011, p.81).

A person’s moral compass can be described as one’s conscience (Stout, 2010, p. 2). Although, conscience is a vague and unscientific term (Stout, 2010, p. 2), it has also been described as ‘unselfish prosocial behaviour,’ i.e. behaviour that does not benefit oneself but benefits others (Stout, 2010, p. 1). Qureshi, Aleemi and Rathore (2018, p. 99) said that the

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absence of values has been a challenge which the corporate world continues to face. Stout (2010, p. 5) wrote that, 'the business world is often described as a place where the selfish pursuit of material gain goes unchecked.' This type of conduct was described by Stout (2010, p. 2) as the 'homo economicus' form of behaviour. This type of person has no concern for 'morality, ethics or other people.' He or she is opportunistic, calculating, self-centred and seeks the greatest material advantage for him or herself.

Stout (2010, p. 5) suggested that regard must be given to one's moral compass and conscience, and drew on the thoughts of Justice Oliver Wendell Holmes, who became the Chief Justice of the Massachusetts Supreme Court and who was a professor at Harvard Law School. Justice Holmes believed that a person's perspective determines their actions and how they view the world. Justice Holmes sought to disassociate law from morality. He formulated a theory known as the "bad man" theory, which considered the law from the perspective of a "bad man" who cared only for himself and the material consequences 'which such knowledge allow[ed] him to predict.' Justice Holmes described this process as a prophecy that the "bad man" would fulfil; acknowledging that a breach of the law would result in adverse consequences, such as imprisonment or compulsory payment of money (Burton, 2000, p.36). Thus, from the perspective of the bad man, 'the duty to keep a contract at common law means a prediction that you must pay damages if you do not keep it, - and nothing else' (Burton, 2000, p.37). Burton (2000, p.37) describes the person that falls within this bad man category as 'indifferent' (Burton, 2000, p.37).

Law is about rights, obligations, principles, duties and responsibilities. Economics is about the exchange of products and services for monetary gain (Stout, 2011, p.5).

2.4.1.2 Character

Lebrede (2019, p. 25) asserted that character can be our greatest asset or greatest liability. Impelman (2019, p. 1) said that our greatest personal quality is character. UCLA basketball coach John Wooden said, 'Be more concerned with your character than your reputation, because your character is what you really are, while your reputation is merely what others think you are' (Klann, 2010, p.8). Character has been recognized in the military as an essential attribute, but it has not been given the same attention in the business world (Klann, 2010, p.8).

Klann (2010, p.9) said character has been described as the mental and moral qualities distinctive to an individual', the distinctive nature of something, the 'quality of being individual in an interesting or unusual way, '[s]trength and originality in a person's nature, a person's good reputation' (Klann, 2010, p.9). He also said that character is said to be the combination of emotional, intellectual, and moral qualities that distinguishes a person.

The word "character" is derived from the Greek *kharassein* (to inscribe). The word can vary in meaning according to its usage. For instance, if someone does something unexpected, people may describe the behaviour as being out of character. In the legal world, defence lawyers may ask their clients to obtain character references from reputable friends to help their cases in court. In movies and theatre, people who are adept at playing specific types of supporting roles are known as character actors. One particularly incisive definition of character comes from H. Jackson Brown Jr., author of *Life's Little Instruction Book*, who wrote that 'character is what we do when we think no one is looking' (Klann, 2010, p.10). Klann (2010, p.10) went on to say that, in the context of leadership, character is an individual's pattern of behaviour that indicates his or her moral strength, fortitude, and selflessness. The key phrase here is 'pattern of behaviour'. He also said that moral strength is based on the leader's understanding of right and wrong. A leader has the courage to do what

he or she believes to be right. A leader also puts others before himself or herself (Clark, 2016, p.2).

Klann (2010, p.10) concluded that character ‘can be compared to the heart. A person can function with a malfunctioning or weak heart but not very well and not for long. The same is true of a leader with a flawed or feeble character.

Klann (2010, p.10) outlined a theory called “the Five Es.” The five Es are example, education, environment, experience and evaluation. The first component of the theory is that a leader should lead ‘by example’, thereby influencing others through actions and attitudes (Klann, 2010, p.10; Dannenberg, 2015, p. 71). The second component of the theory is education, by way of a formal and informal process adopted by the relevant organization (Klann, 2010, p.10). The third component refers to the ‘environment’ or culture of the organization, its collective personality, attitude, and outlook. The organization’s culture is developed over time by the actions and values of people within it (Klann, 2010, p.10). The fourth component is ‘experience.’ By providing the leader with the opportunity to make choices, which is part of the overall development process, high-potential employees are given “stretch” positions and assignments requiring them to make difficult choices, which can help them better understand and develop their character (Klann, 2010, p.10). The fifth component is ‘evaluation,’ or feedback (Klann, 2010, p.11).

The approach taken by Clark (2016, p.87) was different. Clark developed what he called the ‘four cornerstones of character’, which are integrity, humility, accountability and courage Clark (2016, p.47). Clark (2016, p.3) asserted that leadership is not about charisma, eloquence, power, seniority, scale, popularity, fame, winning, wealth or education. Rather, the ‘essence of leadership is influence’. However, influence is not any kind of influence, but the kind of influence that displays something good, something noble, something that builds,

lifts and makes better. In its purest sense, leadership is about influencing people to climb, stretch and become (Clark, 2016, p. 3).

Clark (2016, p.47) asserted that this can be achieved by the application of the four cornerstones of character. He described “integrity” as honesty and facing up to who you are and what you believe (Clark (2016, p.19). “Humility” he described as ‘unresented acknowledgement of your own dependency and ignorance’ (Clark, 2016, p.17). Accountability he described (Clark, 2016, p. 18) as completing what you commence and resisting all forms of entitlement along the way. The final cornerstone is courage and Clark (2016, p.18) defined this to mean being able to ‘resist and challenge the forces of the status quo when necessary.’

Sturm, Vera and Crossan (2017, p. 350) considered the concept of character–competence entanglement, which described the relationship between character and competence over time. The highest degree of entanglement represents a deep and persistent interconnection and mutually-reinforcing effect between highly-developed leader character and highly-developed leadership competence, whereas in cases of low entanglement, character can be activated temporarily in a particular context to help strengthen the relationship between competence and performance. The proposition they expounded was that high character-competence entanglement will lead to extraordinary performance over time (Sturm, Vera and Crossan, 2017, p. 350).

Allan (2014, p.1248) sought to associate character strength with a ‘meaningful and fulfilling life,’ saying ‘[g]enerally, all character strengths correlate with meaning in life and orientation towards meaning in life.’ Park, Peterson and Seligman (2004, p.610) said that strength of character and positive experiences, such as a satisfied life, are among the central concerns of positive psychology. These authors defined character strengths as positive traits reflected in thoughts, feelings, and behaviours. They went on to say that such behaviour was

‘grounded in biology through an evolutionary process that selected for these predispositions toward moral excellence as a means of solving the important tasks necessary for survival of the species’ (Park et al. (2004, p. 611). Park et al. (2004, p.612) said that character strength is a disposition to act, desire, and feel involved in the exercise of judgment, and leads to recognizing human excellence or instances of human flourishing (Yearley, 1990, p. 13).

2.4.2 Leadership Tools

These are tools that have been used by leaders in leading organizations and various projects in the context of solution and strategy development. The reason these tools may benefit a barrister is that they provide a structure within which a barrister may develop an appropriate solution and or strategy, as opposed to the ad hoc problem-solving approach generally adopted by barristers. Thus, such a structured model may make the activity of solution and or strategy development more effective through the adoption of a more organised, considered and analytical process.

2.4.2.1 PESTLE Analysis Framework

This is a framework which is used to analyse key factors, which are political, economic, sociological, technological, legal and environmental. These are important factors that affect business decision making. The political component includes the political framework, business composition and tax structures. It is used to gauge the political stability of an area with the objective of fostering trade (Tan, et al., 2012, p.1). The economic component includes the gross domestic product, the level of household disposable income, the level of unemployment, retail sales levels, spending levels and threats within the economy which would have an adverse impact upon the economy (Tan et al., 2012, p.2). The sociological component includes the social and cultural changes that are occurring within the

country (Ivancevish, Konopaske, & Matteson, 2010, p.331). The technological component includes new technologies and methodologies which create new markets (Perera, 2017, p.12). The legal component includes the legal standards and laws with which a business must comply, whilst also identifying the most advantageous business models an organisation may adopt based on the jurisdiction's legal requirements. The environmental component includes the impact resources or lack of resources have; location of ports and the infrastructure used to transport goods and the distances between ports and warehouses or factories; and the effects weather may have upon business (Hall, 2011, p.1).

2.4.2.2 SWOT Analysis Framework

SWOT is a mechanism which allows a business to analyse its processes in order to determine the entity's efficiency (Staff, 2019, p.2). It is generally used as part of the planning process, thereby allowing the entity to identify and overcome challenges and/or pursue new opportunities (Borucka, 2018, p. 635). It also allows an entity to explore new initiatives, overhaul internal policies, identify opportunities to pivot or alter a plan midway through its execution (Staff, 2019, p.2). SWOT is an analysis framework which involves creating a table which is divided into four sections. Each section has a specific title: strengths, weaknesses, opportunities and threats. The strengths and weaknesses themes are internal to the entity. The two remaining themes, opportunity and threat, are external to the entity. This table can be used to analyse any specific aspect of the entity and encourage the members of the entity to become familiar with 'every detail' of the organization (Villegas, 2017, p. 9).

2.5 Leadership in the Context of the Legal Profession

In this section, I conduct a literature review into the genesis of the New South Wales barrister and the education and training provided to a New South Wales barrister in the leadership context, in order to conceptualize my leadership conduct as a New South Wales barrister operating in a project-oriented environment, how that may impact on my Personal Contingent Leadership Paradigm, and what insights I may derive from such a review.

2.6 Are Barristers Trained to Lead?

Lawyers have been around for a very long time. Timberlake (1922a, p. 25) said that lawyers have been present in each of the advanced civilizations throughout history. The profession of lawyer originated in ancient Greece. At that time, all a lawyer would do was prepare submissions for a litigant to read out to a court (Timberlake, 1922a, p. 25). This practice developed into permitting the lawyer to act as a “friend” in court on a *pro bono* basis, as the lawyer was not permitted to be paid.

The role of the lawyer continued to evolve, and in Ancient Rome, it was customary for a Roman patrician to be called on to assist his dependants and others within his service and act as their advocate (Timberlake, 1922a, p. 26). Over time, there was further advancement, and the role developed into what was known as the *patronus causarum*, or what would become known in modern parlance as a barrister (Timberlake, 1922a, p. 26). The profession was ‘divided into two general classes—the *patroni causarum* who corresponded ... [with the] modern barrister, and the *juris consulti*’, who corresponded with the modern solicitor (Timberlake, 1922a, p. 27).

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Barrister leaders existed during this time in a sense. One example of this was Julius Caesar, who was not only a soldier but also a *patroni caesarum* (Timberlake, 1922a, p. 28). He had a significant impact on the progress of human development (Barlag, 2016, p. 10).

As time progressed, the Church, through its monks and priests, took control of the legal profession. This was because this class of individual enjoyed a level of education far superior to that of the rest of the populace (Timberlake 1922a, p. 29). However, as time went on, the monopoly of the Church significantly declined (Maitland & Montague, 1915, p. 97). During the reign of Henry III, judges were not members of the clergy, but rather were serving clerks of the Court. They acquired their skills as servants of the Crown (Maitland & Montague, 1915, p. 97). This again developed further, to a point where judges were appointed from a body of ‘pleaders practicing in the King’s Courts’ (Maitland & Montague, 1915, p. 98).

During the reign of Edward I, a “royal initiative” was adopted, introducing a system of education for practitioners in the courts, where judges were tasked with selecting ‘apt and eager’ students to learn the business of the law (French, 2011, p. 8). The profession continued to develop, and by the 13th century, students had organized themselves into small communities, into what would today be regarded as fraternities, associations or trade unions (French, 2011, p. 8). These associations acquired several inns or townhouses which had been previously held by noblemen. These included the Earl of Lincoln’s Inn, the Knights of the Temple Inn, the Inns of Chancery, and the Inns of Court (Maitland & Montague, 1915, p. 109). At this time, the serjeants and apprentices who composed these Inns had a right of pleading in Court, and a serjeant had a right of appearance before the Court of Common Pleas (Maitland & Montague, 1915, p. 109).

The Inns of Court were responsible for the education of the lawyers. The Inns ‘developed a laborious system of legal education’ (Maitland & Montague, 1915, p. 109), and

finally evolved into the Four Inns—Grays, Lincoln, Middle Temple and Inner Temple (French, 2011, p. 8).

It took a student over seven years to be educated in the law (French, 2011, p. 8), and the student was required to attend lectures, spend time in hearings and plead fictitious causes before being permitted to be admitted (Maitland & Montague, 1915, p. 109). By this stage, it was common for these students to hire experienced litigators to teach them the law (French, 2011, p. 8). Students who were more experienced were called readers and they also gave some of the lectures (French, 2011, p. 8). The legal training of a barrister through the Inns was a ‘formalistic treatment of the law bound by precedent and analogies drawn from precedent’ (Weber, 1947, p. 201).

During the time of the Tudors (1485–1603), the status of the level of education provided by the Inns of Court had risen to the standard of a university and was referred to as the third university after Oxford and Cambridge. The difference between the education offered by the Inns of Court and that offered by Oxford and Cambridge was that the Inns of Court taught English Law, while Oxford and Cambridge ‘was underpinned by civil law and Canon law’ (French, 2011, p. 9).

From the 17th century until recent times, the right to practise as an advocate in the Royal Courts was restricted to members of the Inns. Also, in the 17th century, there was a separation within the ranks of the profession, as solicitors began to have different training from their barrister brethren. Solicitors’ training became more mercantile oriented, and during this time, solicitors were required to receive their legal education through ‘contractual apprenticeships with more senior practitioners’ (French, 2011, p. 9). An attorney or solicitor was required to serve five years as a clerk undertaking articles under a senior practitioner, after which they would take the prescribed oath and have their names entered onto the roll (French, 2011, p. 9).

By the mid 1850s, judges were being appointed from the Bar and were required to have at least seven years standing. The senior judges were assisted by registrars who were ‘always a solicitor by profession and could act for the judge in undefended causes’ (Maitland & Montague, 1915, p. 172). Also by the 19th century, the jurisdiction of the County Courts was significantly extended. This had a flow-on effect in regard to procedure and whom the client could retain to represent him or her. At this time, a client would appear either in person or through his or her solicitor or barrister.

French (2011, p.10) says that throughout the 18th and 19th centuries, the importance attributed to the legal education provided by the Inns of Court was in decline. He also says that the education of lawyers was largely taken over by the universities and the Bar became a referral profession, acting on instructions from solicitors.

New South Wales, as with other Commonwealth colonies, adopted to a significant extent the legal system as it emerged in the 18th and 19th century in England (French, 2011, p. 14).

2.6.1 English Legal Education and Leadership

In 1971, the Ormrod Committee on Legal Education in England considered the role of university law schools in the context of legal education. The Committee recognized the need for lawyers to receive a broad education that ‘could confer adaptability to new and difficult situations’ (French, 2011, p. 11). It was specifically concerned with the following considerations:

1. whether the law graduate had an adequate knowledge of the more important branches of the law and its principles;
2. the law graduate’s ability to handle facts, both analytically and systematically, and to apply the law to situations of fact;

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3. the law graduate's capacity to work not only with clients, but also with experts in different disciplines;
 4. the professional skills and techniques essential to practice, and a grasp of the ethos of the profession;
 5. a critical approach to existing law and an appreciation of its social consequences;
 - and
 6. an interest in, and positive attitude to, appropriate development and changes
- (French, 2011, p. 11).

The Ormrod Committee recommended that legal education should occur in three stages:

1. academic;
2. professional; and
3. continuing education (French, 2011, p. 11).

The Committee proposed that the academic stage should occur at university and include subjects such as constitutional law, torts, contract, criminal law and land law (French, 2011, p. 12). For the Committee, the purpose of law education was to instil a basic understanding and knowledge of the law, including 'the intellectual training necessary to apply abstract concepts to the facts of particular cases, and an understanding of the relationship of the law to the social and economic environment in which it operates' (French, 2011, p. 12). However, the committee failed to identify the need to introduce subjects addressing leadership education within the profession.

2.6.2 Australian Legal Education and Leadership

The requirements for legal education in Australia were developed by Professors Sally Kift and Mark Israel, in what are known as ‘Threshold Learning Outcomes’ (French, 2011, p. 13). Kift and Israel suggested that legal education should be divided into six components:

1. knowledge;
2. ethics and professional responsibility;
3. thinking skills;
4. research skills;
5. communication and collaboration; and
6. self-management (French, 2011, pp. 12–13).

French (2011, p. 18), who was the Chief Justice of the High Court of Australia until 2017, indicated that until about 1970, legal education was greatly influenced by the legal profession. In 1964, the Martin Report on the Future of Tertiary Education said that the legal profession was overly self-regulated and was not producing the ‘volume and form necessary for national economic growth’ (Law Admissions Consultative Committee, 2010). In 1976, Justice Bright, the Chancellor of Flinders University, recommended at the National Conference on Legal Education that an Australian Legal Education Council (ALEC) should be established (French, 2011, p. 18). The intention was that ALEC would set the compulsory core subjects which would be taught at law schools throughout Australia. Leadership was not one of the common core compulsory subjects which all law schools would teach to undergraduate law students (French, 2011, p. 18).

In 1978, the Victorian Council of Legal Education established what was known as the Academic Course Appraisal Committee, which considered basic core subjects taught at university. There was a further report in 1982, which recommended 12 subjects be included and taught by Australian law schools in their law degrees. These subjects were: legal process,

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criminal law and procedure, torts, contracts, property law, trust law, administrative law, federal constitutional law and state constitutional law, civil procedure, evidence, professional conduct and accounting. Civil procedure, evidence, professional conduct and accounting were to be taken either at university or at a professional practice college (French, 2011, p. 19). There was no reference made to leadership.

During the early 1980s, a report on “core subjects” was published, and subsequent recommendations to the Law Council of Australia were made (French, 2011, p. 19). A similar approach was adopted in New South Wales through the Bowen Report, in relation to Legal Education (French, 2011, p. 19). These core subjects were legal process, criminal law and procedure, torts, contracts, property, trusts, administrative law, Federal and State constitutional law, civil procedure, evidence, professional conduct and accounting. Leadership again was not added as a core subject.

In 1987, the Commonwealth Tertiary Education Committee published the Pearce Report (Pearce, Campbell, & Harding, 1987), which indicated that law schools had evolved from origins involving a very poor resource base and a heavy reliance on the profession—a situation that meant the profession exercised strong influence over the course (French, 2011, p. 20). The Pearce Report considered issues such as prohibiting entry to law school straight from secondary schools, class sizes, review of postgraduate programs, provision to give staff time to undertake academic research and more equitable distribution of work (Pearce et al., 1987). No reference was made to leadership education as a core subject.

In the 1990s, the Consultative Committee of the State and Territory Law Admitting Authorities (CCSTLAA), chaired by Justice LJ Priestley, released a discussion paper on what was termed Uniform Admission Requirements. This paper did not attempt to dictate what subjects should form part of the compulsory subjects that undergraduates should study in their law courses, but did make the suggestion that there should be a broad area of

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knowledge, and students should demonstrate basic knowledge and competence in important areas. The 11 areas suggested by the CCSTLAA were: contract; tort; criminal law and procedure; property (including the Torrens title system); equity (including trusts); constitutional law (including Federal and State laws); administrative law; civil procedure; evidence; company law; and professional conduct (including basic trust accounting) (French, 2011, p. 21). Justice Priestley's 11 basic core academic components of legal education were adopted by the admitting authorities throughout Australia (French, 2011, p. 22).

In 1998, the Law Admissions Consultative Committee, which reported directly to the Australian and New Zealand Council of Chief Justices, sought input on Justice Priestley's 11 core academic components. The response was unanimously negative (French, 2011, p. 22). In 2008, there was a minor modification of the core academic components, in that trust accounting was to be studied as part of the practical, rather than the academic, component of the course and the present description of ethics and professional responsibility was included. The criticism of Priestley's 11 core academic components was on the basis that the 'present Academic Requirements stultify law curricula by discouraging innovation, limiting student choice and leaving little teaching time available for developing lawyering skills and professional values' (sic) (French, 2011, p. 22). However, despite the criticisms levelled at Justice Priestley's 11 core academic components, they remain in place. The subject of ethics and professional responsibility does not include leadership as a component. As it stands, there are no subjects which educate the legal profession in leadership, as distinct from ethics and professional responsibility.

As at August 2018, the Western Sydney University offers 200 subjects, and 102 courses which in some way involve a leadership component. However, not one leadership subject is offered to undergraduates undertaking a law degree in the legal faculty. I also found that Sydney University Law School does not offer any leadership subjects for an undergraduate

law degree. The only reference to leadership I could find was a reference to promoting leadership skills in individuals who had achieved the status of ‘dux’ or ‘school captain’. A subsequent search of postgraduate subjects offered by the University of Sydney Law School revealed that not one postgraduate subject included a leadership component. The importance that leadership has for lawyers and the need for change in implementing appropriate training for lawyer leaders has been recognized by Harvard Law School, which has called for reform in this area (Sturm, 2013, p. 49).

2.6.3 How the American Law School Perspective has Affected Australian Legal Education

The MacCrate Report, which was commissioned by the American Bar Association in 1992, focused on what lawyers needed to do. It included discussion of the fundamental lawyering skills of: problem solving; legal analysis and reasoning; legal research; factual investigation; communication; counselling clients; negotiation; understanding litigation and alternative dispute resolution processes; organization and management of legal work; and recognizing and resolving ethical dilemmas. The different approach to teaching law in the United States was noticed by the Australian Reform Commission, and in its Discussion Paper Number 92, it was noted that the American approach was concerned with what lawyers needed to do, while the Australian educational system was focused on what lawyers needed to know (French, 2011, p. 23).

In 2007, the Carnegie Foundation Report found the law school experience in the United States to be ‘severely unbalanced’. It suggested that the focus on formal and procedural qualities of legal thinking adversely impacted on the social and moral dimensions (French, 2011, p. 23).

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In 2009, the Council of the Australian Law Deans adopted what was known as the Standards of Australian Law Schools, which focused on community engagement, teaching and research (French, 2011, p. 23). The Council of the Australian Law Deans standards requirements considered the administration, theory, philosophy and role of law, knowledge and understanding of fundamental doctrines, concepts and values of Australian Law. It also considered what the fundamental areas of substantive law and sources were. The standards also included principles of ethical conduct and the role and responsibilities of lawyers (French, 2011, p. 23).

In 2010, the Law Admissions Consultative Committee released a discussion paper titled 'Rethinking Academic Requirements for Admission'. This paper criticized the Australian legal educational system, arguing that it was focused on outdated notions of what lawyers needed to know rather than being focused on professional skills and values.

Former Chief Justice French (2011, p. 29) has suggested that law graduates need to have at least:

- basic knowledge of the principles and doctrines of important areas of the law;
- basic knowledge of the ways in which law is made, interpreted and applied;
- basic skills transferable across subject areas which enable the graduate to identify, define and analyse legal problems to formulate options for their resolution or litigation;
- awareness of and sensitivity to ethical issues and the ability to respond ethically to them;
- commitment to legal practice as a species of public service; and
- an awareness of the ongoing need for reform of the law and a readiness and ability to contribute to reform.

French (2011, p. 29) recognized that several factors influenced a lawyer's ethics and concepts of social justice. He says that those factors include family, community, university environment, continued legal education, and practical experiences

2.6.4 The New South Wales Experience

It was not until 1815 that New South Wales established a Supreme Court. At this time, it was still a colony. A solicitor to be admitted to the Supreme Court of New South Wales needed to be admitted as a solicitor in England, Scotland or Ireland and was required to have served as a clerk for a period of five years with a New South Wales solicitor (French, 2011, p. 14).

In 1823, the Supreme Court of New South Wales was empowered to admit persons to act as barristers, proctors, attorneys and solicitors (French, 2011, p. 15), and in 1848, the Barristers Admissions Board in New South Wales was established. Change in the profession was very slow and during the 19th century, a solicitor had to refer a matter to a barrister before the barrister could act. This continued to be the case until the end of the 20th century in New South Wales.

During the 19th century in New South Wales, the barrister candidate was required to take examinations in Greek, Latin, Mathematics and Law. The approach adopted by the profession in Victoria and Queensland during this period was the same (French, 2011, p. 15). None of the subjects on offer at that time related to leadership.

Currently, a barrister candidate in New South Wales must be a graduate in Law from one of the Australian laws schools before he or she may sit the bar examination, which consists of three examinations: evidence; practice and procedure; and ethics. Once the barrister candidate passes the bar examination, he or she may apply to undertake the bar course. Leadership subjects are not included in either the bar examination or the bar course.

2.6.5 Lawyers Make Poor Leaders

Leeke (2014) who is a lawyer and writer, has said that despite lawyers being intelligent and highly qualified professionals, they are ill-adapted to leadership and management roles, because the ‘very qualities and thinking patterns that make us good lawyers are the things preventing us from succeeding in management roles.’ Leeke (2014) referred to a study conducted by Dr Larry Richards in which he identified six behavioural traits in lawyers which purportedly prevent them from being effective leaders. He said lawyers:

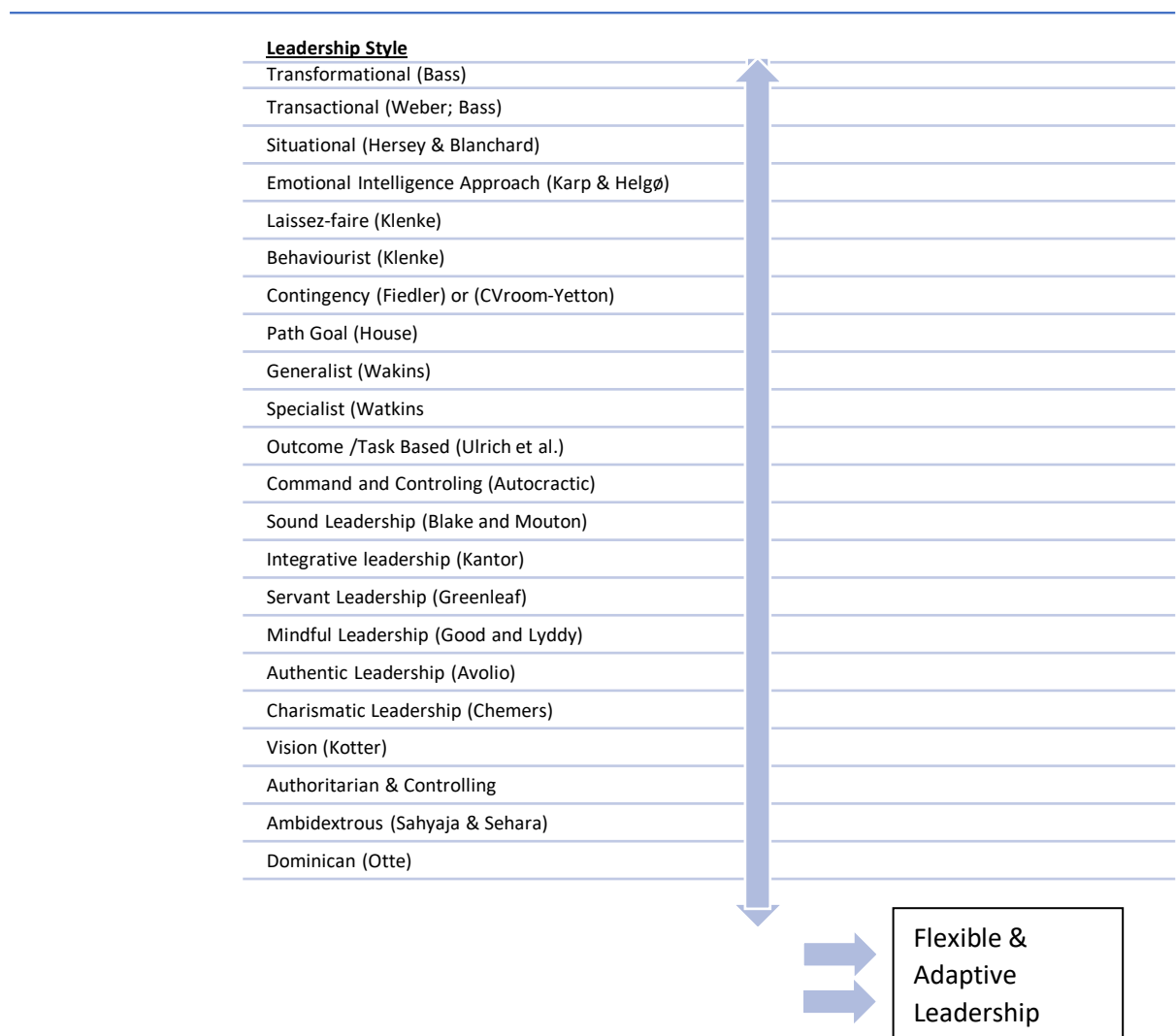
- are highly sceptical;
- are autonomous;
- are antisocial;
- are resistant to new ideas;
- have a high sense of urgency; and
- are easily discouraged by setbacks.

Leeke (2014) said that lawyers who do take on leadership roles usually have no formal training, mentoring or prior experience. Polden (2012, p. 908) asserted that a more robust education in leadership is needed for lawyers. Leeke (2014) also said that inexperience and being untrained in leadership makes lawyers incompetent leaders. This translates into high staff turnover, poor service quality, poor client relations and a lack of strategic direction, culture or consensus within the law practice. Leeke (2014) went on to say that without solid leadership in the face of a changing environment, these practices ‘won’t be able to achieve the strategic business plan and optimal profits they’ll need to survive.’

2.6.6 Leadership Styles in diagrammatical form

Following the examination of the theories, characteristics and supporting insights of leadership identified in this chapter, I thought it helpful to formulate a diagram based on the literature review, observing that these styles could possibly be used collectively thereby forming a flexible and adaptive leadership style. This diagram is set out below.

Figure 1: Leadership Styles



2.7 Summary

In Chapter 2, I have:

- considered what leadership is and what it is not;
- identified the different leadership styles that have been recognised by academia;
- identified how these various styles are applied and why;
- identified leadership literature and have undertaken a review of that literature;
- considered the different leadership philosophies adopted in other professions, such as medicine, accounting and the military, and why such leadership techniques and leadership education have been effective;
- considered literature identifying what impact values and character have on leadership;
- identified various leadership tools; and
- considered the literature in relation to leadership in the legal profession and what education is made available to law undergraduates or barristers in the context of leadership.

As a consequence of the literature review, I have considered whether my personal contingent leadership paradigm is valid through deductions drawn from this literature on leadership. This has given me a greater appreciation of how such matters may impact on my assumptions and beliefs as a New South Wales barrister operating in a project-oriented environment, and the impact such matters may have on my personal contingent leadership paradigm. I have observed that a flexible and adaptive leadership style is an appropriate leadership style which I may adopt as a barrister. Consequently, I have formulated a diagram identifying the various styles of leadership which form the components of a flexible and adaptive leadership theory which I go on to further consider and develop later in this work.

Chapter 3: The Evolution of my Personal Contingent Leadership Paradigm

3.1 Introduction

In this chapter, I propose to set out how my personal contingent leadership paradigm has evolved over the past ten years, and how this development may align with the subjects studied during the initial stages of the Doctor of Business Leadership. I describe how the lack of formal education in leadership and my experiences in the New South Wales Police Force and at the NSW Bar contributed to the development of my default autocratic style of leadership for more than two decades.

I go onto describe that as a barrister I operate in what I call a project orientated environment and I identify the factors which impact upon that environment including the type of stakeholders I engage with and stakeholder expectation, combined with the ethical obligations to my client, the opponent and the administration of justice.

I identify the deductions which I have drawn from the literature review and how my default autocratic style may be redundant as a consequence of a shift in the type of stakeholders I now act for and the shift in their objectives. I describe how the use a flexible and adaptive leadership style, and a structured approach to problem solving and solution implementation may make me more effective and add value to me in my role as a barrister.

Finally, I develop propositions which are deduced from the literature reviewed and from inductive thinking based upon my past experiences.

3.2 Development of my Personal Contingent Leadership Paradigm

I had never viewed myself as a leader, either in my earlier life, as a member of the New South Wales Police Force, or in the context of being a New South Wales barrister. The Doctor of Business Leadership degree has changed my view of this. Specifically, I can now see that leadership theory may well impact on my personal contingent leadership paradigm and how I practise as a New South Wales barrister.

But how and why does leadership theory impact on me in my professional capacity? Is it as a consequence of what is contained in the New South Wales barristers' professional rules, which govern my conduct? Is it as a consequence of the role which one takes on as a New South Wales barrister operating in a project-oriented environment? Is it as a consequence of the expectations that my stakeholders have, such as solicitors and clients who seek guidance, advice, strategy, and a positive outcome? Is it as a consequence of my experiences and beliefs? Is it as a consequence of all these factors? Or is it as a result of something else?

3.2.1 Beliefs and Behaviours to be Challenged

As described in chapter 1 my experiences growing up, as a member of the New South Wales Police and later as a member of the NSW Bar, as well as my lack of formal education in leadership resulted in me developing an authoritative and autocrat style of leadership which was my default style of leadership for more than two decades. Consequently, I lacked an appreciation of the other leadership styles which were also otherwise available to me.

3.2.2 A Perspective of a New South Wales Barrister Operating in a Project-Oriented Environment

In my professional context as a New South Wales barrister operating in a project-oriented environment, I have sought to pursue self-improvement and excellence, while simultaneously attempting to achieve a positive outcome for my stakeholders—specifically, my solicitors and clients—within the code of conduct set by the Bar. The practice of law as a New South Wales barrister is not regarded as a business, but rather a calling: for example, when one joins the New South Wales Bar, one is regarded as “being called” to the Bar (Porter, 2003, p. 7).

On admission to the New South Wales Bar, the Bar Rules place legislative obligations on the barrister, culminating in his/her ultimate duty to the administration of justice, over and above any obligation the barrister may have to other stakeholders, be they a client, solicitor or other party. This is unlike any other profession or trade. A solicitor also has the same ultimate duty to the administration of justice, but practice as a solicitor is more oriented toward mercantile objectives when compared with the work and the role undertaken by a barrister, which predominately relates to advice, strategy and court work. Unlike with a solicitor, a barrister’s performance is not based on key performance indicators, monthly targets, budgets or hours billed. Rather, a barrister’s effectiveness is based on whether the barrister has achieved the desired outcome for the solicitor and his/her client in the context of a litigious matter, and whether the barrister has provided the solicitor and client the right advice. A barrister works long hours, is expected be up-to-date with all case law, legislation and reforms, and to achieve positive outcomes in every brief (or project), while maintaining a balance between professional and personal life.

That being said, as a New South Wales barrister operating in a project-oriented environment, I have a significant level of freedom to be myself, to be independent, and to be

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creative and innovative in the practice of law. This has allowed me to bring to the Bar my personality, beliefs, assumptions and prejudices.

A barrister, from my perspective, is in control of how the case is to be conducted, what evidence to call, what arguments to make, how the issues are to be presented, what the witnesses are asked, what is contested and what is conceded and the tactics to be adopted, while seeking to achieve a positive outcome for the solicitor and client stakeholders, but also being cognizant of the overriding and ultimate duty to the administration of justice. Thus, communication is critical in the context of a New South Wales barrister operating in a project-oriented environment. One needs to be assertive and persuasive, without being arrogant, and remembering that one is not the client's mouthpiece, but rather one should use one's independent forensic judgment when providing advice and running a case. There are times when clients and some solicitors will seek to dictate to the barrister how the case should be run, but it is not for the client or the solicitor to assert this. The barrister is required, in accordance with the Bar Rules, to exercise his or her own forensic judgment as to how the case should be presented. Therefore, the style that some barristers (including me) have adopted is sometimes a command and control approach to management of the practice. I have found from my experience of dealing with delinquent clients that this leadership style is effective; otherwise some clients and solicitors attempt to bully their views into the courtroom through their barrister, which is not appropriate.

However, as my practice of law in the context of a New South Wales barrister has moved towards serving government and large corporations, the default autocratic model of leadership may not necessarily be the most appropriate or effective leadership model to adopt in all situations. When looking at my career over the past ten years from the perspective of a spectator, it is evident to me that this was the turning point where I realized that a flexible

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approach to leadership in the context of my personal contingent leadership paradigm may be more appropriate.

This epiphany coincided with my participation in the Doctor of Business Leadership core subjects, which identified that there was more than one method of leadership that was available to me, and thus has given me the opportunity to challenge the default authoritative style of leadership I had previously adopted with a more flexible leadership model, through the application of my personal contingent leadership paradigm. My personal contingent leadership paradigm in the context of a New South Wales barrister operating in a project-oriented environment, by necessity (because of New South Wales Bar Rules) acknowledges that the adoption of positive core values is at the foundation of my paradigm.

I acknowledge that at the undergraduate level at law school, little guidance was provided about leadership. I also note Leeke's (2014) observations that lawyers make poor leaders and why. By adopting the autocratic model of leadership as my default style in all situations, I may well have limited my development as a leader. This action may also have had an adverse impact on my relationship with stakeholders, as I did not appreciate that other forms of leadership may apply and that I should accord stakeholders' views greater importance. By adopting a more flexible approach to leadership and by keeping the process simple, I may develop into a more effective leader.

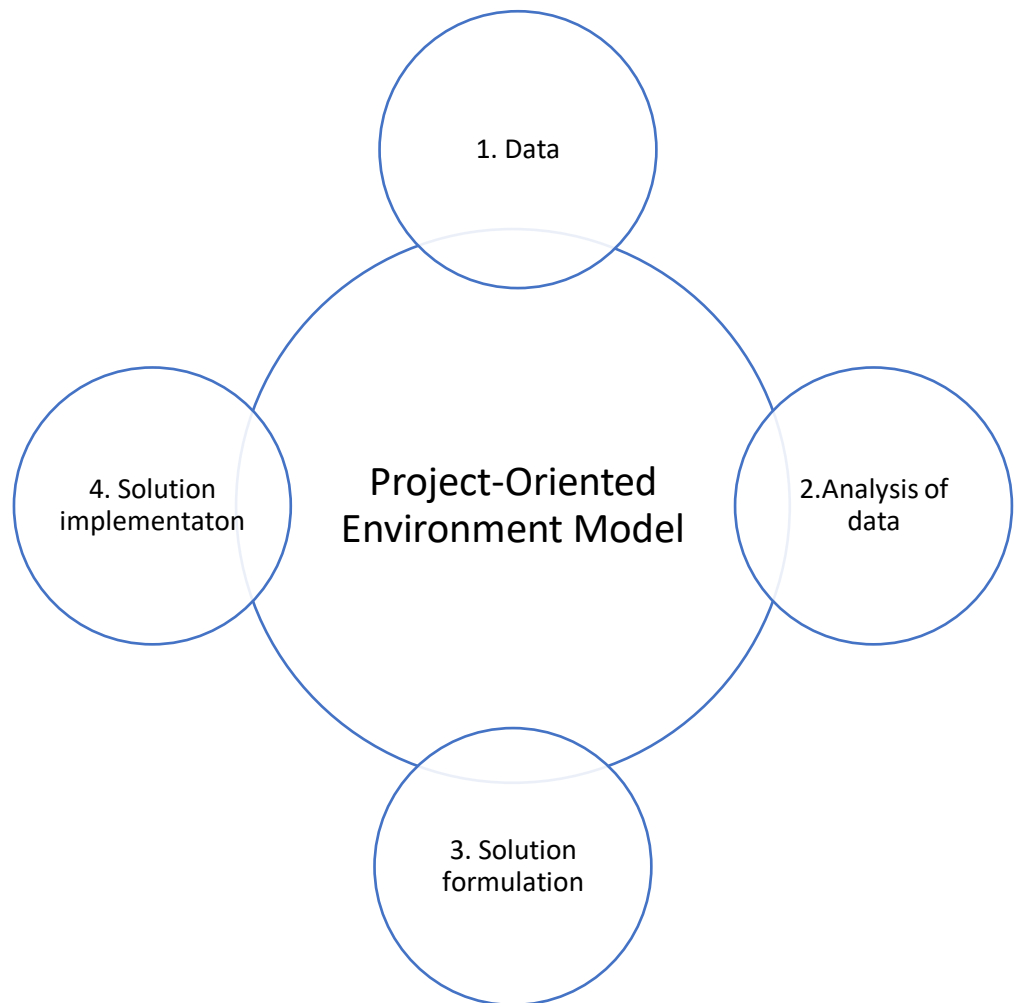
I further acknowledge that the isolation of barristers in the profession may have an adverse effect on leadership in my context of a New South Wales barrister practising in a project-oriented environment, due to the lack of diversity, mentorship and leadership skill development. Consequently, this phenomenon may have an adverse impact on my Personal Contingent Leadership Paradigm.

Additionally, noting the matters referred to above in the context of a project orientated environment specific to me as a barrister, I thought it helpful to consider some of

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the components that could form part of the project orientated environment model, such as data collected, the analysis of that data, solution formulation and solution implementation. I have set out below in diagrammatical form of what such a model might look like.

Figure 2: The Project-Oriented Environment Skeletal Model



Source: Created by the author

3.3 Deductions Drawn from the Reviewed Literature

In this section, I will attempt to draw deductions from the literature review on leadership so as to ascertain what connection this may have to me as a New South Wales barrister and how that may impact on the evolution of my Personal Contingent Leadership Paradigm. This exercise will assist me in the development of appropriate propositions and the overarching research question in this work.

Leadership itself is complex (Dennis, 2019, p. 219; Chebbi et al., 2017, p. 425; Hughes et al., 2002, p. 6; Reser & Sarros, 2000, p. 10) and it is a complex process (Balconic et al., 2019, p. 213; Curral et al., 2016, p. 1). In the context of my personal contingent leadership paradigm, guidance may provide assistance. Guidance in the form of education and mentoring supplemented by experience may be a means of dealing with the complexities of leadership, specific to me as a New South Wales barrister operating in a project-oriented environment.

The lack of guidance, training and subjects offered at an undergraduate level in leadership (Sturm, 2013 p. 49) in the context of studying law (Polden, 2012, p. 908) and consequently the lack of training as a leader (Leeke, 2014) may have influenced me in choosing as my default style of leadership the autocratic style. This was the leadership style I was familiar with. I knew it while growing up and it was a style promoted throughout my career in the New South Wales Police Force.

Davis (2007, p. 55) asserted that leadership includes three components—the leader, the follower and the situation—and that a holistic approach should be adopted, analysing micro, meso and macro conditions (Krawczyk et al. 2018, p.3). The contingency approach to leadership also places importance on the interplay between the leader's qualities and the situation (Betaubun et al., 2018, p. 200; Klenke, 1996, p. 66). A consequence of leadership is

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the influence the leader has over his or her followers and the leadership process, which translates into leadership effectiveness (Blickle et al., 2013, p. 603). A leader sets the vision and provides direction (Hall, 2013, p. 37) as to what can actually be achieved. Diversity has a positive impact on the outcome (Hartzell & Dixon, 2019, p. 79), and managers direct, while leaders motivate and align people (Dye, 2014, p. 68; Kowch, 2013, p. 26; Kotter, 1990, p. 107). In the context of a New South Wales barrister operating in a project-oriented environment, all these factors have a part to play in the application of my personal contingent leadership paradigm. For example, as a barrister, I provide the vision of what can be achieved, based on the facts and the law, while motivating and aligning my stakeholders. I also direct, organize, and implement plans, while having regard to the situation and/or problem I am dealing with, from a micro, meso and macro perspective. This is all carried out in an environment which is turbulent.

Over the past ten years, and particularly within the last three years, my personal contingent leadership paradigm has gravitated towards a more flexible style of leadership, while affirming the importance of values and ethics as the foundation and platform from which my personal contingent leadership paradigm may develop. Khan and Javed (2018, p. 224) said that personal characteristics, in the context of ethical leadership, include fairness, honesty, trustworthiness, good interpersonal communication, high ethical standards, compassion, ‘principled decision making’ (Khan and Javed, 2018, p. 224) and fair distribution of reward, leading to a more effective and efficient leader. Personal characteristics also endear the leader to the follower, giving the leader credibility ‘as a functional role model’ (Esmaelzadeh et al., 2017, p. 684). This accords with stakeholder expectations in the context of a New South Wales barrister operating in a project environment, although further research may be necessary in this regard. Esmaelzadeh et al. (2017, p. 684) asserted that the personal characteristics of the leader that endear the leader to

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other stakeholders, such as the ability to communicate, may assist development of the relationship between stakeholder and leader. Barua et al. (2019, p. 231) suggested that the leader needs to articulate the objective to be achieved. In my context as a New South Wales barrister operating in a project-oriented environment, and based on my personal contingent leadership paradigm, communication is one of the components I use in dealing with my stakeholders (solicitors, clients, magistrates/judges and juries) and it is critical to achieving a positive outcome for my solicitors and clients.

Landrey et al. (2019, p. 42) suggested that leadership positions are based on specialist skills. A New South Wales barrister is a specialist advocate in his or her particular field of expertise. Hence, in the context of my personal contingent leadership paradigm, this may also hold true. Smith (2017, p. 6) proposed that mental toughness in the form of resilience is a leadership characteristic. I have observed that this may also be true in my context as a New South Wales barrister and from the perspective of my personal contingent leadership paradigm when dealing with difficult stakeholders such as a difficult judge during a jury trial, difficult solicitors and clients.

A leader's success in business is dependent on, *inter alia*, a deep understanding of technology (Greengard, 2019, p. 21). The importance of adopting technological advancement is supported by Dilanian and Howard (2018, p. 12). This is a relevant consideration in my professional context as a New South Wales barrister and is important to my personal contingent leadership paradigm, as research is a critical part of my work—for example, over time law develops and progresses, and consequently it is essential for me to be aware of what the law is at a particular point in time. Research facilities, such as LexisNexis or Westlaw online, are important resources. However, it is also necessary to know how to use such a research resource, and from time to time research platforms change—for example, from physical books to electronic formats. Moreover, as a consequence of my work, which

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necessitates travelling from New South Wales to Victoria and to Queensland, it is unrealistic to cart hundreds of cases and numerous books across three state lines. Therefore, having an electronic means of accessing case law and research on a laptop or iPad makes life much easier and makes me more efficient.

The ambidextrous leadership model promoted by Sahyaja & Sehara Rao (2019, p. 249) seeks to combine transactional and transformational forms of leadership to achieve a balance. This concept of balance is adopted by my personal contingent leadership paradigm, which seeks to embrace as a main component the ideology of flexibility.

My personal contingent leadership paradigm seeks to avoid egocentric approaches to leadership (Wing & Dykes, 2019, p. 14), and embraces being true to one's authentic self and being focused, which is supplemented by a mantra of flexibility, simplicity and reflection, together with a platform founded on values and ethics. My personal contingent leadership paradigm embraces the practice of listening to one's stakeholders, not to the extent that De Brun et al. (2019, p. 72) have suggested, of a collective approach to leadership, but it certainly embraces an appreciation of collective ideas from all stakeholders.

Education and mentoring are important components of my personal contingent leadership paradigm. Marvel et al. (2018, p. 695) promoted training and education as a means of achieving improvements in leadership for medical professionals. Jenson (2019, p. 50) also suggested that leadership in the medical profession can be improved through mentoring and coaching. Mentoring, as a means of developing leadership which consequently translates into improved performance, was also encouraged by Marton et al. (2019, p. 48). Mentoring as a means of developing leaders and improving performance together with achieving desired outcomes is also promoted in the accounting profession (Richtermeyer, 2018, p. 32). Mentors and coaches are an important component of my personal contingent leadership paradigm. Mentors give one a different perspective while providing reassurance and encouragement.

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Odierno (2012, p. 5) regarded a leader's character as the first component of the underlying leadership model, and this was also seen as an essential attribute by Klann (2010, p. 10). Lebrede (2019, p. 25) asserted that character can be our greatest asset or greatest liability. Zydiunaite (2018, p. 44) said that values are a guide. Fisher et al. (2013) said that '[v]alues are our ethical anchors'. Values are the foundation of my personal contingent leadership paradigm.

Notwithstanding the lack of consensus as to a universal definition for the term "leadership," the literature review suggests that a leadership style which embraces positive values (diversity, empathy, authenticity, ethics, and flexibility), through open and honest communication, together with a recognition of the importance of people and the influence leadership has, may allow me to achieve the desired outcomes more effectively and efficiently as a leader. Ultimately, the objective is to effectively apply my personal contingent leadership paradigm and replicate what I have successfully achieved.

The ideas discussed in this chapter together with my literature review have, through deductive reasoning, led me to develop the following propositions. These propositions are deduced from the literature review and from inductive thinking based on past experience:

Proposition 1

There is no universal barrister leadership model which is accepted across the legal profession.

Proposition 2

A barrister operates in a project-oriented environment and is seen as a guide and an advisor by clients and solicitors.

Proposition 3

New South Wales barristers operate in a turbulent environment.

Proposition 4

In a turbulent, project-oriented environment, it is advantageous for a barrister to be flexible and adaptive.

Following the formulation of the propositions, as stated above, I proceeded to develop, through inductive and deductive reasoning applied to the literature review and propositions, the research question which appears below:

How appropriate is flexible and adaptive leadership behaviour, in the context of a barrister operating in a project-oriented environment, and as a basis for specifying my Personal Contingent Leadership Paradigm behaviour guidelines?

3.4 Summary

In Chapter 3, I have considered how my personal contingent leadership paradigm in the context of my role as a New South Wales barrister operating in a project-oriented environment has evolved. I describe how such factors as my past experience and lack of leadership training had led me to develop and adopt a default autocratic leadership style and how over time a shift has occurred away from such a default autocratic style to a more flexible and adaptive style. This shift in thinking has been caused in part by a change in the stakeholder type with whom I now engage with and their respective expectations, together with a greater awareness of what leadership styles are available to me. Thus, these factors have been critical in directing me to develop the four propositions and the formulation of my

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overall research question. The development of these propositions has been as a consequence of deductions made from the literature view and the inductive thinking based upon my past experience. Thus, through this phenomenon I came to the realisation that a nexus existed between the deductions derived from the literature review and the inductive reasoning derived from my past experience. I also acknowledged how this literature review, and my awareness of the existence of difference leadership styles has informed by thinking towards a more flexible and adaptive mode of leadership in my context as a barrister.

Chapter 4: Research Methodology Propositions, Research Question and Sub-Questions

4.1 Introduction

In this Chapter I have developed a Research Structure which is diagrammatically depicted in Figure 3, titled the ‘Research Structure Flowchart’. This research structure commences by referencing the literature review which I undertook in Chapter 3, which was supplemented by my personal experience as a barrister, thereby allowing me, through inductive and deductive reasoning, to develop propositions which led to the formulation of the research question, and subsequently the articulation of the research sub-questions, which are set out below.

I then go on to describe the three paradigmatic determinants of ontology, epistemology and methodology which were used. I explain how a qualitative research approach allowed me to use words rather than numbers as the major element of data collection. I go on to explain how a case study methodology was the most appropriate method of data collection in the context of the propositions, overall research question and research sub-questions. I describe how data was collected by way of case study, analysing such data with NVivo qualitative research software, and use of inductive and deductive reasoning which allowed me to develop insight, not by experimentation but rather by data contextually connected with me as the researcher, through researcher participation in the events which formed part of the case study as well as by interviewing instructors and or clients (in an open interview style) who were active participants in the events in which I had been briefed in as a barrister. A “big picture” approach to the work was taken—an approach which permitted the researcher to be a participant as well as an observer involved in the events forming the basis of the case study, and which embraced compatibility between the propositions, overall research question,

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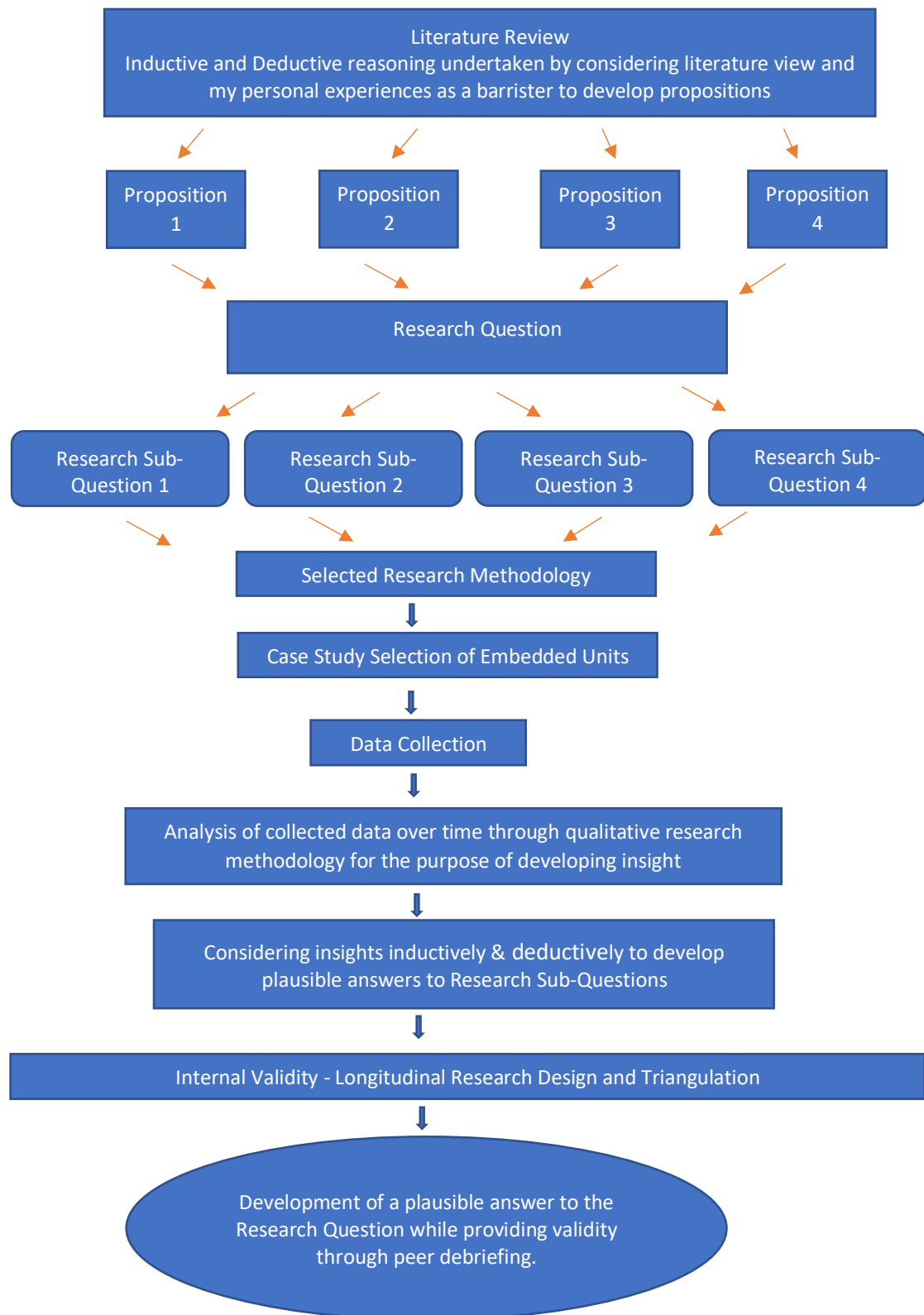
research sub-questions, the methodology and the data collected. Internal validity was provided through information richness, coherence and insight from triangulation sources rather than external validity from statistical measured generalizability. Finally, I describe how plausible answers were developed to the research sub questions and ultimately to my overall research question and how peer debriefing provided validity to the work.

In this chapter, I shall address:

1. why a qualitative research approach and a constructivism research paradigm were selected;
2. the ontology, epistemology and methodology adopted;
3. the data collection method;
4. the coding and analysis approach used, together with longitudinal research design and triangulation;
5. how research validation was undertaken through peer debriefing.

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Figure 3: Research Structure Flowchart



Source: Developed by author

4.1.1 Research Structure

The research structure adopted consisted of ten steps. Step One was the formulation of four propositions, through a blend of inductive and deductive reasoning derived from my literature review, complemented by my experience as a barrister. Step Two involved the development of the overall research question, derived from the four propositions. Step Three was the development of the four research sub-questions derived from the overall research question. Step Four consisted in selecting the research methodology. Step Five consisted of selecting the embedded units which formed the case study. Step Six involved data collection. Step Seven involved the adoption of a qualitative research methodology in line with a constructive research paradigm for the purpose of developing insight. Step Eight consisted of considering the insights through an inductive and deductive pathway to develop plausible answers to the research sub-questions. Step Nine involved undertaking an internal review arising from a longitudinal research design and triangulation. Step Ten involved developing plausible answers to the overall research question while providing validity to the work through the use of peer debriefing.

4.1.2 Propositions

Proposition 1

There is no universal barrister leadership model which is accepted across the legal profession.

Proposition 2

A barrister operates in a project-oriented environment and is seen as a guide and an advisor by clients and solicitors.

Proposition 3

New South Wales barristers operate in a turbulent environment.

Proposition 4

In a turbulent, project-oriented environment, it is advantageous for a barrister to be flexible and adaptive.

4.1.3 Overall Research Question

How appropriate is flexible and adaptive leadership behaviour, in the context of a barrister operating in a project-oriented environment, as a basis for specifying my Personal Contingent Leadership Paradigm behaviour guidelines?

4.1.4 Research Sub-Questions

1. How is the context for New South Wales barristers evolving, based on a PESTLE/SWOT analysis, and what issues/challenges are emerging as a consequence?
2. How necessary is flexible and adaptive leadership behaviour in a project-oriented turbulent environment?
3. How could a Personal Contingent Leadership Paradigm driven by flexible and adaptive leadership behaviour address the emerging issues and challenges identified in a project-oriented environment?
4. Monitoring may be necessary to enhance the specified Personal Contingent Leadership Paradigm?

As a result of my examination of the literature review and my personal experiences, I concluded that little research had been conducted in this area, and little was known of the matters which are the focus of the above propositions, overall research question and research sub-questions. Thus, I came to the view that deeper knowledge and understanding of these matters was desirable.

4.2 Ontology, Epistemology, and Methodology

In commencing this research, I was cognizant of the three paradigmatic determinants of ontology, epistemology, and methodology (Perry & Coote, 1994, pp. 1–25). Ontology is concerned with the reality which is being examined, and consists of the assumptions and beliefs of the researcher. Epistemology is concerned with the knowledge of the reality examined and is the relationship between the researcher and reality (Daymon & Holloway, 2000). Methodology is the method which the researcher uses to seek the truth.

4.2.1 Ontology

Ontology is the belief about reality. The paradigm I selected was a constructivist model, which involved a systematic examination of my own reality, which had been shaped by experiences and beliefs within my specific context. This ontology and constructivist method allowed me to examine the reality within which I had been an active participant, while also acting as an observer. As an active participant, it was acknowledged that I held existing beliefs and assumptions which directly related to real-world experiences I was examining. In other words, my reality was relativist (Charmaz, 2014, p.344) within the context of an empirical world (Levers, 2013, p. 1). Thus, a constructive paradigm allowed for the development of theory (Charmaz, 2014, p. 3), based on what I had heard, seen, sensed or perceived during the events and by way of data collected. As reality is created by how one sees things, reality is created by how the researcher perceives the world. In this way, reality evolves and changes based on our own experiences (Killam, 2015, p.36). My reality was contained within the parameters of the context, and consequently it could not be generalized, but rather there was the possibility that it may be transferred to another event within the same context (Krauss, 2005, p. 761; Killam, 2015, p.37).

4.2.2 Epistemology

Epistemology is the relationship which the researcher has with the research (Killam, 2015, p.13), and ‘is the study of how we know or what the rules for knowing are’ (Scheurich, 1994, p. 18). It is concerned with the acquisition of knowledge. Thus, the epistemological approach adopted is influenced by the ontology which the researcher has embraced (Saldana, 2015, p. 71). In this way, truth is ascertained by the researcher’s beliefs and assumptions based on the researcher’s own experiences. In order to understand those experiences, one must look to the context of those experiences, the story of the particular event which creates those experiences. Consequently, in the context of the research, I gave meaning and order to the reality within which I was actively participating. Thus, my subjective perspective and my understanding was intrinsically connected to the context under consideration (Charmaz, 2014, p. 234).

Ontology and Epistemology are assumptions about reality and are intrinsically connected with methodology—i.e. the research strategy adopted is based on assumptions concerning the nature of reality and the researcher’s relationship to it.

4.2.3 Methodology

Methodology is how knowledge is ascertained and systematically analysed (Killam, 2015, p.26; Saldana, 2015, p. 71). In this work I used a blend of inductive and deductive reasoning. As there had been little academic study undertaken in my professional context, I was able to use a process of developing theory (Zikmund, 1988, p. 28, cited in Perry & Coote, 1994, p. 7) while reflecting on the evolution of my Personal Contingent Leadership Paradigm, which allowed me to develop the propositions identified earlier. I embraced a case study methodology which contained embedded units which were real life contemporary phenomena (embedded unit) occurring over time, and for which I, as the researcher, was both

an observer and also an active participant. Charmaz (2014, p. 239) opined that both data and analysis are ‘created from shared experiences and relationships with participants and other sources of data.’ A core feature of my methodology was the use of inductive and deductive reasoning when considering real world events empirically (Wollin, 1996, p. 1), which gave me the opportunity to develop new insights.

4.2.3.1 Why a Case Study Methodology?

Bhaskar (1978), Tskouas (1989) and Wollin (1996) concurred that a case study methodology is appropriate where theory development is sought. Yin (2018, pp. 75–76) said that a case study can be of an individual (Bromley, 1986, p. 1), events, an entity, a group, an organization, or a subset of an organization (e.g. a section or department) (Chandler, 2015). Hancock and Algozzine (2017, p. 15) said that case study methodology is appropriate when a researcher is studying ‘programs, events, persons, processes, institutions, social groups and other contemporary phenomena.’

Wollin (1996, p. 5) suggested that research design provides the foundation for the research method adopted in the case study and ‘incorporates an iterative analytical induction process’ (Denzin 1978, pp. 191–196; Wollin, 1996, p. 5) merged with ‘longitudinal and processual case analysis’ (Pettigrew, 1988; Wollin, 1996, p. 5).

Central to building theory and developing plausible answers to the research sub-questions, and ultimately the overall research question, is to use the case study as a means of data collection, data analysis and theory development (Glaser & Strauss, 1967; Strauss 1987, p.61; Strauss & Corbin, 1998, p. 56; Wollin, 1996, p. 5), combined with inductive and deductive reasoning to develop insight. Hence, the approach adopted was based on my prior understanding of how my Personal Contingent Leadership Paradigm had evolved in the context of this research which allowed me to develop the propositions relevant to this work,

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the overall research question and the research sub-questions, which in turn allowed me to formulate the criteria for event selection—specifically, events which took the form of projects/briefs for which I had been instructed and was personally involved with as a barrister. I had a very good understanding of the background and the minutiae relevant to the embedded units (individual events) forming the components of the case study. The instructors and/or clients were willing and available to be interviewed. Each event related to matters which had a significant impact on the clients (civil and criminal). Thus, the events selected for the case study were compatible with the propositions, the overall research question, research sub-questions, methodology and data collected (Heyink & Tymstra, 1993, p. 300). This is distinct from events which I found were not compatible because they either fell outside the time period (more than ten years old) or were short events which would not have provided a rich source of data to be analysed.

My approach also allowed me to examine the propositions, overall research question and research sub-questions in the context of the data collected and as a consequence of the data analysis, and to use longitudinal research, triangulation and peer debriefing as a means of validating the work (Tsoukas, 1989; Wollin, 1996, p. 5). Thus, I felt that statistical and random sampling were inappropriate (Eisenhardt, 1989, p. 537), and a case study was the most appropriate instrument of research (McGuire, 1994, p.46, pp. 4–5; Wollin, 1996, p. 5).

The research strategy I adopted was designed to provide plausible answers to my research sub-questions and ultimately to my overall research question through the use of qualitative research. The case study focused on contemporary phenomena within a specific context as identified in the overall research question which was bound within a time period of ten years. The case study produced very richly descriptive material gathered from varied sources consisting of ten contemporary events (Hancock & Algozzine, 2017, p.6). The collection of data in this context was ‘in the form of words, using a strategy’ involving a

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method in line with case study and qualitative research methodology. In other words, beliefs were derived from the participants in the form of anecdotes and narratives from specific events, and these were recorded and later analysed.

4.3 The Research Paradigm

This work concerns the study of leadership in a project-oriented environment specific to me as a barrister in New South Wales, the study of which is relatively underdeveloped (Parkhe, 1993; Kaplan, 1986; Bonoma, 1985; Perry & Coote, 1994, p. 4). A qualitative research paradigm and a constructivist model was felt to be the most appropriate. This was for the following reasons:

- Academic research in this area is limited. Little was known of the issues under consideration in this work, and deeper knowledge was desired (Hancock & Algozzine, 2017, p. 7);
- The researcher was an active participant in the events identified in the case study under investigation. This provided an insider's perspective, or an emic approach to the work and the data collection methodology;
- Instructors or clients interviewed in connection with the events in the case study were participants in the matters for which I was briefed to appear and/or advise, thus providing a first-hand perspective of contemporary phenomena surrounding legal briefs, forming one of the sources of the data collection methodology;
- The available data collection sources were documentation relevant to the events, including pleadings, charge sheets, court attendance notices, facts sheets, statements, affidavits, submissions and judgments. Access to these was available because they were either public documents, or because of privilege having been waived, as the documentation had been disclosed to the opposing party and/or in open court, or because they were available with the client's consent;
- A case study research approach was regarded as most appropriate, noting that events in which the researcher and his solicitors and clients had been involved as active

participants provided a rich source of data. Thus, this was regarded as the most appropriate form of research in the context of the propositions, research question and research sub-questions;

- Case study is a methodology which provides a source of rich information for analysis. The events forming the components (embedded units) of the case study were contemporary phenomena which allowed me as the researcher to conduct an empirical investigation. This contemporary phenomenon allowed for the collection of data from various sources;
- Longitudinal research allows for the identification of patterns from the data collected about events in the same context repeated over time—in this case over the past ten years or so. This provided a unique insight into the context under investigation and was helpful to determine any differences or similarities in the data collected from those events relevant to the propositions, research question and research sub-questions. Triangulation was used to enhance the creditability of the research by analysing multiple sources of data including transcripts (evidencing the ten interviews between myself and either the instructors and or clients involved in the events), documentation and physical artefacts, which allowed insight to develop. A peer debriefing process was also adopted to add validation to the work.

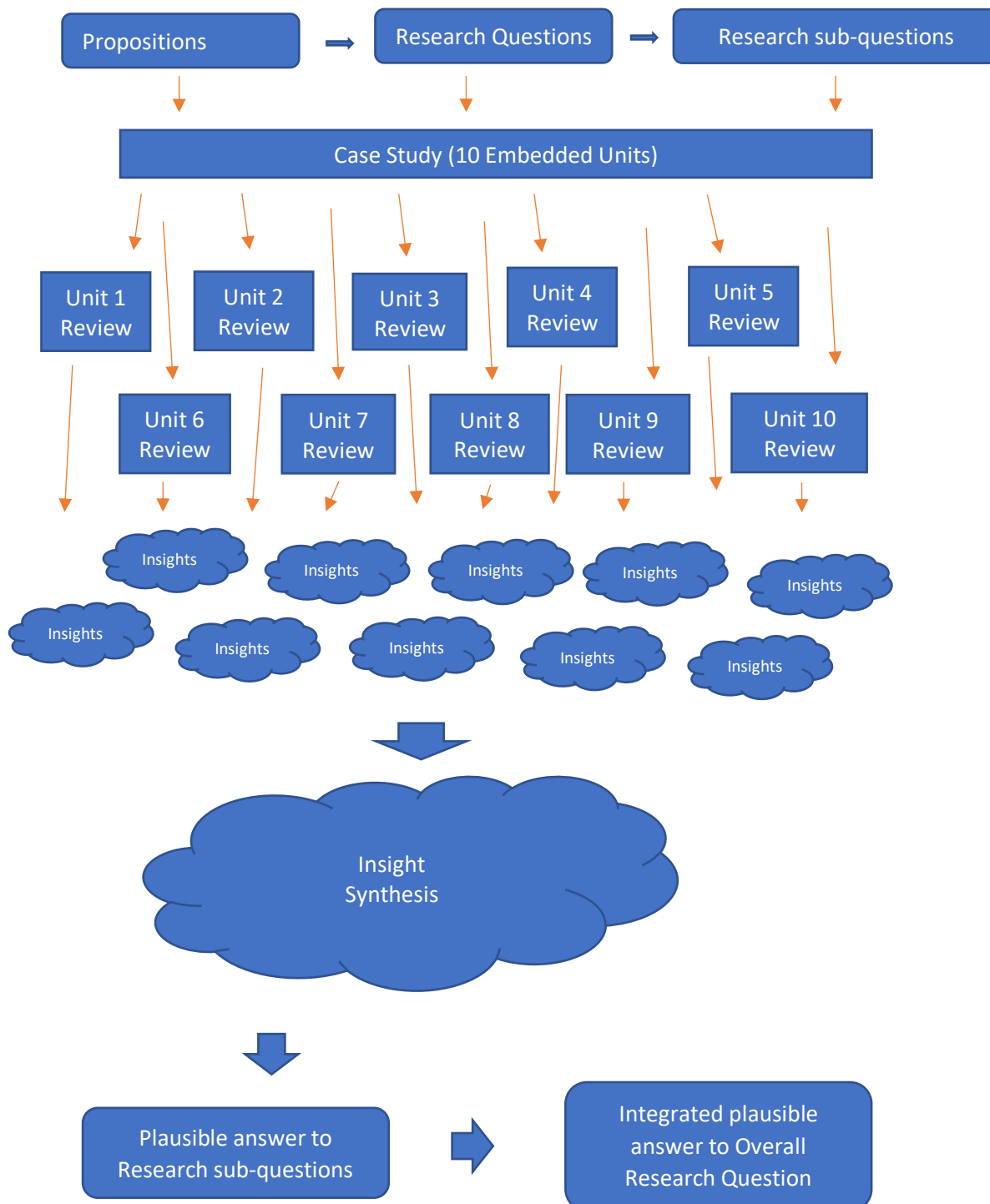
In conducting this qualitative research, I was cognizant that my reality had been created by my perception. This perceptual construct was personal to me and my subjective understanding of my own reality. This is why I felt it would add value to my work to use a case study methodology. I ensured that there was compatibility between the ontology, epistemology and the methodology of the work (Saldana, 2016, p. 71), specifically by adopting a qualitative research approach, and a constructivist paradigm through a case study methodology.

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In taking such an approach, specifically the collection of data in connection with the case study by way of participant observation, archival records, documents, direct observations, interviews with client and or solicitor participants for whom I had acted in my capacity as a barrister, and physical artefacts (Yin, 2018, p. 180), I was able to ensure that the methodology adopted achieved ‘compatibility between the research question, epistemology, method and data’ (Wollin, 1996, p. 1).

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Figure 4: Flowchart of the Research Process



Source: Adapted by author from Daymon & Holloway (2002, p. 115)

4.3.1 Outline of Research Methodology, Case Study Selection, Data Collection, Analysis of Data, Insight Consideration, Internal Validity, Development of Plausible Answers to and Peer Debriefing.

Prior to commencing the data collection, I ensured that research protocols (as identified by Torrens University Australia) were adopted, including having the instructors and clients execute appropriate consent forms prior to participating in the interviews. As indicated above, careful consideration was given, and a purposeful approach adopted (Patton, 1987), to the selection of appropriate events to form the case study (Pettigrew, 1988, cited in Perry & Coote, 1994, p. 11).

There were ten embedded units that formed the case study. The solicitors who instructed me in these matters were participants in the interviews. This included both female and male solicitors who had no less than 15 years of post-admission experience who were in their early to mid-40s, working for small- to medium-sized firms, and who graduated from universities in New South Wales. They all specialized in their specific area of practice. The legal clerks were individuals who had significant legal and life experience in commercial fields prior to entering into the legal profession and were studying law in their penultimate year. The clients included a range of individuals, such as a former detective sergeant of police and people working in the financial markets.

The study commenced by collecting data in the form of court attendance notices, police facts sheets, statements, records of interview, cross examination notes, submissions and judgments in connection with the criminal events investigated. The instructors and/or clients were then interviewed, and a transcript of the interview taken. The documents used as a source of data were documents where privilege had been waived, by being tendered in open court, or disclosed to the opposition, or with the consent of the client.

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In the context of the civil cases, statements of claim, summons, applications, defences, affidavits, submissions and judgments were collected in the form of documentary data. Privilege in connection with the physical data collected in these civil cases had been waived as a consequence of being tendered in open court, as evidence of these matters had been given in open court, had been disclosed to the opposition or with the consent of the client. Solicitors, legal clerks and clients were interviewed, and a transcript produced. Documentary data in the form of reports and articles in relation to the events investigated which were in the public arena, e.g. from *ABC News*, *Herald News* or online news websites, were also collected.

Once the documentary evidence was collected, transcripts were examined. I used a blend of inductive and deductive coding strategy. I commenced the process by formulating initial coding categories derived from the overall research question, propositions and research sub-questions. I then applied open or common codes and moved ‘through the sequence of developing categories, themes, and tentative hypotheses based on constant comparison of the multiple data sets’ (Hancock & Algozzine, 2017, p. 17). In this way, the data analysis I adopted involved not only the review of the data, but also included coding, categorizing the data, interpreting the data and synthesizing the information examined and the results derived from the analysis. This process was repeated each time documentation or interview transcripts were added to the process of analysis. The introduction of more data added further information to the themes and categories identified. I used a qualitative research program (NVivo) to assist me in this analytical process.

In this way, I was able to establish study protocols and the manner in which the case study (data collected) was analysed and reported (Miles & Huberman, 1994, p. 260). I attempted to ensure coherence in the work so that the concepts were empirically grounded, while also providing greater plausibility (Miles & Huberman, 1994, p. 262) to the derived

results which were then written up in my report, thereby maintaining a procedural account of case study selected, and the analysis of the data collected. This work was given internal validity as a consequence of the longitudinal research design and use of triangulation from the evidence collected from the various sources. Plausible answers were developed to the research sub questions and overall research question following the consideration of the synthesised insights which underwent a peer debriefing process providing further validity to the work.

4.3.2 Limitations of Research Approach

The research undertaken in this work was limited to the embedded units forming the case study examined in the context of a New South Wales barrister operating within a project-oriented environment, within the parameters of my Personal Contingent Leadership Paradigm. The conclusions arrived at are specific to me as a New South Wales barrister in the context of my Personal Contingent Leadership Paradigm, and are not made as general propositions or observations applicable to any other field, individual, corporation, entity or profession. Nor is it suggested that it applies outside of my specific context.

4.3.3 Referencing

The documentation and material used during these case studies have been referenced in the body of the work (Yin, 2018, p.132) and are contained in the portfolio to this work.

4.4 Summary

In this chapter, a qualitative research approach was identified in line with the propositions, overall research question and research sub-questions. The ontology, epistemology and methodology adopted were described, and reasons were provided as to why a case study methodology was embraced, which allowed for emended events to form the components of the case study under investigation. Rich data was collected which took the form of documentation as well as interviews with the instructors and or clients involved in the events, which were of a contemporary nature. The data was then analysed by using repeated examination a coding system relevant to the context of the events under examination. The insights derived from such an analysis was then used to develop plausible answers which were then verified internally as a consequence of the longitudinal research design and triangulation provided by the various sources of data and provided with external validity through the peer debriefing process.

Chapter 5: Case Research Analysis and Reflections

5.1 Introduction

In this chapter, consideration is given to the data collected in connection with ten real life events, each of which is an individual case I was briefed in as barrister, with the objective of achieving a desired result or a positive outcome for my clients. Each of these ten events were embedded units to be analysed within a single case study. The data collected from these ten events consisted of interviews with the client or instructor, a copy of litigation material (pleadings, fact sheets, submissions, statements, affidavits, applications, orders and judgments) that had been disclosed to the court or a third party, were in the public domain or were available as privilege had been waived (including judgments handed down by the judge or magistrate who presided over the case, and media reports of the case).

The ten real-life events occurred over a period of about a decade and provided an historical but also a contemporary context and perspective to the longitudinal research. The historical data revealed that the same type of leadership considerations are as relevant today as they were a decade ago. The contemporary data provided an insight into the expectations of both client and instructor. Both client and instructor viewed the barrister as a guide and leader who had specific knowledge and experience, which it was expected the barrister would exploit in order to provide a professional product and service, with the ultimate objective of achieving the client's desired outcome, within the parameters of a barrister's statutory duties to the administration of justice.

A detailed analysis of these ten real-life events was conducted through an inductive and deductive pathway overlaid by the four propositions and four research sub-questions, thereby using the propositions and research sub-questions to focus on the dynamic interplay

between experience and the development of insight, to facilitate the formulation of a plausible answer to the overall research question:

How appropriate is flexible and adaptive leadership behaviour, in the context of being a barrister operating in a project-oriented environment, as a basis for specifying my Personal Contingent Leadership Paradigm behaviour guidelines?

These key insights were then tested through an internal validation process which included triangulation and the adoption of an interview process with senior lawyers who participated in answering the four research sub-questions by way of peer debriefing.

5.2 Analysis

As part of the analytical process, I used NVivo software. This allowed me to upload the transcripts and other documents to folders within the program. Through the adoption of an inductive and deductive pathway, I used the content of the interview transcripts and artefacts and the four propositions and four research sub-questions to develop a list of nodes which resulted in the formulation of 31 different words and phrases. I then used the facility Word Cloud in NVivo to analyse the frequency of words as they appeared in the interview transcripts. In this work a reference to a transcript of such an interview is identified with the prefix T and a reference to a document or artefact is identified with the prefix D, for example Transcript 1 is identified as T1 and Document 1 is identified as D1. An index of all documents and artefacts is contained in the portfolio to this work. The words produced by the Word Cloud aligned with the list of nodes I had developed.

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Figure 5: Word Cloud Developed by Author Using NVivo



I then used inductive and deductive reasoning in the analysis of the collated data.

Following this analysis, I developed a tree map analysis of the collated data.

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Figure 6: Tree Map Developed by Author using NVivo List of Nodes.



This tree map identified how much of the analysed material through the process of inductive and deductive reasoning was collected under each node. The larger the area, the more material was collated under that specific node. The list of nodes used during this analysis was: Advice, Anticipate, Attitude (Positive Attitude v Negative Attitude), Barrister as a leader, Communication, Confidence in the Leader, Creativity, Education, Ethical, Expectations, Experience, Expertise, Finite Resources, Flexibility & Adaptability, Guidance,

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Important, Integrity, Leadership, Listening, Objective of Project, Positive Influence,
Preparation, Professional, Project-oriented Environment, Simplicity, Special Knowledge, The
Issue, Trust, Turbulent and Stressful.

5.2.1 Research Sub-Questions

5.2.1.1 Research Sub-Question 1

*How is the context for New South Wales barristers evolving, based on a
PESTLE/SWOT analysis, and what issues/challenges are emerging as a consequence?”*

The insights identified following the analysis of the data and application of an
inductive and deductive reasoning process in connection with Research Sub-Question 1 were:

- (a) In the context of a barrister operating in a project-oriented environment, the
PESTLE analysis factors had a symbiotic relationship with each other (T1, T3, T6, T7, D37,
D39, D50, D51, D65 & D66);
- (b) In the barrister context, PESTLE analysis was regarded as useful as a macro
analysis tool and SWOT analysis was regarded as useful as a micro analysis tool (T1, T3, T4,
T5, T6, T7, T8, T9, D2, D6, D7, D52 & D55);
- (c) Client and instructor expectations had a significant impact on the client–
barrister relationship, as did some PESTLE factors, creating issues and challenges which I
was now starting to acknowledge (T1, T6, T7, T9, T10, D15, D29, D52, D55 & D68).

The considerations relevant to PESTLE and SWOT analysis are important to me as a
barrister operating in a project-oriented environment, as each of these forms of analysis
offered something different but also complemented each other—PESTLE being useful from a
macro perspective and SWOT from a micro perspective. I expand on this later in this work,

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and discuss the issues and challenges these models created in relation to the evolution of a barrister (T7, T7, T8, D53 & D68).

Understanding and appreciating the impact and effect that political, economic, sociological, technological, legal and environmental factors have in connection with the jurisdiction in which I practise is relevant to me as a barrister because it sets the context when I am providing legal professional services (T3, D9 & D69). This is because it impacts the accuracy of the advice I provide, whilst also affecting the strategy and tactics used in achieving the client's desired outcome (T1, T2, T4, D29 & D37). For example, when considering the recent introduction of a strict bail regime in New South Wales (T3 & D69), by understanding the rationale relevant to the sociological and political factors concerning the reform, I am better equipped in identifying and addressing the relevant public safety criteria, and therefore more likely to secure bail for my client (T4, T6, T7, D10, D58, D68 & D69).

Thus, PESTLE is directly and indirectly fundamental in achieving what clients and solicitors stakeholder expect from a barrister (T2, T6, T7, T8, T10, D20, D30, D38 & D58.)—specifically, accurate up-to-date advice, and appropriate guidance (T1, T2, T3, T4, T5, T6, T7, T8 & T9.) manifesting itself in considered and effective strategy (T4, T6, D38 & D58.), with the ultimate objective being a positive or desired outcome for the client. However, what emerged from my research was that a PESTLE analysis does not deal with the minutiae of the case. Rather, it provides a macro analysis of the situation. A SWOT analysis is more useful as a micro analysis tool, and is specifically relevant to the minutiae of the brief (T3, T4, T5, D2, D6 & D7).

In the context of a barrister, a SWOT analysis identified the internal strengths and weaknesses in the case complimented by external opportunities or threats which provided further insight into how to efficiently and effectively take advantage of these while delivering

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a superior legal product thereby achieving the client's desired outcome (T1, T3, D29, D31, D32 & D37). My research identified that both clients and instructors regarded the delivery of the desired outcome as the most important and paramount factor in my dealing with their case (T1 T2 T3 T4 T5 T6 T7 T 8: T9: T10 D29 D37 D38 D53 D58 & D68). In other words, it emerged that clients and instructors had an expectation that I would identify the strengths and weaknesses in the case and take advantage of any opportunity that would increase the chances of achieving the client's desired outcome—for example, taking advantage of an opponent's unpreparedness in appropriately dealing with a legal concept which my opponent had not anticipated (T8 & D53), and thus catching the opponent by surprise (T4 T6 T8 D10 & D58).

It also emerged, in the context of threat identification analysis, that my clients and instructors had an expectation that I would anticipate matters which had not been overtly raised by my opponents (T6 & D58)—for example, an application made by a defendant part way through the hearing where a defendant sought to amend pleadings (T6 & D58).

From the data analysed, it can be seen that clients and solicitors had an expectation that a barrister not only had a complete understanding of the facts of the case and the relevant law, but also possessed a contemporary skill set (T8 & D37). That means being cognizant of political, economic, sociological, technological, law and environmental factors that may impact on the client achieving a positive or desired outcome. It emerged from the data that the clients and solicitors had an awareness that there was a connection between these factors, and ultimately how these factors impacted on their case, as the ultimate concern for clients and solicitors was achieving what they wanted to achieve and at the very worst if their desired outcome could not be achieved that a positive outcome of some sort was achieved (T6 & D58).

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The data suggested that the PESTLE factors had a symbiotic relationship with each other, as one factor had an influence over the other (the next). For example, understanding the philosophy and political and sociological facts which influenced the amendments to the Bail Act allowed me as a barrister to employ tactics which appropriately addressed the sociological and political concerns, overcoming the prohibitive nature of the legislative reforms (T3, D10 & D68). However, merely understanding why the law changed was not enough; the use of the SWOT analysis tool was useful in identifying strengths in my client's case and weaknesses in the prosecution's case, and exploiting these in achieving the objective.

As it may be expected, the data showed that clients viewed their cases as important (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10 & D29). Their objective was to ensure the realization of their desired result or near to it. This was why clients and solicitors sought out the services of a barrister (T6 & D58). The clients and solicitors believed that a barrister provided leadership, by providing advice, guidance, tactics, strategy and its implementation (T3, T6 & D58). However, notwithstanding such expectations, it also emerged that clients and solicitors were cognizant of other factors relevant to their case, and these included operating within a specific budget (T1, T5, D9 & D30). The data analysed showed that it was important to both clients and instructors that I remained within budget and that the services were provided in a timely fashion (T1, T5, D9 & D30). This was regarded as an important factor that needed to be adhered to (T1, T5, D9 & D30). It also happened that a downturn in the economy resulted in greater difficulty for a particular client to afford the services of a barrister, leading to the client on some occasions having to borrow funds from family and friends (T3 & D9).

It also emerged that trust was fundamental to the relationship between client and barrister, and solicitor and barrister (T3 & D9). From the data, it can be seen that the client

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and instructor displayed complete confidence in the barrister, both in the context of the advice that was provided, and the strategy and tactics that were adopted (T6, D55 & D58). The client and instructor expected that the barrister would achieve their desired result (T3, D9, T6, D55 & D58).

5.2.1.1.1 Issues and Challenges

The insights which emerged from the data identified the following issues and challenges:

(a) Economic factors had an impact on a client's perception of the affordability of legal services from a barrister. The cases relevant to the analysis were not through Legal Aid and thus it was necessary that the clients were either employed, had monetary reserves or resources or had the ability to borrow the funds from a financial institution, friends, family or third parties (T3 & D9);

(b) Technological change was fast-paced and there was an expectation from the solicitors and clients that a barrister would be up-to-date with technological advancements which would impact on the client's case (T1, T3 & D9). There was an expectation from the solicitors that a barrister was sufficiently technologically adept to receive briefs electronically, could undertake electronic research, was aware of courts' electronic protocols, was able to communicate electronically, and if necessary appear by non-traditional means, including online court and AVL (T1, T7, D66 & D67);

(c) PESTLE components had a symbiotic relationship with each other (T1, T3, T6, T7, D37, D39, D50, D51, D65 & D66);

(d) PESTLE factors facilitated a macro analysis, but lacked the capacity to analysis the minutiae of the case (T8, D37 & D53);

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(e) SWOT lacked the capability to provide a macro analysis but provided a micro analysis of the case (T8, D37 & D53);

(f) A combination of using both PESTLE and SWOT could deal with both macro and micro analysis issues, but could not illuminate how the objective could be achieved or implemented (T8, D37 & D53);

(g) There was a lack of means by which barristers could connect with each other to consider PESTLE factors and how the variables impacting on the PESTLE factors could be anticipated and appropriately addressed (T6 & D57);

(h) As it may be expected, sociological factors impacted on political decisions, which in New South Wales in the context of criminal law had an adverse impact on civil liberties and the erosion of human rights (T4, D9 & D69);

(i) As it may be expected, there was an expectation that the barrister would be aware of the underlying factors in the case and thus be able provide up-to-date and accurate advice, which would positively impact on the strategy adopted by the barrister (T4, D9 & D69);

(j) Notwithstanding the significant amount of legislative reform and number of cases being decided across Australia, there was an expectation that the barrister would be up-to-date and aware of such developments (T6, D55 & D57);

(k) Changes to the environment were promoting a completely paperless legal system (T8, D37 & D53);

(l) There was a lack of structured education or mechanisms in place to keep a barrister up-to-date in the context of PESTLE relevant to the barrister's practice (T1 & D22);

(m) As it may be expected, there was a lack of education when it came to leadership at the Bar (T1, T3 & D22);

(n) As it may be expected, there was a lack of structured mentoring in the context of leadership at the Bar (T1, T3 & D22); and

(o) As it may be expected, there was a lack of an appropriate objective analysis and implementation tools for a barrister (T3, D9 & D69).

5.2.1.2 Research Sub-Question 2

How appropriate is a project-oriented method in meeting the issues and challenges of a turbulent environment?

The insights identified following the analysis of the data and application of an inductive and deductive reasoning process in connection with Research Sub-Question 2 were:

(a) Litigation conflict creates a turbulent environment within which clients feel stress, uncertainty, confusion and anxiety (T3, T5, D10 & D69).

(b) A project-oriented method brings structure to an otherwise chaotic situation for the client (T6, D52 & D58).

(c) By introducing structure in the form of a project-oriented environment, the barrister is more likely to recognize the client's issues and challenges and develop solutions through a flexible and adaptive leadership approach (T6, T7, D52, D58 & D68).

Clients involved in litigation feel stress, confusion and anxiety during the litigation process (T1, T5 & D2). Instructors characterize litigation as being in a state of continuous conflict (T3, T4, T5 & D10) and this conflict creates a turbulent environment for which clients require support to navigate (T1, T3, D10 & D30). This turbulent environment, from the perspective of the client, is chaotic and lacks cohesion and structure (T1, T3, D10 & D30).

There were issues and challenges that arose as a consequence of this lack of structure and chaos from the perspective of the client (T1, T3, D10 & D30). There was uncertainty as to whether the client's objective would be realized (T2, T4, D31), and both clients and

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instructors (solicitors and instructing legal clerks) recognized that clients felt helpless during this time (T1, T3, D10 & D30).

The issues and challenges arising from these factors (T3 & D10) necessitated the client seeking out professional assistance (T3, D10 & D69). This professional assistance initially took the form of a solicitor (T3, T6 & D59), although depending on the circumstances some clients sought to brief the barrister directly (T1, T9, T10 & D29). Both clients and instructors recognized that they lacked the required skill set and experience to negotiate their way through this turbulent environment and needed guidance, advice, strategy and the introduction and implementation of a structured systematic approach from the barrister who had the expertise theoretically to achieve the client's desired objectives (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58).

In addition to the issues and challenges identified above, there were further issues and challenges which arose, and these crystallized in what may be described as a set of expectations. These expectations were held by both the client and the instructor (solicitors and instructing legal clerks), who expected that the barrister:

- (a) would provide leadership (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (b) was experienced (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (c) would communicate honestly and openly with the client and instructor (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (d) had the appropriate education (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (e) would provide accurate advice (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);

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- (f) would provide guidance and strategy and would be able to implement it (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (g) would listen to what the client and instructor had to say (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (h) was professional in the way he undertook his role (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (i) was reasonably likely to implement appropriate strategies and tactics in achieving the client's and instructor's desired outcomes (T3, T4, T5, T6, T7, T8, D31, D32, D52, D53 & D58); and
- (j) had a reputation for being professional, methodical, knowledgeable and well prepared (T1, T2, T6, D55 & D58).

It was helpful for the barrister to create an environment and a system which addressed each of these issues and challenges (T6, D55 & D58). This was best achieved through the use of a methodology which was structured, and which encouraged the client and instructor to feel secure and confident in the barrister and the guidance, advice and strategy which the barrister provided (T6, D55 & D58). In this way trust was developed (T6, & D58) and a sense of confidence was experienced by both clients and instructors (T6, T7, T8, T9 & D58). This was achieved through the use of a 'project-oriented model' (T6, T7, T8, T9 & D58).

The project-oriented model allowed me to:

- (a) set an appropriate structure that dealt with the objectives the client wished to achieve by ascertaining from the client and or instructor what the issues and challenges were and their expectations relevant to those issues and challenges and how these were to be addressed within the scope of my retainer (T6, T8, D37, D53, D55 & D58);

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- (c) maintain open channels of communication with the client and instructor (T1, T5, D9 & D29);
- (d) develop a relationship of trust with both the client and instructor (T3, T4, T5, T6, D29 & D58);
- (e) identify the issues and relevant legal and factual elements of the case to determine and develop the scope of my retainer (T1 & D29);
- (f) efficiently and effectively allocate and use time to research and develop a solution for the client using the “theory of the case” analysis model (T6, T7, T8, D52, D53, D55 & D68);
- (g) research (using PESTLE and SWOT analysis) and develop an appropriate strategy to achieve the client’s desired objective or alternatively a positive outcome for the client (T6, D52, D55 & D58);
- (h) undertake appropriate preparation (T5, T6, D1, D2, D6, D7, D11, D12, D37, D39, D50, D51 & D52);
- (i) communicate to client and instructor (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (j) provide guidance and strategy to client and instructor (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (k) provide the client and instructor with the opportunity to express their views and expectations (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58);
- (m) review the advice, and consider possible variables, strategies and the proposed “theory of the case” and the method of application (T6, D52, D55 & D58);
- (n) introduce a more fluid approach to leadership embracing a flexible and adaptive method to deal with the turbulent environment within which litigation is conducted, and to address the issues and challenges it presented

and also the expectations of both the client and solicitor (T6, T7, D52, D55, D58 & D68); and

(o) consult with the client and instructor while implementing the strategy (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58).

5.2.1.3 Research Sub-Question 3

How does flexible and adaptive leadership behaviour address the emerging issues and challenges identified in the context of a project-oriented environment?

The insights identified following the analysis of the data and application of an inductive and deductive reasoning process in connection with Research Sub-Question 3 were:

- (a) the barrister operates in an environment which is constantly changing (T4, D9 & D69); and
- (b) flexible and adaptive Leadership behaviour is an effective method of dealing with change (T3, T4, D9 & D69).

The environment within which a barrister operates is one which is constantly changing (T3, T4, D9 & D69). Change comes in a number of different forms, including different clients and instructors, different client problems, issues, challenges and objectives, different factual matrices, different legislative and legal requirements and considerations, different budgets, and different timeframes, which require different solutions and methods of implementation (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58). Thus, change is a constant within a barrister's project-oriented environment (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29 & D58).

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In addition to the constant changes which a barrister needs to contend and appropriately deal with, there are the expectations which clients and instructors have, which a barrister needs to be cognizant of and also adequately deal with (T4, D31, D32, D9 & D69).

Moreover, what comes with such variety of clients, issues, objectives, instructors, different facts, legal matters, client and instructor expectations, is the actual job of analysing the problem, issue or challenge, thinking up a solution and implementing it (T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, D29, D37, D53 & D58).

In analysing the facts and law it was also necessary that the barrister have regard to the various PESTLE and SWOT considerations (T4, D9 & D69). However, these factors under consideration do not provide the barrister with the answers and the method of implementation (T4, D9 & D69). PESTLE and SWOT are helpful tools (T6, D55 & D58); they help the barrister identify the matters relevant to political, economic, socio-legal, technological and environment factors, as well as identifying the strengths and weakness of the case and external opportunities and threats. However, a barrister's environment is not static (T6, D55, D57 & D58). For example, it may happen that a barrister is appearing in court and midstream the factual matrix of the case or the legal issues change (T7 & D68). The barrister must therefore be ready to adjust (T7, D67 & D68). In this example, the barrister must be flexible and adaptive and think quickly to address the issues which have just arisen even though they may not have been previously raised by either the judge or the barrister's opponent (T7, D67 & D68). If the barrister does not change tack and respond in a flexible and adaptive way, the situation may become dire and the barrister may fail in his or her objective (T7, D67 & D68).

Flexibility and adaptability are not only needed in a court room. They may be needed when dealing with changes of circumstances, facts or law, or something simpler, such as the strategy adopted by one's opponent, or further information coming to the client's, instructor's

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or barrister's attention. Thus, the approach which had been contemplated must sometimes be re-assessed and if necessary, a different strategy be implemented (T1 & D29).

Flexibility and adaptability in the context of leadership are effective methods in dealing with change, provided the barrister has an understanding of the factual matrix and legal issues, and understands the client's and instructor's expectations and the factors relevant to the PESTLE & SWOT considerations (T4, T6, D31, D32 & D58).

The issues and challenges identified in Research Sub-Questions 1 and 2 may be influenced by variables. An effective way of dealing with variables is to recognize that they are variables, and to understand the impact and influence they may have, while being flexible and adaptive enough to use this information to the barrister's advantage within ethical parameters (T4, D31 & D32).

In addition, a project-oriented environment provides a barrister with a stable foundation to work through the client issues, challenges and objectives in the context of the PESTLE and SWOT factors and legal backdrop (T1, D17, D29 & D30). The stability provided by the project-oriented environment allows the barrister to carefully identify and deal with the client's and instructor's expectations, either by satisfying them, or explaining why they cannot or may not be satisfied, and/or by changing them (T1, D17, D29 & D30).

Flexible and adaptive behaviour is central to dealing with change and variables (T6, D55 & D58). Structure and order are the advantages a barrister derives by using this project-oriented model (T6 & D55). Flexibility and adaptive behaviours permit a barrister to approach a situation from a continuous reassessment perspective during the implementation stage of the proposed solution(s), while allowing the barrister to deal with variables if and as they arise. Following implementation of the solution as varied, a reflection of both the process adopted and the solution that was implemented is undertaken (T6, T7, D52, D55 & D68).

5.2.1.4 Research Sub-Question 4

Monitoring may be necessary to enhance the specified Personal Contingent Leadership Paradigm?

The insights identified following the analysis of the data and application of an inductive and deductive reasoning process in connection with Research Sub-Question 4 were as follows:

(a) Longitudinal exploration should be undertaken to ascertain the effect my Personal Contingent Leadership Paradigm may have on New South Wales barristers over the next five years (T8, D37 & D53).

(b) Based on the data collected over the coming five years, further issues and challenges may be identified that may impact and or enhance the specified Personal Contingent Leadership Paradigm (T1 & D30)

(c) Monitoring the application of this flexible and adaptive leadership behaviour may result in the collection of data which shows that my previous default autocratic leadership approach is and remains redundant where the stakeholder types and the expectations of those stakeholders with whom I engage with have shifted, and that the adoption of a PESTLE/SWOT type framework may make me a more effective barrister (T8, T9, T10, D37).

(d) Monitoring the introduction of flexible and adaptive leadership behaviours may result in me, as a barrister, gaining the ability to self-drive my own leadership adaptation, by making changes to my Personal Contingent Leadership Paradigm where appropriate (T8, T9, T10, D37 & D53).

The insights identified in this critique in the context of barristers are underdeveloped. This flexible and adaptive leadership approach (specified Personal Contingent Leadership

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Paradigm) has the potential to provide a framework with which other barristers or lawyers may seek to review and align their method of leadership (T6, D55 & D58). However, monitoring is needed to observe this specified Personal Contingent Leadership Paradigm, and what further issues and challenges may emerge following longitudinal field testing and comparative assessments of similar leadership behaviour within the legal profession as a whole (T8, D37 & D53).

Consideration will also need to be given to the way law schools, law societies and bar associations deal with the concept of leadership over the next few years, and the impact, if any, this will have on enhancing my Personal Contingent Leadership Paradigm (T1 & D15). It would be helpful for this longitudinal exploration to be undertaken, in the context of my Personal Contingent Leadership Paradigm, on a national scale, as this would allow greater diversity (T8, D37 & D53). The insights and potential answers to the research sub-questions have a limited application to New South Wales barristers operating in a project environment and do not have general application. If it were desired to apply my Personal Contingent Leadership Paradigm to other environments, monitoring would be needed (T1 & D15).

As indicated above, the research conducted in this critique has limited application (T7, D67 & D68), specifically to me as a barrister in New South Wales operating in a project-oriented environment. Thus, a study focused on a corporate law firm environment may result in the collection of data which could enhance my Personal Contingent Leadership Paradigm or may result in a more restrictive Personal Contingent Leadership Paradigm model due to internal policy or attributes of the partners of the law firm (T8 & D37). Monitoring may be helpful in this respect. Finally, monitoring the publication of further leadership literature which may objectively enhance the operational effectiveness of my Personal Contingent Leadership Paradigm is also suggested (T6 & D57).

5.2.2 Peer Debriefing

An external assessment by way of peer debriefing was undertaken by three senior lawyers who were equal in seniority to me. There was no subordinate relationship between these people and me. They were senior independent lawyers who had significant experience in law and leadership. Ethical protocols were adopted and observed. The peer debriefing was conducted in a frank and fearless manner where members of the peer debriefing provided their views unreservedly. The insights gained from the collected, collated and analysed data were grouped under each of the sub-questions and summarized. In addition to the foregoing, it was the objective of this peer debriefing process to assess the truth and validity of these insights. At the conclusion of the interview process dealing with validation, the peer reviewers were asked questions pertaining to the appropriateness of flexible and adaptive leadership behaviour in the context of a barrister operating in a project-oriented environment. The results from the interviews are presented in a format that synthesizes the replies with insights that had been put to these senior lawyers. Notwithstanding that there was a consistent and corroborative response provided in connection with the validity of the sub-questions and the insights, there were points raised by them which added to the insight and these observations, made during the peer debriefing, are set out below.

The research sub-questions asked during the peer debriefing were:

1. How is the context of New South Wales barristers evolving, based on a PESTLE/SWOT analysis giving rise to emerging issues and challenges?
2. How appropriate is a project-oriented method in meeting the issues and challenges of a turbulent environment?
3. How does flexible and adaptive leadership behaviour address the emerging issues and challenges identified, in the context of a project-oriented environment?

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4. Monitoring may be necessary to enhance the specified Personal Contingent Leadership Paradigm?

I will now present these in turn.

Research Sub Question

1. How is the context of New South Wales barristers evolving, based on a PESTLE/SWOT analysis giving rise to emerging issues and challenges?

Narrative of Observations

It was observed that PESTLE was not a tool which was widely known or used by barristers, notwithstanding its applicability. It was observed that the adoption of such a tool was a novel approach. It was also suggested that proper training would be necessary in its application, so that the barrister would have an appreciation of the model's applicability. Observations were made concerning the impact that political, economic, sociological, technological, legal and environmental factors had on each other. In the context of working as a barrister, these factors took on a "big picture" perspective, thus having a relevant impact on each other in the context of the issues and challenges which a barrister encountered. It was also observed that the client may not necessarily have had an appreciation of the impact these factors had in connection with the objective the client had set out to achieve. However, it was conceded that perhaps the more sophisticated clients may have an appreciation of the relevance of the PESTLE factors, even though they may not be aware of the existence of the PESTLE analysis model. The members of the peer debriefing noted that although the various PESTLE factors may well have a symbolic relationship to each other, the level and pace of

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development relative to each other may not be equal, thus impacting upon the influence the respective factors would have upon each other.

The observations were that the approach to using these tools in such a way was helpful in the context of a barrister's work. One of the senior lawyers also stated that the macro and micro analysis tools were both helpful, noting that the PESTLE analysis tool provided a "big picture" perspective to the brief and the SWOT analysis tool provided more of a detailed analysis of the specifics of the brief. This was particularly so where the facts in the matter needed careful consideration—for example, in an offence against the person case where self-defence was raised. Observations were consistently made that analytical tools such as PESTLE and SWOT were not common means of analysis in law, where barristers generally relied on the "theory of the case analysis" whilst adopting an ad hoc approach to leadership. The members of the peer debriefing did not disagree with this insight and thought it a novel approach to problem solving. They also noted that depending upon the specific case, a PESTLE factor such as the environmental component would have little relevance in an armed robbery case, and thus the situation impacted upon the relevance of the factor.

The observations were that the PESTLE analysis tool was not a tool commonly used by barristers in their specific context. Observations were made of the usefulness of PESTLE, as well as SWOT as analytical tools, notwithstanding that they were not commonly known or used. Observations were also made of the importance of client and instructor expectations and comments were made that some barristers have little regard for such expectations and adopt an authoritarian approach. Regard to client expectations was said to be something that solicitors were aware of and wanted to satisfy, as instructors they were generally closer to clients than barristers. It was acknowledged, however, that trust and confidence a client had

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in his or her counsel was a paramount consideration. This factor had particular effect on who was briefed and whether they would continue to be briefed. Case theory was the major analytical tool used by barristers; however, it was accepted that PESTLE and SWOT analysis may be useful in connection with work as a barrister, although where such analytical tools were introduced, they would need to be accompanied by a proper support network and education package. It was also suggested that such a tool would be introduced to a small sample of barristers where its development could then be monitored. It was thought that if such a tool was sought to be introduced on a large scale, the majority of barristers would reject it, on the basis that they neither had the time nor the inclination of dealing with a novel idea. It was observed that barristers were not generally what would be regarded as ‘early adopters’ and would be cautious in embracing new methods that had not been approved by senior members of the bar.

Research Sub Question

2. How appropriate is a project-oriented method in meeting the issues and challenges of a turbulent environment?

Narrative of Observations

The observations were that being an active participant in litigation is a stressful experience. Many clients feel anxious, particularly where they are facing a custodial sentence or looking at the prospect of losing their home. Litigation does create conflict and litigation conflict creates an environment which may be characterized as turbulent. It is not uncommon for clients to feel confused and uncertain about the outcome of the litigation. This, combined with the potential variables, creates uncertainty. In these circumstances, clients lack direction and require guidance from an experience barrister. It was observed that barristers in this

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context were leaders, although they lacked any education or training which would otherwise better equip them to deal with such litigation conflict including client uncertainty and anxiety. It was also observed that barristers were not counsellors, and some felt that it was not the barrister's job to comfort and reassure a client. It was stated that where a client needed professional help to deal with their anxieties, then they should seek professional assistance for such a condition. Some expressed that it was not the barrister's job to act as the client's therapist.

The observations were that clients may feel helpless and lost when faced with being a participant in litigation. Some clients are unable to rationalize the experience and feel lost. One senior lawyer described this by saying the 'smoke of chaos befalls them.' They require structure and guidance. It was observed by another senior lawyer that this could be appropriately achieved by adopting a project-oriented method. The term "project" connotes order and structure. The term "oriented" connotes direction and guidance. The term "method" also connotes structure. A client in the litigation context is met with uncertainty, and it is appropriate to adopt an approach which seeks to improve the client's position by bringing structure and confidence back into the client's life. The project-oriented method was observed to be an appropriate method to bring structure to the client in such circumstances. It was also observed that being organised and structured in one's approach to litigation would be advantageous particularly when presenting a case, as it would allow for it to be set out in a logical and sensible order. However, it was also observed that chaos in the context of litigation was the natural state of things at the Bar. It was observed that preparation was a key factor in dealing with the chaotic nature of litigation. Thus, preparation which was structured and set out in a logical manner would be advantageous to a barrister. This was so for a

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number of reasons, including it would be easier for a client, judge or jury to follow the legal argument in the case.

The peer debriefing members observed that a barrister did take on the role of a leader, notwithstanding that barristers had not been provided with any formal leadership education at either the undergraduate or post graduate level. This included not being provided with leadership education or training whilst preparing for the bar examinations nor whilst undertaking the bar course or as a consequence of annual continuing professional development education. It was further observed that it was essential for the performance of a barrister's role as a leader that the barrister adopt an approach which was structured, in that it would assist the logical flow of legal argument and the implementation of strategy. It was felt that the lack of barrister leadership education was a disadvantage, and the peer debriefing members opined that the introduction of proper training in leadership and the existence of a structured process allowed the barrister to become a better leader. It was also acknowledged that through a structured model the barrister could ascertain and record important information, such as the scope of the work to be undertaken, the client's objectives, the client's expectations, and the issues and challenges which arise as a consequence of the client's situation and goals. One of the observers indicated that the client's world is filled with conflict and uncertainty while the client was a participant in the litigation. Consequently, this situation gives rise to events that cannot necessarily be predicted. Taking a flexible and adaptive approach to the situation gives the barrister a greater ability to deal with the known issues and challenges but also in due course to deal with issues and challenges which may not necessarily be identified at the start as potential issues or challenges. However, some members observed that in certain cases a flexible approach may not necessarily be appropriate, particularly where one had a difficult and condescending judicial officer. Some commented it would be more appropriate to work on the jury and accord the judge the

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appropriate respect, whilst at the same time holding one's ground, with one foot in the court you were appearing in and the other in the Court of Criminal Appeal. Although it was accepted that generally a flexible approach could be advantageous, particularly where, as it was observed, the barrister had to change tact due to a change in the nature of the case.

Research Sub Question

3. How does flexible and adaptive leadership behaviour address the emerging issues and challenges identified, in the context of a project-oriented environment?

Narrative of Observations

The observations were that as the world progressively changes, this has a flow-on effect to other professions and industries. Change occurs in many forms, including political, economic, sociological, and environmental, but the most obvious is technological change, and with globalization, a shift in attitude—for example, concerning the impact pollution has had on the world's climate and what impact this will have on the future. In the context of the work of a barrister, the observers indicated that there had been dramatic changes in how legal practices operate. This has been particularly so over the past 30 years, with the introduction of sophisticated computers and communication networks. All law practices use computers, which were only introduced 30 years ago; prior to that, most lawyers dictated their work into a recording device, and the recording of which was then typed up on a typewriter. The effect of technological change has been profound, with the introduction of virtual offices and software which allows online conferences to occur en masse. The barrister has not been unaffected by this technological change. This has affected how barristers receive briefs (for example by email), the way they do their work in undertaking

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research, and in the way the barrister's practice has become more flexible. Now all that is required is a telephone and a laptop for a barrister to communicate with clients and solicitors, to receive the brief electronically, to undertake research work, advice work and prepare for Court. One of the observers also noted that over the past 20 years, there has been significantly more law reform implemented and cases decided in Australia. This places a considerable onus on the barrister to keep up-to-date with recent changes in legislation and case law. The problems which clients encounter in the modern age are also changing in some respects—for example, with use of surveillance by law enforcement agencies. The peer debriefing members also observed that although the environment within which a barrister operated changed with some regularity, the speed at which barristers embraced change from within the profession was much slower and approached somewhat cautiously.

The peer debriefing members again acknowledged that leadership was not a concept that was taught at university or developed through post graduate courses for members of the legal profession. It was acknowledged that barristers were leaders and would be assisted by leadership training both at undergraduate and post graduate level. One of the observers who has a science degree as well as being legally qualified remarked that change occurs in nature and has been occurring since time immemorial. Considering change and adaption from a biological perspective, this observer indicated that flexibility and adaptability when dealing with change were not new concepts. Extending this principle of survival to leadership was, in this observer's view, natural. In the context of a barrister, change is continuous. Being flexible and adaptive in the context of leadership as a barrister, from the perspective of all the senior lawyers, makes for a better barrister, because of the ability to adapt in

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addressing the issues and challenges which the barrister is required to meet. The peer debriefing members observed that education in leadership was needed to further advance the barrister's leadership skill set and that flexible and adaptive leadership could be advantageous to a barrister operating in a turbulent environment, because put simply, it gave the barrister more options. One observer commented that although flexible and adaptive leadership behaviour may be an effective method of dealing with change, it was also important not fall into a reactive mindset, by reacting to change. It was important to be mindful that to facilitate change, one may in some cases, be required to adopt a focused and unyielding approach to the task at hand.

Research Sub Question

4. Monitoring may be necessary to enhance the specified Personal Contingent Leadership Paradigm?

Narrative of Observations

The observations were that a review undertaken over a period of time would provide valuable data. The suggestion was that longitudinal exploration should be used to monitor how effectively my Personal Contingent Leadership Paradigm would contribute to further insight in the context of a barrister operating in a project-oriented model. This would allow for any issues and challenges in relation to my Personal Contingent Leadership Paradigm being identified and, once identified, further analysis could be undertaken in addressing any emerging issues, thus allowing for further innovation and adjustment to my Personal Contingent Leadership Paradigm to be made. It was acknowledged that this suggestion had merit, when used as a tool to determine what impact, if any, my Personal Contingent Leadership Paradigm would have over time. It was felt that monitoring the process was

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essential. It was also observed that a consistent method of monitoring the process would need to be implemented, to ensure consistency during the period of observation.

The observations were that it was a good suggestion that a method of monitoring the progress of my Personal Contingent Leadership Paradigm over the next five years in the form of data collected by this process would provide insight into the issues and challenges that real-life experience may identify. The application of my Personal Contingent Leadership Paradigm to real-life events may result in the availability of valuable and rich data, which could then be analysed, allowing the researcher to identify insights that would otherwise not be available. The real-life events would provide data that is not merely theoretical or speculative. It would provide data of empirical value not otherwise available and which would allow for in-depth analysis and development of ideas and principles which may be used to improve my Personal Contingent Leadership Paradigm. However, again it was observed that a consistent measure would need to be adopted during the monitoring process, with the results appropriately recorded.

The observations were that monitoring the use and development of my Personal Contingent Leadership Paradigm (flexible and adaptive leadership) would allow the researcher to identify whether the barrister has made any adjustments to the leadership model which were beneficial or alternatively which were negative. Clarification could be sought to ascertain what changes were made, why they were made, when they were made and what precipitated the adjustments. For example: whether it was a specific event or a number of events; whether the barrister felt it was necessary for the adjustments to be made; and whether the adjustments were short term or long term. The data, which would be derived from real-life events, would provide rich and valuable information from which insights could

be drawn and further emerging issues and challenges could be identified and or implemented.

The peer debriefing members did not disagree with this observation, although it was observed that members of the peer debriefing team expected that during the period over which the model was being monitored and used, that I would myself reflect upon how the model was operating and make and record changes to the paradigm myself with the objective of improving its framework and implementation.

5.3 Summary

In this chapter, I analysed the available data as part of the inductive and deductive pathway, with the objective of identifying and formulating plausible and potential answers to the research sub-questions. The four research sub-questions were used to assist in reporting the data analysed, with answers being provided to each of the research sub-questions identifying the key findings with the content of the plausible answers to the research questions aligning with the insights identified. It was acknowledged that barristers were leaders who had not been provided with formal leadership training or education. The flexible and adaptive leadership model used by a barrister in a project-oriented environment was discussed and recognized as a useful and helpful method for a barrister in providing legal professional legal services to clients and instructors alike. A peer debriefing validation with senior lawyers provided critical reflection to the insights that emerged from the answers as contained in the four research sub-questions in an inductive and deductive process.

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In Chapter 6, the results and insights from both the inductive and deductive pathways are brought together to assist in formulating a plausible answer to the propositions and the overall research question while also providing directions for further research.

Chapter 6: Discussions and Conclusions

6.1 Introduction

In this chapter, I attempt to synthesize the insights from both the inductive and deductive pathways that have been identified in order to formulate a plausible answer to the overall research question:

How appropriate is flexible and adaptive leadership behaviour, in the context of a barrister operating in a project-oriented environment, as a basis for specifying my Personal Contingent Leadership Paradigm?

The literature review in Chapter 2 provided a foundation relevant to leadership theory. In Chapter 3, it emerged that an authoritarian model of leadership was my default leadership style, which I had adopted for more than a decade and which, as a consequence of a shift in the type of stakeholders I now engaged with, is a redundant default leadership style for me as a barrister. In this chapter, I propose paradigm adjustments to my original leadership style and the reasons why such adjustments were necessary. In Chapter 3, I also identified four propositions:

Proposition 1: There is no universal barrister leadership model which is accepted across the legal profession.

Proposition 2: A barrister operates in a project-oriented environment and is seen as a guide and an advisor by clients and solicitors.

Proposition 3: New South Wales barristers operate in a turbulent environment.

Proposition 4: In a turbulent project-oriented environment, it is advantageous for a barrister to be flexible and adaptive.

In presenting a conclusion to this work, the four propositions, which were developed from inductive and deductive reasoning (Chapter 3), are addressed from the perspective of the insights that emerged from the inductive and deductive reasoning process conducted in Chapter 5.

As a result of this research, I have developed a leadership tool known as the ‘Strategic Objective Analysis and Implementation Model’ (‘SOAIM’). This model uses a number of components. These include the project-oriented environment model (‘POEM’) (Figure 10), which forms the foundation of SOAIM. The analysis tool (Figure 11) forms part of Stage 2 and Stage 5 of SOAIM and the adaptive leadership application model (‘ALAM’). ALAM granted me access to multiple leadership styles which I could adopt throughout the SOAIM process as contingently needed. SOAIM is a leadership tool which I am able to use in the context of being a barrister in New South Wales. Its application is strictly limited to me as a barrister in New South Wales operating in a project-oriented environment.

In this Chapter, I shall attempt to answer the overall research question by addressing the four propositions while ascertaining the applicability of SOAIM against evidence that emerged from the inductive and deductive process undertaken in Chapter 5. I shall identify the external validity of the conclusions and suggest that monitoring be undertaken which may justify the SOIAM construct’s application and provide data which may be used to modify and or improve it.

6.2 Proposition 1

There is no universal barrister leadership model which is accepted across the legal profession.

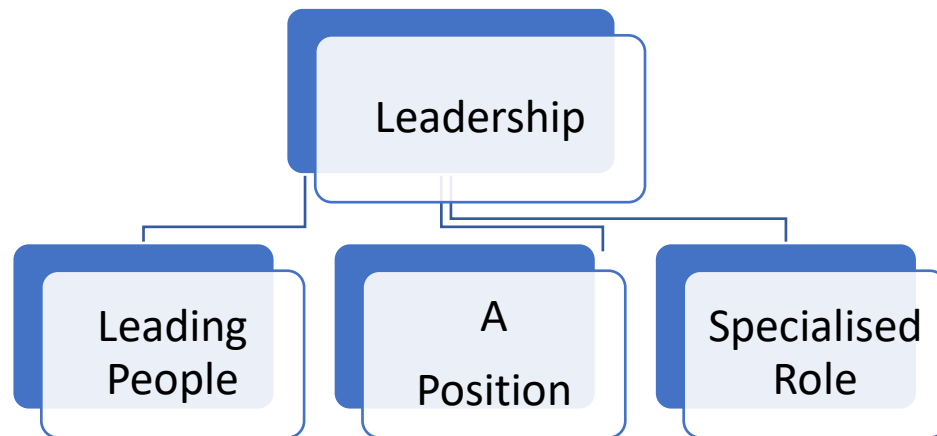
6.2.1 Introduction

Proposition 1 emerged from the literature review which was supported by the insights developed from inductive and deductive reasoning. This proposition is supported by the insights which were derived from the case study analysis.

6.2.2 Discussion

Based on the literature review conducted in Chapter 2, the traditional view of leadership is that a leader leads people (Garic, 2017). Another view is that leadership is dependent on one's position or title (Reddy, Adhikari & Chitranshi, 2017). Leadership has also been identified as a specialised role (Karp & Helgø, 2008).

Figure 7: A Traditional View of Leadership



Source: Based on deductions from theoretical observations made by the researcher.

Through the research it was established that the literature review did not identify me, in my role as a barrister, as a leader in the traditional sense. I was not part of any organization; I was not educated in leadership through my undergraduate legal training, and nor was I provided with education in leadership as a consequence of my post-graduate Bar course training. These institutions did not cater for me in my role as a barrister leader. However, through synthesizing insights developed from the work, evidence emerged that clients and instructors did view me as leader in my role as a barrister. Based on the literature review, there was no specific leadership model that applied to me as a barrister, nor was there any applicable universal model relevant to me as a barrister. My practice as a barrister is very different from practising as a solicitor in a law firm. Law firms adopt hierarchal structures; this is based on the understanding that law firms have employees who are solicitors and support staff. The Bar rules specifically prohibit me in my role as a barrister from employing other lawyers. Another difference between a law firm and my practice as a barrister, is that I

am also prohibited from forming partnerships, practising in corporate structures or sharing profit.

Although my style of practice as a barrister is very different from that of a law firm, the evidence derived from this work, as it may be expected, established that I am perceived by my clients and instructors as a leader, notwithstanding that no universal leadership model has been developed or has been proposed by either the law schools or by the Bar association.

6.3 Proposition 2

A barrister operates in a project-oriented environment and is seen as a guide and an advisor by clients and solicitors.

6.3.1 Introduction

Proposition 2 emerged from the insights developed from inductive and deductive reasoning undertaken during Chapter 3. This proposition is supported by the case study process. As it may be expected, the evidence established that the issues and challenges which the clients contended with brought with them a degree of stress, anxiety and uncertainty. This was caused by a lack of control over and familiarity with the environment in which the client now found themselves.

6.3.2 Discussion

Through synthesizing insights derived from the case study, it emerged, as it may be expected, that clients and instructors felt that, due to their lack of expertise, it would benefit the client in achieving the client's desired outcome to brief me in my capacity as a barrister, being someone who possessed the unique skill set to achieve the client's desired outcome.

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Moreover, as it may be expected, due to a lack of control and direction felt by the client, together with believing that the factors relevant for a successful outcome were weighed against him, her or it, there was an expectation that I in my capacity as a barrister would bring both direction and balance to the situation. The client and instructor expected that I would provide leadership. As it may be expected, this leadership took the form of me in my role as a barrister, creating an environment which was conducive to solving the client's issues and challenges and consequently achieving my client's desired outcome.

It was expected that I as a barrister would have the skill and ability to clearly and concisely identify my client's issues and challenges, which were then analysed. It was then expected by my client and instructor that I would formulate a solution and an appropriate strategy to implement such a solution.

There was a consensus that I as a barrister would bring order to an otherwise chaotic and turbulent situation, but it was unclear how I would achieve this. Clearly, a construct or a "recipe" of some type was needed which could be used specifically by me universally across all of my cases. No such model had been developed.

As it may be expected, my mandate as a barrister was to provide guidance and advice and the traditional tool used by the barrister in achieving this was the "theory of the case" concept. This dealt, in the context of criminal law, with why the defendant was not guilty of the charge. For example, where a client admitted to punching X, the client would normally be charged and convicted of common assault. However, the "theory of the case" might be that the client had punched X in self-defence, and thus is not guilty of the said offence. Traditionally, this has been an appropriate analysis, formulation and implementation tool. However, the tool does not deal with the expectations of the client or instructor in bringing order to an otherwise turbulent environment. The "theory of the case" construct does not deal with barrister-client and barrister-instructor relationships. The "theory of the case" construct

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therefore proves a very elementary tool. It does not provide instruction on how to achieve the desired outcome, nor does it clearly delineate the scope of works, the client's desired outcome(s), stakeholder expectations, available resources, and it does not identify the issues and challenges the client is dealing with from a "big picture" perspective. The collation and analysis of the data, as well as its implementation, are left to the barrister to apply in an ad hoc manner.

Moreover, as it may be expected, it emerged that clients and instructors did perceive the barrister as a leader who could provide guidance and advice, but due to the deficiency in the barrister's training there was no specific system in place or model which instructed or informed the barrister on how to achieve this. Traditionally, it has been left up to the barrister to think of a creative ad hoc way to solve the client's issues and challenges and then implement the solution, thus achieving a favourable outcome.

Thus, through synthesizing the insights developed from the work, as it may be expected, it emerged that although the barrister in a sense did have a structure from which to operate, in the theory of case construct, that structure was very much ad hoc in nature and was not a step-by-step or staged approach. This point is expanded further below in Proposition 4, with the suggestion of a solution.

6.4 Proposition 3

New South Wales barristers operate in a turbulent environment.

6.4.1 Introduction

Proposition 3 emerged from the insights developed from the research. The discussion below assesses Proposition 3 against the insights that emerged from Chapter 5.

6.4.2 Discussion

Based on the evidence derived from the case study, as it may be expected, a barrister operates in an environment where conflict is regularly encountered. It emerged from the research that clients perceived participation in litigation as stressful. Clients felt anxious and the very existence of litigation caused conflict between the participants, particularly the clients and instructors in one camp versus the clients and instructors in the opposing camp. The clients and instructors were uncertain as to what the outcome was going to be. The clients felt that litigation, because of its uncertainty, created a feeling of being lost. Clients and instructors believed that briefing a barrister was important because it brought structure to the process. It allowed me in my role as a barrister, being perceived as an expert, to take control and give the client and instructor direction and guidance, while greatly improving the client's chance of success. It also emerged that in my role as a barrister I operated in a turbulent environment as a consequence of the fact that both sides wanted to succeed, and in litigation this inevitably means that one side will be disappointed. It is important for the client not to lose, because losing may result in deprivation of liberty or a significant financial loss, which clients prefer not to experience. Moreover, in litigation, generally both sides have a history of some type. This creates tension between the respective clients on either side.

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Consequently, it emerged that a barrister operated within a turbulent environment because:

1. As it may be expected, the lack of predictability which existed both from the perspective of the client and instructor created uncertainty as to what the outcome would be, but also a lack of predictability from the perspective of the barrister, as the barrister did not know what the outcome would be. Of course, experience is a useful yardstick of what the result should be or is likely to be, but a barrister cannot tell with any certainty what the actual result is going to be;
2. As it may be expected change and the speed at which change occurs from the perspective of the client, instructor and barrister, can cause uncertainty and anxiety. This lack of familiarity in the face of high stress situations creates tension and conflict between client and instructor. A barrister is expected to manage that conflict both internally, between clients and others, and externally, between the barrister and the other barrister on the opposite side;
3. The conflict between the barrister's camp and the opposing camp generally exists in both civil and criminal jurisdictions. There is conflict between the clients on both sides before litigation commences, and conflict is one of the reasons that litigation is begun;
4. The barrister's environment is dynamic; it is energetic and active. There is a great deal taking place at any one time. Change is a constant; for example, as the litigation plays out in court, an opponent may develop an argument which has not been anticipated. This causes conflict, to which the barrister must quickly respond, usually in the form of quickly constructing an argument in reply;
5. As it may be expected, where significant change occurs quickly, there is a chance of it influencing my ability as a barrister to maintain control in a turbulent

environment, with the possible result of me needing to take a more authoritarian approach. In this specific situation, flexibility and adaptability may be important because this allows me as a barrister to adjust from being a positive influencer, to adopting an authoritarian approach, to ensure that I maintain control of the conflict. The conflict may result in me, as a barrister, being forceful. One example of this is where in my role as a barrister I have a bully as a client who keeps asserting that I act as a mere mouthpiece for him/her (prohibited by the New South Wales Bar Rules);

6. The existence of conflict and turbulence means that I as a barrister may be placed into a situation which quickly spirals out of control where appropriate action is not taken by me in my barrister role. The POE is one way in which I in my role as a barrister may take control, providing me with a structure to use, rather than approaching the matter in an ad hoc fashion, without any specific direction;

7. As a barrister I must take control. Unlike a pilot flying a plane, who may be able to avoid a storm, I must head straight into the storm, with two thoughts in mind. The first is to resolve the disputes, issues or challenges, and the second is to ensure that such a resolution aligns with my client's desired outcomes and objectives.

6.5 Proposition 4

In a turbulent project-oriented environment, it is advantageous for a barrister to be flexible and adaptive.

6.5.1 Introduction

Proposition 4 emerged from the insights developed from the research. The discussion below assesses Proposition 4 against the insights that emerged from Chapter 5, but also expands on some of the issues that were raised in Proposition 2, and which are relevant here. As it may be expected, evidence from this work has established that litigation creates a turbulent and chaotic environment within which clients feel stress, uncertainty, confusion and anxiety. It also emerged that in my role as a barrister I operate within a project-oriented environment; however, the mode of operation is undertaken in an ad hoc manner. A model specifically relevant to me as a barrister which provides a step-by-step guide may provide an alternative tool in achieving my client's desired outcome more effectively and efficiently. This rationalization of the process may be beneficial to me as a barrister by providing more options in how I may deal with clients, instructors and the formulation and implementation of solutions.

6.5.2 Discussion

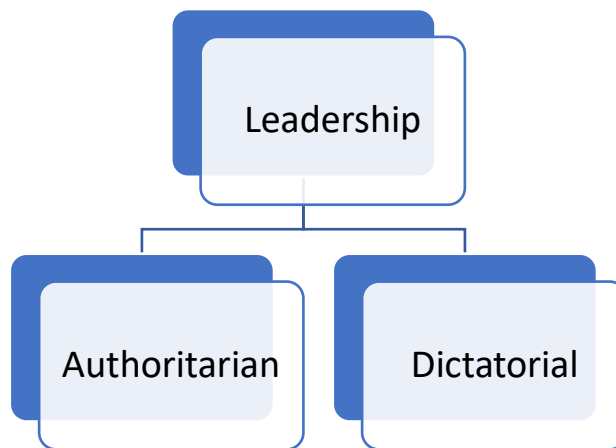
Based on the evidence derived from the case study, as it may be expected the leadership style that I had adopted for more than a decade was an authoritarian and controlling model, although acting within the parameters of my ethical duties. This style was inflexible and lacked any positive influence over others. It was a very much "fly solo"

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approach to leadership that was not conducive to building collaborative workplace relationships. It was a dictatorial approach to leadership.

Figure 8 depicts the default leadership style I had been using.

Figure 8: My Prior Default Leadership Paradigm



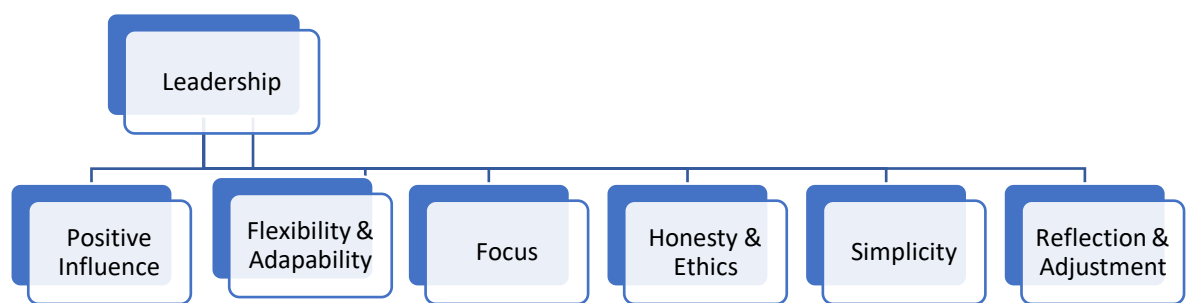
Source: Created by the author

Through synthesizing insights developed from the work outlined above, as it may be expected, in my capacity as a barrister, I am perceived as a leader, who is confident and assertive—a leader who is a professional and who my clients and instructors can trust. They feel confident that I understand the outcome my client desires and I am focused on achieving it. They expect that I will respect both my client’s and the instructor’s views on the matter, by listening and giving proper consideration to their respective perspectives. It is further expected that in my capacity as a barrister I will be able to break down and simplify complex issues while also being articulate enough to explain concisely and without legal jargon the strategy that will be adopted, by providing cogent reasons for it.

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It is also expected that in my capacity as a barrister I will be able to provide objective and considered advice relevant to the facts and law as they are known and applicable at the time, while being flexible and adaptive enough to deal with variables and issues that arise. Leadership, in the context of the work of a barrister, also includes acting with honesty and integrity in connection with my relationships with relevant stakeholders, providing a positive influence, flexibility, focus, and the ability to break down complex issues, while also being aware enough to reflect on the solutions in the context of making necessary adjustments. This has been set out below in diagrammatical form.

Figure 9: A New Perspective



Source: Created by the author

Figure 9 illustrates a shift away from both the traditional leadership view (Figure 7) and the author's default leadership style (Figure 8) to something more in line with both the client's and instructor's expectations. However, none of these models address what I in my capacity of a barrister actually do or how the turbulence factor may be appropriately dealt with—remembering, as it emerged during the work, that turbulence manifests itself in what may be described as variables for me in my role as a barrister and a lack of control and familiarity for my client and instructor.

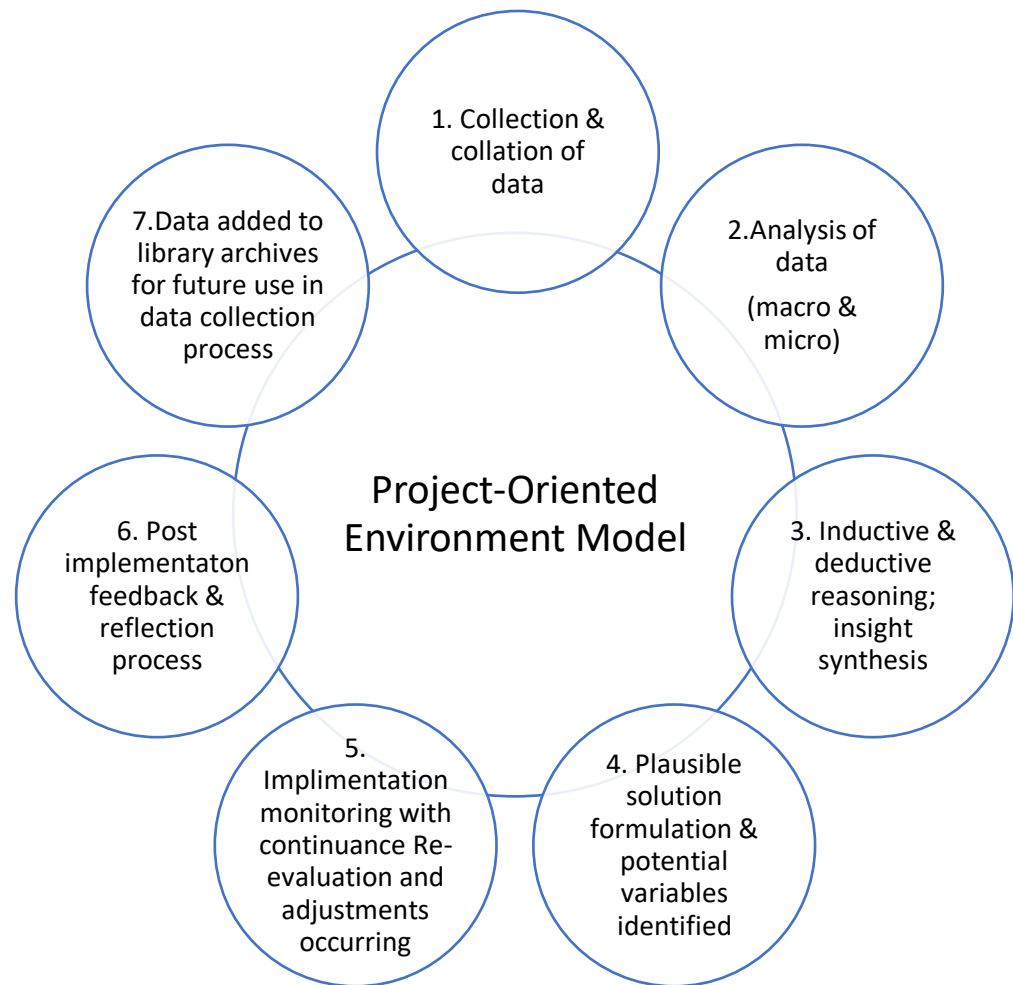
It emerged during the work, particularly during the discussion of Proposition 2, that the project-oriented environment concept, although providing the me in my capacity as a barrister with an environment within which to formulate a solution, was still ad hoc, with the only constant being the use of the “theory of the case” construct. It failed to adopt a macro approach or a micro analysis of the issues and challenges and did not develop a roadmap for the implementation of any solutions and adjustments thereto.

Consequently, as it may be expected a definitive structure should be developed for the project-oriented environment. This would standardise the factors to be considered rather than adopting the traditional ad hoc scattergun approach to problem solving and stakeholder relationship management (client and instructor). Based on the evidence, it became evident that the Project-Oriented Environment Model (POEM) could be viewed as a circular construct.

POEM can be broken down into stages, starting with the collection and collation of data, macro and micro analysis, use of inductive and deductive reasoning and insight synthesis, followed by formulation of plausible solutions, the identification of potential variables, implementation of solutions, and monitoring with continuous evaluation and adjustments. Once implementation is complete, feedback and a post-implementation reflection process can occur. The data is then archived and, where necessary and appropriate, is reintroduced into the collection and collation stage at the start of the next new project, excluding any personal details or confidential information. In connection with the final stage before redeployment of the archived material, appropriate ethical guidelines must be implemented to ensure that there is no breach of client confidentiality and privacy.

Figure 10 is a diagrammatical depiction of POEM.

Figure 10: The Project-Oriented Environment Model (POEM)



Source: Created by the author

The proposed POEM framework provides two benefits:

1. It provides me in my capacity as a barrister with a structured environment within which to work avoiding the traditional ad hoc approach; and
2. It allows the experience derived by me in my capacity as a barrister from one project to be used as a process-based template in another project.

It emerged from the research that such a process was actually already being used by me, although it did not have a formal identifiable structure or name, and was used in an ad

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hoc manner—for example, identifying a deed in one matter and using the basic template as precedent for a deed in another matter, while maintaining client confidentiality and privacy.

However, POEM (as set out in diagram 10) is not instructive as how to satisfy the client's expectations or achieve the client's objectives, it did not address the expectations and objectives of other stakeholders, it did not establish parameters for the data collected, and did not establish how the issues and challenges were to be analysed. Nor did it appropriately address the client's uncertainty and anxiety due to a lack of control, familiarity and leadership. Leadership was identified as a critical factor, but the model did not identify how leadership was to be treated by me in my capacity as a barrister.

Based on the evidence derived from the case study, as it may be expected clients place great importance on my barrister leadership abilities in achieving my client's desired objective, and satisfying my client's needs, wants and expectations. Thus, barrister selection is viewed as significant by the clients. Clients feel that, where the barrister satisfied the client's leadership expectations, the client will have greater success in achieving their desired objectives. By selecting a barrister the client trusts and has confidence in, the client feels empowered that the barrister is appropriately aligned with the client's need to achieve the client's desired objective.

Although the client feels empowered by the right barrister being selected, which provides the client a sense of control, it is also important that the client continues to perceive the barrister as the leader. It is important, from the client's perspective, for me in my capacity as a barrister to exhibit the ability to deal with change in a productive manner. as it may be expected it emerged from the research that clients appreciate that in my capacity as a barrister I am operating in a turbulent environment filled with uncertainties, but the clients believe that I am able through my leadership, to bring the situation under control and maintain such control.

Through synthesizing insights derived from the work, it became evident that POEM needed further development, including:

- (a) data collection parameters;
- (b) appropriate analytical tools; and
- (c) leadership-relevant components.

6.5.2.1 Data Collection Parameters

As it may be expected, it emerged during the work that the data relevant to data collection parameters in the context of my work as a barrister were factors concerning the client, other stakeholders, resources, the facts/law of the matter and issues and challenges as initially identified.

6.5.2.2 Appropriate Analytical tools

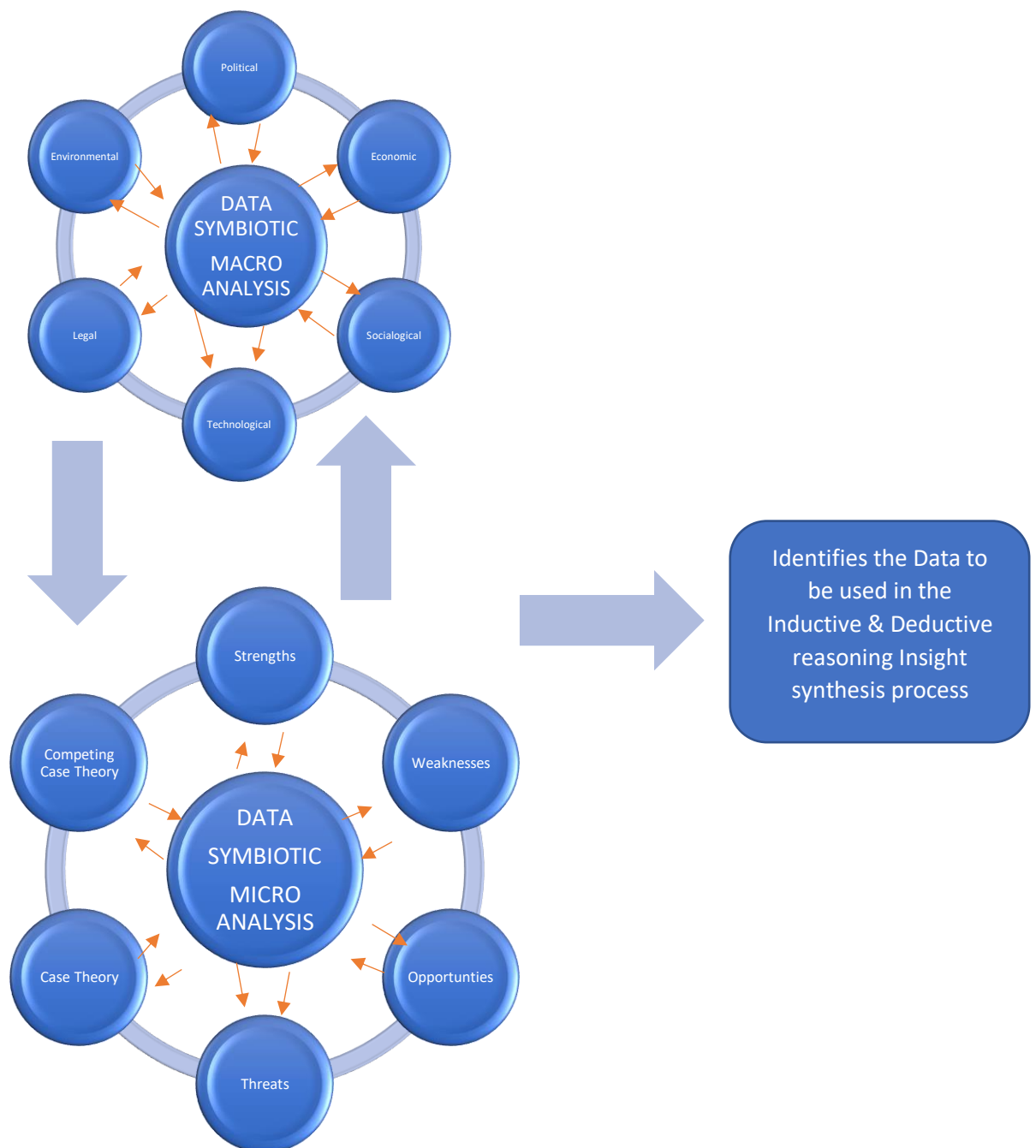
The evidence established that both a macro and micro analysis process are helpful, as the macro analysis provides a “big picture” perspective to the issues and challenges while the micro analysis process examines the minutiae of the case. The PESTLE analysis model provides a good foundation for a macro analysis tool, giving the barrister an appreciation of the “big picture”.

For the purpose of a micro analysis, the SWOT analysis tool also provides a good foundation; however, it lacks components relevant for the formulation of a solution in the context of the work of a barrister. This leads to the addition of two further components: the “case theory model” and the “opposing case theory component”. The case theory model includes matters favourable to formulating, for example, a defence with the “opposing case theory” component dealing with matters in opposition to the case theory. Thus, the analytical tool, as set out in Figure 10 would include the macro and micro analysis tool, which has a

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symbiotic relationship between each factor. This proposed macro and micro analysis tool takes the form of the model identified in Figure 11 (below).

Figure 11: Analytical Tool



Source: Created by the author

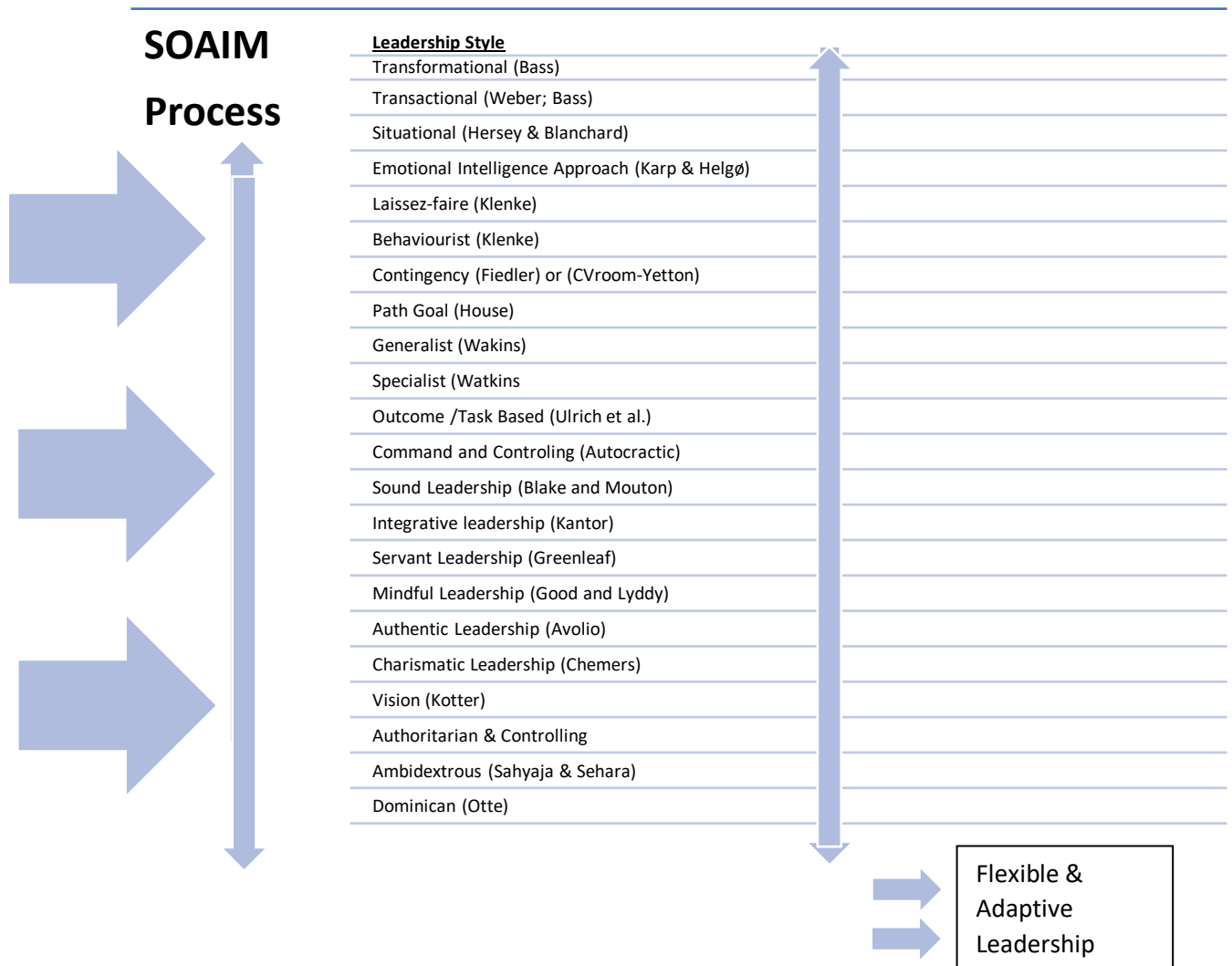
Through the use of this analytical tool, the barrister can analyse the data used in POEM (as identified in figure 10). However, POEM requires further development to include a leadership (flexible and adaptive) component and also a means to deal with variables.

6.5.2.3 *POEM's Evolution into SOAIM*

POEM provided me in my capacity as barrister with the tools in combating the turbulence and chaos encountered in my world as a barrister, while also formulating a solution. However, it failed to provide instruction on the leadership styles that were available throughout the problem-solving process. This resulted in the development of the Adaptive Leadership Application Model ('ALAM') which was derived from the literature in Chapter 2, and appears in Figure 12 below. This facilitated the evolution of POEM into what became known as the Strategic Objective Analysis & Implementation Model, which is discussed below.

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Figure 12: Adaptive Leadership Application Model (ALAM)



Source: Created by the author.

6.5.2.4 SOAIM Development

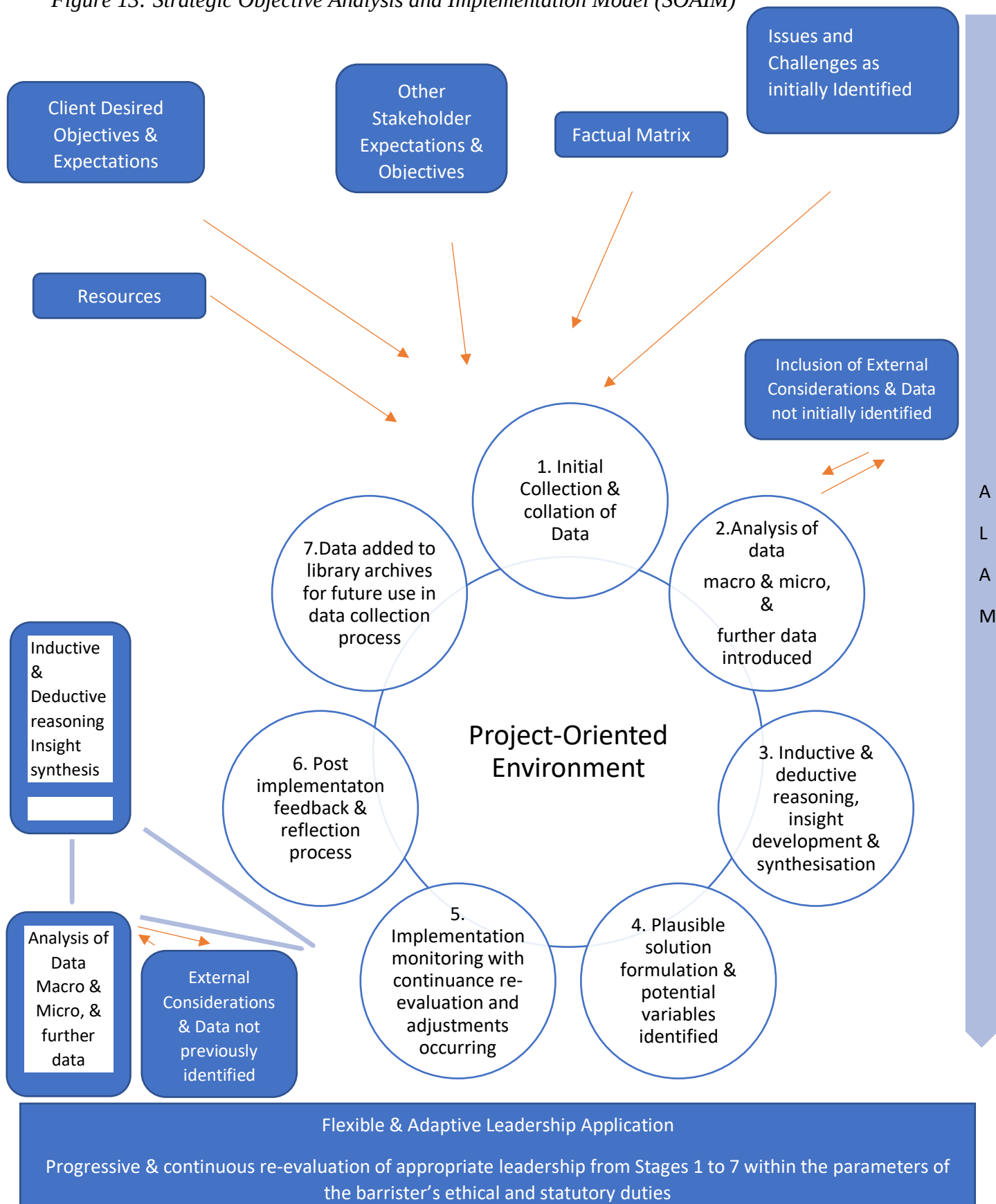
From the synthesis of insights, and based on the observations referred to above, I formulated a model (which is an evolution of POEM) that can be used by me, as a barrister, to provide me with strategic objective analysis, and which is a process by which solutions can be implemented. It identifies resources and stakeholder expectations together with variables that can be analysed, and flexible and adaptive leadership can be applied throughout the process. The model evolved is SOAIM.

This model uses POEM, the analytical tool (Figure 11) and ALAM (Figure 12). This approach was used throughout the SOAIM process. The leadership styles available in SOAIM were contingent on the factors relevant to SOAIM at a particular point in time, thus introducing both flexibility and adaptability in leadership, albeit relevant only to my professional context. Through this model, the most appropriate leadership style is available, depending on where one is in the SOAIM process and contingent on the situation as I perceive it.

SOAIM will now be reviewed component by component. It is presented as a guiding framework as evidence of its appropriateness in the context of me as a barrister using flexible and adaptive leadership undertaken in a project-oriented environment, and thus as a basis for specifying my Personal Contingent Leadership Paradigm behaviour guidelines as a New South Wales Barrister. As each component of SOAIM is discussed, I shall refer to the data drawn from the case study from Chapter 5.

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Figure 13: Strategic Objective Analysis and Implementation Model (SOAIM)



Source: Created by the author.

SOAIM adopts a holistic approach. The data changes from project to project. Thus, it is desirable to identify the relevant information which would be collected and analysed and which would result in the implementation of strategy in an environment which allows for such implementation to be monitored and varied if necessary. A flexible and adaptive leadership approach was adopted throughout the process. During the work and through the synthesizing of insight, it emerged that factors relevant for me in my capacity as a barrister to consider in SOAIM are:

- (a) the client's desired objectives and expectations;
- (b) other stakeholders' expectations and objectives;
- (c) the factual matrix;
- (d) the issues and challenges initially identified; and
- (e) resources.

The stages of the SOAIM are:

- Stage 1 — the collection and collation of data;
- Stage 2 — the analysis of data (macro and micro - see Figure 11) and the introduction of further data, including data which may be external and not collected at Stage 1;
- Stage 3 — inductive and deductive reasoning insight synthesis;
- Stage 4 — plausible solution formulation and potential variables identified;
- Stage 5 — implementation monitoring with continual re-evaluation and adjustments.

This may also mean that external considerations and data are introduced at this stage which may not have been obvious during Stages 1 and 2. That data is then analysed in the same manner as in Stage 2 using the analysis tool (diagram 11) and the same reasoning process as in Stage 3, with appropriate adjustments being made;

- Stage 6 — post-implementation feedback and reflection process;

- Stage 7 — data added to library archives for future use in the data collection process.

As it may be expected, it also emerged during the work that clients had an expectation that in my capacity as a barrister I would be aware of the client's desired objectives and would also be cognizant of the client's expectations and available resources. It was important that I was able to identify the other stakeholders and their expectations and objectives, particularly when identifying objectives which aligned with the client's objectives and those which did not. As it may be expected, it was also important that in my capacity as a barrister I knew the facts of the case and any of the issues and challenges which the client, instructor or other lawyer had identified. This data would then be collated chronologically, together with a *dramatis personae*. This forms Stage 1 of the SOAIM. The collection of this data is necessary for the barrister to understand and have a complete appreciation of what the client wants to achieve and factors contemporaneously relevant to achieving such an outcome.

Stage 2 is the analysis of data (macro and micro), where further data may be introduced. This is an important stage, and includes the methodology identified in Figure 11. This stage considers the data and the linkages between emergent strategy and objectives. Where and when needed, further data can be added for consideration, which has not previously been considered relevant, but has become so after considering the available data. The case study supported the introduction of further data, the relevance of which may not have been immediately apparent during Stage 1.

The development of Stage 3 was as a consequence of the synthesis of insights which arose from Chapter 5. The inductive and deductive reasoning approach was developed, followed by the synthesis of insights, and this process was found to be extremely helpful in the development of creative and considered hypotheses. This aligned with the client's and

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instructor's expectations that I in my capacity as a barrister would approach the issues and challenges in a very considered manner.

Stage 4 of the process deals with the emergent strategy, where plausible solutions are formulated while also identifying potential variables which could impact the deployment and or implementation of strategy. As expected it is important that the strategy aligns with the client's desired objectives, but also to identify any other plausible positive outcomes and the consequential effect on the client under each scenario. This method of solution development is an expectation of both the client and instructor, who assume that in my capacity as a barrister I will use my unique skill set and experience to achieve the desired outcome. The case study acknowledged that this was a critical part of the SOAIM process, as getting this formulation correct was viewed as paramount by both client and instructor.

The case study confirmed that it was also expected by the client and instructor that I would monitor the implementation of the strategy in deploying the solution and, if necessary, would be able to adjust it. This was consistent with what had been derived from the case study, i.e. that where further data was needed it would be collected, analysed and considered, and the strategy implementation and solution deployment would be modified as required. This aligned with the objective of achieving the client's desired outcome.

As it may be expected the case study also indicated that it was important from the perspective of instructor and client that their issues and challenges were being dealt with in a staged approach, and that post strategy implementation feedback and reflection was also important, i.e. discussing what had been learnt and what could be improved on, particularly if this was necessary to some later stage.

The archive is an experience dossier. This dossier can be relied on to combat future similar issues and challenges, or used as a template for future projects and problem-solving

exercises. It effectively allows the barrister to learn over time, and to become more effective and efficient in the provision of legal professional services.

The case study also confirmed that, during the entire process, a progressive and continuous evaluation was conducted by me in my role as a barrister in the delivery of appropriate leadership over the life of the project. It was acknowledged that adopting a flexible and adaptive approach to leadership would better serve me in my capacity as a barrister when dealing with an environment prone to significant change over a short period of time. It was also acknowledged that being flexible and adaptive gave me more options when it came to leadership, and it was an appropriate basis when specifying my Personal Contingent Leadership Paradigm behaviour guidelines, as it aligned with stakeholder objectives and expectations and allowed me to operate within the parameters of my ethical and statutory duties. Thus, the flexibility and adaptability which ALAM provided was used through the SOAIM process.

6.6 Recommendations

I have addressed the four propositions in this chapter and demonstrated that flexible and adaptive leadership is appropriate for me in my capacity as a barrister operating in a project-oriented environment, and that such a paradigm is an appropriate basis for my Personal Contingent Leadership Paradigm behaviour guidelines. Through inductive and deductive reasoning and the synthesis of the insights which emerged from the data derived from the case study, I was able to corroborate that a project-oriented environment as integrated into SOAIM could be used by me in my capacity as a barrister by applying a flexible and adaptive leadership approach during the SOAIM process. Further monitoring and

analysis are required into the use of the SOAIM blueprint; it deserves broader consideration, as it represents a clear pathway for me in my capacity as a barrister in New South Wales.

6.7 Limitations of the Research

The practice of a barrister is constantly evolving through advancements in technology and reforms. However, the Bar is an environment within which change is slowly adopted. This critique has provided a catalyst for more contemporary thinking on the subject of New South Wales barristers which is specifically relevant to me, although such matters are evolving and require further consideration and monitoring over time. The limitations which arise are due to the concerns of an inductive and deductive pathway. SOAIM is a new model which has evolved over a short time period during this study, and this limits the ability to report on the evolution of the SOAIM model as further learning and insights emerge. Such further learning would provide valuable insights which require monitoring.

An additional limitation is the methodology used in participant observations which may raise concerns of potential researcher bias. However, such observations may also be regarded as strengths, adding richness to the data. The potential for bias is acknowledged and was raised and discussed in Chapter 4. Action was taken to mitigate such potential bias including the separate, external and independent peer debriefing and independent corroboration, multiple sources of data which were utilized, internal validity processes which were adopted, and regular discussions with the researcher's academic advisor which were undertaken.

6.8 Future Monitoring

This critique has initiated a process of learning in the context of barrister leadership (specific to me) that has received very little attention from both the profession and academics. The development of working models has not been an approach that has been embraced by the barrister profession, and change has been very difficult for barristers to adopt. Market-oriented models and barrister leadership have been foreign concepts to me as a barrister. There is considerable value in monitoring the application of this model which focuses on me as a barrister engaging with leadership and problem-solving models. There is a utilitarian value in the improvement and evolution of simple and reliable models which I in my role as a barrister can use in this limited context. SOAIM is such a model and has been tested against the background of a single case study. It would be helpful for monitoring of SOAIM to occur, with this model being used by me over multiple cases and over a reasonable period of time, thus allowing the identification of differences in the way I may apply this model, with the objective of evolving this model further, to enhance its effectiveness.

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Appendix A – Portfolio Index & Summary



Flexible and Adaptive Leadership in the Context of a Barrister Operating in a Project-Oriented Environment

Portfolio

Charles Moschoudis
Barrister at Law

Australian Graduate School of Leadership
Torrens University Australia

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PART A – SUMMARY OF PORTFOLIO COMPONENTS

1. Section 1: Legal Papers & Submissions

1.1 Summary Disposal and Strike Out Action.

This paper provides an analysis of the law and the strategy in connection with making or opposing a summary dismissal or a strike out application.

Page 20 - 51 – Part B – Portfolio Documentation Short form portfolio p.19.

1.2 Defending an ADVO.

This paper provides an analysis of the law and the strategy in connection with opposing an Apprehended Domestic Violence Application.

Page 52 - 69 – Part B – Portfolio Documentation Short form portfolio p.20.

1.3 Opening Address to the Jury (Redacted).

This is one of the opening addresses I used in a serious criminal case.

Page 70 - 75 – Part B – Portfolio Documentation Short form portfolio p. 21.

2. Section 2: Work Related Cases – Context of Barrister Operating in a Project Orientated Environment

Cases I have appeared in as a Barrister in the Higher Courts, which have impacted upon my Personal Contingent Leadership Paradigm and consequently contributed some value (by way of experience) to my work:

2.1 *McKirdy v McCosker and Anor* [2002] NSWSC 197.

This was a criminal law case which related to prosecutors' duties and constructive failure to exercise jurisdiction and was a catalyst for the modernisation of the criminal justice system in this context.

Page 76 - 88 – Part B – Portfolio Documentation Short form portfolio p. 22.

2.2 *Jabbour v Cttt and Anor* [2003] NSWSC 187.

This case was a commercial law case, dealing with procedural fairness.

Page 89 - 94 – Part B – Portfolio Documentation. Short form portfolio p. 23.

2.3 *Ghamrawi & GIO General Ltd* [2005] NSWCA 467.

This is a commercial law dealing with insurance law considerations.

Page 95 - 105 – Part B – Portfolio Documentation Short form portfolio p. 24.

2.4 *Murray Irrigation Limited v ICW Pty Limited and Anor* [2006] NSWLEC 23.

This case was a criminal law case involving a director's duties and issues of vicarious liability.

Page 106 - 114 – Part B – Portfolio Documentation Short form portfolio p. 25.

2.5 *Leung and Anor v Good Friend Development Pty Ltd and Ors* [2007] NSWSC 713.

This was a commercial and corporations law case, dealing with solvency.

Page 115 - 117 – Part B – Portfolio Documentation Short form portfolio p. 26.

2.6 *El Hassan v Regina* [2007] NSWCCA 148.

This was a criminal law case dealing with international theft.

Page 118 - 133 – Part B – Portfolio Documentation Short form portfolio p. 27.

2.7 *Bloom v Lepre* [2008] NSWSC 79.

This was a property law case dealing with easements.

Page 134 - 154 – Part B – Portfolio Documentation Short form portfolio p. 28.

2.8 *Seana Construction Pty Ltd v Bright Construction Group Pty Ltd* [2008] NSWSC 920.

This was a commercial and corporations law case, dealing with company solvency.

Page 153 – 155 – Part B – Portfolio Documentation Short form portfolio p. 29.

2.9 *Furlong v Commissioner of Police, New South Wales Police Force* [2009] NSWADT 293.

This case was a civil law case, dealing with a licence refusal by the Commissioner of the NSW Police Force to issue a commercial agent's licence to the applicant following the expiration of his parole for murder.

Page 156-168 – Part B – Portfolio Documentation Short form portfolio p. 30.

2.10 *Jinhong Design & Construction Pty Limited v Xu and Anor* [2010] NSWSC 523.

This was a commercial law case, dealing with contractual obligations in connection with building contracts.

Page 169 – 201 – Part B – Portfolio Documentation Short form portfolio p. 31.

2.11 *Wang v Anying Group Pty Ltd* [2010] FCA 684.

This was a commercial law case, dealing with intellectual property rights in connection with the money market.

Page 202 – 209 – Part B – Portfolio Documentation Short form portfolio p. 32.

2.12 *Deputy Commissioner of Taxation v Chen* [2011] NSWDC 22.

This was a commercial law case dealing with the recovery of government imposts.

Page 210 – 223 – Part B – Portfolio Documentation Short form portfolio p. 33.

2.13 *Brakikki Pty Limited v Gofur* [2011] NSWDC 92

This was a commercial law matter dealing with a shopping centre dispute in relation to a retail lease.

Page 224 – 256 – Part B – Portfolio Documentation Short form portfolio p. 34

2.14 *Xu v Jinghong Design & Constructions Pty Ltd* [2011] NSWCA 277

This was a commercial law case dealing with a property development dispute.

Page 257 - 309 – Part B – Portfolio Documentation Short form portfolio p. 35.

2.15 *Chen v Gu; Chen v Nguyen* [2011] NSWSC 1622

This was a commercial law case dealing with property law rights.

Page 310 - 379 – Part B – Portfolio Documentation Short form portfolio p. 36.

2.16 *Yang v Cheung* [2012] NSWCTTT 327.

This was a commercial law case dealing a construction dispute.

Page 380 - 390 – Part B – Portfolio Documentation Short form portfolio p. 37.

2.17 *Cheung v Yang* [2013] NSWSC 1694.

This was a commercial law case dealing a construction dispute.

Page 391 – 422 – Part B – Portfolio Documentation Short form portfolio p. 38.

2.18 *Youkhanis v R* [2014] NSWCCA 220.

This was a criminal law case concerning extortion offences.

Page 423 - 447 – Part B – Portfolio Documentation Short form portfolio p. 39.

2.19 *Zammit v Markunsky* [2015] NSWCATCD 21.

This was a commercial law case dealing with a construction dispute.

Page 448 - 482 – Part B – Portfolio Documentation Short form portfolio p. 40.

2.20 *Markunsky v Zammit* [2016] NSWCATAP 49.

This was a commercial law case dealing a construction dispute.

Page 483 - 498 – Part B – Portfolio Documentation Short form portfolio p. 41.

2.20 *Ryan v The Council of the City of Sydney* [2018] NSWSC 265.

This was a civil law case, dealing with constitutional issues and the validity of State Parliament enacting laws and the administration of State laws by the New South Wales courts.

Page 499 - 512 – Part B – Portfolio Documentation Short form portfolio p. 42.

2.21 *Boral Resources (NSW) Pty Limited v Douglas John Challinor* [2018] NSWSC 329

This is a commercial law dealing with a commercial contract dispute.

Page 513 - 539 – Part B – Portfolio Documentation Short form portfolio p. 43.

2.22 *O'Shanassy v Wingecarribee Shire Council* [2018] FCA 1381

This was a commercial law case dealing with the bankruptcy of a solicitor who had been prosecuted under state environmental laws.

Page 540 - 551 – Part B – Portfolio Documentation Short form portfolio p. 44.

3. Section 3: Leadership Articles

3.1 What Do women barrister earn?

Rough Justice: the job with a 141 per cent gender pay gap. Bar News: The Journal of the New South Wales Bar Association. [2016] (Spring) Bar News 48.

This is an article that identifies the disparity between male and female barristers in the context of earnings.

Page 552 – 554 – Part B – Portfolio Documentation Short form portfolio p. 45.

3.2 Too many law graduates and not enough jobs. AFR (22.10.2015).

This article identifies that there is significant competition for graduate positions and that there is an oversupply of law graduates applying for limited law graduate positions.

Page 555 – 560 – Part B – Portfolio Documentation Short form portfolio p. 46.

3.3 Agardy, P. (2012) Risky Business. Federation Press.

This text deals with the risk encountered by small businesses when businesses fail.

Page 561 - 568 – Part B – Portfolio Documentation Short form portfolio p. 47.

3.4 Leadership – Leadership Interview Justice Michael Kirby (2004).

This article records an interview between Michelle Boyle and the former Justice Michael Kirby ‘on life in the law’.

Page 569 – 572 – Part B – Portfolio Documentation Short form portfolio p. 48.

3.5 Board Etiquette – Learning into Practice (2017).

This document identifies the appropriate etiquette in the context of corporate boards.

Page 573 – Part B – Portfolio Documentation Short form portfolio p. 49.

3.6 Prudence and Audacity: The House of Beretta. International Institute for Management Development, Lausanne, Switzerland (07.08.2006).

This article explores why Beretta has remained in business since 1526.

Page 574 - 579 – Part B – Portfolio Documentation Short form portfolio p. 50.

3.7 Society, Demography and Genetic Structure in the Spotted Hyena. Molecular Ecology (2011).

This article explores the leadership structure in a hyena clan.

Page 580 - 599 – Part B – Portfolio Documentation Short form portfolio p. 51.

3.8 The Culture Factor. HBR. 2018 (Jan/Feb).

This article explores the cultural dynamics within an organisation and how these dynamics impact upon leadership and strategy.

Page 600 - 611 – Part B – Portfolio Documentation Short form portfolio p. 52.

3.9 How to be a Good Board Chair. HBR. 2018 (March/Apr).

This article explores the challenges a chairperson may encounter and identifies 8 principles that may make a chairperson more effective.

Page 612 - 617 – Part B – Portfolio Documentation Short form portfolio p. 53.

3.10 Using Strategy Mapping to Driver Performance.

Management Strategy Measurement – Management Accounting Guidelines (17.11.16).

This article explores how mapping may be used to increase effectiveness of organisations and its members.

Page 618 - 664 – Part B – Portfolio Documentation Short form portfolio p. 54.

3.11 Australia heading for a recession next year, Professor Steve Keen says ABC News Australia (01.08.16).

This article examines the impact macro analysis factors have upon the domestic Australian market.

Page 665 – 666 – Part B – Portfolio Documentation Short form portfolio p. 55.

3.12 Which Practice areas are going to be the most lucrative in the Future. ABA Journal (05.10.15).

This article explores what fields of practice may be more profitable in the context law in the short term.

Page 667 - 674 – Part B – Portfolio Documentation Short form portfolio p. 56.

3.13 Corporate Legal World Held No Attraction for Legal/Vision. Start Up Smart (28.02.14).

This article explores the transition of legal practices from a physical to an online platform.

Page 675 - 678 – Part B – Portfolio Documentation Short form portfolio p. 57.

3.14 Should Lawyers be Project Managers? Legal Executive Institute (15.07.15).

This article explores how lawyers may transition into the role of a project manager in the legal context.

Page 679 - 685 – Part B – Portfolio Documentation Short form portfolio p. 58.

3.15 Diversity as a Competitive Advantage. Barrett Ross & Lee (28.11.16).

This article explores diversity and the impact it has upon the organisation in the context of the workforce, resource acquisition, marketing, system flexibility, creativity and problem solving.

Page 686 - 690 – Part B – Portfolio Documentation Short form portfolio p. 59.

3.16. No Hope for Mid-Sized Firms. Lawyers Weekly (20.06.13).

This article explores best business practices (working smarter not harder) in the legal context and how it may improve law firm profitability.

Page 691 - 694 – Part B – Portfolio Documentation Short form portfolio p. 60.

3.17 Barristers and Marketing. New South Wales Bar Association. Bar News Autumn/Winter 1994, 35.

This article explored the abolition of the Bar rules relating to advertising and foreshadows the impact this may have upon practice at the Bar.

Page 695 – 698 – Part B – Portfolio Documentation Short form portfolio p. 61.

3.18 Australia's top 10 jobs with biggest gender pay gap revealed. SMH. 09.06.16.

This article explores the gender gap effecting women in a number of industries including law in the context of income and pay gap adjusted for hours measured by as a percentile.

Page 699 – 707 – Part B – Portfolio Documentation Short form portfolio p. 62.

3.19 Enron Scandal: The Fall of a Wall Street Darling. 02.12.16.

This article explores the manner in which Enron's leadership acted unethically and fooled regulators with fake holdings and off the book accounting practices.

Page 708 – 715 – Part B – Portfolio Documentation Short form portfolio p. 63.

3.20 The Little Black Book of Billionaire Secrets. Enron, Ethics and Today's Corporate Values. Forbes 14.05.13.

This article explores how character may impact upon the leadership of an organisation.

Page 716 - 740 – Part B – Portfolio Documentation Short form portfolio p. 64.

3.21 Crossing the Line: Behaviour that gets barristers into trouble. The Journal of New South Wales Bar Association. Bar News. (Summer) 2017.

This article explores sexual harassment at the Bar.

Page 741 - 745 – Part B – Portfolio Documentation Short form portfolio p. 65.

3.22 Violent lover had time to give tot fatal drug Cocktail. Daily Telegraph. 20.07.09.

This article reports upon the developments occurring during a coronial inquest into the death of a child, in a case I was briefed in.

Page 746 - 748 – Part B – Portfolio Documentation Short form portfolio p. 66.

3.23 No charges laid for baby's overdose death – ABC News (24.07.09)

This article examines evidence identified during a coronial inquest into the death of a child, in a case I was briefed in.

Page 749 - 750 – Part B – Portfolio Documentation Short form portfolio p. 67.

4. Section 4: Education - New South Wales Bar Course

4.1 2016 Bar Practice Course.

This identifies the course work undertaken by barristers during the Bar Course.

Page 751 - 778 – Part B – Portfolio Documentation Short form portfolio p. 68.

4.2 Pestle & Swot Analysis Framework

This sets out the components pertaining to each framework and how such components may be applied.

Page 779 - 783 - Part B - Portfolio Documentation Short form portfolio p. 69.

5. Section 5: Research Materials Artifacts/Documentation.

5.1 D1 Transcript summary (E5) (Redacted).

Page 784 – 788 – Part B – Portfolio Documentation Short form portfolio p. 70.

5.2 D2 Bail undertakings (E5) (Redacted).

Page 789 – Part B – Portfolio Documentation Short form portfolio p. 71.

5.3 D3 Notes pertaining to JP (E5) (Redacted).

Page 790 - 791 – Part B – Portfolio Documentation Short form portfolio p. 72.

5.4 D4 SMH News article (E3) (Redacted).

Page 792 – Part B – Portfolio Documentation Short form portfolio p. 73.

5.5 D5 Autopsy findings (E5) (Redacted).

Page 793 – 795 – Part B – Portfolio Documentation Short form portfolio p. 74.

5.6 D6 Index of statements - medical (E5) (Redacted).

Page 796 – Part B – Portfolio Documentation Short form portfolio p. 75.

5.7 D7 Witness summary (E5) (Redacted).

Page 797 – 803 – Part B – Portfolio Documentation Short form portfolio p. 76.

5.8 D8 Police statement (E5) (Redacted).

Page 804 – 817 – Part B – Portfolio Documentation Short form portfolio p. 77.

5.9 D9 Letter to DPP (E5) (Redacted).

Page 818- 829 – Part B – Portfolio Documentation Short form portfolio p. 78.

5.10 D10 Fact sheet (E4) (Redacted).

Page 830 – 832 – Part B – Portfolio Documentation Short form portfolio p. 79.

5.11 D11 Index of erisp and transcripts (E5) (Redacted).

Page 833 - 834 – Part B – Portfolio Documentation Short form portfolio p. 80.

5.12 D12 Request for representation (E1) (Redacted).

Page 835 – Part B – Portfolio Documentation Short form portfolio p. 81.

5.13 D15 Application (E1) (Redacted).

Page 836 – Part B – Portfolio Documentation Short form portfolio p. 82.

5.14 D17 Summons (E1) (Redacted).

Page 837 - 842 – Part B – Portfolio Documentation Short form portfolio p. 83.

5.15 D18 Summons (E1) (Redacted).

Page 843 - 848 – Part B – Portfolio Documentation Short form portfolio p. 84.

5.16 D19 Summons (E1) (Redacted).

Page 849 – 854 – Part B – Portfolio Documentation Short form portfolio p. 85.

5.17 D 20 Summons request (E1) (Redacted).

Page 855 – Part B – Portfolio Documentation Short form portfolio p. 86.

5.18 D 21 Summons request (E1) (Redacted).

Page 856 – Part B – Portfolio Documentation Short form portfolio p. 87.

5.19 D22 Summons request (E1) (Redacted).

Page 857 – Part B – Portfolio Documentation Short form portfolio p. 88.

5.20 D23 Summons request (E1) (Redacted).

Page 858 – Part B – Portfolio Documentation Short form portfolio p. 89.

5.21 D25 Summons (E1) (Redacted).

Page 859 – 864 – Part B – Portfolio Documentation Short form portfolio p. 90.

5.22 D26 Summons (E1) (Redacted).

Page 865 - 870 – Part B – Portfolio Documentation Short form portfolio p. 91.

5.23 D27 Summons (E1) (Redacted).

Page 871 – 876 – Part B – Portfolio Documentation Short form portfolio p. 92.

5.24 D29 Deed of settlement (E1) (Redacted).

Page 877 - 887– Part B – Portfolio Documentation Short form portfolio p. 93.

5.25 D30 Determination of proceedings (E1) (Redacted).

Page 888– Part B – Portfolio Documentation Short form portfolio p. 94.

5.26 D31 Statement of claim (E6) (Redacted).

Page 889 – 893 – Part B – Portfolio Documentation Short form portfolio p. 95.

5.27 D32 Defence (E6) (Redacted).

Page 894 – 899 – Part B – Portfolio Documentation Short form portfolio p. 96.

5.28 D33 Listing (E6) (Redacted).

Page 900 – 901 – Part B – Portfolio Documentation Short form portfolio p. 97.

5.29 D34 Cross Claim (E6) (Redacted).

Page 902 - 904 – Part B – Portfolio Documentation Short form portfolio p. 98.

5.30 D35 Notice of motion/amenend and supporting affidavit (E6) (Redacted).

Page 905 – 912 – Part B – Portfolio Documentation Short form portfolio p.99.

5.31 D36 Affidavit (E6) (Redacted).

Page 913 – 906 – Part B – Portfolio Documentation Short form portfolio
p. 100

5.32 D37 Case law (E6) (Redacted).

Page 907 - 939 – Part B – Portfolio Documentation Short form portfolio
p. 101

5.33 D38 Orders (E6) (Redacted).

Page 940 – Part B – Portfolio Documentation Short form portfolio
p.102.

5.34 D39 Case law (E6).

Page 941 - 988 – Part B – Portfolio Documentation Short form portfolio
p. 103.

5.35 D50 Case law (E6).

Page 989 - 995 – Part B – Portfolio Documentation Short form portfolio
p. 104.

5.36 D51 Case law (E6).

Page 996 - 1023 – Part B – Portfolio Documentation Short form portfolio
p. 105.

5.37 D52 Submissions (E6) (Redacted).

Page 1024 - 1070 – Part B – Portfolio Documentation Short form portfolio

p. 106.

5.38 D53 Submissions (E8) (Redacted).

Page 1071 – 1042 – Part B – Portfolio Documentation Short form portfolio

p. 107.

5.39 D55 Submissions (E6) (Redacted).

Page 1043 – 1073 – Part B – Portfolio Documentation Short form portfolio

p. 108.

5.40 D56 Application (E8) (Redacted).

Page 1074 – 1076 – Part B – Portfolio Documentation Short form portfolio

p. 109.

5.41 D57 Case law (E6) (Redacted).

Page 1077 - 1084 – Part B – Portfolio Documentation Short form portfolio

p. 110.

5.42 D58 Judgment and orders (E6) (Redacted).

Page 1085 – 1106 – Part B – Portfolio Documentation Short form portfolio

p. 111.

5.43 D59 Solicitor appointment (E6) (Redacted).

Page 1107 -1109 – Part B – Portfolio Documentation Short form portfolio

p. 112.

5.44 D60 Statement of claim (E7) (Redacted).

Page 1110 – 1116 – Part B – Portfolio Documentation Short form portfolio

p. 113.

5.45 D61 Defence (E7) (Redacted).

Page 1117 - 1121 – Part B – Portfolio Documentation Short form portfolio
p. 114.

5.46 D62 Amended defence (E7) (Redacted).

Page 1122 - 1126 – Part B – Portfolio Documentation Short form portfolio
p. 115.

5.47 D63 Affidavit (E7) (Redacted).

Page 1127- 1178 – Part B – Portfolio Documentation Short form portfolio
p. 116.

5.48 D65 Practice notice (E7) (Redacted).

Page 1179 - 1193 – Part B – Portfolio Documentation Short form portfolio
p. 117.

5.49 D66 Case law (E7).

Page 1194 – 1203 – Part B – Portfolio Documentation Short form portfolio
p. 118.

5.50 D67 Case law (E7).

Page 1204 – 1211 – Part B – Portfolio Documentation Short form portfolio
p. 119.

5.51 D68 Submissions (E7) (Redacted).

Page 1212 – 1221 – Part B – Portfolio Documentation Short form portfolio
p. 120.

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5.52 D69 Bail Act (E4) (Extract)

Page 1222 – 1223 – Part B – Portfolio Documentation Short form portfolio
p. 121.

PART B – PORTFOLIO DOCUMENTATION

Appendix B – Research Respondent Consent Forms



Flexible and Adaptive Leadership in the Context of a Barrister Operating in a Project-Oriented Environment

Research Respondent Consent Forms

Charles Moschoudis
Barrister at Law

Australian Graduate School of Leadership
Torrens University Australia

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

The information and anything else you may provide is required in connection with research that is being undertaken as a component of a professional doctorate.

It is your right to withdraw your participation in the research at any stage.

Any information or personal details gathered in the course of the research are confidential and neither your name nor any identifying information will be used or published without your permission. However, such information may be provided in confidence to appointed examiners.

The information and anything else you may provide will be held in a safe, secure location whilst being utilised and after use would be destroyed or disposed of in a manner that would not jeopardise its confidentiality.

You will be informed whether interviews are being recorded and your signature below implies your consent to this recording.

Please select ONE of the options below by signing your initials in the space provided:

☐	I give permission for information provided by me in the course of the research to be published
☒ <i>PE</i>	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
☐	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia

Phone: 02 82110634

Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: *PE*

Name: P. El Zeini

Date: 3 March 2020

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	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: 

Name: G. Sarkisian

Date: 21 March 2020

Flexible and Adaptive Leadership
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It is your right to withdraw your participation in the research at any stage.

Any information or personal details gathered in the course of the research are confidential and neither your name nor any identifying information will be used or published without your permission. However, such information may be provided in confidence to appointed examiners.

The information and anything else you may provide will be held in a safe, secure location whilst being utilised and after use would be destroyed or disposed of in a manner that would not jeopardise its confidentiality.

You will be informed whether interviews are being recorded and your signature below implies your consent to this recording.

Please select ONE of the options below by signing your initials in the space provided:

	I give permission for information provided by me in the course of the research to be published
	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

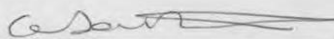
If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia

Phone: 02 82110634

Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: 

Name: G. Sarkisian

Date: 18 April 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

The information and anything else you may provide is required in connection with research that is being undertaken as a component of a professional doctorate.

It is your right to withdraw your participation in the research at any stage.

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You will be informed whether interviews are being recorded and your signature below implies your consent to this recording.

Please select ONE of the options below by signing your initials in the space provided:

☐	I give permission for information provided by me in the course of the research to be published
☒	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
☐	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: 

Name: G. Sarkisian

Date: 19 April 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

6 May 2020

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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It is your right to withdraw your participation in the research at any stage.

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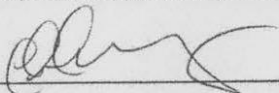
Please select ONE of the options below by signing your initials in the space provided:

	I give permission for information provided by me in the course of the research to be published
CM	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: 

Name: Christopher Murray

Date: 3 September 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

6 May 2020.

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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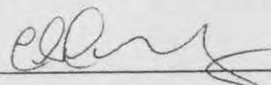
If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia

Phone: 02 82110634

Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: 

Name: Christopher Murray

Date: 3 September 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

6 May 2020

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: _____

Name: Christopher Murray

Date: 3 September 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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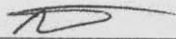
Please select ONE of the options below by signing your initials in the space provided:

	I give permission for information provided by me in the course of the research to be published
A	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: 

Name: A. Moschoudis

Date: 22 March 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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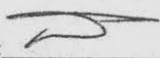
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	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed:  _____

Name: A. Moschoudis _____

Date: 13 March 2020 _____

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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☐	I do not give permission for information provided by me in the course of the research to be published

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DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: _____

Name: Tony Soubis

Date: 8 July 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

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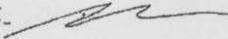
If you have any concerns or complaints about the research please contact: DBL Admin, AGSL within Torrens University Australia

Phone: 02 82110634

Email: admin@agsl.edu.au

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

I agree to participate, given the above
conditions.

Signed: 

Name: John Weir

Date: 8 July 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

8 July 2020

Appendix B - Research Respondent Consent Form

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Please select ONE of the options below by signing your initials in the space provided:

	I give permission for information provided by me in the course of the research to be published
K.G.	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia

Phone: 02 82110634

Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: K.G. my

Name: Ken Gray

Date: 19/9/20

Flexible and Adaptive Leadership in the Context of a Barrister Operating in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

This form is to be signed by each individual respondent

The information and anything else you may provide is required in connection with research that is being undertaken as a component of a professional doctorate.

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You will be informed whether interviews are being recorded and your signature below implies your consent to this recording.

Please select ONE of the options below by signing your initials in the space provided:

	I give permission for information provided by me in the course of the research to be published
AS	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: _____

Name: A. Sarki

Date: 3 March 2020

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix B - Research Respondent Consent Form

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You will be informed whether interviews are being recorded and your signature below implies your consent to this recording.

Please select ONE of the options below by signing your initials in the space provided:

	I give permission for information provided by me in the course of the research to be published
Jm	I give permission for information provided by me in the course of the research to be published provided no identifying information is included
	I do not give permission for information provided by me in the course of the research to be published

If you have any concerns or complaints about the research please contact:

DBL Admin, AGSL within Torrens University Australia
Phone: 02 82110634
Email: admin@agsl.edu.au

I agree to participate, given the above conditions.

Signed: JMoss

Name: T. Moss

Date: 3 March 2020

Appendix C – Ethics Statement



Flexible and Adaptive Leadership in the Context of a Barrister Operating in a Project-Oriented Environment

Ethics Statement

Charles Moschoudis
Barrister at Law

Australian Graduate School of Leadership
Torrens University Australia

Flexible and Adaptive Leadership
in the Context of a Barrister Operating
in a Project-Orientated Environment

Appendix C - Ethics Statement

This form is to be signed by the candidate when submitting work that involved research on human subjects.

Each respondent was:

- Provided with a clear explanation as to why the particular information, documentation and/or artefacts were being sought;
- Informed that it was their right to withdraw their participation in the research at any stage;
- Assured that any information or personal details gathered in the course of the research are confidential and that neither their name nor any identifying information will be used or published;
- Assured that the information, material(s) and/or instruction(s) provided would be held in a safe, secure location whilst being utilised and after use would be destroyed or disposed of in a manner that would not jeopardise its confidentiality;
- Advised that a recording device was to be used whenever this was necessary and their permission was obtained prior to this use; and
- Advised that if they had any concerns or complaints about the research to contact:

- Professor Ramzi Fayed
DBL Admin
AGSL within Torrens University Australia
Phone: 02 82110634
Email: dbf@imia.edu.au

DBL Subject Code:

DBL-015

Signed:

Student
number:

0015-70691

Date:

19 September 2020