

Exploring Legal Education and Lawyer Training — Hope and Change Emerge Amid a Profoundly Altered Landscape

by Amy Sladczyk Hancock

Amidst the refreshingly optimistic backdrop of the recent 2010 Professional Development Institute sponsored by NALP and ALI-ABA in collaboration with the Professional Development Consortium, multiple conversations about departments beginning to expand by adding new members could be overheard during breaks between the incredibly informative sessions. Also refreshing was the attendance — the largest PDI to date! Maybe we *are* beginning to turn the corner after all, but one thing is certain: the landscape we see around that corner has been profoundly altered by the economic events of our recent past.

One area undergoing alteration is that of law school curriculums. What one law professor called a “new kind of teaching” was discussed in depth by five members of the legal academic community during a plenary session at the PDI. What was the key take-away from this impressive program? It was that it’s going to be more and more crucial for law firms to change their current recruiting models and methods (to more behaviorally oriented models) and that law firms and other legal employers need to collaborate on all aspects of legal education with the law schools from which they recruit. The huge communication gap between law schools and the law firm world needs to be narrowed as soon as possible if law schools are to graduate more students with greater propensities for success in all types of legal settings and practices.

The discussion was moderated by our Executive Director, James Leipold, and The NALP Foundation’s President and CEO, Tammy Patterson, and included law professors Benjamin Barton of the University of Tennessee College of Law, Bill Henderson of Indiana University Maurer School of Law, Therese Maynard of Loyola Law School (Los Angeles), Michael Hunter Schwartz of Washburn University School of Law, and David Van Zandt, Dean of Northwestern University School of Law and President-Designate of The New School University.

Leipold and Patterson led the academic pioneers through a series of questions about their own experiences in developing innovative legal curriculums. The panel members shared many examples of the effective and interesting things they are doing to change what and how law students learn throughout the course of their legal studies. They were candid as they discussed the challenges of effecting significant change within the constraints and traditions of legal academia, and they also shared their hopes for a future featuring more change and collaboration with the outside legal organizations for which they graduate and produce lawyers.

Law school curriculums are being changed based on the answers the professors have been getting to these questions: What skills would firms like to see? What skills and traits do the partners complain that their new associates lack? Can we start

training for those deficiencies with innovative, interactive, and revised law school curriculums from day one of the first year of law school?

When the professors shared the answers they've received to these critical queries and explained the varying ways their curriculums are evolving to meet the needs of a new legal environment, PDI attendees learned about little known, unique, cutting-edge capstone programs and curriculums.

Loyola's Therese Maynard shared that the criteria the "real world" will use to evaluate the next generation of lawyers is what Loyola is trying to implement in its classrooms right *now*, rather than assuming that it is the job of legal employers to develop these skills *later*, upon employment. Loyola's approach is to offer a simulated deal format that lets students experience the lifecycle of a transaction and interactively teaches them exactly what it is that deal lawyers do when they practice law. Loyola has created its own version of what is equivalent to the trial advocacy curriculum for transactional lawyers. Their students undergo three graded assignments that are representative of the kind of work a first-year deal lawyer would do. Instructors give timely and detailed feedback on the work product and the students are required to self-initiate and incorporate that feedback into subsequent assignments in order to improve and advance in the classes. So far, the unsolicited testimonials from people who have completed the new curriculum reflect that they really *do* "hit the ground running and have a leg up on their peers" in their new associate classes.

The panelists all agreed that most law students have learned how to ace exams by their third years. In simulated classes, therefore, the students are sometimes given B's or even (gasp!) C's, which would be more similar to feedback received if the students were first-year lawyers and turned in mediocre products to their superiors. In these innovative settings of revised law school curriculums the students are successfully learning how to take feedback (even the negative kind) and use it to improve their work products even if their next

classroom assignments do not mirror the prior ones.

Tennessee's Benjamin Barton shared his experiences of engaging in an integrated approach to bridging the gap from education to actual practice through a format of simulated deals. To create their program, they first met with hiring attorneys and other members of the bench and bar and tried to figure out what these people wanted and expected from a Tennessee Law graduate. Armed with that knowledge they configured their first-year curriculum to include explicit training for actual skills and their second-year curriculum to include an advocacy or transactional concentration. These two years obviously build upon each other and are then followed by a capstone experience clinic or an externship during the student's third year.

Washburn's Michael Hunter Schwartz shared details of his school's program, which puts every law student into a simulated five-lawyer (student) law firm that is led by an upper division student. This allows for the "lawyer" students to engage in team-based learning where they have opportunities to navigate through conflicts, learn how to prepare for group meetings, and become experienced with giving and receiving critical feedback.

Dean Van Zandt commented that he knows that learning to be a good lawyer is a lifelong event, but law schools still want to determine what they can best do for the students. For this reason, he supported and spearheaded an effort at Northwestern in 2008 that began by looking at competencies in other professional service industries. His curriculum design team then came up with a set of six competencies they wanted to teach in addition to the traditional teaching of legal analysis and reasoning.

These competencies include *Basic Teamwork* (training students to be able to work with multi-disciplinary teams); *Project Management* (turning into leadership skills training later in their studies); *Basic Communication Skills* (teaching students how to talk in a business-relevant way to

a client and properly counsel clients on business risks); *Basic Understanding of Strategy* (operational understanding of the business objectives of all business entities from nonprofit organizations to government agencies); *Quantitative Ability* (understanding finance, statistics, and accounting); and *Globalization Skills* (teaching students skills involved in working cross-culturally and jurisdictionally).

The addition of competencies such as globalization skills in Northwestern's offerings could not be more timely or relevant for firms that are striving to reach global goals. For instance, Linklaters, a large global law firm, specifically recruits law students who possess a "broad-based" view of the world. They have created behavioral case studies to use in their interview process that ask such questions as, "Are you reading the paper?" or "Do you know what's going on in the world?" This has allowed Linklaters to better select those who will succeed in their global organization, and there is no doubt that prospective law students wanting to be hired by such firms should seek an education that will prepare them for the global needs of today's law firms.

What Do Law Firms Need to Do?

Bill Henderson predicted that if law firms don't change their hiring criteria and continue to look only at GPAs and traditional law school exams, then all the innovative training programs the law schools are starting to develop will be for naught. As law schools improve their curriculums (as evidenced by the many examples the panelists shared) and prospective law students become more savvy when selecting the educations they are purchasing, the question naturally arises: Where do law firms fit into the overall picture of legal education and lawyer professional development?

More precisely, what do law firms need to do? First, panelists said that law firms should acknowledge how important it is (and how mutually benefi-

cial it can be!) for law firms and schools to work together.

More specifically, if there are skills a law firm wants its prospective lawyers to possess, the firm should ask for meetings with the deans and curriculum designers at the law schools the firm recruits from. At these meetings, the firm should share information about the skills and training it is seeking in its recruits. The plenary panelists stressed that in the current economic climate very few deans would fail to listen to such a law firm request. Law schools are eager, said panelists, to hear from law firms and to learn how law schools can better prepare their students.

The panelists also said that large law firms should take advantage of the fact that they are hiring students while they are *still* in school and capitalize on the opportunity to guide and mold a student's schooling. Before, during, and after the interview process, firms should look at the curriculums at their potential hires' law schools and tell their recruits which courses might be particularly beneficial. Panelists suggested this type of feedback on a recruit's legal education might be much more beneficial for both student and firm than time invested in rounds of golf or fancy dinners.

Panelists also suggested that law firms should really look at how they recruit new lawyers. If old recruiting methods are no longer effective, they should be changed. Recruiting programs must be designed strategically to identify and recruit for traits necessary for success at a specific organization.

In order for innovative law school programs to thrive and grow, law firms must show that they value this academic innovation by making a serious attempt in the recruiting arena to evaluate candidates based upon the skills law schools are trying so hard to deliver. Finally, panelists suggested that law firms offer to create or participate in pilot projects with the law schools where they recruit — and that firms share data with schools about how the schools' graduates have succeeded within

their firms. If law firms are willing to share this information with law schools, said panelists, the schools will be better able not only to refine their curriculums but also to work with their admissions teams to pre-select those who will be most successful in law firm practices at graduation — a positive outcome for law schools, law firms, and a new generation of lawyers.

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