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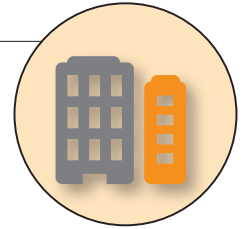
## LAW SCHOOLS

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Collaboration

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### Ask **What the Bar Can Do** For Law Schools



BIGSTOCK

BY JEREMY PAUL

JEREMY PAUL is dean and professor of law at Northeastern University School of Law.

**S**purred by clients who balk at paying for work done by brand new lawyers, bar leaders have looked to law schools to get better at producing so-called “practice-ready” graduates. But like

the proverbial defendant charged with civil contempt who holds the key to his cell in his hands, it is the profession’s leaders who are best positioned to partner with law schools to solve the very problems

legal employers so often identify. Law deans owe it to our students to enlist these valuable partners even as we find ourselves also under useful pressure to focus on broader university goals. Here's what a team effort might produce.

### Where Are We Now?

Step one is recognizing what's happening at all but the very richest law schools. Slight rises in 2016 law school applications and entry level jobs cannot be allowed to mask the significant shift in the place law schools hold within universities and within the profession. Class sizes are down, and scholarship funds for high achieving students are substantially up. So it's financially challenging for most schools to achieve customary excellence let alone fund new initiatives. Yet applicants, employers, ABA accreditation teams, and university leadership are demanding changes to law schools, with pulls and tugs coming from multiple directions. Applicants chase higher rankings, derived largely from scholarly reputation, thus pressing schools to invest in research. Employers talk of the changing skills needed to thrive while continuing to pursue graduates with top grades and law review status. New accreditation standards are demanding renewed emphasis on quantifying the quality and outcomes of instruction. Bar examiners are demanding additional requirements from students. And University leadership often prizes joint appointments with Ph.D.'s far

removed from the world of practice. Finding resources to confront these competing demands will require all hands on deck.

### What's at Stake?

This is not just a problem of sleepless nights for law school deans. A vibrant legal academy is essential to producing the lawyers for the next generation, those whom today's legal employers and consumers of

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legal services are going to depend upon to keep law practice at the highest standards. Even more important, the country will count on lawyers to infuse our rapidly changing technological society with the same values of fairness and a level playing field that have been the hallmark of democratic society. Given the high debt burden upon today's students, it would be unconscionable to expect them to keep pace with rapid tuition increases. Accordingly, law schools have no place to turn but to those now enjoying the privileges of the bar to help

construct the next phase of legal education. The bar can help in so many ways.

**Hire differently:** All of us who graduated from law school in the last century are familiar with one longstanding form of entry level hiring. Bring through your offices the students with the best grades from the highest ranked law schools. Make sure that your candidates can tie a tie or match purse to shoes. Ask a few general questions to ensure the candidate can think and speak clearly. Then hire the ones who impress and start the process of turning the best and the brightest into real lawyers through tough early years of on-the-job training. Alas, we all know that economic support for such training has dramatically dwindled. So why haven't more legal employers altered their method of selecting their newest recruits?

It's not as though employers are generally content with the rut they are in. After all, everyone knows that law school grades are a poor predictor of many skills needed to thrive in our profession. Certainly the analytical talents it takes to perform well on issue spotting exams and the writing skills required for research papers will always be prized in the marketplace. But if legal employers are serious about the many additional skills they value for success in the 21st century profession—teamwork; relationship building; interdisciplinary understanding; and just plain hustle—then they should begin crafting a hiring process that uncovers and focuses on these traits too.

Fortunately, guidance already exists. Berkeley Professors Marjorie Schultz and Sheldon Zedeck have done path-breaking work identifying lawyer competencies such as problem solving; practical judgment; building relationships with clients; and networking and business development that must be added to analytical ability to make a first-rate attorney. And experts at places such as Lawyer Metrics have developed interview techniques, such as the structured panel, that ask the candidate to perform in simulated situations in ways that the candidate can display a broad array of competencies. Questions often begin with invitations to the candidate to be specific with openings such as “tell us about a time when ...” Approaches of this kind far transcend the familiar office-to-office shuffle in which the employer learns little more than can already be gleaned from the candidate’s resume. The important point is not that any specific employer adopts a particular technique but that every employer commit to hiring practices that reward students for developing a broad array of skills, especially those that can be developed in the increasing number of practice settings students can now sample during law school. If employers are to insist that law schools do more than teach students to “think like a lawyer” they must reward students who can “act like a lawyer” with plum opportunities.

**Open doors for students:** By far the most meaningful reform in legal

education during the second half of the 20th century was the advent of the legal clinic. In clinical settings, students have the chance to interact with and take action on behalf of actual clients with legal needs. Clinical education affords gifted supervisors the opportunity to focus student attention on the complex performances required from practicing attorneys. Equally important, each student gains an opportunity under close supervision to prepare for a performance (such as questioning a witness or arguing a motion); to actually perform a lawyerly task; and then to reflect on the pros and cons of that performance.

Clinical education as now implemented at most law schools, however, is stunningly expensive. Many law school clinics have only a handful of students, and many full-time clinical professors can offer only a small number of clinics each year. So if more of today’s students are to have the chance to learn on-the-job and not just in the classroom, today’s leading lawyers need to open their offices to student learning experiences. This can take place via the traditional externship program in which a student spends some number of hours per week learning in an employment setting; through more intensive programs, such as Northeastern’s co-op program or Vermont Law School’s semester in practice, in which the student is housed full-time in a law office; or through new experiments in which bar leaders pair with classroom instructors to

add experiential components to traditional courses. Law schools need seasoned attorneys to assume training students not merely as an occasional courtesy for the law school but as a vital component of preparing the next generation of lawyers. Consider the huge effort medical professionals devote to training new doctors. Participation in student training should become another way for lawyers to satisfy ethical obligations to give back to the profession.

**Collaborate on curriculum and teaching:** Almost all law schools benefit immensely from practicing attorneys teaching courses in cutting edge fields, such as health care fraud and abuse, or multidistrict litigation. Students and deans owe a debt to these members of the “adjunct faculty” for bringing contemporary richness that full-time faculty alone could not provide. But leaders of the profession can add far more than what is achieved through individual courses in which the local lawyer comes to campus, teaches a class, and then quickly departs. If legal employers want to see a different set of skills among recent law graduates, leading professionals can contribute in many other ways. One approach is the co-taught course in which a full-time faculty member teams with a leading practitioner. Students in such classes gain exposure to shifting perspectives between “how things are done” and “how they might be done in the future.” Problem sets and class discussion are better

grounded in how the course material interacts with the attorney's day-to-day life in the field. Perhaps, even more important, leading lawyers can contribute immensely to law school curricular development by serving on law school committees charged with mapping out student's academic plans from orientation through commencement. Of course, law schools must be receptive for such involvement to succeed. But bar leaders must be willing to spend time, sit through meetings they may find painful, and defer sometimes perhaps more than they find appropriate to scholars who are far removed from daily practice. How else can law schools be sure that our curricula are up to date?

**Use data to promote experimentation:** Law schools generated significant and justifiable criticism by reporting to prospective applicants employment statistics that failed to distinguish between a job as a prosecutor and a job selling books at Barnes & Noble. Recent efforts to address this concern have produced an overreaction. The American Bar Association carefully distinguishes jobs where a J.D. is required from those where it is merely an advantage. Although rankings services are supposed to count both equally, there is considerable fear on campus that only the J.D. required jobs really "count." This is an overly narrow view of post-graduate success. Law schools that wish to afford students opportunity to acquire skills that will serve them well in business; as public advocates; as writers

or as managers of non-profits may seek to limit students access to these skills for fear of steering them in the "wrong" direction. Yet these alternate skills are also those that bar leaders now often crave for even the most traditional jobs. The A.B.A. should revise its categories into jobs that are "professional" and those that are not. This will discount the bookstore clerk without imposing today's straitjacket.

**Make significant financial gifts:** You knew this was coming. Legal employers counting on a steady stream of highly qualified law graduates need to increase significantly the philanthropic resources now flowing from the bar to the academy. Generous bar leaders can certainly pick and choose what aspects of the law school they find most attractive, although some maturity about the way law students choose to spend money and use donor names is important. But the legal education each of us received has enabled so many of us to lead lives rich in financial rewards as well as career satisfaction. The next generation is saddled with increasing debt and eager to make a difference just as so many in earlier generations have done. So please, wherever you are reading this, pick up your checkbook or your credit card today.

**Pay attention to law schools:** Readers of this column may not need this advice. But tell your friends that law schools today are in a state of exciting transformation. We are experimenting with new curricula, changing calendars, new

teaching formats, and closer ties to other disciplines. Law schools need inspired participation from outside the academy to help us preserve the best of what has come before while adopting the best of what has yet to be.

**Stop denigrating the value of legal research:** Every discipline contains some research projects that prove to be a dead end. Every lawyer can pick up a law review and note one or more articles that seem far removed from the heart of our profession. But these same law reviews provided avenues for the development of concepts such as privacy, sexual harassment, citizen suits and new property. It would be hard to imagine the world as a richer place if we cut off opportunities for experts to re-imagine existing laws in ways closer to our ideal of fairness and justice. Instead of making fun of law review articles, bar leaders should take time to write them. You have much to offer and you never know when the right citation might lead to a new client.

Of course, collaboration from the bar in the legal education project is a two-way street. Law schools cannot invite help without being open to accepting and truly responding to suggestions and advice. Yet, only a more meaningful partnership can produce the reforms law schools need to navigate our current environment.