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### Well-Timed Solutions for Legal Education and the Bar

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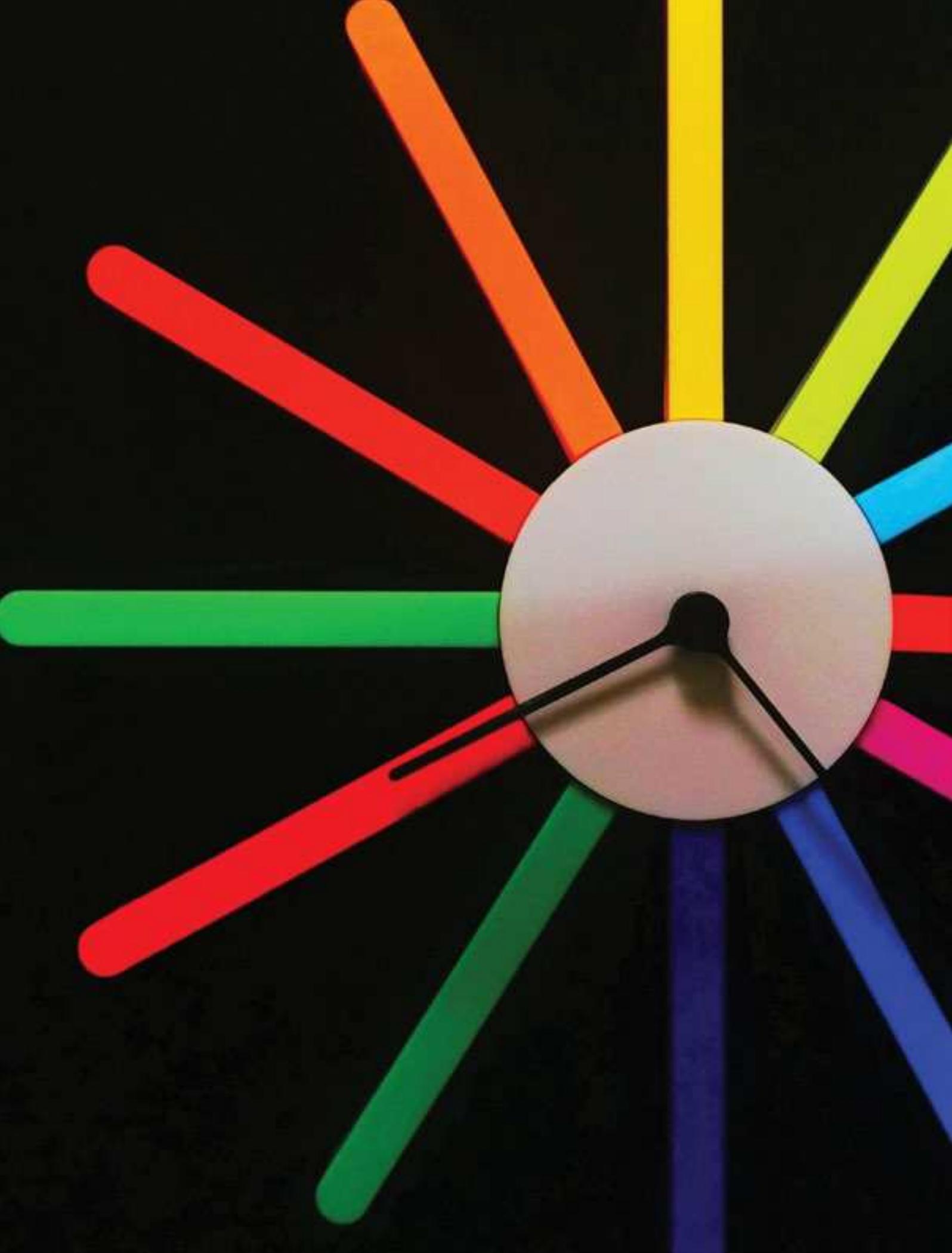
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Well-Timed

Solutions

for Legal Education  
and the Bar

Now is  
the right  
time to  
begin  
training  
future  
lawyers  
with a  
broader  
skill set.

By William Henderson

It was sometime after I got tenure that I realized data and reason are relatively weak tools for effecting change. The same is true for big ideas. To effect change one needs to understand the glue that holds together the status quo. Then, when that adhesive power begins to weaken, there is an opportunity to create something new that better fits the times. Data, reason and big ideas are helpful in effecting change, but timing is more important.

Earlier this year, I was part of a team that founded the Institute for the Future of Law Practice (IFLP, pronounced I-flip), a 501(c)(3) nonprofit designed to help legal education fill a growing skills gap within the legal industry.

The timing is right as the modern legal profession is struggling to adapt to the dramatic shift in the economics of practice. In state courts, total filings are down, but the proportion of self-represented litigants is up. These trend lines suggest that a shrinking proportion of ordinary citizens can afford a lawyer to help them navigate many of life's most basic legal problems. Likewise, in large corporations a growing proportion of legal work is being brought in-house or being diverted to alternative legal service providers. As a result, the work going to law firms is more specialized and best suited for partners or other more experienced lawyers.

**IFLP's challenge is to identify the legal industry's leading T-shaped professionals and distill their know-how and experience into an organized body of knowledge that can be taught to law students and mid-career legal professionals.**

Cumulatively these forces have resulted in a significant graying of the profession and a historic shift in the quantity and type of jobs available to law school graduates. These are enormous business challenges for both the organized bar and legal education.

### Start With a Solution

In this article I am going to start with IFLP's solution and work backward to the problem we are trying to solve. This is because our solution is designed to elicit a simple market-based response from law schools and legal employers: Do you want to participate in IFLP's programming, yes or no? This approach avoids the paralysis-by-analysis tendencies so common among lawyers and law professors.

IFLP is a consortium of law schools, law firms, corporate legal departments, alternative legal service providers and technology companies that believe legal professionals of the future need a larger skill set. To achieve that goal we are building a series of boot camps that will be offered at the end of the first and second years of law school. The first-year boot camps focus on data, process, technology, business conceptions and cross-discipline communication and collaboration. The second-year boot camps combine business and operations skills with substantive law, helping students to see the interrelationships between systems thinking and bespoke lawyering. To cement the learning, students completing the boot camps are placed with IFLP employers for either a 10-week internship or a seven-month field placement.

In addition to running the boot camps and organizing employment opportunities for students, IFLP is also building training modules for mid-career legal professionals. The need is acute since virtually every legal service organization is being asked to provide greater value to their internal and external clients without increasing overall cost. Yet very few legal professionals have been exposed to the required tools or methods as part of their formal education.

In sum, IFLP is creating educational programming designed to increase the number of T-shaped legal professionals, as depicted in Figure 1.

Producing more T-shaped legal professionals is a difficult order to fill, primarily because the state of the art is currently being developed in the field by practitioners. These lawyers and allied professionals have résumés very different from the typical law school professor's. Even if a law school were willing to broaden its hiring criteria to fit the times, there aren't enough of these practitioners to go around. Thus the immediate challenge for IFLP is to identify the legal industry's leading T-shaped professionals and distill their know-how and experience into an organized body of knowledge that can be taught to law students and mid-career legal professionals.

For participating law schools IFLP is a solution to the stagnation of the traditional entry-level job market as our participating employers include in-house legal departments, alternative service providers, legal technology companies and progressive law firms seeking a deeper and reliable supply for entry-level talent. For participating legal employers, the solution comes in the form of legal professionals who are not wedded to tradition and have the skills and mindset to embrace different ways of solving legal problems.

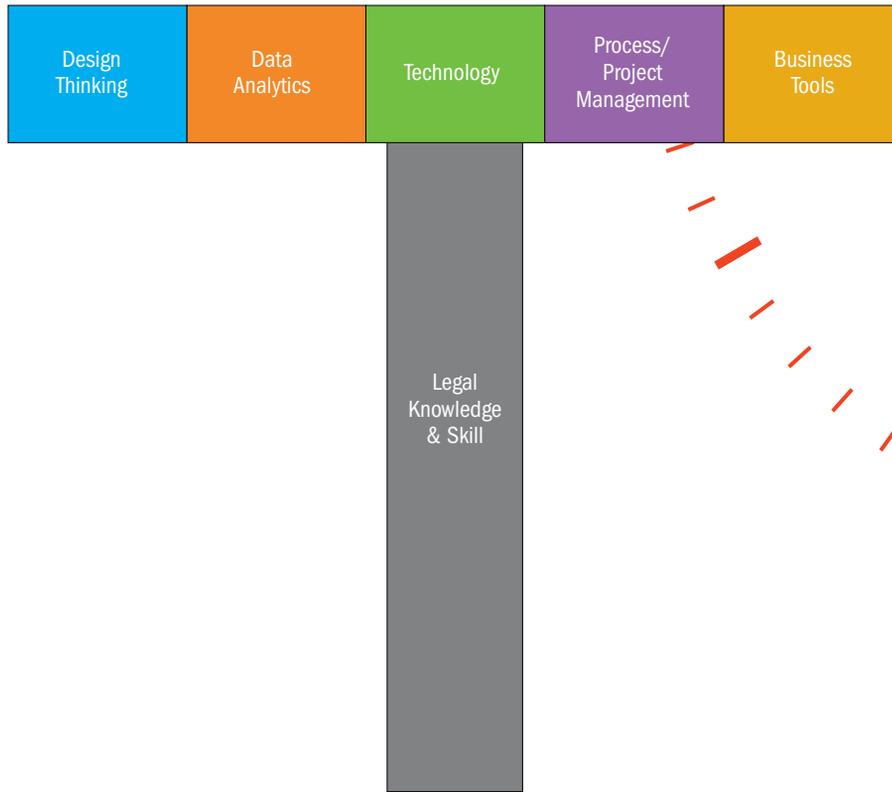
### Glued Together by Growth

I emphasize the solution here because the strongest glue in any complex economic system is growth. And the legal profession and legal education are definitely complex economic systems that, until recently, enjoyed nearly a century of steady growth in both jobs and income.

Lack of growth is uncomfortable for lawyers and law professors, but decades of success and stability make it nearly impossible to reach a working consensus on (1) the need for change, (2) the direction of change and (3) the timing of change.

IFLP is an intermediary organization that enables law schools and legal

Fig. 1  
The T-Shaped Lawyer



employers to tap into a new area of growth within the legal industry without requiring a commitment to reinvention or a controversial new strategy. IFLP is bearing the risk of failure. If IFLP is successful, however, it will be through the participation of a steadily growing number of legal employers. In turn this enables participation by additional law schools and law students. Over time participants begin to see—and create—new models of education and practice.

Legal education is responsive to innovations that improve the opportunities available to their graduates. The most prominent and enduring example occurred, however, nearly a century ago when the nation's leading business law firms began hiring exclusively from so-called "national" law schools. National law schools had three distinctive features:

1. Use of the case method, which combined legal doctrine with an opportunity to acquire and practice critical thinking.

2. Full-time faculty who were engaged in the study and development of law, including the founding of the American Law Institute, the various Restatements of Law, the Uniform State Law Movement and the drafting of New Deal legislations.

3. A requirement that students complete an undergraduate degree before entering law school.

These innovations created law graduates who could perform better as law firm associates. By the mid-1950s the innovations of the national law schools became the standard practice throughout legal education. Thereafter, for the next several decades, both the legal profession and legal education grew in size and stature.

Against this backdrop of success, those of us seeking to update and modernize legal education and the legal profession might want to consider the limitations of conferences, symposia

and bar association task forces as vehicles to drive change. What is likely to be more effective are incremental solutions that offer relatively low-risk and low-cost ways to take action and learn. We created IFLP to facilitate this type of experimentation for the benefit of the entire legal industry. If our analysis is correct, IFLP can help accelerate both law schools and legal employers through a very difficult period of transition.

### What Is the Problem?

My research as a professor suggests that the legal profession is plagued by lagging gains in productivity, which makes traditional legal problem solving more expensive relative to other goods and services. Thus clients—both individuals and organizations—are looking for ways to reduce their expenditure on lawyers. By dint of their experience, older lawyers tend to be more efficient and skilled than new lawyers. As a result, a shrinking number of law graduates are being absorbed into the licensed bar, leading to a significant graying of the legal profession and historic lows in law school applicants. The long-term solution is to develop new ways of providing legal services that better fit the needs of clients. This would open up new avenues for growth.

An explanation of the problem, however, invites debate. In contrast, IFLP is offering a low-cost way to test-drive solutions to a slow-growth or no-growth legal economy. If you and your organization are interested, contact us at [future-lawpractice.org](http://future-lawpractice.org). **LP**



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