

Professional Development for Law Students and Lawyers

Whose responsibility is it to train new lawyers for today's challenging legal environment? Obviously, both law schools and law firms must assume key roles in this effort, though opinions vary about who should teach what, and when.

BY PAULA NAILON



NALP – The Association for Legal Career Professionals occupies a unique role in the profession, in that collectively our 2,400-plus members owe allegiance to both the “supply side” (law school) and “demand side” (legal employer) of the attorney pipeline.

As Assistant Deans and Directors in law schools, we manage Career Offices, coordinate pro bono and public service projects, assist in creating scholarship and loan repayment programs, provide professional development training, and, in growing numbers, teach law school courses. As managers and department heads in law firms and legal organizations, we direct recruiting and marketing, lead diversity initiatives, support mentoring programs, provide training and professional development for new and experienced attorneys, and provide career coaching.

THE BACKPACK TO BRIEFCASE CONTINUUM

In late summer each year, regardless of our specific employment setting, almost every NALP member participates in a law-related mass migration of astounding proportions.

- **Coming into the pipeline** — Excited and apprehensive, new admits are off to school. Once they have acclimatized to the classroom, NALP members will share a wide variety of career-related resources, as well as hands-on counseling to get them oriented. In 2007, according to

according to ABA research, it is safe to say that a sizeable number were engaged in legal employment. NALP members have prepared for their return; sizable on-campus interviewing programs will begin almost immediately, along with more specialized career counseling and programming, to help students fine-tune their career goals.

- **From law schools to law firms** — New graduates – excited, apprehensive, and a little bit exhausted from their bar exams – are preparing for their first days of work as “real lawyers.” NALP members will get them off to a good start with orientation, training, mentoring programs, and first assignments. In 2008, according to NALP research, 31,085 law school graduates started new jobs requiring J.D. degrees.

In light of the high volume coming and going of about-to-be and new lawyers, Professional Legal Management WeekSM (PLMW) seems an appropriate time to reflect on the environment into which they are headed. The profession faces many challenges, including the struggle to recruit and

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statistics from the American Bar Association (ABA) Section on Legal Education & Admissions to the Bar, 197 law schools opened their doors to an incoming class, totaling 48,964 students.

- **From law firms to law schools** — Interns are polishing their final research projects and heading back to the classroom. While exact numbers are not available, with 96,000 law students enjoying summer breaks in 2008,

retain top talent, growing economic uncertainties, increased globalization, and decreasing client loyalty, along with growing scrutiny and demands for highly specialized, yet cost-effective representation.

Whose responsibility is it to train new lawyers for today’s challenging legal environment? Obviously, both law schools and law firms must assume key roles in this effort, though opinions vary about who should teach what, and when.

Because PLMW readers are likely to be more familiar with how law firms are stepping up to the challenge, this article will concentrate on interesting new developments in law schools. But first, a historical perspective may provide useful background information.

HISTORICAL PERSPECTIVE ON LEGAL EDUCATION

From colonial times until the late 1800s, most lawyers honed their skills as apprentices to experienced jurists. For many, such as Abraham Lincoln, this involved “reading the law” on their own. Others learned under the guidance of talented and dedicated mentors (for example, Thomas Jefferson read the law for five years under George Wythe, who later became the United States’ first professor of law at William and Mary).

Law schools slowly gained in popularity and, in the 1870s, were elevated to new heights when Harvard Law School Dean Christopher Langdell introduced the Socratic dialogue and case study method. From that time onward, legal education focused more on academics and critical thinking skills than on practical skills and how to be a lawyer.

Things changed in 1993, when the American Bar Association published the *Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (a.k.a., “the

standards. Section 302(a)(4) of the Standards of Legal Education now states: “Law schools shall require that each student receive substantial instruction in ... professional skill ... [and] shall offer substantial opportunities for ... real life, practical experiences....” With this new mandate, law schools began exploring ways to integrate the “how” into “what,” and began offering more varied and creative opportunities for students to prepare for their careers.

In 2007, the Carnegie Foundation released *Educating Lawyers: Preparation for the Profession of Law*. The report concluded that law schools are good at quickly teaching students to “think like lawyers,” i.e., to see both sides of an argument, sift through facts and precedents, use precise language, and understand the application and conflicts of legal rules. However, this comes at the expense of preparing students for the realities of practice, and reinforces the habit of thinking like a student rather than like an apprentice lawyer.

Among other suggestions, the report recommends integrating a practice-oriented perspective into traditional doctrinal instruction by weaving concepts of lawyering, professionalism, and legal analysis throughout the curriculum. It also recommends better use of the second and third years of law school to help students develop specialized

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MacCrate Report”). The report identified 10 basic skills lawyers should possess (problem solving; legal analysis; research; factual investigation; communication; counseling; negotiation; familiarity with litigation, advocacy, and alternative dispute resolution; practice management skills; and ethics) and four fundamental values (dedication to justice, competent client representation, self-governance as a profession, and professional self-development). MacCrate was the catalyst for an accelerated integration of clinical education into the law school curriculum.

In 2004, instruction in practical skills became *mandatory* for all students, when the ABA revised its accreditation

knowledge, participate in more clinical experiences, and strategize reflectively concerning their careers and future professional growth.

Have schools responded to these calls for change? Innovation is high on the agendas of most law school deans and faculty. For example, many first-year students may now choose an elective in the spring semester. (Offerings typically include international, intellectual property, and regulatory/administrative law.) Writing may be taught in the context of a “law office setting,” where students interview and depose witnesses, write client letters, prepare “real” memorandums and motions, and argue them in court. Northwestern

University recently became the first top-ranked law school to offer a two-year J.D. degree. The coming years will surely bring sweeping changes in the ways we educate and prepare lawyers for practice.

INNOVATIVE TRAINING FOR LAW STUDENTS AND NEW LAWYERS

Through its work across the continuum – with law students, new and experienced attorneys, support staff, and other professionals – NALP has a deep understanding of the profession as a cohesive unit, rather than a series of independent segments. This perspective allows NALP law school members to play valuable roles in helping to institute these changes in their organizations.

Many lawyers are surprised to learn that most NALP law school members have J.D. degrees (81 percent of primary members, and 67 percent of second and third professionals in the office). With the perspectives of their previous legal experience, they have a deeper understanding of employers' expectations, see where students fall short, and can more easily help students make the connection between law school and the realities of practice. NALP members are adept at figuring out how to best share the knowledge that they learn in both "camps" with the other audience.

NALP members incorporate practical skills training into traditional career services offerings in many ways. For example, during resume and cover letter review, counselors use skills inventories to build students' confidence and help them to reflect on what they have to offer employers. Similar training helps students prepare for behavioral interviews. Many NALP members utilize Myers-Briggs and other self-assessment tools to increase students' self-awareness. NALP members coordinate law student mentoring programs and bring attorneys into the classroom to share practical skills training in the form of discussions about their legal practices. The following are examples of how NALP members are offering innovative training in their law school communities by teaching law school courses and programs, harnessing technology, and publishing.

"2L Lawyering"

Mina Jones Jefferson

*Assistant Dean of Professional Development
University of Cincinnati College of Law*

NALP Board member Mina Jones Jefferson practiced commercial litigation for nine years before joining the University of Cincinnati College of Law. Jefferson is

mastermind of the mandatory (and popular) "2L Lawyering," a course that embodies principles expressed in MacCrate, the ABA standards, and the Carnegie Report. From the perspective of actual cases, students focus on the role of lawyer as ethical problem solver. Via panel presentations, discussions with attorneys and judges, and case studies, they explore topics such as the attorney-client relationship, zealous client representation, substance abuse, and litigation and settlement ethics. They not only learn to "think like lawyers," but also to "listen like people." Student response to 2L Lawyering was so enthusiastic that the College created another course, "Advanced Decision Analysis," to help them delve into more complex attorney/client issues.

Vocare

Susan Gainen

*Co-Director, Career & Professional Development Center
University of Minnesota Law School*

Prior to joining the University of Minnesota, Susan Gainen enjoyed a career as a legal recruiter, a year of law practice, and 10 years in the sales industry. An inveterate blogger, Gainen turned her creative juices toward developing Vocare, one of the first law school career blogs (<http://blog.lib.umn.edu/lawcso/vocare>). Vocare offers a variety of practical, professional advice, including navigating office culture and politics, working with support staff, weathering feedback and performance evaluations, and (appropriately) managing your Internet image and the pros/cons of blogging. Though she is a longtime NALP member with years of experience, Gainen thinks like members of the newer generation in terms of using technology. Along with Mina Jefferson, she is also co-editor of the "Career & Professional Development Blog," on Law Professor Blogs (<http://lawprofessors.typepad.com/lawcareer/>, West Publishing).

Moral Development in Law Students

David Diamond

*Director, Center for Career Strategy
Northwestern University School of Law*

David Diamond, who holds a J.D. degree and an M.A. in Higher Education and Student Affairs, specialized in business transaction law for six years before joining Northwestern University School of Law. Diamond is interested in finding ways that law schools can facilitate students' moral development. He believes that increased experiences in dealing with ethical problems can reduce the disconnects between what students *think* they should do and

the actions they should *actually* take, as well as give them an appreciation of the complexity of arriving at a resolution. Diamond facilitates discussions between students and practitioners about real-life ethical dilemmas, directly addressing the fundamental values identified in MacCrate, as well as recommendations outlined in the Carnegie Report. Along with NALP member Kay Nash, Director of Professional Development and Recruiting at Wiley Rein LLP in Washington D.C., Diamond is also spearheading an effort to identify synergies and needs in law firm and law school professional development efforts and expectations.

“Practices in Professionalism” and Excellence in the Workplace: Legal and Life Skills in a Nutshell

Paula Nailon

*Assistant Dean for Professional Development
University of Arizona Rogers College of Law*

Paula Nailon (author of this article) was a judicial law clerk after law school and then served a seven-year stint as a court administrator. Nailon, along with Associate Dean Kay Kavanagh, is creator of “Practices in Professionalism,” a University of Arizona law school course designed to help students get up and running and quickly excel in their summer law jobs. The course helps students to make the most of insight and experiences gathered during employment after their first and second years, a time that law graduates unanimously report as having the greatest influence on their career development. Nailon and Kavanagh offer students ongoing support throughout their clerkships, emphasizing practical tools (such as project assignment checklists, research logs, project management tips, and mechanisms for getting and using feedback), as well as tools related to “self and others” (such as use of journals as a means of reflection, overcoming shyness, dealing with stress and conflict, and achieving work/life balance). Nailon and Kavanagh recently authored *Excellence in the Workplace: Legal and Life Skills in a Nutshell*, West’s first nutshell series book on a non-substantive legal topic.

WE ARE ALL LEARNERS AND TEACHERS

Working with law school administrators and faculty, NALP and NALP members are living up to the challenge to find “teaching moments” in every interaction with students. We realize that law schools will have students for only three years, while legal employers will have lawyers for a lifetime. We are doing our best to graduate students who are well-prepared to quickly assume their roles as

talented, thoughtful, and ethical legal professionals, with an appreciation for lifelong learning. ♦

about the author



Paula Nailon is Assistant Dean for Professional Development at the University of Arizona Rogers College of Law in Tucson. She is a former member of NALP’s Board of Directors and currently is NALP’s Liaison to the American Bar Association’s Young Lawyers Division. Nailon is a frequent presenter of CLE programs and is co-author of the Government Honors & Internship Handbook (University of Arizona, 2008) and *Excellence in the Workplace: Legal and Life Skills in a Nutshell* (Thomson West, 2007). She serves on the State Bar of Arizona’s Mentoring and Legal Services Committees and Committee on Persons in the Legal Profession with Disabilities, the Gender Equity Task Force of the Arizona Women Lawyers Association, and the Writ Editorial Board of the Pima County Bar Association. Contact her at nailon@law.arizona.edu.

ABOUT NALP – THE ASSOCIATION FOR LEGAL CAREER PROFESSIONALS



Now known as NALP – The Association for Legal Career Professionals, the National Association for Law Placement Inc. was founded in 1971, during a period of rapid change in both the legal profession and legal education, in response to a perceived need by many law schools and legal employers for a common forum to discuss issues involving placement and recruitment.

NALP is now the primary professional association for more than 2,400 individuals who work for law schools, law firms, and other public and private legal employers in a variety of professional roles, including as directors of law school career services offices, directors of law school public service and pro bono offices, directors of law firm recruiting departments, directors of lawyer professional development and training, and directors of law firm diversity initiatives. NALP is dedicated to facilitating legal career counseling and planning, recruitment and retention, and the professional development of law students and lawyers.

To learn more about NALP, visit www.NALP.org.