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What Legal Employers Want...and Really Need: Report from a Conference at Boston College Law School

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What Legal Employers Want...and Really Need: Report from a Conference at Boston College Law School

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What does it take for a law school graduate to be practice-ready? Answering this question has grown increasingly important as a troubled economy reduces the number of new legal positions and limits employers' resources to train new hires. In this unstable market, it is more critical than ever for law students to be well trained in order to get and succeed in jobs. Toward this end, Boston College Law School hosted the December, 2010 conference of the New England Consortium on Legal Writing to consider "What Legal Employers Want. . . And Really Need." With the goal of promoting dialogue among the bar, the bench, and the academy, a large law firm partner, an in-house counsel, a government attorney, and a law firm writing specialist, joined legal writing and clinical faculty to discuss: 1) what makes a new lawyer practice-ready; and 2) how law schools and legal employers should apportion responsibility to ensure that new lawyers are ready to begin practicing law.

The first panel of non-academicians acknowledged that forms of legal research and writing are evolving rapidly as a consequence of ongoing developments in technology and practice patterns. They nevertheless emphasized the ongoing need for law schools to provide rigorous training in fundamental skills that can be adapted to various practice settings. Thus, even if some lawyers provide legal advice and advance their clients' positions using less formal modes of communication,

the panelists agreed that law schools should continue to emphasize comprehensive, logical, and fully supported analysis. If these skills are acquired in law school, new hires should have a basic understanding of what law practice entails, what it means to represent a client, and how to engage in effective, efficient legal analysis and communication. In other words, in the view of these panelists, on the first day of work, a new lawyer may not be client-ready, but must be practice-ready.

Consequently, legal employers expect and need law schools to teach students how to: understand court structures and the life of a case; find and apply legal authority (using commercial fee-based and more cost-effective technologies and resources); evaluate their own work critically; and deliver a precise and concise analysis both orally and in writing, regardless of the type of document (e.g., e-mails, letters, formal litigation documents, or transactional documents). Notwithstanding their different arenas of legal practice, all panelists urged law schools to inculcate important professional attitudes and values. Thus, to be practice-ready, students must appreciate the importance of following directions, paying attention to detail, and understanding that errors in their final work product can significantly damage their own credibility and that of their employers. Although new lawyers will surely become more effective and efficient over time, employers still expect them to arrive knowing how to organize their work and manage their time, especially where private clients will closely scrutinize research charges and billable hours.

Representatives of the bench and the bar made it clear that to succeed in the work place, students need more opportunities to work collaboratively during law school just as they will be expected to in practice. Further, students should be better prepared to assess and adapt to different employer cultures. Students also need a more pragmatic grasp of what it means to owe their primary duty to the client. This includes understanding and responding to the client's needs and objectives, and in the commercial setting, understanding the

client's business. Beyond the classroom, a student's work experience before and during law school develops the maturity and perspective needed for legal practice. Consequently, law schools should begin to foster practice-readiness at the very start of a student's legal education. With these basics of practice-readiness in place, legal employers can further develop professional skills, enabling new lawyers to transition from being students of legal doctrine to assuming the role and responsibilities of legal practitioner. Legal employers must continue to hone the new lawyers' ability to be efficient and effective, since time is a scarce and literally costly resource.

In light of the cost of hiring and training new lawyers, panelists agreed that optimally, the concept of apprenticeship should be reinvigorated and incorporated into the employer's obligation to mentor new lawyers. The transition from medical school to medical practice illuminates how to use post-graduate training to meet the needs of both employers and new graduates. For example, medical students devote their last two years of school to clinical rotations. A fourth year of law school could similarly immerse students in the full-time practice of law without the distractions that other coursework can create while participating in a law school clinic. Alternatively, like medical internship and residency programs, post-graduate legal apprenticeships could provide on-the-job training and supervision, with commensurately lower salaries. These and similar programs pose the additional benefit of encouraging employers to increase their hiring and thereby expand long-term job opportunities for new lawyers.

A second panel of legal writing and clinical professors discussed law school initiatives for meeting the growing demand that law students be practice-ready. Panelists and attendees alike were enthusiastic about law schools doing more to maximize the success of new law graduates in getting and succeeding in jobs, but agreed that this would require a major infusion of resources. Suggested curricular strategies included LRW course assignments that mirror the work of new lawyers

(e.g., e-mail versions of objective memoranda or client letters), expanding course offerings on research and writing in non-litigation contexts, and using clinics to offer practical experience in transactional law. Bridging the gap between school and practice in the literal sense was recognized as perhaps the quickest and least expensive way to foster practice-readiness. Inviting practitioners to share their work experiences and perspectives can enhance the student's appreciation for the practical application of classroom instruction. It also creates a valuable opportunity for students to network with prospective employers in a challenging job market. Externships are another way to connect theory with practice (while, again, facilitating networking), especially for areas of statutory and regulatory practice that are often under-emphasized in skills-based courses.

Finally, Conference panelists and participants agreed that the opportunity for legal educators and legal employers to collaborate was inordinately valuable, but far too rare. The value of the conference format was apparent from the degree of engagement and enthusiasm of all who attended. To continue the conversation, regularizing such events is required. Smaller gatherings and more frequent conversations, rather than large regional conferences, may actually do a better job of enabling educators and employers to understand, achieve, and build upon the common goal of achieving practice-readiness.

From the many insights elicited by this Conference, one overriding imperative emerged: legal educators must continue working with the bench and bar to reflect on, and discuss what it means and what it takes for new graduates to be practice-ready. Consequently, far more significant than how to collaborate, is that this collaboration be pursued. Boston College Law School's Legal Reasoning, Research and Writing Program is committed to developing additional modes of doing just this. Hopefully, other law schools will do the same. ■