

## Release Statement

The Illinois State Bar Association (ISBA) announces the release of its *Report and Recommendations of the Special Committee on the Impact of Current Law School Curriculum on the Future of the Practice of Law in Illinois*. The goal of the Report is to explore ways to ensure that future law school graduates in Illinois are prepared for the realities facing new lawyers in today's legal marketplace. The Report represents the starting point for a dialogue and collaboration between the law schools and the practicing bar.

In the coming months, the ISBA will be reaching out to the deans of Illinois' law schools and inviting them to work with it to address the important issues the Report raises. Through this collaborative effort, the ISBA hopes to refine and expand the Report's recommendations. The ultimate goal is to identify realistic ways that legal educators and the practicing bar can work together to ensure that future generations of Illinois lawyers are fully prepared to represent the interests of clients.

ISBA President Umberto Davi says, "The adoption of this Report is an important step as we strive to begin a discussion with Illinois' law schools about improving the skills of those entering the practice of law."

The ISBA's efforts to address these issues commenced in 2014 when ISBA past president Richard D. Felice convened the Special Committee. The Committee's efforts built upon the work of a previous special committee, which was appointed by ISBA past president John E. Thies, to explore *The Impact of Law School Debt on The Delivery of Legal Services in Illinois*.

In 2014, the current Special Committee held six hearings throughout the state to gather the observations of practicing attorneys, judges, law students, and law school professors and deans. Based on the input from the various perspectives represented at the hearings, the Special Committee concluded that more must be done to prepare Illinois' new lawyers for the rigors of practice.

To assess the actions law schools are now taking in this arena, the Special Committee delivered a survey to each of Illinois' law schools and received detailed responses from a majority of them. The Committee learned that the schools have implemented trend-setting programs and taken several innovative approaches to enhance the abilities of their graduates.

The Special Committee's work culminated in the development of a set of detailed recommendations of further steps the law schools could be taking. These recommendations will form the basis of discussions with the law schools. Ultimately, the ISBA seeks to work with the law schools to maintain Illinois' long history of being home to a practicing bar that well serves the public.



**ILLINOIS STATE  
BAR ASSOCIATION**

**Report and Recommendations  
of the  
Special Committee  
on the  
*Impact of Current Law School Curriculum  
on the  
Future of the Practice of Law in Illinois***

***I hear and I forget, I see and I remember, I do and I understand***  
*Confucius, 450 BC*

***Tell me and I forget, Teach me and I remember, Involve me and I will learn.***  
*Benjamin Franklin, 1750*

***There is an intimate and necessary relation  
between the process of actual experience and education***  
*John Dewey, 1938*



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on the Impact of Law School Curriculum & Student Debt  
on the Delivery of Legal Services**

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## EXECUTIVE SUMMARY

### Introduction

Law school graduates must be equipped with practice-ready skills to succeed in today's legal marketplace. It is no longer sufficient for law school graduates to merely *think* like lawyers; they must be able to perform the basic tasks central to legal practice. Law school graduates must have a strong work ethic and be able to communicate effectively (both orally and in writing), solve problems, competently perform legal research, and draft common legal documents.

In order to assess the practice-ready skills of new graduates and the issues associated with how they affect legal services, ISBA past president Richard Felice, in 2014, convened a Special Committee on the Impact of Law School Curriculum and Student Debt on the Delivery of Legal Services. The Special Committee built upon the work of a previous special committee, which was appointed by ISBA past president John E. Thies to explore the impact of law school debt on the delivery of legal services.

In 2014, the Special Committee held six hearings throughout the state to gather the observations of stakeholders. It heard from attorneys (both new and experienced), judges, law students, and law school professors, externship supervisors, and deans. Attendees were asked to share their observations on what has changed in the legal marketplace, what they seek in new hires, and how we can improve prospects for the next generation of lawyers.

### I. **The Skill Sets of Recent Law School Graduates Are Inadequate to Meet the Needs of Prospective Employers**

Throughout the hearings, the Special Committee repeatedly heard from the practicing bar that recent law school graduates lack the practice-ready skills necessary for success in the profession. In particular, the Special Committee documented the following:

- **Law School Graduates Must Have Better Written and Oral Communication Skills:** The number one complaint among experienced attorneys is that new graduates cannot write clearly, concisely, and accurately. They struggle to synthesize a series of cases and

they are ill equipped to address adverse cases. Other practitioners complained that graduates lack basic writing skills (e.g., mastery of grammar and usage). Additionally, new graduates' oral communication skills are lacking. They must be better able to effectively communicate with clients, office staff, other attorneys, and the court.

- **Law School Graduates Must Be Better Able to Draft Common Legal Documents:** New lawyers must be better able to draft, edit, and revise basic legal documents (e.g., contracts, pleadings, motions). Most recent graduates have little experience with common documents, let alone the ability to analyze and draft them.
- **Law School Graduates Must Be Better Able to Recognize Relevant Legal Issues:** Practitioners perceive that graduates are unable to identify relevant legal issues and recognize that a single fact pattern may raise several legal issues. Relatedly, they lack the ability to competently gather and understand the facts that inform the legal issues.
- **Law School Graduates Must Be Better Able to Competently Perform Legal Research:** When performing research, new lawyers do not dig deep enough to find relevant cases to support their arguments or, more importantly, to distinguish and rebut adverse cases. They also lack the requisite ability to understand and analyze statutes, rules, and regulations – particularly Illinois-specific ones (e.g., The Illinois Supreme Court Rules and Code of Civil Procedure).
- **Law School Graduates Must Understand the Basic Chronology of a Civil Case:** New lawyers must know the basic steps of how to handle a typical civil case from start to finish. Without a global view of the basic chronology of a case, it is impossible to competently perform the individual steps.
- **Law School Graduates Must Be Better at Problem Solving:** Problem solving is a cornerstone of lawyering. New graduates must be better trained to effectively connect the law to the facts of the client's case.
- **Law School Graduates Must Be Better Trained in the Practical Application of Evidence Rules:** A common theme expressed by practitioners was that law school graduates know the rules of evidence but cannot apply them. While the classroom is the place to learn the rules, the skill of applying them must be learned through experience in legal clinics and externships.



- **Law School Graduates Must Have Greater Exposure to Alternative Dispute Resolution:** As the use ADR mechanisms continues to expand, newly-licensed attorneys must have a basic knowledge of them so that they can best advise clients on costs and delays related to litigation, as opposed to the potential speed and cost-savings of ADR. They must know how to best meet a particular client’s goals by providing a clear explanation of the benefits and drawbacks of both litigation and ADR.
- **Law School Graduates Must Have Better Organizational Skills:** Attorneys must be highly organized to succeed and many practitioners believe that new graduates lack organizational skills.
- **Law School Graduates Must Be More Professional and Have a Better Work Ethic:** Those hiring recent graduates desire candidates to have a high-level of professionalism and a strong work ethic. But a common theme heard is that new lawyers lack the requisite level of professional decorum and do not appreciate the level of hard work demanded by the practice of law.
- **Law School Graduates Must Be Better Trained in Relevant Business Skills:** Practicing lawyers, and in particular younger lawyers, feel that law school graduates must have a basic understanding of the business of practicing law. This is especially true for new lawyers entering small firms and, even more so, for those hanging out their own shingles.

## **II. Innovative Programs Have Been Introduced, but Have Not Solved the Problem**

To gauge the steps Illinois’ nine law schools are taking to ensure that their graduates have practice ready skills, the Special Committee compiled a survey and contacted the dean of each school requesting their participation. Detailed responses were received from Chicago-Kent College of Law, DePaul University College of Law, Loyola University Chicago School of Law, Northern Illinois University College of Law, Southern Illinois University School of Law, and the University of Illinois College of Law.

The Special Committee learned that law schools are taking several actions to ensure that their graduates are practice ready. While they all continue to offer traditional doctrinal courses, they are placing greater emphasis on legal writing and experiential learning. Some

specific examples of particularly innovative approaches being taken by the law schools include the following:

- **Skills-Related Courses Offered in First-Year:** All of the law schools focus heavily on legal research and writing in dedicated first-year courses. Loyola University Chicago School of Law incorporates transactional and litigation-based exercises into its first-year doctrinal courses. Chicago-Kent College of Law offers an innovative “Clinical Rotation” to its first-year students where they engage in research, client interview simulations, document drafting, discovery review, simulated hearings, and courtroom observation.
- **Law Practice Management and Business-Related Skills Courses:** DePaul University College of Law requires its students to take a pioneering two-semester “Preparing for Practice” course. Students learn job seeking skills, the business of law practice, the ethics of legal practice, and professional communication skills.
- **Technology Training Courses:** While most of the schools offer courses that touch on issues related to the use of technology in the practice of law, Northern Illinois University College of Law provides an impressive “Law and Technology Seminar” with the stated objective of teaching students “how legal technology is quickly transforming the practice of law and is rapidly becoming a game-changing factor when setting up, maintaining, or managing a legal practice.”
- **Professionalism and Legal Ethics Courses:** All of the law schools require upper-level courses on professional responsibility and some are taking the desired step of incorporating professionalism and ethics into required first-year courses. Some of the schools also offer practice area-specific ethics courses (e.g., “Criminal Practice Ethics”).
- **Experiential Learning Courses:** On average, the schools reported that an impressive 90.2 percent of students take an experiential learning course (e.g., a clinic, externship, or skills-related course) prior to graduation. Across the responding law schools, each student earns an average of 16.4 credits from experiential learning courses before graduating.
- **Legal Clinics:** On average, each law school offers 9.1 distinct legal clinics, which draw the participation of 22.6 percent of eligible students each year. The law schools report that nearly every student who wishes to participate in a clinic is accommodated.

- **Externships:** While all of the law schools allow their students to participate in externships with judicial offices, government agencies, and non-profit entities, only four allow private law firms to participate in their externship programs. On average, 37.3 percent of each school’s students participate in an externship each year. All seven law schools reported that each and every student who properly applies for a qualifying externship is placed in an externship.
- **Attorney Mentoring Programs:** While the law schools take various approaches to attorney-student mentoring, Northern Illinois University College of Law provides a model program for its students. An impressive 80-85% of first-year students participate and are paired with lawyer mentors who are directed to provide the students with “1) realistic advice about the practice of law; 2) meaningful career advice; 3) exposure to court and law offices; 4) socialization and networking with the legal community; and 5) demonstrating professional values and ethics.”
- **Bar Exam Review Courses/Programs:** Most of the law schools offer some type of bar review course – some for credit, others for no credit. DePaul University College of Law offers a comprehensive “Bar Passage Strategies” course where students “practice writing answers for each bar exam component . . . and receive feedback in writing and in individual conferences.” Northern Illinois University College of Law also offers an exceptional bar review program that includes several courses that students can take throughout the entire three years of law school.

Despite the law school’s innovative approaches to providing their graduates with practice-ready skills, the input received from stakeholders at the Special Committee’s hearings indicates that more must be done. The law schools have developed a foundation, which can be strengthened and built upon.

### III. Recommendations

Based on all of the input received from Illinois’ law schools and relevant stakeholders, the Special Committee developed a set of recommendations directed at ensuring law school graduates possess the requisite practice-ready skills. The recommendations are as follows:

#### 1. Students Must Continue to Take Core Subjects and Practice Skills Must Be Integrated

**into Most, If Not All, Doctrinal Courses:** Law students' course work should be enhanced with multiple opportunities to master effective legal writing, oral communication, and other practice-ready skills. Specifically, the Special Committee recommends that:

- Multiple writing assignments, with feedback and opportunity for revisions, should be incorporated into traditional course work. These writing assignments should include common legal documents such as pleadings, motions, orders, and client correspondence.
- Written and oral presentations should be integrated into class curriculum and required for successful completion of externships, clinics, and Rule 711 experiences.
- For upper-level law school courses, students should be exposed to sophisticated issue recognition using fact patterns with multiple, conflicting issues that more closely resemble those encountered in practice.
- Students must learn to find, understand, and apply basic statutes, rules, and regulations. A stronger emphasis should be placed on Illinois-specific resources such as the Supreme Court Rules, the Illinois Code of Civil procedure, and the Illinois Evidence Code.
- Law school courses should consistently give a general overview of the chronology of typical matters associated with their subject area. For example, civil procedure courses should focus on the chronology of a civil case and real estate law courses should cover the steps of a closing from start to finish.
- Doctrinal courses should include overviews of how alternative dispute resolution interacts with the given substantive area of the law.
- Professionalism and civility should be integrated into each class and students should be taught what it means to be a lawyer.
- In order to instill students with a strong work ethic, course work must provide them with an appreciation for commitments, deadlines, obligations, and the consequences for failure to comply.
- Courses focusing on the business of the practice of law must be offered and students should be encouraged to take them.
- The importance of good organizational skills should be emphasized in all classes.

- 2. Greater Experiential Learning Outside the Classroom and in the Private Sector Must Be Offered:** Experiential learning is the key to learning practice-ready skills. As such, the Special Committee recommends that:
- Students should be allowed to earn credit for externships at private sector, for-profit law firms.
  - Alternatives should be sought to address the ABA’s prohibition on students receiving academic credit for paid externships. Of course, prevailing labor laws must also be part of this consideration.
  - Illinois Supreme Court Rule 711 should be expanded to permit students to work in the private sector.
  - The criteria for supervising attorneys who oversee students in private practice externships must be clear and enforceable.
- 3. The Current Law School Grading Structure Should Be Revised:** Law schools should reevaluate their reliance on curve grading. With curve grading, students are only measured in relation to each other and, as such, an overly competitive environment results. This does not foster professionalism, civility, or teamwork, which is desired in many practice settings. Schools should look for ways to objectively measure whether students have mastered the material covered in a given course.
- 4. The Roles of Academic and Career Counselors Should Be Expanded and Mentorship Opportunities Should Be Increased:** When students seek advice on course offerings, counselors should be encouraged to provide students with frank individual advice that focuses on the value of a balanced education, passing the bar, and building marketable skills for post-graduation practice. Additionally, attorney-to-student mentoring programs should be expanded to assist students with important decisions about course selection, externship or clinic participation, clerkship opportunities, and other issues that have long-term effects on a student’s future career. To acknowledge the significant time commitment for a good mentoring relationship, the Supreme Court should consider offering a minimum amount of CLE credit for participating.
- 5. The Current Law School Admission Criteria Should Be Enhanced:** Law school admission criteria should place greater emphasis on an applicant’s ability to write well. Law

schools should also implement pre-admission programs requiring applicants to attend the law school for a week, sit in on first-year classes, and draft a personal statement describing the experience. Additionally, law schools should require incoming students to participate in a one to two week “boot camp” program staffed by, for example, the ISBA as an introductory crash course on legal writing.

- 6. The Current Criteria and Process for Admittance to the Illinois Bar Should Be Examined:** As experiential learning is the key to developing practice-ready skills, the Illinois Supreme Court should consider requiring experiential learning beyond the minimal ABA standard as a criterion for licensing in Illinois.

## INTRODUCTION:

The Illinois State Bar Association (ISBA) published a groundbreaking report on the *Impact of Law School Debt on the Delivery of Legal Services* in 2013. It was the work product of a special committee appointed by ISBA past president John E. Thies and convened to examine dramatic increases in law school debt and consider the impact of new lawyer debt on the delivery of legal services in Illinois. Although the directive was limited, the scope of the committee's statewide hearings quickly spread beyond its initial scope. The issue of student debt was inextricably entwined with the harsh reality of a dismal job market for new graduates and the virtually universal observation of the practicing bar that while they were hiring, they were not hiring new graduates. The overwhelming reason given was that new graduates were simply not prepared to practice law. This was further compounded by frank comments by the private bar that they were no longer willing or able to carry the burden of training new graduates to practice law.

The 2013 Report included broad findings and recommendations. It highlighted the staggering impact of law student debt on the delivery of legal services to the public, documented the bleak reality of the marketplace for new graduates and the stark lack of practice-ready skills, and recommended the need for a critical review of current law school curriculum, the structure of legal education, and practical skills training. Since its publication in 2013, the report has received national attention as states throughout the country are grappling with these issues (see, e.g., David M. Schraver, *Change is Upon Us*, NYSBA J. 5 (Sept. 2013)).

There was more work to be done. In 2014, ISBA past president Richard Felice convened a new Special Committee to address the findings and recommendations of the 2013 Report. The new committee was given four broad directives: (1) assess the current market place for young lawyers; (2) identify the skills and knowledge that hiring partners look for in a new hire as well as the skills the practicing bar expects in the newest members of the profession; (3) catalogue current and proposed curriculum in Illinois law schools designed to promote practice skills learning; and (4) make recommendations based on its findings. In 2015, ISBA President Umberto Davi directed that the Special Committee continue with this mission and complete its work.

The issues of law school expenses, accreditation, and tuition costs together with loan forgiveness and a myriad of other debt related issues were thoroughly addressed by the ISBA

Special Committee on *The Impact of Law School Debt on the Delivery of legal Services in Illinois* and will for the most part remain beyond our discussion here. What is at hand are the recommendations of the 2013 Report to review current curriculum and foster experiential learning which will give future new graduates the tools, the practical skills, and the practice-ready abilities the profession demands.

#### **METHODOLOGY:**

In the fall and winter of 2014 -15, the Special Committee held a series of statewide hearings advertised in advance by the ISBA, local bar associations, law firms, and law schools. Hearing locations included Wheaton, Champaign, Carbondale, Fairview Heights, Rockford, and Chicago. The speakers included attorneys from both the public and private sector, practicing in small to mid-sized to large firms and solo practitioners. We heard from the practicing bar, new and experienced attorneys, judges, law students, law school professors, externship supervisors, and deans. Those that could not attend were invited to provide written comments.

Each hearing introduced the findings of the 2013 Report - that new lawyers in Illinois are not practice-ready and they require significant training to be of value to a public sector office or profitable to a private practice. Questions that were posed included what has changed, what do you see, what do you want in new hires, and how can we change the future for the next generation of new lawyers?

Overall, the observations and comments of the participants brought the lack of practice-ready skills into focus, offered solutions, and highlighted the progressive programs already in place. Additionally, each Illinois law school received, and most responded to, a survey to provide detailed information on current curriculum structures and experiential learning opportunities available to students. Finally, the committee conducted comprehensive research of national and statewide legal scholarship to reach its ultimate conclusion and recommendations.



## **Report of the Special Committee**

### **I. THE CURRENT MARKETPLACE FOR LEGAL SERVICES**

To gain first-hand information, the 2014 Special Committee convened hearings in several diverse areas of the state, receiving the observations and comments of a diverse group of lawyers, law students, academics, and others. From this cross-section of practicing lawyers, we sought to understand the current marketplace for legal services and to appreciate the factors impacting hiring practices in private and public sector offices. The participants' perspectives were most influenced by their geographic location, size of practice, and clientele. Understanding the diversity of the practice of law in Illinois, we were able to put the often very frank comments and observations of contributing attorneys into context.

Much of what the Special Committee heard in 2014 and 2015 about the job market and new graduate applicants echoed the 2013 Report, however the recent hearings gave more time and greater emphasis to the specific question of practice skills and hiring goals. The refrain has grown louder and is thus worth repeating to reinforce the magnitude of the problems facing the bar and underscore the urgent need for action.

#### **A. Skill Deficiencies Create Economic Disparity**

##### ***Impact on the Private Sector***

As one lawyer put it, the problem is not that there are too many new lawyers; it is that there are too many new lawyers that do not know how to practice law. The 2014-15 hearings were replete with frank remarks from private practitioners that there were jobs in their firms, they were hiring, but simply were not hiring new graduates. The reason is, first and foremost, that new graduates do not have the practical skills necessary for the practice of law and the cost of training unskilled new graduates has become prohibitive and for many, a poor long term investment. Further, clients will not pay bills for new lawyer work.

Recent graduates' lack of practical skills necessarily affects hiring practices at private sector law firms. Because new lawyers lack basic practical skills, hiring a new attorney means

that the employer will make a substantial investment of time and money to train the attorney in the hope that they will become profitable *and* stay with the practice post-training. In terms of the time lost, several experienced private practitioners noted that young attorneys' lack of practical skills slows progress in cases. It simply takes an untrained attorney significantly more time to complete work accurately.

Further, the time spent by supervising attorneys to monitor and review the final work product of the new hire is also lost, as one private practitioner downstate noted the time to train a new graduate, review their work, and provide feedback is all non-billable hours, which makes hiring a new graduate an unattractive expense. Another attorney from a large Chicago firm noted it takes "a lot of time and energy to train an associate," and that many times it is easier and faster to "just do [the task] yourself." Overall, attorneys in the private sector estimated that a new graduate, hired without basic practice skills is not profitable for at least eighteen to twenty four months. As a result, in most firms a recent graduate often will not earn the cost of his or her salary during the first year of employment.<sup>1</sup> That cost is then borne by the client if they will pay, and if not, is absorbed by the firm.

Private practitioners from Carbondale to Chicago candidly commented that clients now scrutinize billing and are simply unwilling to pay fees which, in the past, allowed the firm to cover the cost of training a new associate fresh out of law school. They universally agreed that times have changed and many clients will not pay for a first-year associate to work on their case at all. For example, a practitioner from a large Chicago firm noted that some clients will simply not permit new associates to take depositions in their cases. They will not pay for the time. Peter A. Joy notes, "a 2010 survey by the *American Lawyer* found that 47% of law firms had clients who demanded that no first or second-year associates work on their case."<sup>2</sup> The Special Committee heard that refrain from larger firms throughout the state, agreeing among themselves that clients just will not pay for those hours. Interestingly – many in Chicago and the downstate metro area also said that those same clients also will not pay for a senior associate or partner to do the *routine* work – clients want *routine* matters done by paralegals, who are billed out at a substantially lower rate. A private practitioner from the Chicago area also commented that paralegals are frequently more equipped to do routine matters as they

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<sup>1</sup> One partner in a downstate firm spoke before the 2013 Special Committee, estimating that for a new associate to

<sup>2</sup> Peter A. Joy, *Considering the Cost of Clinical Legal Education*, NYSBA Journal 20 (Sept. 2013).

are trained in procedure and taught little law.

There was one notable exception to the reluctance to hire new graduates. Representatives from large firms who employed law students as clerks or interns on a regular basis consistently noted that the exceptions to the general “no new graduate hires” are new graduates who worked at the firm during summers, or school semesters. As clerks and interns, these new graduates gained significant practical experience and learned the operations of the firm. These opportunities afforded the student experience and the employer exposure to a summer-long interview with a potential new associate. Attorneys from these firms told the Special Committee that they did offer positions to the interns who had done good work and would fit into the current needs of the firm. The new graduate had already received substantial feedback and training, *at a significantly lower cost*, making the new graduate a more desirable hire. In other words, the student was being trained at an intern’s wage and by graduation, was practice-ready for that firm. Thus, hiring the former clerk or intern was a very desirable and economically sound decision.

An aggravation to this exception is the weak job market. For example, a Peoria practitioner noted that his firm avoids taking on too many interns because the firm is unable to offer them all positions, and many years the firm is unable to offer any jobs. His point was that law students’ expectation of a job at the firm where they interned at has to change or firms might be unwilling to accept interns.

New graduates without experience, externship history, or practice skills have been likely to seek and gain employment in rural downstate areas in the private and public sectors where although the salary will be lower, the opportunity for experience and practical training is higher. With skills and a few years of experience, that new attorney becomes marketable and begins the migration toward higher salaries in more urban areas. The more urban the firm, the more likely it is to have the financial status to attract the associate who has been trained elsewhere, and the less likely it is to bear the economic cost of training. The dilemma is that the associate with experience who was just hired by the firm that offered a sizable salary was likely trained by a rural downstate area firm or in the public sector. The smaller or rural firm incurred the cost of training the new unskilled graduate that left the tutor for a higher salary. These firms are becoming very aware of the common migration to bigger markets, and are concluding that there is less and less return on their investment in training new graduates that, once

adequately trained by their first employer, will leave for higher pay in more populous areas.

The migration experience is also negatively impacting diversity in downstate firms. A downstate metro area attorney explained that big firms compete for large corporate clients and corporate clients seek firms that exhibit diversity among their associates. He candidly told the Special Committee that he couldn't keep a minority associate in the downstate office. Corporate client pressure for diversity makes minority associates vigorously recruited. These minority attorneys, who likely have debt, receive financial offers too beneficial to reject. The result is they move to the large urban firm. Besides the investment lost by the downstate firm, the more serious net effect is very few minority associates practicing downstate.

As first noted in the 2013 Report, the most significant impetus for the move is seeking greater salary to service student debt. As one lawyer told us, she asks potential hires about their student debt so that she can "do the math" and consider whether there can be a long-term commitment to her firm. That trend continues.

Viewing the current market for the private practice of law, in light of the economic realities firms face, the demand for newly licensed lawyers to have training and practical skills to compete for and bring value to positions in the private practice of law in 2015 has come into startling focus. Students must be marketable to the private sector firm, because the practice of law is a business that must make a profit to survive, and it simply cannot spend too much on training. Thus, it is a sound business decision to hire a new associate that will not deplete revenue and resources by requiring an exorbitant amount of training.

In short, there has been a fundamental shift in employer expectations for new hires and the criteria by which applicants are judged in the private sector. Those new graduates who enter the job market without practical skills (i.e., those without experience in an externship, clinic, judicial clerkship, or independent employment in the public or private sector) are at a distinct disadvantage in attempting to enter the private sector. The shortfall must be addressed, not only in Illinois, but also nationwide.<sup>3</sup>

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<sup>3</sup> E.g., NEW YORK CITY BAR ASS'N TASK FORCE ON NEW LAWYERS IN A CHANGING PROFESSION, *Developing Legal Careers and Delivering Justice in the 21st Century* 22 (2013) ("In the modern legal environment, the "practice-ready" lawyer must have experience identifying and solving problems, navigating the legal system, and exercising professional judgment under conditions of uncertainty. We also believe that writing and professional responsibility remain under-taught and insufficiently integrated into the curriculum . . . . The "practice-ready" lawyer may also require significantly more subject-specific expertise at graduation than in the past, and may have needed more experiential opportunities in law school, through which to develop an exercise his or her professional judgment.");

### ***Impact on the Public Sector***

The public sector portrays a similar story. Outside of Chicago and collar counties, many state's attorneys and public defenders noted that while they continue to hire bright and enthusiastic graduates, it takes time, money, and experience to make them quality attorneys who are valuable assets to the office. Most agreed that new attorneys reach that level at the 2 to 3 year mark – the point at which they begin to receive offers from the private sector, or other more urban, public sector offices where the salary is higher. The practice skills and experience gained in the public sector positions have made the new graduate a marketable and desirable associate. When they leave, they take their training and experience with them. The same office will likely fill the vacancy with another new graduate that will also require time, dollars, and experience to fill the shoes of the attorney who has left.

Public sector employers also discussed some of the less tangible consequences of the training and leaving cycle, most notably the negative impact on morale. An attorney working in a legal aid office north of Interstate 80 told the special committee that his office has dedicated a staff attorney to provide regular feedback to new attorneys, basically a full time position to assist and train new hires. Others talked about their experienced attorneys who are expected to be “on-call” to answer new attorneys’ questions, taking the experienced attorney away from his or her daily work. All public sector employers, particularly those downstate, talked with significant frustration about the chronic institutional fatigue resulting from turnover and constant training, which negatively impacts morale and job satisfaction.

Just as in the private sector, the cyclical turnover and constant financial expenditures needed to train is making hiring unskilled new graduates a calculated risk. Downstate public sector employers describe their plight as “caught between a rock and a hard place.” The public sector outside the metro area has a relentless revolving door of hiring new graduates, spending time and money to train, just to watch them leave for higher salaries. One state’s attorney from downstate stated it best – “I cannot continue to spend ever shrinking budget dollars and

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STATE BAR OF CALIFORNIA, *Task Force on Admissions Regulation Reform: Phase I Final Report 1* (2013) (“In our view, a new set of training requirements focusing on competency and professionalism should be adopted in California in order to better prepare new lawyers for successful transition into law practice, and many of these new requirements out to take effect . . . prior to the granting of a law license . . . . There would be two routes . . . for pre-admission competency training: (a) at any time in law school . . . 15 units of practice-based, experiential course work . . . (b) participat[ion] in a Bar-approved externship, clerkship, or apprenticeship at any time during or following completion of law school.”).

the time of my senior prosecutors to train young attorneys who leave at the point when they become valuable to my office. I have little budget left for advanced training; it all goes to educate the newest hires.” This is a cycle that simply cannot continue; the revolving door is not sustainable.

### ***Collective Impact on Illinois Attorneys***

Although it was first noted in the 2013 Report, the observation continued throughout the 2014 hearings that outside Chicago and the collar counties, new attorneys leave their first job downstate at between the three and five year mark. As a result, “[a]ttorneys with five to fifteen years of experience, the work horses of most private firms,” are absent in public interest offices, while in rural areas, the growing majority of practicing attorneys are markedly older. The young lawyers who start there are not staying; they are not taking over the practices of retiring practitioners in rural Illinois. Ultimately, this will negatively impact the quality and quantity of legal services available in those areas. This alarming trend continues.

The heavy debt burden not only shapes the career choices of our newest attorneys – it also continues to shape their personal lives. As first noted in the 2013 Report, the need for a second job continues and may even have increased. Many young attorneys still candidly admit they need additional income to supplement the salaries at public interest or small to mid-sized private law firms, which are not sufficient to allow them to pay the debt and live. An attorney testifying before the 2014 Special Committee stated that new assistant state's attorneys and deputy public defenders in his area regularly have a second job to pay their debt. Even those in the more urban and the metro areas are pursuing second jobs to service their debt. Stories of delaying marriage, starting a family, or buying a house continue.

During the 2014 hearings the Special Committee learned of a new trend among new graduates – they are moving home. Some new lawyers candidly conceded that they were unable to make their student debt payments and live independently on the salaries offered to those without sufficient practice skills. For some, living at home has become the most viable option. A recent graduate from Champaign summed up the predicament when she told the 2014 Special Committee that recent graduates “do what [they] must when [they] have debts to pay and want to be a practicing attorney.”

Furthermore, unemployment rates are on the rise. For new graduates without skills

who cannot move to a rural area or cannot secure an entry-level position in the public sector, there is another discouraging development. Several employers at private firms candidly described the increasing numbers of applications from licensed attorneys seeking non-lawyer positions as a law clerk or paralegal. An attorney from a small firm in Chicago testified he received multiple applications from licensed attorneys when he posted for a single paralegal position. Similarly, an attorney from a large Chicago firm noted that although the firm received applications from attorneys for non-lawyer positions, they do not hire attorneys for non-lawyer positions. Ironically, one attorney observed that new lawyers have less practical skills than a new paralegal; another noted that paralegals require less on the job training and as noted above, clients are willing to pay the hourly rate for work done by a paralegal. Further, most believe that these attorneys seek the position just to learn, and similar to the downstate dilemma, will leave the non-lawyers position as soon as something better comes along and thus are not seen as a good return-on-training investments. It does, however, underscore the degree to which licensed, but unemployed and likely unskilled, new lawyers are willing to go to gain experience in a law office with the hope of gaining some practice experience.

Even with experience, competition for higher paying positions in the urban and suburban areas has increased. Throughout 2014, the Special Committee heard employers report the large number of resumes and applications they receive for every attorney position in both public interest and private practice. Illustrative of the competition, a Chicago attorney described that for each open position, the firm receives a staggering amount of resumes; a partner from a downstate firm noted that he now receives twice as many applications for every open position as he did five years ago. A civil practitioner in DuPage County told us she recently received over one hundred applicants for a single opening. Finally, we continued to hear of the plight of those new graduates that remain unemployed or underemployed. Some have opted for solo practice and others have simply pursued other alternative, non-legal employment.

Most of those who contributed their thoughts to the Special Committee suggested that these changes did not happen overnight. Many factors, including the multi-year downturn in the economy, increased sophistication of clients, and changes in billing and fee collection contributed to the realignment in the financial aspects of the attorney client relationship and changes in the business of practicing law. Many firms have tightened their belts and cut back on expenses they used to accept. During this time period, law schools did begin to increase

practical training. However, it appears that law schools did not increase practical training at the same rate that post-graduation training was evaporating. Thus, a vacuum was created leaving more recent graduates without sufficient training upon graduation and far less opportunity for training post-graduation. Understanding this gap in training is critical to addressing the lack of practice skills, and answering the question: where, when, and by whom should those practice skills be taught? The task is not simple, and any viable solution must involve the participation and support of the practicing bar, our law schools, and the Court.

Understanding the current marketplace for legal services, the Special Committee sought to identify the skills and knowledge most desired by hiring partners and the practicing bar.

## **II. WHAT KNOWLEDGE AND PRACTICE SKILLS ARE LACKING, AND WHAT DO HIRING PARTNERS SEEK IN A NEW ASSOCIATE?**

Throughout the hearings, practicing attorneys told us what was missing in new graduates and described what they were looking for. They spoke extensively about recent graduates' lack of basic practical skills. Private attorneys described new graduates as simply "grossly unprepared to practice law." They described deficiencies ranging from a lack of basic legal skills, most notably poor writing, to deficiencies in soft skills, such as professionalism, work ethic, and inter-personal skills.

A downstate practitioner noted that many applicants who look great "on paper," not only do not have practical skills, they have no idea how to write a useful memo or talk to people. Many who reviewed potential applicants noted the increase in the so-called "paper courses," which though interesting, were of little value to the day-to-day business of the firm. Also noted was the decrease in core classes, externships, and other clinical experiences, which are of far greater value to the practice. An attorney from the collar counties remarked, "I want someone with work experience, not just awards or great grades." Interestingly, those who did interview recent graduates, told us that the extraordinary number of applicants allows them to select candidates with the most practical experience, often citing clinical, clerkship, or externship experience as a critical criteria for a new graduate hire. Although it did not matter whether the practical experience was under the auspices of the school or an independent position, *it did matter what the student actually did in that position.*



There was a consensus that all externships are not the same. Knowing the site of the externship, who supervised the students, what work they completed, and what experiences they were exposed to mattered most in assessing the value of the practical experience. While writing skills are important, a quality “writing sample” can be seen as the product of polishing and editing and not necessarily reflective of what the applicant can do in a short-term assignment. However, a poor writing sample “spoke volumes” about the candidate who would not get the job.

Throughout the hearings, attorneys voiced a consistent litany of desired practice-ready skills. One private practitioner from a medium-sized firm summed up the lawyering skills employers are looking for when he said we are looking for someone “ready to hit the ground running.” Although there was some variance in what “hit the ground running” meant, there was a common ground. From these observations and comments, a core of desired practice-ready knowledge and skills became clear. The core fell into three categories: (1) communication skills; (2) traditional practice skills; and (3) professionalism and work ethic. They agreed that a basic understanding of these core skills and knowledge would greatly assist a new graduate to enter the job market as a valuable and productive attorney.

### **A. Communication Skills**

Practitioners throughout the state, from all practice areas, public and private sector, agreed that communication proficiency is the most important skill needed in any area of practice. Basic communication was described as simply what attorneys do – we communicate with members of our office, our clients, staff, opposing council, the court, a jury, and a myriad of others. Yet, it is the skill most noted as lacking in recent graduates.

#### ***Written Communication***

The number one complaint among experienced attorneys is that new graduates cannot write clearly, concisely, and accurately. They do not write well.<sup>4</sup> Practitioners stressed that

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<sup>4</sup> Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, UNDER ADVISEMENT, LTD.* 10 (2014).

new graduates do not have the ability to make a point. They do not state a proposition, support their position, draw a conclusion, and address the opposing viewpoint. An attorney in the Champaign area noted that in her experience, new attorneys are particularly ill equipped to address adverse cases. She described an inability to distinguish an adverse case or anticipate the other side's position.<sup>5</sup> Others observed that new graduates struggle to draft a short memo clearly outlining the arguments for and against a proposition. They often lack appreciation for what is relevant and what is not. Another aspect that generated significant comment from the practicing bar is the stark lack of ability to synthesize a series of cases as opposed to simply regurgitating the facts and holding.<sup>6</sup> In other words, they can tell you what a case says but do not know how to put a series of cases together to make a cogent argument and make a point.<sup>7</sup>

Many also noted that in addition to writing skills, a lawyer must be able to critically edit his or her drafts, specifically editing for clarity and brevity.<sup>8</sup> One practitioner commented that new graduates tend to draft exceedingly long documents, which she suggests means that they are unaware of what is important and what is superfluous.<sup>9</sup>

Setting aside issues with legal writing, many practitioners saw of a lack of basic writing skills as the bigger problem. A private practitioner downstate suggested the need for more

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<sup>5</sup> U.S. District Judge Solomon Oliver Jr. further expounded on dealing with adverse cases, observing “[t]here are still a substantial number of counsel who seem to believe that the object of briefing and argument is to cite and argue only the cases that are favorable to their client and hope that opposing counsel and the court will not find the cases, if any, to the contrary.” Solomon Oliver Jr., *Educating Law Students for the Practice: If I Had My Druthers*, 2013 J. DISPUTE RESOLUTION 85, 90 (2013). He further notes that these attorneys fail to realize “the law is a ‘public profession’” and points out that lawyers have a duty “to uphold the quality of justice.” *Id.* (quoting WILLIAM M. SULLIVAN ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP* (2007)).

<sup>6</sup> Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, UNDER ADVISEMENT, LTD.* 10 (2014) (“Young lawyers are woefully inefficient at research and writing. And, when they do get a task, they often misunderstand or misrepresent what a case says.”).

<sup>7</sup> See also John T. Phipps, *ISBA Task Force to Look at Law Schools and Making “Practice Ready” New Lawyers*, 6 SENIOR LAWYERS 9 (2014). Phipps describes a gap in legal writing education, explaining that law students “are taught to write in a ‘neutral way.’” Such neutral writing does nothing to advance a client’s position. He suggests students receive instruction on “preparing pleadings, briefs and memoranda of law that are designed to use the facts and the law to advocate the client’s position and persuade the judge to rule in the lawyer’s client’s favor” in order to get new lawyers more practice ready immediately after law school. Legal writing instruction that focuses on writing persuasively would “expose [students] to the process of analysis and hard work persuasive writing requires.” *Id.*

<sup>8</sup> An experienced practitioner also noted “It is important that new/young attorneys review documents, drafts, and any work product with a critical eye so that they do not create more work for their superiors.” Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, UNDER ADVISEMENT, LTD.* 11 (2014).

<sup>9</sup> When asked what the most important skills needed for a new lawyer, a new practitioner in private practice in urban Georgia responded: “Pinpoint answer to question/ *know how to not give an answer in 5 pages when 1 paragraph will do.*” Steven S. Nettles & James Hellrung, *A Study of the Newly Licensed Lawyer*, NATIONAL CONFERENCE OF BAR EXAMINERS 51 (2012) (emphasis added).

emphasis on basic writing skills, proper grammar and word usage, and writing in the active voice. He values basic writing skills more than whether an applicant knows how to draft pleadings; he believes that he can teach a new hire how to draft a pleading if they already have the ability to write clearly and properly. If they do not, teaching them to draft any legal documents or basic correspondence is a far more difficult task.

Practitioners also noted that new graduates are often ill equipped to write a simple letter to a client or other non-lawyer that is understandable. For example, new graduates often struggle to draft a clear, concise letter to a client informing the client what happened in court or outlining the next steps in the case, without using legalese or sounding impersonal.<sup>10</sup> Attorneys stressed how important it is that the recipient understands what they are required to do for the next court date. Without the ability to draft a clear, straightforward letter to a client, the message can be lost.

Like the deficiencies described by Illinois practitioners, an experienced practitioner from a large firm in urban Pennsylvania observed newly licensed attorneys “cannot write good English. They cannot apply law to the facts. They are eager to research and tell you what the principles are, but cannot take the principles, do the analysis and tell you what that means in the particular case. When you do research, the cases never match; new lawyers are not good at applying the cases to the particular facts of the particular cases.”<sup>11</sup> Another experienced practitioner working as counsel for a national corporation similarly observed that “[n]ew lawyers’ writing capacity has diminished partly due to social media such as text and tweets. They lack fundamental . . . elements of writing. They lack the ability to express oneself in prose. They need to learn structured communication before technology communication.”<sup>12</sup> A trial judge from urban New York also noted that newly licensed lawyers “need to understand writing as a craft: writing, rewriting, and editing. They need to make sure the research is accurate and

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<sup>10</sup> For example, a lawyer should avoid legalese when writing to a client or other non-lawyer. Also on the importance of writing in a wide variety of contexts, one practitioner responding to the Morris survey stated: “Since most of the law work I do is not trial oriented, most of the things I learned in school were useless. Learning to draft good contracts, letters, and explanations is a necessary but untaught art.” Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, Under Advisement, Ltd.* 11 (2014).

<sup>11</sup> Steven S. Nettles & James Hellrung, *A Study of the Newly Licensed Lawyer*, NATIONAL CONFERENCE OF BAR EXAMINERS 58 (2012). An experienced attorney for purposes of the NCBE Job Analysis is one with greater than thirty-years experience. *Id.* at 57. A firm with greater than 100 attorneys is large for purposes of the responses in the NCBE Job Analysis. *Id.*

<sup>12</sup> *Id.* at 64 (an attorney with 26 years of experience).

[thorough]. [They need to] ‘scratch to the bottom instead of being satisfied with skin deep.’ Young lawyers think they can find the answer quickly, but do not confirm if it is correct.”<sup>13</sup> These observations of a lack of writing skills in newly licensed attorneys collected for the NCBE Job Analysis demonstrate that the lack of writing skills in new graduates is not unique to Illinois. Rather, writing skills deficiencies in new graduates are noted by practitioners throughout the nation.

Many practitioners who addressed the Special Committee reminisced with some nostalgia about moot court and writing an appellate brief. However, from the vantage of hindsight, almost every practitioner thought that this was not the best use of their time in law school. Very few had ever done an appeal in practice and virtually all felt that the time spent working on an appellate brief would have been better spent learning to write at the trial level with appellate drafting left as an elective for those interested in a judicial clerkship or appellate practice. They noted the small percent of practicing lawyers who do appellate work compared to the much larger segment of the bar engaged in litigation or client-centered work. While the ability to write well is highly valued, experience in drafting an appellate brief was deemed less important. On the other hand, many practitioners said the ability to address an audience is important and the oral argument portion of moot court was viewed as a valuable experience.

### ***Oral Communication***

Experienced attorneys place great importance on basic oral communication skills. They emphasized the need to be able to communicate effectively with a variety of audiences. For example, practitioners value a new hire who is able to engage with a client, supervising attorney, office staff, or the court on a level and in a manner that is appropriate to each. An assistant states’ attorney testified that when making a new hire, his office looks for someone who can work well with others because camaraderie and teamwork are key values in his office. The ability to communicate effectively and accurately with other attorneys and office staff

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<sup>13</sup> *Id.* at 68. Illinois practitioner responding to the Morris survey similarly noted: “Many young lawyers are of the mindset of the day of instant gratification. They carry that over into the practice, which coupled with lack of practical knowledge, causes important items to be missed. ‘Speed Kills’ applies.” Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, Under Advisement, Ltd.* 11 (2014).

contributes significantly to maintaining office teamwork.<sup>14</sup> Notably, these remarks demonstrate that the ability to operate as a team player, in contrast to the competitive attitudes of law students towards their fellow students (fostered by curve grading and class ranking systems), is of high value in a practical legal setting. The assistant states' attorney further noted that to be an efficient prosecutor, an attorney must communicate well with police officers, victims, experts, witnesses, and staff. In other words, a new graduate is a helpful asset to an employer when the new graduate is able to communicate with people at all levels of education and sophistication and able to easily relate to others in any given setting, thereby making the client and others comfortable and willing to confide in the new graduate.<sup>15</sup>

State's attorneys and public defenders seek candidates who can talk to a witness and prepare them to testify in a simple traffic or misdemeanor case. This includes the ability to acquire accurate information from them and give clear, understandable instruction and direction. Further observations included a need for communication skills in a courtroom, including not only the ability to speak effectively with the judge, but also opposing counsel, courtroom staff, and others. Some practitioners in the DuPage area commented that they are seeing more young attorneys with a general lack of a natural ability to talk with people. Importantly, virtually all agreed that an inability to communicate effectively is a distinct disadvantage in every area of practice.

Most private practitioners emphasized the necessity to communicate with a client on the client's level. Legal aid attorneys added that the need often extends to illiterate clients, or the mentally challenged. They described effective communication with a client as the ability to engage the client, to gather the whole story from them, distinguish information that is important from what is not, and from an interview identify the client's issues and expectations. Further, new graduates practicing on their own must be able to talk to clients about retainer agreements, billing, and fees. A downstate practitioner summed it up best; they need to

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<sup>14</sup> An experienced practitioner in private practice from urban Mississippi observed newly licensed lawyers "do not have the interpersonal skills to be able to work in a team environment." Nettles & Hellrung, *supra* note 11 at 56.

<sup>15</sup> Ashby Jones & Joseph Palazzolo, *What's a First-Year Lawyer Worth? Not Much, Say a Growing Number of Corporate Clients Who Refuse to Pay*, WALL STREET J. (Oct. 17, 2011), available at <http://www.wsj.com/articles/SB10001424052970204774604576631360989675324> (noting "lawyers said there is still a gulf between a newly minted lawyer and one who can provide value to a client. Among the skills often absent are a comfort and confidence with clients, a sophisticated knowledge of the business world, and many nuts and bolts, such as how to prepare a witness for a deposition or the precise terms that, say, need to be included in a particular kind of loan agreement.").

communicate simply, without legal jargon and keeping the audience in mind, understanding that the same message may be delivered differently depending on the sophistication, age, education, or mental status of the client.

A 2002 graduate noted that an inability to communicate clearly with clients, particularly regarding client expectations, can lead to ARDC complaints and ethics questions. Similarly, a new attorney practicing in urban North Dakota observed that skills needed to work with clients are frequently unaddressed in law school. This practitioner noted that new attorneys need “[k]nowledge of the pragmatic concerns of an attorney to obtain the proper amount for a retainer as well as appropriately advise the client of all options, in writing, in the event of a dissatisfied client.”<sup>16</sup> New attorneys must also be able to communicate with opposing counsel and others adverse to their client, and do so professionally, efficiently, and civilly.

As with writing skills, new graduates’ underdeveloped oral skills are not unique to Illinois. A new practitioner from North Dakota noted that new lawyers “deficien[cy] in negotiation skills . . . [b]oils down to [a lack of] good communication.”<sup>17</sup> This practitioner added attorneys need to be able to “talk[] with other attorneys to work out a deal to settle a case without trial [and] know[] what is [a] fair agreement[.]”<sup>18</sup> Another new practitioner with three years of experience from urban Montana noted it is important for an entry level attorney to be able to “[c]ommunicat[e] with other attorneys . . . [i]n person [and] [o]ver the phone . . . . Communicate on [a] professional level and be assertive while being professional.”<sup>19</sup> This attorney further noted a “case can turn into a complete disaster if communication breaks down.”<sup>20</sup> As discussed above, a lack of oral communication skills in new graduates is observed nationally.

## **B. Traditional Practice Skills**

Throughout the hearings attorneys voiced a consistent litany of desired practice-ready skills. Regardless of geography, firm size, or practice area, there was clear consensus on the

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<sup>16</sup> Nettles & Hellrung, *supra* note 11, at 62.

<sup>17</sup> *Id.* at 62.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 72.

<sup>20</sup> *Id.* at 72.

basic skills and knowledge that every new graduate should have.

### ***Focus Should Continue on Core Subject Matter***

Although examined in depth in the 2013 Report, the refrain continues that students must have a background in the basic core classes. While other interesting course topics may be seen as a bonus, it is core class work and practice skills that are valued in a new graduate.

### ***Drafting Common Practice Documents***

Many Illinois practitioners indicated that new lawyers should have experience drafting and editing or revising the basic legal documents that lawyers frequently draft in practice.<sup>21</sup> A common example was drafting a simple contract in a first year Contracts course. One Illinois practitioner in response to Kathy M. Morris's survey remarked: "Learning to draft good contracts, letters, and explanations is a necessary but untaught art."<sup>22</sup> Another Illinois practitioner observed: "We're taught how to analyze contracts, but have no idea how to go about turning a blank piece of paper into a solid contract."<sup>23</sup> Illinois practitioners also noted new graduates should have a basic foundation in drafting documents frequently used in the litigation context, such as a motion for summary judgment and a motion to dismiss.<sup>24</sup> Others mentioned that new graduates should have a basic grounding in the drafting of client retainer or engagement letters, and emails.

Similar to Illinois practitioners' comments, an experienced practitioner from a private firm in Mississippi observed that one important activity new lawyers need the ability to do is "[b]asic contract drafting . . . [to] [p]roduce [a] basic draft of a contract with all of the parts."<sup>25</sup> Another experienced practitioner from urban Pennsylvania noted an important skill for entry

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<sup>21</sup> For example, instead of requiring scholarly seminars as an upper level writing requirement, schools could require an upper-level practical writing skills course. Solomon Oliver Jr., *Educating Law Students for the Practice: If I Had My Druthers*, 2013 J. DISPUTE RESOLUTION 85, 96 (2013).

<sup>22</sup> Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, Under Advisement*, Ltd. 11 (2014).

<sup>23</sup> *Id.*

<sup>24</sup> See Oliver, *supra* note 21 at 96 ("The outcome of [motions to dismiss and motions for summary judgment] will sometimes resolve the dispute. Therefore, it is critical for students to have a familiarity with how to persuasively present and oppose such motions. Students should be taught that motions should be viewed strategically in the overall context of litigation, not as obligatory steps in the litigation process.").

<sup>25</sup> Nettles & Hellrung, *supra* note 11, at 55.

level attorneys is “[d]rafting pleading[s].”<sup>26</sup> This practitioner explained that in order to draft pleadings, an entry level attorney has “to know rules” in order “to do the pleading effectively within civil procedure . . . . Have to include certain things in a certain way . . . write plainly and clearly, but contain certain things that the statutes require[.]”<sup>27</sup> The Pennsylvania practitioner further noted drafting pleadings can be “[t]edious [and] rule driven [with] less free form.”<sup>28</sup> As noted below, students need to know and understand how to apply the rules.

### ***Issue Recognition***

A basic skill necessary to everyday practice includes identifying an issue and recognizing that a single fact pattern may present multiple issues. Practitioners perceive that new graduates just do not see the issues. They have learned using canned fact patterns. Attorneys described new graduates who struggle to identify the client’s legal issues and noted that this is often compounded by the new attorney’s inability to gather or understand the facts that are important to the issues. Many legal aid attorneys noted that a client’s lack of formal education and understanding of legal proceedings often obscures the significance of certain events or facts. This is an example of good interviewing skills assisting in ascertaining all the relevant facts so that all the potential issues are visible.

Employers are looking for a new hire who can frame an issue in terms of the given fact pattern, that is in terms of the problem as presented, and be able to connect the facts to the identified issue in order to propose or recommend possible solutions. Practitioners also strongly voiced the importance of being able to recognize issues and defenses from the opposing point of view and articulate a solution from an alternative position. It is not enough to just identify issues alone – attorneys must see the other side, and frame the issues with as much clarity as possible.

### ***Legal Research: Case Law***

Perhaps the most basic skill is the ability to research case law. That is to read it, understand it, and apply a case or series of cases to a given set of facts and to draft a memo

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<sup>26</sup> *Id.* at 57.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*



that presents supportive cases and distinguishes or rebuts adverse cases. There was much discussion on this point. Attorneys expressed frustration that new graduates do not know how to find cases to support or oppose an argument. They do not dig deep enough. When they find cases, they do not appreciate how a series of cases fits together to support or oppose a position. As noted above, practitioners are looking for new hires who can find case law that is relevant to the matter at hand and synthesize it into a cohesive argument in support of a client's issue. It is not sufficient to catalog the facts and holding of the cases, a lawyer must take the next step – make arguments and draw a conclusion.

Writing skills permeated these discussions; practitioners candidly noted that a new lawyer's ability to research effectively and accurately is often judged on the quality of the written brief or memo submitted. In other words, good research skills may be obscured by poor writing. Suffice it to say, writing ability is integral to well-perceived research.

### ***Legal Research: Statutes and Rules***

Equally important is the ability to research statutory authority. There was considerable testimony throughout the state about the need to be able to find, read, and understand basic statutes, rules, and other regulations, and, more importantly, to apply a statute to the case at hand. A public service attorney told the committee that even young attorneys, who are skilled at interpreting case law, cannot work with the plain language of a statute when conducting legal analysis. One speaker from a small firm downstate noted that many new hires fail to recognize that many statutes follow a pattern with a section of definitions and a purpose. She further noted that many new hires may look at a particular statute, but fail to realize there may also be administrative rules, administrative regulations, or Supreme Court Rules that are applicable. Another speaker recalled an experience where a student “knew the statute,” but did not realize that the words in the statute are “words of art” that have a specific meaning in the context of the statute. She characterized it as a “disconnect” between book and practice. This disconnect was a common theme.

An area that generated considerable comment was lack of familiarity with the Supreme Court Rules and the Illinois Code of Civil Procedure. Of particular concern was the ability to find appropriate sections of the Code of Civil Procedure and apply them to routine matters. Many discussed the lack of understanding about the use of procedural rules, again noting they may

know what the rule says but do not appreciate what it means or how it is applied. A partner in a small firm downstate described her observation that many graduates fail to recognize the importance of the Supreme Court Rules and Code of Civil Procedure in pleadings, motions, and other filings. Further she observed they do not understand that many terms, particularly procedural terms, are defined by the statute itself. In sum, recent graduates do not recognize procedural issues nor appreciate how procedural and substantive issues are interrelated.

Overall, there was a strong consensus that upon graduation, new attorneys should have a core knowledge of the Code of Civil Procedure and Supreme Court Rules, and a basic understanding of how to apply them.

Similarly, a new practitioner from North Dakota observed: “So far, the one area that I feel has been very important in almost every area of law that I have needed to obtain further knowledge regarding [are] the rules of civil procedure. Rules of professional responsibility, rules of civil procedure, rules of court . . . are all very important and are issues that are addressed daily.”<sup>29</sup> Thus, as in Illinois, nationally the importance of civil procedure, including local rules, is stressed by practitioners with the common observation that new graduates are unfamiliar with the rules of procedure upon graduation.

### ***Basic Chronology of a Civil Case***

A practitioner in a legal aid office downstate, who has hired 10 new graduates in the last three years, spoke in detail about their lack of basic lawyering skills, including a lack of understanding of the basic steps in a case.<sup>30</sup> Because the attorney didn't understand the whole case, they cannot effectively interview a client and are frequently unsure how to get or verify information from a client or other sources. When the attorneys do not know what to do next in

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<sup>29</sup> *Id.* at 59. See also Susan M. Case, *The Testing Column the NCBE Job Analysis: A Study of the Newly Licensed Lawyer*, THE BAR EXAMINER 52, 54 (Mar. 2013) (showing in the Table on Knowledge Domains, which included areas like Real Property and Rules of Evidence, Rules of Civil Procedure listed as number one area with highest significance among other Knowledge Domains that practitioners indicated is important for newly licensed attorneys to be competent in.).

<sup>30</sup> Like knowing how to take a case from start to finish, new graduates should holistically engage in a case. In a study on skills legal employers look for conducted by Susan Wawrose, Sheila Miller, and Vicki VanZandt, “An attorney at a large firm remarked: ‘[T]he number one thing . . . I hear . . . [from outside counsel, is:] understand my business, understand what I need, understand where my business is going, and keep up with whatever is being published in the newspaper.’” Susan A. Wawrose, *What Do Legal Employers Want to See in New Graduates?: Using Focus Groups to Find Out*, 39 OHIO N.U. L. REV. 505, 528 (2013) (alterations in original) (quoting large firm practitioner from Focus Group II).

a file, they are not able to explain the case or tell the client what will happen next.<sup>31</sup>

This attorney was not alone in her observations. Many attorneys spoke about new graduates inability to understand, let alone handle, a case from start to finish; they describe instances where a new graduate did not know the next step in his or her case. For example, a practitioner from Fairview Heights explained a situation where a new attorney did not know what happens when the other side does not accept the initial offer. Similarly, an associate dean testified about receiving a phone call from a recent graduate who had been given the task of defending a motion. The new attorney was at a loss and called his former professor to ask, “What am I supposed to do? The partner is not going to be there.” These examples illustrate concerns for hiring partners including the lack of understanding of the chronology of a case and the various options at each stage. Further, as noted below, it portrays an inability on the part of new graduates to independently problem-solve to come up with possible solutions in order to take the next step in a case.

A professor who supervises a clinic noted that almost all second and third year students cannot apply the law to the facts presented in her clinic setting when they start the term. She elaborated that they do not know what “to do” with the information a client gives them because they do not understand how the information fits into a case. They do not know the significance of what they are doing because they do not see the big picture. She also echoed the observation that they often fail to see the difference between relevant information and non-relevant superfluous facts, and because they do not know where they are “going” in the file, they cannot see what is important.

Another private practitioner from the Champaign area stated that new attorneys are weak in the ability to connect legal research to the client’s and desired goal often because they just do not understand how the immediate task fits in to the big picture. In sum, new graduates lack a basic understanding of what the practice of law is all about. Put into the context of a client’s case, they do not know what to do to move the case forward.

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<sup>31</sup> Another practitioner noted, “[m]any new lawyers do not have the confidence to talk with clients. Nor do they know how to effectively relate bad news. And they often talk in legalese.” Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, UNDER ADVISEMENT, LTD.* 12 (2014).

## **Problem Solving**

An attorney participating in Susan C. Wawrose's study,<sup>32</sup> which sought to identify the skills Ohio practitioners look for in new hires noted: "[F]inding case law and doing research – law students can do that. But being a lawyer is knowing how to apply it and make an argument and . . . bring that all together . . . . [T]hat's the lawyering."<sup>33</sup> The idea is that new graduates need basic problem-solving skills to effectively connect the law to the facts of the client's case to help solve the client's legal problems. In Neil W. Hamilton's study of Minnesota attorneys, "Good judgment/common sense/ problem solving" was ranked as the fifth most "very to critically important" skill by large Minnesota law firms; ranked as the first most "very to critically important skill" by small Minnesota firms; second most important by Minnesota County attorneys; and second by Minnesota regional aid offices.<sup>34</sup> These rankings demonstrate that the same problem-solving skills valued by Illinois practitioners are also highly important outside of Illinois.

An experienced practitioner working as counsel for a national corporation described a "[s]olid sense of problem solving" as an ability to "provide [a] client with a range of options; [s]ense of clarity when there [is] no option (all other options are illegal); [and] [h]aving an ability to be flexible yet firm . . . ."<sup>35</sup> A new practitioner from urban Montana observed that "[c]ase handling" is among the responsibilities of newly licensed lawyers' in his practice.<sup>36</sup> The Montana practitioner explains that "[c]ase handling" includes: "Managing deadlines; [c]ommunicating with client; [c]ommunicating with other attorneys; [m]eeting with clients; [h]andling their issues; [d]etermine what to do with case . . . . Take case from start to finish . . . [p]re-trial investigation, [which means] [g]etting documentation from client to verify their version of the event, and substantiate . . . if claim is possible."<sup>37</sup> In sum, practitioners inside and

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<sup>32</sup> Susan C. Wawrose is the Director of Graduate Law Programs and Professor of Lawyering Skills at the University of Dayton School of Law. Susan C. Wawrose, *What Do Legal Employers Want to See in New Graduates?: Using Focus Groups to Find Out*, 39 OHIO N.U. L. REV. 505, 505 n.1 (2013). Wawrose's study utilized focus groups, which were small groups of attorneys practicing in "a range of practice settings" from the Dayton, Ohio area. *Id.* at 511-16.

<sup>33</sup> *Id.* at 559 (2013) (alterations in original) (quoting attorney from Focus Group III).

<sup>34</sup> Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 SOUTH CAROLINA L. REV. 547, 551-55 (2014). "Good judgment/common sense/ problem solving" was ranked second overall across types of practitioners. *Id.* at 557.

<sup>35</sup> Nettles & Hellrung, *supra* note 11, at 63.

<sup>36</sup> *Id.* at 71.

<sup>37</sup> *Id.* at 71-72.

outside of Illinois want new graduates to have the case management/problem-solving skills necessary for lawyering to solve a client's problem.

An attorney from DuPage described problem solving as the cornerstone of lawyering. A Chicago attorney from a large firm aptly characterized the general sentiment when she stated that too many students graduate from law school "with raw knowledge and no idea what to do with it" they do not know how to use the information they have to address the problem. Another summed it up by stating new graduates "know they do not know what to do, but they do not know how to learn what they do not know."<sup>38</sup> Significantly, many agreed with that sentiment and added that such a position limits the new attorney's ability to ask the necessary questions to complete the task at hand and effectively represent a client. Many attorneys noted that new graduates often fail to ask the "how" and "why" questions necessary to solve the problem; as a result, new graduates miss the point.

Another private practitioner noted that the effective practice of law requires a continuing learning process. He observed that one of the best ways to learn is through the critique of experienced practitioners and suggested that new graduates need to be able to "ask for and take direction" but not expect to be spoon-fed. Many attorneys stressed that they look for new graduates with self-initiative and problem-solving skills. Put another way, they do not want new associates who just asks for "the form" or is dependent on others to tell them what to do next. While acknowledging that we all use forms in daily practice, the point is that a "form complaint" may be a place to start and a good learning tool, but it is not and should not be the final work product. A private practitioner gave the example of a new attorney going to a partner and saying "tell me how to do this," instead of doing the research himself, making the attempt, and *then* going to the partner with specific questions. The difference is one new attorney wants to be told what to do to complete the task, while the second seeks guidance to learn how to complete the task alone. The latter is the desired new hire.

A legal aid attorney downstate noted that many new attorneys struggle to problem solve on their own, and that even after formulating a plan, they look to more experienced attorneys for reassurance. Although these experienced attorneys spend a lot of time "hand holding" new attorneys until they have confidence in their decisions, most opined that this is a

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<sup>38</sup> A practitioner from urban Montana observed that new attorneys "need to know what they do not know, and where to find the missing information . . . . They need to be better at the 'nuts and bolts' of law." *Id.* at 74.

temporary stage and that with the right skills and experience, confidence will follow. It does however drive home the point that experiential simulation in class and clinic work is only part of the training needed. New lawyers exposed to repetition of problem solving develop confidence in their ability, which in turn boosts self-initiative.

### ***Evidence***

Again, practitioners described the common theme of the “disconnect” between book and practice, reiterating that the knowledge of the rule is there, but understanding it and applying it is not. Clearly, the schools are successfully teaching the rules. A legal aid attorney noted that recent graduates generally “know” the rules of evidence, but often do not know how to lay a foundation to admit a simple document into evidence. A private practitioner at a large firm in the Peoria area similarly noted that recent graduates can recite the rules of evidence, but do not know how to use the rules to move to admit or object to admission of a piece of evidence in court. They routinely expressed that when hiring for a litigation position, experience with evidence – preferable in a Rule 711 or clinic placement – was highly desirable.

An attorney from North Dakota noted that the rules of evidence are one of the most important areas for a new attorney to have knowledge in.<sup>39</sup> The same attorney further observed that new attorneys “know how to research case law but they do not know how to research rules and statutes.”<sup>40</sup> The NCBE’s Job Analysis Survey Results also show that the Rules of Evidence was given the third highest ranking of significance by practitioners, just behind Rules of Civil Procedure, ranked first, and Other Statutory and Court Rules of Procedure, ranked second.<sup>41</sup> Illinois practitioners echoed these sentiments. Civil Procedure and Evidence were repeatedly noted to be the most important areas for practice. The more exposure students have to the practical application of these areas, the more attractive they are to a prospective employer.

Most practitioners agreed that these skills are probably best learned in a clinic or externship rather than in a classroom lecture. As one third-year student told the special committee, when she started to work at a law firm as a clerk, “the law came to life. I finally

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<sup>39</sup> *Id.* at 62.

<sup>40</sup> *Id.*

<sup>41</sup> Case, *supra* note 29, at 54.

understood what I had been learning and how it was relevant to the work of a lawyer.” New graduates should have a working knowledge of the Illinois Rules of Evidence and their basic application, in a practical setting.

### ***Alternative Dispute Resolution***

Most attorneys believe that new graduates should have a basic knowledge of what alternative dispute resolution (ADR) is and how it can be used as an alternative to traditional litigation. There was particular discussion about negotiation skills in new graduates. Most felt this skill was lacking, yet the ability to negotiate is one of the most important and most used skills in practice. For example, practitioners agreed that often “what the client wants is not always a legal remedy, and a solution beyond simply money damages can be the most appropriate resolution to solve the client's problem. So learning how to negotiate to ‘solve the problem’ the client presents is an important skill.” Newly licensed attorneys should have a basic knowledge of “the various ADR devices,” so that they can best advise clients on costs and delays related to litigation as opposed to the speed and cost-savings of ADR, and overall how to best meet a particular client’s goals by providing a clear explanation of the benefits and drawbacks of both options.<sup>42</sup>

A private practitioner from Mississippi similarly observed that to fulfill an entry-level position, a newly licensed attorney needs to “[be] aware of non-litigation resources.”<sup>43</sup> A practitioner from North Dakota also noted newly licensed attorneys “do not know about alternative dispute resolution.”<sup>44</sup> These comments indicate that deficiencies in new graduates’ knowledge of ADR are not unique to Illinois.

As the nature of dispute resolution continues to change, the importance of new graduates’ knowledge of basic ADR devices grows. Many contracts in labor and employment law, or in transactional work, now include mandatory arbitration clauses, and a variety of experienced practitioners are serving as arbitrators themselves. Mediation is also becoming a more popular method for resolving disputes between parties, in many cases judges are mandating mediation before setting a hearing or trial. Mediation and arbitration provide

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<sup>42</sup> Solomon Oliver Jr., *Educating Law Students for the Practice: If I Had My Druthers*, 2013 J. DISPUTE RESOLUTION 85, 95 (2013).

<sup>43</sup> Nettles & Hellrung, *supra* note 11, at 55.

<sup>44</sup> *Id.* at 62.

affordable and time-efficient alternative to litigation to resolve disputes. Because saving money is often a client concern, clients expect their attorneys to be able to advise them of such options. As a result, new graduates need a basic grounding in mediation and arbitration to be an asset to an employer and meet clients' expectations.<sup>45</sup>

### **Organizational Skills**

Organizational skills were discussed by many, many practitioners throughout the hearings. Although described in different contexts, organizational skills were highly valued. A practitioner from a small private practice downstate talked about the need to keep neat files and an up-to-date calendar to avoid conflicts in court appearances. Others in larger firms noted the importance of keeping an organized calendar for time management, billing, and accurate client files. However, all practitioners stressed that it is not *just* filling in a diary or making entries on a billing sheet. Organization skills require that the new lawyer understand why neat, accurate, and complete records matter and *why* it is important. They need to know that keeping a calendar current and maintaining accurate, complete files helps an attorney meet deadlines and avoid a statute of limitations. It also helps an attorney prepare accurate billing and keep clients properly informed, all of which keep the practicing attorney in compliance with the Code of Professional Conduct, which among other things require attorneys to deliver competent legal services and keep a client informed.<sup>46</sup>

Similarly, a new practitioner with three years of experiences from Montana observed one major responsibility of newly licensed attorneys is “[c]ase handling.” The attorney added that case handling includes: “[m]anaging deadlines; [c]ommunicating with client[s] . . . [h]ave to know dates, names, and money that was involved in the dispute.”<sup>47</sup> Thus, organization is universally important.

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<sup>45</sup> See Oliver, *supra* note 42, at 95.

<sup>46</sup> See ILLINOIS RULES OF PROF'L CONDUCT R. 1.1 (2010); ILLINOIS RULES OF PROF'L CONDUCT R. 1.4 (2010). See also MODEL RULES OF PROF'L CONDUCT. R. 1.1 (1983) (“A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”); MODEL RULES OF PROF'L CONDUCT. R. 1.4 (1983) (describing attorney's duty to keep a client informed).

<sup>47</sup> Nettles & Hellrung, *supra* note 11, at 72.



## C. Professionalism/Work Ethic

### **Work Ethic**

Another area that generated lively discussion at the hearings was the lack of work ethic of newer lawyers.<sup>48</sup> Though more a characteristic than a skill, employers seek a strong work ethic. They look for an applicant with work experience, not only legal work experience, but general work experience that signals to the prospective employer that the new associate can and will “put in an honest day’s work.” It is important to firms that a new hire know the basics of being a good employee; arriving on time, being appropriately dressed, and prepared to complete the day’s tasks. An understanding of commitments, deadlines, obligations, and the consequences for failure to comply are paramount to employers. Perhaps it was best stated by the attorney who said “many students have lost sight of the fact that you must bring a basic, good work ethic and skills to your job as a lawyer.”

Private practitioners expressed frustration that new attorneys “*think* they know everything,” which he noted contributes to new attorneys thinking “they do not have to work very hard.” More than a few private practitioners expressed frustration that new attorneys “just do not want to work that hard.” Similarly, downstate attorney John T. Phipps notes that many new lawyers “want to be able to work from 9:00 a.m. to 5:00 p.m. and then go home . . . . A career in law does not require lawyers to be workaholics, but it also does not shut down at 5:00 p.m.,” which he attributes to new lawyers not being practice-ready when they enter the profession.<sup>49</sup>

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<sup>48</sup> That a legal employer looks for strong work ethic in a new hire, prompts the question: “How does a student demonstrate affirmative evidence of trustworthiness [and work ethic]?” Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 SOUTH CAROLINA L. REV. 547, 562 (2014). Neil W. Hamilton explores the answer to that question, writing:

I have learned from my discussion with . . . employers [from large firms, small firms, county attorneys, and legal aid offices] that they often look at experiences like coming from a farm family or being an Eagle Scout—or being recognized for excellence in sports, the performing arts . . . to infer whether a student has initiative, ambition, drive, or strong work ethic, and whether the student can be trusted with substantial responsibilities. A great opportunity exists to work with legal employers to create assessments and evidence of these competencies that the employers will value.

*Id.*

<sup>49</sup> John T. Phipps, *ISBA Task Force to Look at Law Schools and Making “Practice Ready” New Lawyers*, 6 SENIOR LAWYERS 9 (2014). Phipps also points out that practicing law is a profession, which includes “obligations to our clients and our profession and the law stands for something beyond ourselves . . . . [T]he keys to success involve building relationships and doing something beyond just your job, such as bar involvement or community work.” *Id.*

Other speakers noted that many new attorneys have an expectation that their day always ends at 5:00 pm. They fail to recognize that practicing law is not a nine-to-five job and that working long into an evening is required to meet deadlines or handle emergencies. One practitioner gave the example of a young associate who refused to stay late because the associate had made plans for that evening, which in her mind was not only a poor work ethic, but also an example of poor time management as the associate did not understand that, in a trial week, things come up and the day just does not end at 5:00 p.m.<sup>50</sup> Interestingly, this practitioner attributes new attorneys' lack of work ethic, and to a lesser extent lack of time management, to the current structure of law school that includes few deadlines and one exam at the end of the semester. Time management is a critical tool for all lawyers, especially new graduates who are just learning how to balance the often-competing demands on their time.

One Illinois law school-affiliated legal clinic supervisor noted that students do not understand how much work a file can take – often substantially more than they anticipate in a clinic. Appreciation for the work of an attorney is something students learn in the clinic setting. An attorney practicing in the public sector downstate, who has hired new graduates over the last few years, told us that many new graduates just do not realize how much work it takes to be a lawyer and noted that many graduates are grossly unprepared to put in the long hours required of an attorney. On the other hand she noted that some new hires overwork, which she attributes to a strong desire to do the job but a lack of understanding what work is of value to the case and what is not.

Others reminded the Special Committee that many newer lawyers are obligated to leave their primary job at 5:00 p.m. because they have taken on a second job to supplement their income. Ironically this leaves these new attorneys caught between working the hours necessary to satisfy the attorney who hired them and earning additional income to meet their financial obligations including student loan payments.

Outside of Illinois, practitioners also described a decline in work ethic among new graduates. For example, when asked “[i]n what areas do you observe deficiencies in newly

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<sup>50</sup> Another experienced attorney writing in response to Morris's survey question on Client Service Skills wrote about new lawyers: “They certainly do not commit the hours and hard work that I put in as a new associate at a top ten law firm. They do not understand that they are working in a service oriented profession.” Kathy M. Morris, *The Legal Profession PREP CLASS: The Practice Readiness Project for Chicago-Area Law School Students: Research, Responses, and Report to Chicago-Area Law Schools, UNDER ADVISEMENT, LTD.* 12 (2014).

licensed lawyers?," a trial judge from urban New York responded:

A doctor recently remarked that in order to be a physician is [sic] you need to sacrifice your 20's. What lawyers do is very hard. They [new lawyers] seek excellent work life balance. They [new lawyers] need to sacrifice some home life. They do not necessarily need to sacrifice their 20's, but still need to sacrifice years for diligence. They fail to appreciate the value of experience. They fail to appreciate the value of being a lawyer . . . . They need to be prepared to work extremely hard . . . .<sup>51</sup>

Similarly, Ohio practitioners in Susan C. Wawrose's study also valued work ethic.<sup>52</sup> Among the observations of the participating Ohio attorneys are the "basic expectations" that new graduates "[s]how[] up at the office regularly and put[] in the 'extra hours.'"<sup>53</sup> Like the observations of Illinois practitioners, Ohio practitioners noted that practicing law is often not a nine-to-five job.<sup>54</sup> Overall, practitioners, including those outside of Illinois, want new graduates who are "dedicated and driven" to complete quality work, pull their weight as part of the firm "team" and offer an extra hand to others when able; put in the hours necessary to get the job done.<sup>55</sup>

### ***Law School Format: A Contributing Factor to Low Work Ethic***

An Illinois practitioner concentrating in ethics violations, who also serves as an adjunct professor, noted that the large lecture format used in most law school classes allows for chronic absenteeism without repercussion, creating an environment where students are able to "skate" through the semester. Thus, he opined, students get into the habit of not reading or preparing for class every day, because doing so has little pay off. Instead, students work to their full capacity only during the final weeks of the semester in preparation for a final exam, because the final exam is the only measure of their performance in that class. Such a structure enables procrastination and unintentionally teaches a poor work ethic. Another full professor agreed that the "one exam at the end of the semester" grading model enables students to take a

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<sup>51</sup> Nettles & Hellrung, *supra* note 11, at 68.

<sup>52</sup> Wawrose, *supra* note 32, at 523.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 523-24.

passive role through much of the year. Such passivity does not foster good time management skills nor the consistent work ethic needed to meet obligations, deadlines, and the daily rigors of the practice of law. Schools around the nation continue to employ the one final, one grade method, unintentionally perpetuating poor academic habits, which translate into a poor work ethic *in practice*.<sup>56</sup>

### **Professional Decorum**

Practitioners frequently mentioned professionalism as a quality they look for in a new graduate to hire.<sup>57</sup> Several practitioners – particularly those in public sector downstate – noted that new graduates without prior externship or clinic experience often do not know how to dress or act appropriately in a courtroom.

Other attorneys stressed the importance of civility in dealing with opposing counsel, for example extending the simple courtesy of returning phone calls. Older attorneys were particularly aware that new graduates do not readily make phone calls. Although this may be a generational issue, the point is that in a practice where clients expect a phone call not a text, new graduates have to adapt and reach the client according to the client's expectations.

Many practitioners mentioned the lack of civility and professional courtesy in dealing with opposing counsel. The most often cited example is responding to opposing counsel's

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<sup>56</sup> See Martha Spence, *Law Student Life: Frequently Asked Questions From New Students*, LEWIS & CLARK LAW SCHOOL, [https://law.lclark.edu/student\\_life/new\\_student\\_faqs/#7](https://law.lclark.edu/student_life/new_student_faqs/#7) (last visited Apr. 7, 2015) (“Most of your courses in law school are graded by means of one examination that occurs at the end of the semester and that tests on any of the material you have covered during the semester.”); Shawn P. O’Connor, *3 Pointers for Success in Law School*, U.S. NEWS & WORLD REPORT EDUCATION (Feb. 27, 2012, 10:00 AM), <http://www.usnews.com/education/blogs/law-admissions-lowdown/2012/02/27/3-pointers-for-success-in-law-school> (“Furthermore, your grades in law school are typically based entirely on just one exam at the end of the semester.”).

<sup>57</sup> Through four studies, which surveyed the largest law firms in Minnesota, Minnesota small firms (firms with 2-9 attorneys), Minnesota county attorneys, and Minnesota legal aid offices, Neil W. Hamilton found that the most important competency across the board that Minnesota legal employers look for in a new hire is “[i]ntegrity/honesty/trustworthiness.” Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 SOUTH CAROLINA L. REV. 547, 557 (2014). In order for students to acquire these core professionalism values, law schools must:

[H]elp each student entering [the legal] profession to change from thinking like a student—“solv[ing] well-structured problems by learning and applying routine techniques”—to accepting and internalizing responsibility for others, particularly for the persons served, and for the student to develop toward excellence as a practitioner at all of the competencies of the profession. Clients . . . need to trust that their lawyers . . . “will be dedicated above all else to care for [them] with all their ability.”

*Id.* at 563-64 (quoting William A. Sullivan, *Foreword* to TEACHING MEDICAL PROFESSIONALISM (Richard L. Cruess et al. eds.) (2009)).

request for a time extensions with objection and necessity of a court appearance – even when they know the court is likely to grant the request.<sup>58</sup> An experienced attorney responding to the Morris Chicago survey discussing interpersonal skills aptly described a gap between legal education and practice, writing “[m]any new lawyers come out of law school with an idea that every case is a death match and if they compromise on an issue it is a sign of weakness. Many new lawyers are not taught the importance of civility and the need to recognize that a case is not their own personal quest.”<sup>59</sup> One attorney from a downstate firm advocated for an overall increased emphasis on civility from the first day in law school throughout all classes.

Attorneys from other states made similar observations. On the topic of professionalism and decorum, a practitioner from urban Montana noted newly licensed lawyers “need to be more professional[;] They need to portray themselves as lawyers (clean, and not wrinkled apparel)[;] [t]hey use slang in their communication[;] [t]hey sound flippant at times[;] [t]hey need to still dress for the legal profession (conform to local standards).”<sup>60</sup> On the topic of civility in the courthouse, a new practitioner in a private firm in Nebraska noted one deficiency of new lawyers is that “[t]hey lack professionalism . . . [they are] [n]ot skilled at working with other attorneys . . . [and] [t]hey lack basic courtesy/ being nice.”<sup>61</sup> In sum, new graduates need exposure during law school to courtroom decorum expectations, such as dress, where to stand, and how/when to address the court, as well as, education about office and courtroom professionalism, such as conducting themselves with civility.

In fact, in the section governing the conduct of opposing parties, the American Bar Association’s Model Rules of Professional Conduct state: “overly zealous advocates are rule breakers.” Further, the rule goes on to explain that “[a]n attorney may practice with zeal and remain squarely within ethical bounds; zeal in advocacy may mean readiness, eagerness, forwardness, or fervor. When attorneys are belligerent, aggressive or offensive, they misunderstand the true meaning of zeal and how to act with it.” The Preamble to the ABA Model Rules also charges all attorneys with a “special responsibility for the quality of justice,”

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<sup>58</sup> Solomon Oliver Jr., *Educating Law Students for the Practice: If I Had My Druthers*, 2013 J. DISPUTE RESOLUTION 85, 90 (2013).

<sup>59</sup> Morris, *supra* note 50, at 17. Similarly, U.S. District Judge Solomon Oliver Jr. explains “[l]awyers must fully comprehend that carrying out the advocate role does not mean they must engage in offensive tactics, discourteous behavior, or disagree with requests of opposing counsel that cause no prejudice to their client.” Solomon Oliver Jr., *Educating Law Students for the Practice: If I Had My Druthers*, 2013 J. DISPUTE RESOLUTION 85, 89-90 (2013).

<sup>60</sup> Nettles & Hellrung, *supra* note 11, at 74.

<sup>61</sup> *Id.* at 67.

meaning that “a lawyer should use the law’s procedures only for legitimate purposes and not to harass or intimidate others.”<sup>62</sup> Adding to the lofty Preamble statements, and as discussed in the section on discovery below, ABA Model Rule 3.4 generally imposes on an attorney a “duty of fairness to an opposing party and counsel.”<sup>63</sup> In sum, newly licensed attorneys should not only be well versed in the Rules of Professional Conduct, but also a foundational understanding of the practice of law as a *profession* with duties and responsibilities not only to the client but also to “the quality of justice.”<sup>64</sup>

### ***Business Skills for the Practice of Law***

Several attorneys testified that new graduates should have a basic understanding of the business of practicing law before their first job. An attorney practicing insurance defense downstate suggested that the time has come for schools to provide, if not mandate, a course in personal and ethical finance to teach students concepts such as: housing costs, savings, mortgages, insurance costs, how to live under a student debt budget, basic investment concepts, financing a practice, and escrow accounts. A 2005 graduate, practicing in a small firm, expressed how important it is for new lawyers to have training on how to manage a law firm or business and on how a small firm operates, including the financial aspects. Another practitioner from a large firm downstate stated students need an understanding of how to start, run, and manage their practice and must understand the ethics of a law practice “to keep them in good standing with the ARDC.”

The lack of practical skills, particularly skills related to running a business, is problematic for the new attorneys who start their own practices. Many attorneys observed that new graduates lack business skills; they are unable to read a balance sheet or prepare a business plan, and they lack the organizational skills to operate a law practice. Younger lawyers agree that they had very little experience in these areas when they began practice and wish they had learned more about the business of the practice of law in school.

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<sup>62</sup> MODEL RULES OF PROF’L CONDUCT pmb. ¶ 1 (1983). It should also be noted that the ABA Rules of Professional Conduct are *minimum* standards. See Nancy L. Cohen, *Candor to the Court and Civility Rules: Ethical Issues or Professionalism*, ABA (2013), [http://www.americanbar.org/content/dam/aba/events/labor\\_law/2013/03/employment\\_rightsresponsibilitiescommitteemidwintermeeting/23\\_cohen.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/labor_law/2013/03/employment_rightsresponsibilitiescommitteemidwintermeeting/23_cohen.authcheckdam.pdf). An attorney striving for professional excellence necessarily must strive to exceed the minimum standards.

<sup>63</sup> MODEL RULES OF PROF’L CONDUCT. R. 3.4 (1983).

<sup>64</sup> MODEL RULES OF PROF’L CONDUCT pmb. ¶ 1 (1983).

Setting fees, billing, and retainer agreements were of particular concerns to new lawyers. Although they must pass the Multistate Professional Responsibility Exam (MPRE), the density of the rules that appear on the test are not fully understood by students who may memorize the rule to pass the exam, but fail to recognize the complexity of handling client, firm, and account money in compliance with the Rules of Professional Conduct.<sup>65</sup> This expansive model rule demonstrates the complexity of handling funds that are part of the business of practicing. Lawyers not only represent a client, they must understand and appropriately discharge their financial responsibilities and fiduciary duties. Thus, practical legal skills necessarily include organizational skills and financial skills that specifically tie to both managing an account and one's own practice.

An attorney who takes on interns every semester, pointed to billing as a very difficult subject for young attorneys, who lack time management skills. They do not understand the relationship between work completed, time spent, billable time, and getting paid, while still giving a client value and good service. As a simple example, he said recent graduates do not understand that you cannot spend \$5,000 worth of time on a \$500 problem. Many senior attorneys agreed it is important that students learn the difference between what is reasonable "in the real world of private practice" as opposed to the cocoon of pure academic pursuit. For example, while in school a student can spend whatever time he or she wants on a writing assignment without regard to cost or expense for that time. A lawyer in practice must be mindful of the tension between the client's expectation, the time and expense expended to

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<sup>65</sup> MODEL RULES OF PROF'L CONDUCT R. 1.5 (1983). As an example of the complexity of fees consider provisions of Rule 1.5 on reasonable fees:

Client-Lawyer Relationship

Rule 1.5 Fees

(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

*Id.*

achieve the desired result, and the client's ability or willingness to pay the fee generated by the time expended.

In sum, practitioners across the state place the ability to write effectively and communicate orally with a variety of audiences as the two most important and most valued practice skills every new lawyer must have. In addition they seek, the more traditional practice-ready skills including strong research skills, together with the concurrent ability to synthesize that research into a coherent argument, reach a conclusion, and distinguish opposing case law. Every new lawyer should have a basic understanding of the chronology of a simple civil trial with a basic appreciation for the steps in litigation from client interview to verdict.

Every new lawyer must be able to find, read, understand, and effectively apply statutes and court rules. Clearly leading the list are the Supreme Court Rules, the Code of Civil Procedure, and the Illinois Rules of Evidence. With respect to these, a new lawyer should be well versed in the content, what the rule or statutory provisions mean, and how they are applied. Every lawyer must have organizational skills as those apply to the operation of a law practice in the private or public sector, particularly as they tie into ethics issues.

They must have a work ethic and understand what it means to be a lawyer, to practice law, to represent a client and meet their professional obligations. Every new lawyer regardless of his or her desired practice should understand the basic operations of a law practice, and the ethical obligations incumbent on a practicing lawyer.

### **III. INPUT FROM THE PROVIDERS OF LEGAL EDUCATION IN ILLINOIS**

The State of Illinois is the home of nine law schools. The Chicago area hosts Chicago-Kent College of Law, DePaul University College of Law, Loyola University Chicago School of Law, the Northwestern Pritzker School of Law, the John Marshall Law School, and the University of Chicago Law School. Downstate DeKalb hosts Northern Illinois University College of Law, Urbana-Champaign hosts the University of Illinois College of Law, and Carbondale hosts Southern Illinois University School of Law. The Special Committee sought input from these schools to showcase what actions our schools are currently taking to foster experiential learning and practice skills to prepare their graduates for successful careers as members of the bar.



A survey was compiled to accomplish this goal. Special Committee member Dean Jennifer Rosato Perea of DePaul University College of Law contacted the dean of each school requesting their participation in this process. The committee received detailed responses from Chicago-Kent College of Law, DePaul University College of Law, Loyola University Chicago School of Law, Northern Illinois University College of Law, Southern Illinois University School of Law, and the University of Illinois College of Law. The John Marshall Law School and the University of Chicago Law School declined the invitation to take part. The Northwestern Pritzker School of Law chose not to share the results of the survey for this Report. What follows is an overview of the input received from the participating schools, with particular responses highlighted throughout from the schools that provided detailed responses. All quotations below are taken from the materials the law schools submitted in response to the Special Committee's survey.

## **A. General Curriculum**

### ***Skills-Related Courses Offered in First Year***

All seven law schools require their students to complete a course focusing on legal writing/analysis/communication in both the Spring and Fall Semesters of their first year. Generally, these courses focus on training students in the written communication of legal analysis, including proper legal citation and style. Students are typically presented with fact patterns and are required to conduct legal research and draft legal documents (e.g., briefs and memoranda). They then receive instructor feedback on their writing and typically must submit revisions. Some of the schools also include oral advocacy training in these courses.

While most schools incorporate legal research into their first-year legal writing courses, a minority requires students to take stand-alone legal research courses. In these classes students typically learn how to develop research plans and conduct research. While students usually still learn how to perform research in the law library using the traditional approach, most courses place a greater emphasis on using commercial research databases including Westlaw and Lexis.

**Chicago-Kent College of Law:** In addition to being required to take Legal Writing 1 and 2 during their first year, students also have the option of taking a "Clinical Rotation" course

where they engage in “some or all of the following: legal and factual research, client interview simulations, document drafting, discovery review, simulations of administrative hearings and negotiations, trial strategy sessions, and observation of court and motion calls.” This effort to get students engaged in clinics during their first year is progressive and allows students to see the practice of law in action before they begin their second year.

**DePaul University College of Law:** Students are required to take a two-semester course on “Legal Analysis Research and Communications.” Among other things, the courses focus on teaching students professional writing skills, legal analysis, research methods, and citation form.

**Loyola University Chicago School of Law:** Students are required to take the typical “Legal Writing I and II” during their first year. It is also notable that all of the school’s first-year doctrinal courses “include either a transactional or litigation based exercise.”

**Northern Illinois University College of Law:** In each semester of their first year, students are required to take a legal writing course and a basic legal research course. Legal Writing I and II focus on developing skills related to legal writing (including document drafting and email correspondence), oral communication, research, client interviewing, and professionalism. Basic Legal Research I and II focus on developing skills related to analyzing fact patterns, using primary and secondary sources, locating case law and statutes in various formats, using legal citators, using proper citation formats, locating legal forms, creating research plans, and using electronic research databases. Students also learn critical skills associated with evaluating the usefulness and accuracy of legal sources found via their research.

**Southern Illinois University School of Law:** Students take “Lawyering Skills 1 and II” (for 3 credits each) and “Professionalism I and II” (for a half credit each).

**University of Illinois College of Law:** Students are required to take “Legal Writing and Analysis,” “Introduction to Advocacy,” and “Legal Research.”

### ***Courses Offered on Law Practice Management and Business-Related Skills***

While all seven law schools reported offering business-related skills courses, it appears that the question was interpreted very broadly to include courses dealing with the representation of clients in a business context as opposed to courses focusing on the business

of operating a law practice. For example, one school listed “Art Law,” “Contracts,” and “Insurance Law” as part of a lengthy roster of business law courses providing business-related skills. However, a discriminating review shows that the majority of schools do provide courses squarely focused on law practice management and teaching business-related skills, in the context of a law practice. Examples of these types of courses include “The Business of Lawyering,” “The Business of Law,” “The Practicing Lawyer,” and “Law Firm Management and Economics.”

**DePaul University College of Law:** Four classes are available that place an emphasis on law practice management and business-related skills. In the required and pioneering “Preparing for Practice” course, students “master the basic job search skills including resume and cover letter drafting, interviewing and networking.” They also work with career advisor to develop an individualized career plan. In “Preparing for Practice II,” students build on these skills and learn about “the business of law practice, the ethics of law practice, and professional communication with senior lawyers.” DePaul also offers “The Business of Lawyering” and “Financial Accounting for Lawyers.”

**Northern Illinois University College of Law:** The school offers a course called “The Practicing Lawyer.” It is taught by a well-established small-firm lawyer and includes guest lecturers from practicing attorneys. The stated objective of the course is “to provide students with information about how to practice law in a small-to-medium sized law firm in Illinois successfully and as an ethical advocate for clients.”

**Southern Illinois University School of Law:** The school offers a “Law Practice Management Course” that is taught by a faculty member with considerable practice experience and culminates in the students creating a business plan for a real or fictionalized law practice. Students can also take “Business Boot Camp,” “Accounting for Lawyers,” and “Business Planning.”

**University of Illinois College of Law:** Of note, the school offers courses on the “Fundamentals of Legal Practice,” “Small Firm Practice,” “The Business of Law,” and “Accounting for Lawyers.”

### ***Courses Providing Technology Training***

There are two components to technology training: (1) training students to use

technology in their future practices; and (2) learning substantive areas of the law that involve technology. All seven law schools offer courses involving the latter type of technology training. These courses include titles such as “Introduction to Intellectual Property,” “Cyber Law,” “Internet Speech Seminar,” and “Media Law.” Five of the law schools also offer courses that teach their students how to use technology in conjunction with the practice of law.

**Chicago-Kent College of Law:** The school offers an innovative “Justice & Technology Practicum” for 4 credits and a course on “Litigation Technology” for 3 credits.

**DePaul University College of Law:** In the school’s “Preparing for Practice II” course, students are instructed on “the professional approach to social media.” The use of technology in the practice of law is also covered in “The Business of Lawyering.”

**Northern Illinois University College of Law:** The school’s “Law and Technology Seminar” exposes students to the variety of ways that technology is used in legal practice. An objective of the course is to teach students “how legal technology is quickly transforming the practice of law and is rapidly becoming a game-changing factor when setting up, maintaining, or managing a legal practice.”

**Southern Illinois University School of Law:** The school offers both an “Advanced Electronic Legal Research” course and an “Electronic Discovery” course.

### ***Professionalism and Legal Ethics Courses***

Providing courses that focus on professionalism and legal ethics is one of the areas of inquiry in which our Illinois law schools excel. All of the seven schools require an upper-level course on professional responsibility and ethics. These courses tend to focus on the Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, and the ABA Model Code of Professional Conduct. In addition to the laudable goal of teaching ethics, these courses help prepare students for the Multistate Professional Responsibility Exam. Most schools also offer practice-area-specific ethics courses, such as “Legal Ethics for Business Lawyers” or “Litigation Ethics.”

**Chicago-Kent College of Law:** While the school doesn’t offer any ethics-related courses during the first year, it offers several upper-level ethics courses. These include “Professional Responsibility” for 2 credits, “Professional Responsibility: Business Ethics” for 2 credits, “Ethics and Advocacy” for 3 credits, and “Practice and Professionalism” for 3 credits.

**DePaul University College of Law:** Ethics is covered in the school’s “Preparing for Practice II” course, as well as its typical upper-level professional responsibility course, which is titled “Legal Profession.”

**Loyola University Chicago School of Law:** During its mandatory orientation program, the school sets its expectation for professionalism with words from Justice Robert R. Thomas who then administers the Oath of Professionalism to the new class. This is followed in the second semester with a presentation the Illinois Bar examiners on character and fitness and a mandatory program on Civility in the Profession. Loyola also offers a seminar on Professional Responsibility and Implicit Bias to students who will undertake fieldwork in clinics or externships. The school has also taken the commendable effort to include in its strategic plan “the incorporation of Professional Responsibility instruction is an integral component in experiential courses . . . as well as in skills courses.”

**Northern Illinois University College of Law:** During orientation, students attend a professionalism program led by members of the Commission on Professionalism and the ARDC. The Program culminates with the students taking the Oath of Professionalism. Students also learn about professionalism in a mandatory first-year course titled “Introduction to the Legal Profession” and in a typical upper-level “Professional Responsibility” course.

**Southern Illinois University School of Law:** During their first year, students take a two-semester course in “Professionalism and the Law” and they are also required to take an upper-level course on the “Legal Profession.”

**University of Illinois College of Law:** First-year students are required to take “Fundamentals of Legal Practice” and upper-level students are required to take “Professional Responsibility.” The school also offers “Criminal Practice Ethics,” “Compliance, Ethics, and Professional Responsibility,” and “Advanced Trial Advocacy and Professional Responsibility” to its upper-level students.

## **B. Experiential Learning Courses**

### ***Percentage of Students Enrolled in Upper-Level Simulated Experiential Learning Courses***

On average, 90.2 percent of students at the seven law schools complete an upper-level experiential learning course before they graduate. These courses include clinics, externships,

and skills-related courses. It is also notable that three schools reported that all of their graduates are required to take at least one such course prior to graduation. We note this accomplishment in light of the recent change in the ABA standards for curriculum. ABA Standard 303 now requires all students to complete “one or more experiential course(s) totaling at least six credit hours.”

**Chicago-Kent College of Law:** The school requires its students to take “Legal Writing 3 and 4” as upper-level courses. This is an effort to place an emphasis on legal writing throughout the three years of law school.

**Northern Illinois University College of Law:** A significant percentage (34%) of the school’s students are engaged in its trial advocacy program. Most notably, the school requires that all of its graduates complete its “Lawyering Skills” course.

**Southern Illinois University School of Law:** Prior to earning their degree, all students are required 6 credits from a list of approved experiential learning courses.

### ***Average Number of Experiential Learning Credits Earned per Student Prior to Graduation***

Across the seven law schools, each student earns an average of 16.4 credits from experiential learning courses prior to graduation. This accounts for a range from an average of 6.75 credits at one school to 31 credits at another. It is noted that these averages include credits associated with clinics, externships, and skills-related courses. Also, at a majority of the seven law schools, credits associated with skills-related courses accounted for most of the experiential learning credits earned per student. For example, at Northern Illinois College of Law, each student earns an average of 1.55 credits for clinic participation, 1.75 credits for externship participation, and 6.25 credits from skills courses.

## **C. Legal Clinics**

### ***Number of Clinics Offered***

On average, each of the seven law schools has 9.1 legal clinics that are available to students. This covers a range from 4 clinics to 19 clinics per school. All schools offer a family law-related clinic and a clinic that deals with civil litigation. Most also offer clinics that focus on immigration law, civil rights, criminal appeals, and intellectual property. Other practice areas

covered by the schools' clinics include poverty law, elder law, housing and community development, entrepreneurial law, environmental law, mediation, employment law, taxation, juvenile justice, and business law.

**Chicago-Kent College of Law:** The school offers nine different clinics to its students. Most are available for 1, 2, 3, or 4 credits, which are awarded on a pass/fail basis. Many of the distinct clinics are available for students to participate in for two semesters.

**DePaul University College of Law:** The school offers an extensive roster of legal clinics, many of which have sub-clinics. They include: (1) "Asylum & Immigration Law Clinic," which houses the Asylum & Refugee Clinic (two semesters/3 credits per semester/letter grade) and the "Advanced Immigration Detainee Clinic" (one semester/3 credits/letter grade); (2) "Civil Rights Clinic" (two semesters/3 credits per semester/letter grade); (3) "Criminal Appeals Clinic" (one semesters/3 credits/letter grade), which can also involve the Advanced Criminal Appeals Clinic (one semesters/3 credits/letter grade); (4) "Family Law Clinic" (one semesters/3 credits/letter grade); (5) "Housing & Community Development Legal Clinic" (two semesters/3 credits per semester/letter grade); (6) "Misdemeanor" (one semesters/3 credits/letter grade); (7) "Poverty Law Clinic" (one semesters/3 credits/letter grade); and (8) "Technology/Intellectual Property Clinic" (one semesters/3 credits/pass-fail). These clinics provide the students with a wide array of practice skills.

**Loyola University Chicago School of Law:** The school offers "The Loyola Community Law Center Clinic" for 4 credits, "The Child and Family Law Clinic" for 3-4 credits, "The Child Law Legislation and Policy Clinic" for 2-4 credits, "The Federal Tax Clinic" I and II for 2-4 credits each, "The Business Law Clinic" for 4 credits, "The Health Justice Project" for 4 credits, and "Life After Innocence" for 2-3 credits.

**Northern Illinois University College of Law:** The school offers four distinct legal clinics in which students earn four credits on a pass/fail basis. In these clinics, students learn skills associated with interviewing and counseling clients, legal document drafting, legal research, courtroom advocacy, developing case theory, and advocacy before administrative agencies.

**Southern Illinois University School of Law:** Students can participate in the "Civil Practice/Elder Law" clinic, "Domestic Violence" clinic, or "Juvenile Justice" clinic. Students can earn 1-6 credits per semester by participating in clinics and may earn up to 12 credits from clinics prior to graduation.

**University of Illinois College of Law:** Students can participate in the “Civil Litigation Clinic,” “Community Preservation Clinic,” “Elder Financial Justice Clinic,” or “Family Advocacy Clinic.” Each are offered for 4 credits on a graded basis.

### ***Average Percentage of Eligible Students Enrolled in Clinics***

Across the seven schools, an average of 22.6 percent of eligible students per year participate in legal clinics. This average accounts for a range from 14 percent at the school with the lowest participation to 35.5 percent at the school with the highest.

### ***Percentage of Students Interested in Clinics, but Not Accommodated When They Initially Register***

Three of the schools reported that all students who sought placement in a legal clinic were able to be accommodated when they initially registered. One reported that 11.9% of students were unable to be accommodated initially, but were all subsequently placed. Another school reported that 0-5 percent of students were initially denied placement in a clinic, but all were later accommodated. Yet another school reported that 19 students were initially waitlisted for its clinics, with 9 of them ultimately being offered a position. The seventh school reported that while it doesn’t track the number of students who are unable to be accommodated by its clinics, it does know that from 2011-2014, there were only three occasions when a clinic reached its maximum enrollment.

## **D. Externships**

### ***In General***

**Chicago-Kent College of Law:** Students can participate in a “Legal Externship” or “Judicial Externship” for multiple semesters and for 1, 2, or 4 credits, which are awarded on a pass/fail basis. The school also offers a “Semester Law Firm Associate Program” in which students can earn 6 credits on a pass/fail basis. The program accommodates an average of 8 private firm placements each semester.

**DePaul University College of Law:** The school offers an externship program that other law schools should seek to emulate. Students can select from a list of over 100 approved



externship placements. Government entities, the judiciary, non-profits, corporations, and law firms are all included. Students can opt to receive 2 credits for 120 hours of work per semester or 3 credits for 180 hours of work. All credit is awarded on a pass/fail basis. Participating students learn “problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and alternative dispute resolution, organization and work management, recognizing and resolving ethical dilemmas, and developing a sense of both professional identity and professional judgment.”

**Loyola University Chicago School of Law:** Students can earn 2 or 3 credits per semester for externship participation. After completing their first year, students can earn a total of 8 credits via externships and are also required to enroll in an extern seminar course. Also, as of summer 2015, students can earn externship credit through field placements in Washington, DC.

**Northern Illinois University College of Law:** The school offers a wide range of externship opportunities for its students. For students interested in criminal law, it offers the NIU Criminal Externship Program and the NIU Appellate Defender Criminal Externship Program, both of which provide four credits per semester on a pass/fail basis. Both of these Programs require the students to obtain a 711 license and students learn criminal procedure, interviewing skills, drafting skills, oral advocacy, and negotiating skills. The school’s civil externships allow students to work with a public interest agency or government organization to earn four credits on a pass/fail basis. The skills that students acquire differ based on their specific placement, but they generally learn skills related to civil procedure, drafting and responding to discovery requests, conducting legal research, and courtroom and administrative litigation. Students can also participate in a judicial externship for three credits on a pass/fail basis. In these externships the students gain experience with legal research and writing, judicial proceedings, case management, and case settlement. Finally, the school offers six different types of ad-hoc externships that students can participate in and gain a whole host of diverse legal skills. These include the Huskie Athletic Externship, Innocence Project externship, Juvenile Court Externship, Federal Defender Externship, Government/Legislative Externship, and Bankruptcy Help Desk Externship.

**Southern Illinois University School of Law:** Students can participate in a “Public Interest Externship” for 1-6 credits per semester or a “Judicial Externship” for 2-6 credits per semester. Students can also receive externship credit from a private law firm, but the school approves

these placements on a case-by-case basis.

**University of Illinois College of Law:** The school has an externship program where students receive credit for “pro bono work for a nonprofit organization, or judicial or governmental agency.” A licensed attorney must supervise all work and the credit hours are awarded on a pass-fail basis.

### ***Average Number of Externship Placements Each Semester***

Each law school places an average of 61 students in externships each semester. This covers a range from 28 to 87 students per semester per school. Note that this wide range in the number of students is likely a result of a wide range in the total number of enrolled students amongst the seven law schools.

### ***Average Percentage of Students Enrolled in Externships per Year***

On average, 37.3 percent of each school’s students participate in an externship each year. The school with the lowest participation reported that an average of 26 percent of its students do an externship each year. The school with the highest participation reported that an average of 47.3 percent of its students do an externship each year.

### ***Percentage of Students Interested in Externships, but Not Accommodated***

All seven law schools reported that each and every student who properly applies for a qualifying externship is placed in an externship.

### ***Percentage of Students That Could Be Placed in Non-Profits If Externship/Clinic Experience Were Required of All Students***

Five of the law schools report that 100 percent of their students could be accommodated in non-profit externship placements. One reported that at least 75 percent of its students could be accommodated, and another stated that making an estimate would require further study.

### ***Private Firm Participation in Externship Programs***

Only four of the law schools allow private law firms to participate in their externship

programs. The remaining three limit their externship programs to government, judicial, and non-profit placement. When asked whether they would consider placing their students in for-profit firms if the students only work on pro bono matters, these three schools responded as follows: (1) one said that it would consider allowing this; (2) one said that it would consider this, but its faculty had not yet discussed it; and (3) the third simply stated that any change to its academic policies would require a faculty discussion and vote.

**Loyola University Chicago School of Law:** The school has a program titled “Bridge to Practice – Building a Community of Legal Professionals.” It allows “students to work in approved law firms in Chicago that specialize in Intellectual Property and where there is a connection with the law school (alumni presence, other criteria).”

### **E. Attorney Mentoring Programs**

The law schools take various approaches to student-attorney mentoring.

**Chicago-Kent College of Law:** The school’s Alumni Office and its Women in Law student organization run a mentoring program that matches female alumni with female law students. The program currently has about 50 students involved.

**DePaul University College of Law:** While the school does not have a formal mentoring program for its upper-level students, it reports that “[b]eginning in the spring of 2015, all first-year students will be assigned a faculty advisor.” The school “intends this program to go beyond course selection and academic planning to encompass professional development.”

**Loyola University Chicago School of Law:** The school has recently implemented a “Leadership Circle” that “allows recent graduates, seasoned attorneys, and faculty” to serve as mentors to students who participate in externships.

**Northern Illinois University College of Law:** An impressive 80-85% of first-year students participate in the NIU Law School Mentoring Program where they are paired with lawyer mentors. Mentors are directed to provide the students with “1) realistic advice about the practice of law; 2) meaningful career advice; 3) exposure to court and law offices; 4) socialization and networking with the legal community; and 5) demonstrating professional values and ethics.”

**Southern Illinois University School of Law:** As part of its first-year “Legal

Professionalism” course, the school takes the approach of requiring students to “job-shadow an attorney during the winter break and write about the experience.”

**University of Illinois College of Law:** The school offers an “Alumni-Student Mentoring Program.” It connects “students with alumni in one-on-one, student driven relationships in order for students to benefit from the experience and knowledge of Illinois Law alumni.” While the program is currently available to 1L and 2L students, beginning in the Fall of 2016, it will be available to all students.

#### **F. Bar Exam Review Courses/Programs**

Only two of the law schools offer no courses or programs related to bar exam review. Three offer for-credit bar review courses, and one offers an optional, non-credit course.

**Chicago-Kent College of Law:** While no for-credit courses are offered, the school does provide a “non-credit optional course each Spring for graduating students that meets 7 to 8 times and provides basic introduction to subjects tested on the bar and testing techniques.”

**DePaul University College of Law:** The school offers a comprehensive “Bar Passage Strategies” course where students “practice writing answers for each bar exam component . . . and receive feedback in writing and in individual conferences.”

**Northern Illinois University College of Law:** The school provides a bar review program that includes several courses that students can take throughout the entire three years of law school.

**Southern Illinois University School of Law:** A bar preparation course titled “Advanced Legal Analysis & Strategies” is available to students. During the summer after students graduate, the school also offers “a structured preparation program, including formal essay-writing feedback and other study and exam-taking skills development instruction.”

#### **G. Other Curricular Reforms**

Finally, the survey invited the law schools to include any other curricular reforms related to skills training and practice readiness. Their answers were as follows:

**Chicago-Kent College of Law:** “We are in the process of implementing a new Praxis

Certificate program. The Praxis Certificate is designed for students who are interested in fully embracing an experiential course of study. In addition to completing 24 credits in approved experiential coursework, Praxis students learn about some of the most important “practice competencies of successful attorneys, chart their progress toward developing these skills, and learn how to package and market their experience to potential employers.”

**DePaul University College of Law:** “Third Year in Practice Program (3YP) is offered for selected students; students will complete 24 credit hours of experiential courses, including an intensive externship of at least 5 credit hours and a 3YP seminar.”

**Loyola University Chicago School of Law:** “The faculty has identified several skills areas on which to focus in preparing students to practice, including financial literacy and ‘practical professionalism skills’ (communication, teamwork, giving presentations, critical thinking, etc.). Several new courses have been recently added to address those skills areas. The Practical Skills Boot Camp for 3Ls course has been filled to capacity in every semester since it was first offered (Spring 2012) and it will continue to be offered. More courses with a practice-ready focus have recently been added, including the Art of Presentation, Leadership, Marketing for Lawyers, and Starting and Managing a Law Firm. Several practice-area focused sections of Advanced Writing for Legal Practice have also been added to the curriculum.”

**Northern Illinois University College of Law:** “The faculty has currently adopted reforms of the first-year curriculum and is currently considering expansion of the experiential learning requirement.”

**Southern Illinois University School of Law:** “We are currently engaged in a comprehensive review of our curriculum. In addition, our curriculum committee is gathering data to evaluate a proposal to establish an Experiential Learning Across the Curriculum requirement that builds on our Writing Across the Curriculum requirement.”

**The University of Illinois College of Law:** “The College of Law continuously evaluates its curriculum, including skills based courses, to ensure the students are receiving a superior academic experience which trains them for a successful practice of law. Most recently, the College of Law has focused its efforts on legal writing skills, which has resulted in changing the manner in which the students are evaluated in Legal Writing and Analysis, as well as in Introduction to Advocacy. Previously, both courses were evaluated on a pass/fail basis. Beginning with the 2014/2015 academic period, these courses are now letter-ed. We have also

approved revisions to our Moot Court Program and upper level legal writing offerings, effective next academic year. Additionally, the College has just added a Fundamentals of Legal Practice course to the required first-year curriculum. Most recently, the College of Law has launched the Jerome Mirza Trial Academy, designed to teach trial advocacy and professional responsibility to the next generation of trial lawyers, and has expanded the number of skills courses available to students in Champaign and via the College's Chicago Program.”

During the course of our hearings we heard from full time law professors as well as a number of part-time and adjunct professors. As their comments confirmed, Illinois law schools have undertaken to shift their current curriculum toward integration of practical skill with doctrinal learning. These professors spoke eloquently of the challenge to balance educating students to think like lawyers and teaching them the practice skills necessary for the profession they will enter. Clearly both have a place in education and prominence in practice. Illinois law schools are responding and facing that challenge in positive and progressive ways.

#### **IV. RECOMMENDATIONS**

The Special Committee gratefully acknowledges the Illinois law schools that accepted the invitation to share their curriculum and applauds them for making some remarkable steps toward integrating practice skills into their curriculum offerings. Still, there is more to do.

An experienced attorney in central Illinois described most new graduates as very capable of becoming professors; yet, not capable of engaging a client or witness, and conducting themselves in a courtroom. Traditionally, the structure of courses at Illinois law schools teach students how to think like lawyers, in a theoretical manner, based on serial analysis of case law.

Knowledge of the law is of course critical to a legal education, particularly knowledge of the substance in core and bar-tested courses. In fact, we urge more emphasis on those classes. Yet knowledge is only part of educating a student to be a lawyer. There is a demand for the other piece, the practice skills that help transform the knowledge of law into the practice of law. Post-graduation training opportunities have diminished, thus, much of that demand must be met by the primary educators within the traditional three years of law school. However, the

practicing bar, including the judiciary, must also contribute to practice skill training by offering clerkships, externships, and mentoring.

We are mindful of the new ABA standards impacting accreditation and the difficulties which law schools and individual professors face in integrating practice skills into traditional doctrinal curriculum. We also appreciate that a shift from their past teaching experience and their tenure may impede the evolution. Teaching practical skills is more challenging than the traditional lecture format. Individualized evaluation of written assignments with meaningful feedback to the student is time intensive. Under the current system, professors have significant demands on their time to fulfill other obligations to the school, including scholarship requirements, and often face large classes, which make individual attention unwieldy.

We are also aware of the annual U.S. News & World Report Law School rankings, which are based on criteria of their choosing, and appreciate that the Illinois law schools are part of that scrutiny whether they choose to participate in the annual survey or not. Further, we appreciate the significant financial obligations incurred in pursuit of achieving and maintain a high rating.

Still, we respect the significant work by many of our Illinois law schools to integrate practical training into their curriculum and offer the following recommendations to enhance those efforts:

- 1. Students must continue to take core subjects and practice skills must be integrated into most, if not all, doctrinal courses.**
- 2. Greater experiential learning outside the classroom and in the private sector must be offered.**
- 3. The current law school grading structure should be revised.**
- 4. The roles of academic and career counselors should be expanded and mentorship opportunities should be increased.**
- 5. The current law school admission criteria should be enhanced.**

**6. The current criteria and process for admittance to the Illinois bar should be examined.**

**1. Students Must Continue to Take Core Subjects and Practice Skills Must Be Integrated into Most, If Not All, Doctrinal Courses**

***General Practice Skills***

We appreciate that general skills training has become a larger part of most law school curriculum; however more is needed. The ISBA first discussed the need for a return to teaching core classes in the 2013 Report, and will not repeat those comments and findings here. Suffice it to say that students must maintain focus on the core areas of legal knowledge, which help equip them to practice law. Further, that class work should be enhanced with multiple opportunities to master effective writing and practice-ready skills.

In order to produce law school graduates who are practice-ready, their practice-skills education must begin on day one. There must be a significant shift that places great emphasis on out-of-the-classroom experiential learning, while still devoting classroom time to core subjects that integrate some of the most basic practice skills. The most important single skill for new graduates to possess is the ability to write well, clearly, concisely, and persuasively. Thus, we recommend that it be given strong and consistent emphasis. This is followed by the need for greater practice-skills training to improve the ability to orally communicate well, regardless of the context or audience. Finally a practice-ready graduate must possess basic practice skills to bring value and profitability to a position in the practice of law.

***The Most Important Practice Skill Is the Ability to Write Well, Clearly, Concisely, and Persuasively, and Must Be Taught in Every Class***

The most consistent complaint about new graduates is their lack of good writing skills. Law school must hone them into skilled writers. To do so, we recommend multiple writing assignments be included in every class, particularly beginning in first-year classes. Learning to use case law in effective persuasive writing should be a part of every doctrinal course and assignments should teach students how to write clearly, concisely, and accurately. Students must learn how to use a series of cases to support or oppose an argument. In this vein, it is critical that students learn more than how to regurgitate the facts and holdings of a series of



cases, they must learn how to synthesize that case law into a cohesive argument upon which they can base, and defend, their answer. Writing assignments should teach the student to identify the salient facts, frame the issue(s), answer the question posed, and support that answer with an appropriate use of case law. Completed writing assignments should be critiqued and the student given meaningful, prompt feedback. Such individual evaluation and feedback, though time consuming, presents a valuable opportunity for students to learn and ultimately improve their writing skill.

There are many ways to evaluate and give feedback other than the obvious review of every assignment and an individualized conference with a student. Although optimum, the reality of time restrictions make this infeasible and dictate that some creative alternatives be used. For example, a professor could select a few examples of the best and of the worst submissions of a particular assignment, and without identifying the student author in class, explain the well executed points of the best examples and the deficiencies of the worst examples. The point is that the students completed a drafting exercise, saw a good example and a poor example of the assigned task, and learned why one was better than the other.

Third-year students who are proficient writers could assist professors with large classes to review and critique writing assignments of first-year students. ITT Chicago-Kent College of Law has engaged such a model. Although a student did point out that having teaching assistants further exacerbates the detachment between student and professor, it is a positive step toward individualized evaluation of student work. It would be a good exercise for the third-year students as learning to review another's work is a valuable skill.

This is also an area where practicing attorneys, as adjunct professors, could contribute in the evaluation and feedback of writing assignments. For example, attorneys concentrating in negligence cases could offer extraordinary insight critiquing writing assignments in a torts class. We also note that given the extreme emphasis practitioners place on writing ability, it might be helpful to future employers if students were given a separate grade on the writing portion of the class.

Just as important as being effective writers, new lawyers must also be good editors. This is an important part of a self-evaluation and revision process that students must learn. As first-year students exposed to intensive writing assignments mature into good writers as upper classmen, editing can be taught by allowing third-year students to critique each other's work.

In addition to learning how others see their writing, students may also learn that there are many different, yet effective, writing styles.

Not all writing assignments have to be a formal brief or memoranda. In fact, there is a need to master a variety of legal writing including more-routine documents, motions, orders, and client correspondence. For example, using a fact pattern from a case in class, an assignment could require the student to assume their client is one of the litigants and draft a letter to the client outlining the pros and cons of the case. To accomplish the task, the student must understand the issues in the case and the prevailing law. The exercise then challenges their ability to clearly and accurately communicate the issues, the law, and potential outcomes to the client.

In addition to simply giving students the opportunity to learn writing skills, practical training using the substance of the course work would also give students the opportunity to augment mastery of the course material. Periodic evaluation of work product that engages course material would enable students to assess how they are doing in a particular class rather than assuming that they are learning what is necessary to achieve a desired grade. On-going submission and critique of work product is a good gauge of students' grasp of course material. It is a more accurate reflection of the student's knowledge and performance in the class than a single exam at the end of the semester. It can also assist professors as they assess their teaching techniques to measure what students have learned or failed to learn in class.

New graduates must be able to draft, or at least be familiar with, simple pleadings, motions, and responses, and understand how those pleadings fit into the case. When a student understands the point and purpose of his or her writing assignment, *vis-a-vis* the whole case, they are in the best position to understand how and why clarity, accuracy, and detail matters. During the hearings, we heard from professors and attorneys about alternative approaches to teaching practice-orientated classes that integrate writing. One of the best examples was teaching Civil Procedure as a semester long civil suit. Each step of the case and corresponding procedure(s) was accompanied by drafting a document or pleading germane to that stage of the case. Students were exposed to complaints, answers, interrogatories, motions, and responses, further they gained an understanding of where that pleading fit into the case. Students saw the basic components of a case in the form of documents and pleadings, breathing life into the words of the code of civil procedure.

Writing is a skill that improves with practice and experience. By integrating writing exercises with critique and prompt feedback throughout their law school career, we give students the best opportunity to master the art of written communication.

Just as important, excellent writers are more likely to excel on the written portion of the bar exam. As discussed below, with the increase in the minimum score for passage of the Illinois bar examination, good writing skills are not only valued by the practicing bar, they are paramount to bar examiners and a tremendous advantage to those sitting for the Illinois bar exam. Poor writers are at a distinct disadvantage.

We note a very recent change is a writing program at NIU law school, which began with the fall 2015 term. NIU implemented a new change to its legal writing program to counteract the notable drop in first-year student attendance on the due dates for legal writing assignments. Rather than assign larger writing projects such as the appellate brief during the first year, students will now have legal writing pour over into their second year in order to promote better time-management and channel focus toward polishing writing skills, rather than cramming them into an overwhelming workload during only the first year. Law students across Illinois schools maintained that large writing projects during the first year often deterred their focus on other assignments, and many did last minute edits, or turned work in late, without finding opportunities for guidance during the process to understand why their work may require corrections. By the time the assignment is graded and sent back, the students confess to being only interested in their scores, rather than the commentary provided in grading the substance of their work. It was too little too late. To further address this issue, NIU also required smaller writing assignments in first-year foundational courses so students may receive feedback throughout the semester and have more practice in terms of legal writing and analysis. Valparaiso's Praxis model similarly assigns related writing projects and assignments for continual evaluation throughout each foundational course.<sup>66</sup>

### ***Oral Skills Must Be Integrated into as Many Classes as Possible***

Experienced attorneys placed great value on the ability to speak well. Though not every student will argue before the Supreme Court, all lawyers need effective oral skills in their

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<sup>66</sup> *Infra* (Section on Praxis: The Valparaiso Model).

practice. Lawyers speak with clients, interview witnesses, and talk to court personnel, co-workers, office staff, and opposing counsel, in virtually every type of practice. It is critical to have the ability to communicate clearly and effectively to a variety of audiences.

Although we recognize that oral presentation will be part of simulation courses, we suggest that some oral presentations be made in other classes as well. Again, the integration of oral presentations into class curriculum will be time consuming, yet the end result will be worth the effort. We encourage the expansion of practice-centered course offerings that include oral presentation. Student simulation class work must be followed by experience on basic skills such as interviewing clients and witnesses. They must learn how to communicate their positions not just when making an oral argument in moot court, but in the everyday contexts of practice. Finally, we recognize that these skills are best perfected in a practice setting, and again encourage as much clinic and externship experiences as possible to expand student experience.

Although these recommendations to enhance skills for good written and oral communication have been directed to in-house curriculum, the Special Committee also strongly recommends that written assignment and oral presentation be required for successful completion of externships, clinics, and Rule 711 experiences.

### ***Students Must Be Exposed to Greater Opportunity for Sophisticated Issue Recognition and Effective Legal Research***

Perhaps the most basic practice skills are issue recognition and legal research, and these are of course included in every law school curriculum. However, the tenor of comments from the bar indicates that more is needed. Lawyers spoke of the disconnect between recognizing issues from a canned fact pattern in class, and the same task in practice. Certainly, simple and straight forward, single-issue fact patterns are appropriate for beginning first-year students, but in more advanced upper-level courses, issues should be presented as they occur in practice. Fact patterns that present multiple, even conflicting issues would more closely resemble the issues student will face in clinic and extern settings, and those of post-graduation practice. Just as in practice, the issues presented in these fact patterns may not lend themselves to a clear, definitive answer in terms of an examination question. Yet the ability to recognize multiple issues and present support for multiple points of view is what lawyers do. Such analysis is a

closer reflection of the practice of law as students will encounter it and should be part of classes beyond the first year.

***Students Must Learn to Find, Understand, and Apply Basic Statutes, Including the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules, and the Illinois Evidence Code***

Practitioners repeated the comment that new graduates struggle to find and apply routine statutes and rules; they particularly emphasize the lack of understanding of the application of the Code of Civil Procedure and Illinois Supreme Court Rules. Again there was a disconnect between knowing the statute and not knowing how to apply it or understanding how it can impact procedure. The point is that students must learn how to use civil procedure and, more importantly, how to apply it in support or opposition to a particular position. The same is true of Illinois Supreme Court Rules. Fact patterns and exercises should engage the rules to promote an awareness of Supreme Court rules; how to find a rule, what it means, and how it impacts everyday procedure.

A similar approach would be effective with other statutes and codes including the Illinois Evidence Code. Evidence is one of the most important classes students take. It is the keystone in many areas of practice. Discussions about this topic included perhaps the clearest example of the disconnect between book and practice. Students and new graduates know the rules of evidence, but lack an understanding of how to use the rules in the context of a hearing. Again, learning the rules is important, but it is the practical experience of using the rules that brings them to life. As such, evidence classes should include exercises to teach the basics of laying a foundation for admission of tangible evidence and moving to admit or deny the admission of evidence. The use of real court transcripts to show how objections are made, responded to, and ruled on would be a helpful tool. We strongly recommend that students complete evidence in their second year to enable them to put their class experience into practice in an externship, clinic, or Rule 711 placement. Simulation of practical training integrated into their class work, will enhance their clinical experiences and enable them to fully understand the rule, its underpinnings, and its application. Such enhanced experience and practical knowledge of the rules of evidence will be extremely valuable post-graduation – to a potential employer and to the new graduate.

The Special Committee appreciates the desirability of teaching the Federal Rules of

Evidence and Procedure, but suggests that where the majority of graduates will practice in Illinois, that emphasis be placed on those rules as well.

***Students Must Understand the Chronology of a Basic Civil Case***

Again, this generated much discussion. There was universal agreement that understanding case flow and how individual parts of the process fit together is extremely important. This was particularly true of applicants for litigation positions. We were very impressed with the approach of teaching Illinois Civil Procedure as a semester long exercise in litigation. Such an approach exposes students to the anatomy of a civil case and explores a variety of possible permutations throughout the process from client interview to notice of appeal. Each step is illustrated by the code and punctuated by drafting and reviewing pleadings that would be appropriate to that step in the litigation. This teaches the chronology of a civil case, exposes the student to the code in context, and diminishes the disconnect between the words and application. It also allows students to practice writing skills by drafting or reviewing pleadings for the multiple stages of litigation. It is a great balance between teaching doctrinal material and practice skills. Though discussed in the context of civil procedure, adoption of this approach would also enhance understanding criminal procedure and again strike a balance between the case law and practice skills. Other classes such as Wills & Trusts, Corporations, or Real Estate could be augmented with an overview of a file. For example, follow a probate case from initial client interview, to drafting and signing of a will or other document, to amendments or other changes, to the death and disposition under the will and potential litigation.

***Alternative Dispute Resolution Should Be Integrated into Multiple Doctrinal Classes***

Most attorneys agreed that a basic understanding of alternative dispute resolution and when it can or should be explored as an alternative to traditional litigation is important, particularly with the growing use of non-litigation dispute resolution. We acknowledge the variety of courses offered and agree that simulation and observation of ADR in practice is invaluable. As noted above, many contracts in labor and employment law and in a variety of transactions include mandatory arbitration clauses. As such, we recommend the integration of ADR into these kinds of classes. Again, using the course material as the fact pattern for arbitration in Contracts, Commercial Transactions, or Labor Law class would both integrate ARD

skills in a simulated practice setting and reinforce the course material. Mediation is also a popular method for resolving disputes between parties; many judges are mandating mediation or other ADR before a case will be set for a hearing or trial. We recommend integrating understanding of the use of mediation in Family Law and Torts, particularly in negligence cases. These are areas of litigation where many forms of mediation are strongly urged if not mandated and understanding when and how to use, as well as how to prepare a client for a mediation session would be a valuable practice skill.

There was particular interest in students having exposure to negotiation. Again, integrating exercises to promote negotiation skills into doctrinal courses would introduce a practice skill and reinforce course work and case law. For example, after discussion of the facts, law, and outcome of a textbook case, pose the question to students of how they would have treated this case if their client wanted to negotiate a settlement rather than litigate the case. Negotiation is a specialized and very valuable skill, useful in many areas of practice. We recommend that students be encouraged to enroll in an ADR class and that the concepts and skills associated with ADR be integrated into doctrinal classes as much as possible.

### ***Professionalism and the Business of the Practice of Law: Students Must Learn What It Means to Be a Lawyer***

Students must learn how to be a lawyer. Most students opting for law school do so with the intent to become a lawyer, not simply a student of the law. Our new graduates are not *just* scholars, nor do we wish them to become *mere* technicians. We want them to be lawyers. Thus, focus on and appreciation of the rigors of the practice should be an overview in most, if not all, of the core classes. Those in a position to hire view the newest lawyers with skepticism; they question their willingness to do what it takes to be a lawyer. In fact, they question whether new graduates know what it takes to be a lawyer. Yet it is important to the practicing bar that a new lawyers appreciate how much work is involved in handling a client's file, and that the work day often does not end at 5:00 p.m. Such a concept should be a component of core classes and would be consistent with requiring students to complete writing assignments and prepare oral presentations regularly – with deadlines just as they would be expected to do in practice.

Professionalism and civility should be integrated into each class. They are the

cornerstones of who we are, what we do, and the role we play in a civilized society. Another recommendation is that schools offer, if not mandate, that students take a class in personal and professional finances. They need to learn how to manage their debt, work, time, income, and personal finances, as well as how to finance a practice, open and maintain escrow accounts and trust accounts, and manage fiduciary obligations. Ethics guides the practice at all times and it should not be relegated to isolated class work but should be present in the daily round of a law student and integrated into class work when appropriate.

### ***Students Must Develop a Strong Work Ethic***

Though more a characteristic than a skill, employers stressed their desire for new hires with a strong work ethic. We agree. New graduates must be willing to arriving on time, appropriately dressed, and prepared to complete the day's tasks – as long as that takes. They must appreciate that the profession they have chosen is service orientated. We work for a client even if that client is the government. A client expects us to do the best we can and to put in the time and effort to achieve that end. Class work must instill appreciation for commitments, deadlines, obligations, and the consequences for failure to comply. These skills are important. As discussed above, with an increase in assignments due periodically, students can learn to appreciate deadlines.

The current grading structure of one final examination being the sole measure of performance in a class may not accurately reflect a student's work and more importantly, it may enable the development of poor work ethic. As noted below, we recommend a critical review of the current grading procedure, and suggest an approach that would include rewarding positive performance on periodic writing assignments, oral presentations, and class simulations or exercises as a part of the semester grade for the course. Such an approach would help to discourage “skating” through the semester by introducing a “pay-off” for consistent and presumably-improving work throughout the semester. This ongoing evaluation, or grading, would also help students recognize when they are not grasping the material, teach them how to find out what they do not know, and foster confidence in their problem solving and perseverance to find out what they do not know and learn it.

More than once, attorneys and professors attribute the lack of a good a work ethic and lack of time management to the current structure of law school that includes few deadlines and



measure of performance at the end of the semester. As will be discussed below – this structure should be reevaluated.

### ***Students Must Learn Problem Solving Skills***

Too many students graduate from law school “with raw knowledge and no idea what to do with it.” Such skills are our hallmark; it is what separates us from technicians who just fill out forms. Post-graduation, many new lawyers understand that they know they do not know what to do with a problem, but never learned how to find out what they do not know. We must teach students how to find answers working as a group or individually. It is a part of lawyering they must learn.

We suggest forums that foster self-initiative, teach students how to find the legal answer, with effective research and teach them what to do with that information as they solve the problem. These skills must not only be taught once – it is the repetition of problem solving that builds confidence and enhances self- initiative. Thus we recommend that scenarios be repeated throughout multiple classes.

### ***Students Must Have Basic Business Skills and an Understanding of the Business of the Practice of Law***

The practicing bar – as well as new graduates – agree that business skills should be taught in law school. Particularly with the growing number of new graduates in co-ops and solo practice, they need to understand how to operate a practice, including basics such as reading a balance sheet and understanding a business plan. Learning how to bill and collect a fee is something that many new graduates said they were ill equipped to do. Even those who choose public sector employment should have a basic understanding of the relationship between expenses and revenue to understand the allocation of budget dollars to the operation of a public sector office.

New lawyers candidly admitted that they did not appreciate issues that could run afoul of the Code of Professional Conduct and invoke the ADRC. We would recommend consideration of teaching business practices with a concurrent overview of the Code of Professional Conduct. Business practice classes, particularly a class that covers client issues such as maintaining appropriate contact and information flow, and financial issues such as

setting fees, retainer agreements, billing practices, and trust accounts, are likely to be taken by third-year students and would be a good opportunity for review of the Code of Professional Conduct as an adjunct to the subject matter of the business of the practice of law. It is the failure to maintain client contact and financial violations that are most likely to result in a discipline case.

Although we noted many offerings of business-related courses, this appears to be inconsistent with the comments from hearings where so many practicing lawyers and new graduates felt they were not prepared to address the business of operating a practice nor the financial aspects of expenses, billing, and collecting fees. Perhaps it is a lack of understanding of the need or a belief that new associates in a firm do not have to be concerned with the finances of operating the business and that a public sector associate has no concern for profit and loss. Regardless, we recommend that students be exposed to the business of operating a practice and be encouraged to enroll.

### ***Students Must Have Organizational Skills***

While we would like to assume that students who have achieved the academic level commensurate with admittance into law school have basic organizational skills, the observation of the bar is that they do not. Suffice to say that the suggestions for expanded writing assignments, oral presentations, and practical exercises will induce greater organization skills and foster an appreciation for its importance. Further, we encourage emphasis on the importance of organizational skills in ethics, professionalism, and law practice operation.

## **2. Greater Experiential Learning Outside the Classroom and in the Private Sector Must Be Offered**

### ***Private Sector Externships for Credit Should Be Permitted***

With the adoption of the newest ABA Standards, the Special Committee recognizes that enrolling more students into extern programs for credit may put additional burden on schools and the supervising professors. This is compounded by the present ABA regulation that limits externships for credit to positions where the student may not be paid. On the other hand, those in the private sector must comply with the prevailing labor laws which prevent for-profit

firms from receiving the benefit of a student's work without compensation. Yet if the student is compensated he or she cannot receive credit.

While we strongly recommend that students build practice skills through experiential learning in a practice setting, virtually all in practice externships are limited to the public sector. Some students have interests beyond clinics and the public sector. The time has come to expand this exceptional learning tool into the private sector.

A transactional attorney practicing near Rockford spoke about her experience in law school, explaining that because of her prior education and background she knew she wanted to do transactional work. She frankly told the group that she would not have wanted an externship in a prosecutor's or public defender's office, but if one had been offered with a private firm where she could have done transactional work, she would have jumped at the chance. The point is that students who have focused goals in the private sector would opt for private sector externships if offered.

A practicing attorney from a large downstate law firm that takes on a number of paid interns noted that “interns are not widgets. They are unique; each has individual innate skills, interests, and goals.” He stressed the importance of matching each intern with a supervising attorney that will function as the “best fit” for both the attorney and the intern. We agree. This strategy reinforces the need for private externship placements that offer a wide variety of private practice placements. Law students should have the option of being matched to their desired practice areas according to their individual skills, goals, and interests. Further, he noted that their interns were not there to simply be taught what to do and how to do it, but more critically, they were taught *why* what they do matters, thus providing the student with the ability to see a procedure or process in the context of a real case, in a private practice setting. The importance of this skill was highlighted above, but is noted again to reinforce that when these skills are taught in the context of a student's individual interests and goals, the experience is significantly enhanced. As one new graduate explained his experience “the law came to life for me when I did my externship.”

***Alternatives Should Be Explored to Accommodate Both the ABA Prohibition of Compensation and Credit, and the Prevailing Labor Laws***

This past June, the ABA Section of Legal Education and Admission to the Bar proposed a

change in the current accreditation standards, which would eliminate the current ban on students receiving academic credit for paid externships. Under the proposal, each law school could decide whether a student should receive academic credit for a paid externship or field placement. It does however require the schools to demonstrate that it has retained sufficient control over the placement and the student experience to meet the standards. We applaud this action and await further action by the Section. However, until such time as the ABA standards are amended, we must explore other avenues to address the need for private sector externships.

The Special Committee heard from many private sector attorneys that they would like to take an extern into their firm and understand that they must pay the extern. Students cannot receive credit if they are paid. The optimum is that students are paid – perhaps at a rate set by the Supreme Court – and receive credit. We recommend investigation of alternatives that could accommodate this dilemma. One suggestion from a collar county attorney is that students receive a grant from their school that would compensate them for their work at the private firm. The grant fund would be supported by contributions from the practicing lawyers in the area where externs are placed; this would ensure that an individual firm is not receiving benefit without the student being compensated.

Another alternative suggested is that the student in a private sector setting would work exclusively on the firm's pro bono cases. Although the student could observe and participate in other cases, no work product could be submitted to the firm. All of the work product shared with the firm would be limited to the pro bono cases. Both the supervising attorney could report those pro bono hours to the ARDC and the student could report those hours to their school as is part of the SIU law school program.

The SIU Carbondale School of Law requires students to fulfill thirty-five hours of pro bono work over the course of their three-year enrollment period. The pro bono work may be done at a place where students already completed an externship if they desire to continue working in the same setting. We applaud this and recommend expansion of this concept to open yet another avenue of hands-on experience under the supervision of a licensed attorney. It will also, early on, instill the sense of obligation to give back and of commitment to legal justice through pro bono work.

### ***The Illinois Supreme Court Should Expand Rule 711 to Include Work in the Private Sector***

First, we applaud the recent expansions of Supreme Court Rule 711 to widen the experience of Rule 711 students. We recommend further expansion of Supreme Court Rule 711 to include the private sector. Currently, Rule 711 only allows a student to provide services through a legal aid bureau, legal assistance program, an organization or clinic chartered by the State of Illinois or approved by a law school, the office of the public defender, or an office of the state. *All of these options are in the public sector.* Consistent with the current ABA stance, while students may be compensated by an organization for work done pursuant to a Rule 711 license, if the student is compensated, they cannot receive credit. Again civil practitioners throughout the state voiced a willingness to have externs, who optimally would be paid and receive credit for the work done with a 711 license. More importantly, these private practitioners voiced a willingness to *supervise, teach, and train those students.* This is a resource that should be tapped. We strongly urge reconsideration of the current parameters of Rule 711 or the creation of a new similar rule extending limited licenses in the private sector.

### ***Criteria for Private Practice Externships Must Be Clear and Enforceable***

Not all attorneys are inherently good teachers. The Special Committee recognizes that criteria for supervising attorneys and requirements for successful completion of an externship for credit in the private sector would be desirable and should be mandatory. Clear expectations and requirements would advise the supervising attorney of his or her obligations and assure the school that criteria for full credit is being met. We suggest that a universal catalog of potential experiences, opportunities, and practice skills be compiled as the model for individual private sector externships. An individual placement would include as many required criteria as would be feasible depending on the type of practice setting and anticipated work. For example, a placement with a firm doing appeals would not likely include trial experience, but would expose the student to a full record on appeal, together with extensive research, writing, and editing, as well as oral argument.

In conjunction with the Court and law schools, the Illinois State Bar Association could create a CLE program to teach prospective private practitioners the nuances of supervising externs, compliance with Rule 711, and meeting criteria for an individual law school's program. The Special Committee strongly recommends that these and other alternatives be pursued.

***Private Sector Externships Without Credit Are Difficult and Should Not Be the Only Opportunity to Gain Externship Experience in the Private Sector***

There is of course the option of working at a private firm of the student's choosing for pay, but without credit. However, most law students have to carry a full load of classes for credit and participate in some extracurricular activity. Private attorneys who supervise externs in their office observed that many students did not have enough hours in the week to spend the time necessary to develop the practical skills that could be learned. A central Illinois attorney who has had externs for years, explained that at his firm, externs must commit to be at the firm at least 3-4 hours per day for four days per week. He believes that this is the best way for them to learn because it allows them to follow cases and see a more realistic view of a busy private practice. Some of his former externs attended the hearing and told the special committee that their time at the firm was *the most valuable learning experience they had during law school*. The drawback was that they did not receive school credit for this extraordinary experience and to maintain full time status, had to take 12 -15 hours of other, for-credit classes while putting in 12-16 hours per week at the firm. It was a challenging semester. Students willing to dedicate those kinds of hours should receive credit for their experience.

**3. The Current Law School Grading Structure Should Be Revised**

***An Alternative to Grading on a Curve Should Be Introduced***

We recommend that schools reevaluate their grading model. The Special Committee suggests an alternative to grading on a curve. We suggest objective standards that set forth the total material to be covered and mastered in a particular class. Currently, students are *not* graded on how much of that material they learned, but rather they are graded only on whether they learned more or less than the other students in the class. If students were graded on mastering the material, rather than scoring higher than others in the class, class ranks would become far less relevant. Under this system, the highest grade, an A, would signify that the student mastered the expected body of law; as compared to a curved grade where an A indicates only that the student was among the best in the group; a group that may not have learned the required material at all. Under this system, the optimum goal is that all students

would achieve the highest grades because all mastered the body of the required material and accomplished excellence in the practice aspects of the course work.

Curve grading, by its nature, does not foster professionalism, civility, or teamwork exercises. It teaches students that the worse a fellow student does, the better the “curve” will be for them. While lawyers are, by the nature of our profession, adversarial and competitive, curved grading provides an over-emphasis on such competitiveness and encourages a lack of professionalism. The Preamble to the ABA Model Rules also charges all attorneys with a “special responsibility for the quality of justice,” meaning that “a lawyer should use the law’s procedures only for legitimate purposes and not to harass or intimidate others.”<sup>67</sup> Adding to the lofty Preamble statements, ABA Model Rule 3.4 generally imposes on an attorney a “duty of fairness to an opposing party and counsel.”

Yet, curved grading fosters an opposite approach among students. The format teaches students to remain exclusive, reluctant to share knowledge, or to help a fellow student because advancing another student may diminish your position on the curve. With an alternative approach, unnecessary competition between students would decrease and learning to build desirable professional relationships would increase. Student tutors selected because of their high mark in a class would then be selected because they mastered the material, not because they were better than the rest of the class.

Such an object measure of student progress would also help students prepare for the bar exam by identifying weakness in substantive areas that will be tested on the bar. In other words, students who receive a “B” in a class believe they have learned a sufficient level of material to address the subject matter on the bar exam. However if the class didn't really master the material, then a “B” means very little.

We suggest that externship and clinic participation for credit be graded on a pass/fail basis or where a letter grade is assigned, with a format similar to that described above. A passing grade would indicate that the student met the criteria and expectations of the particular program and a letter grade would indicate in more detail whether the student met some or all of the program expectations. The input from the site supervising attorney should be considered as well as a portfolio of the work product (with confidential material deleted)

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<sup>67</sup> See Preamble and Scope to Model Rules at ¶ 1.

completed by the student. This could include not only the final product, but also intermediate drafts and edits. Such a portfolio would demonstrate to the law school and potential employers exactly what the student did and what skills the student learned from his or her externship experience. Either format can provide a thorough critique of the student's work, and also provide evaluation of the individual externship program together with the quantity and *quality* of work the participants complete. Such information will give professors supervising students, staff, and site supervisors the best opportunity to match students to an appropriate externship and *ensure that the externship continues to meet the expectations of the school*. As noted above, it would also provide great feedback for private sector placement as well.

#### **4. The Roles of Academic and Career Counselors Should Be Expanded and Mentorship Opportunities Should Be Increased**

##### ***The Role of Academic and Career Opportunity Advisors Should Be Expanded***

The role of academic and career opportunity advisors must adapt to reflect the changing demands of prospective employers, the current marketplace, and the economic reality of entering the practice of law in 2015. When students seek advice on their course selection and experiential opportunities, there must be opportunity for frank individual advice on the value of such options to a balanced education, passing the bar, *and* building marketable skills for post-graduation practice.

There seems to be a tension in the advice of advisors, a conflict between building a resume and building practical skills. Students have been conditioned that to impress potential employers, they must have exemplary resumes featuring a high GPA, completion of paper courses and seminars, and participation in moot court, law review, and student clubs. Meanwhile, externships, clinics, and building practical skills received less emphasis. However, lawyers were critical of student's resumes that listed many interesting courses yet lacked externship or practical experience. They view such students as less valuable to the firm and thus less likely to be hired. Agreeing with these comments, numerous young lawyers told the special committee about the paper courses and seminars they took to boost their grade point average and class rank, and that in retrospect, they regret that they did not do an externship or participate in a clinic where they would have had learned some practical skills. They now



appreciate that while the paper course was interesting, the practical skills would be far more useful to them as a new lawyer. Advisors must keep in step with these developments and so advise students.

Advisors should also include frank discussion about the best courses for an individual student to prepare for the bar exam. Particularly as the passage score for the Illinois bar examination rises, advisors should discuss courses that can assist a student in potentially weak substantive areas. Regardless of proficiency in substantive areas, students who have difficulty writing should be *strongly* advised to take every experiential learning opportunity to *improve their writing ability*.

Students must have sound guidance as they undertake to improve practical skills, including research, writing, improving communication skills, working with real clients and experienced attorneys, and experiencing the practice of law. These are the kinds of issues that should be discussed between students and advisors. Alumni engaged in private practice could be a valuable barometer for the current needs and wants of the hiring bar. A presentation by practicing alumni about the current marketplace and what they and their colleagues are looking for in new graduates might be very useful to second and third-year students as they chart their academic and experiential learning choices.

### ***Mentorship Should Be Expanded, Individualized, and Rewarded***

The Special Committee heard comments that while *attorney-to-student* mentor programs were well intentioned, they are inadequate. Having a mentor to assist with course choices, decisions of externships or clinic participation, and opportunities to clerk outside of school is invaluable to a law student, particularly students who do not have a family member or friend in the profession. However, many students and new graduates complained that, while their school had an attorney-to-student mentor program, the attorneys to whom they were assigned were busy and plans to keep in touch gave way to busy schedules. The Special Committee appreciates that mentoring is a time consuming commitment. We suggest that a minimal amount of CLE credits could be offered as appreciation to attorneys who take an active role in mentoring law students. Speakers and presenters at CLE courses are offered enhanced CLE credits for their efforts. Mentoring is in many ways a one-on-one CLE course and should be rewarded as well.

We also suggest that the mentor - student pairings share a common interest. For example teaming a student interested in transactional work with a mentor engaged in that field would likely improve the relationship and foster greater interest.

Additionally, the expansion of private practice extern programs could provide a springboard for mentoring relationships between experienced lawyers and law students. The participating student may not only have to opportunity to learn practice skills, but they may also receive the benefit of advice and mentoring.

Finally, student-to-student mentor programs have the potential to be very effective and should be given prominence. Generally, third-year students have enough experience with curriculum and experiential learning to be an asset to first-year students. Such a relationship has the potential to boost enthusiasm and foster an appreciation of the value of practical learning both inside and outside the classroom. Further, the benefits of shared interests can enhance the relationship. Just as with attorney-to-student mentorship, a good mentor relationship takes time and commitment. Where the student mentor meets the criteria for meetings and expectations for guidance and advice, there should be an opportunity for mentors to earn a one-hour credit for his or her participation.

## **5. The Current Law School Admission Criteria Should Be Enhanced**

### ***Evaluation of Writing Performance Should Be Part of the Application Process***

The committee has recommended solutions to improve the writing skills of law students during their law school career, but suggests that the issue should also be addressed at its core: during the admissions process. Schools should evaluate the writing skills of applicants and identify student with good writing – in other words, identify those most likely to do well in school, pass the bar, and successfully enter the practice.

Ironically, educators also note the declining basic writing ability of students entering law school as a growing problem. One downstate professor candidly admitted that students are coming into graduate-level education with a low level of writing skills. They argue that law school cannot be expected to teach in three years what has not been mastered in the past 16 years of education. Yet this is the skill the profession expects of those who graduate from law school. This raises the question of how students with such poor writing skills meet the criteria

for admission into law school. A number of factors have been suggested, including whether a school is public or private, its admissions standards, the declining number and academic level of applicants, and some argue, an inaccurate screening of a student's actual writing ability or skill upon admission.

Overall, the research suggests that the median Law School Admissions Test ("LSAT") score of admitted law students today is a 143. One associate professor at an Illinois law school who was formerly part of the admissions office explained that students who test in this median range will likely not write well, and will struggle to pass the bar. Additionally, this professor opined that the often-overlooked writing portion of the LSAT deserves far more attention. He suggests that since it is written under the pressure and time constraint of a test, it will accurately exhibit a candidate's ability to write analytically, to identify an issue, and draft an answer – all writing skills which law school requires. Thus, we recommend a larger writing portion on the LSAT that is both scored and carefully reviewed during the admissions process. We recognize that such a recommendation is beyond our purview and authority, but we none the less point to the value in screening writing skills as part of the admission process.

A student's personal statement is also not a reliable measure. When students are writing in law school, they are asked to complete a defined project within specific parameters, or under the pressure of an in-class exam. The requirement of a personal statement may provide some insight into the individual and his or her life experiences, but it is likely not an accurate reflection of a prospective law student's actual writing ability. Just as important, a paper application also does not afford any examination of a student's interpersonal or communication skills. Perhaps it is time to bring back the interview.

Another alternative is a new twist on a multiple-choice test designed to tease out whether the applicant has the abilities and skills a lawyer will need in practice. This test, which Kaplan is currently working with Valparaiso University Law School to administer, seeks to provide an accurate screening of a prospect's writing capability via a cost-efficient and easily graded multiple-choice exam.<sup>68</sup>

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<sup>68</sup> The make-up of the test is complicated. However, the test is designed to accurately reveal the personal skills of prospective law students, as well as their writing capabilities.

### ***Students in the Pipeline: Pre-Admission Program***

The following recommendation outlines a program in which, for a small fee paid to the school, a law school could allow an undergraduate student to attend the law school for a week, sit in on classes, and draft a personal statement describing the experience. That writing sample would better reflect the writing skills of the potential applicant. We appreciate there may be costs associated with such a program – a student would need guidance from staff and faculty concerning choices for their week attendance and any fee would, hopefully, recompense such costs.

In this “pre-law admissions program,” a student would attend a full two days of first-year courses (including legal writing and research). Then, the student could opt into one to two days of second-year courses. After observing each course, the student would be required, within that week, to write an essay explaining their experience and why they are a valuable candidate for law school admittance. That essay would then serve as their personal statement for all Illinois schools. This program would give schools the opportunity to observe the work product of a prospective student that is unrehearsed, done in a short period of time, and under the direction and format proposed by the host school. Additionally, the students benefit by experiencing a law school class first hand – to see if law school is really their calling.

### ***Supplement Admission Criteria with Post-Admission Programming***

Finally, following admission, law schools should require participation in a one-to-two week “boot camp” program staffed by the ISBA as a introductory crash course on legal writing, to be completed just prior to first year orientation. This mirrors a course currently required at SIU for incoming first-year students.<sup>69</sup> This course would prioritize legal writing for new students and assist legal writing professors in their efforts to assess and develop a student's writing skills.

## **6. The Current Criteria and Process for Admittance to the Illinois Bar Should Be Examined**

Currently, admittance to the Illinois bar requires completion of a degree in law from a law

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<sup>69</sup> The SIU Carbondale School of Law offers similar boot camp crash courses to prepare students upon admission.

school accredited by the ABA, passing the academic and professional responsibility examinations with a score as set by the Board of Bar Examiners, and a certification of good moral character and general fitness to practice law. Upon application and completion of the requirements, a law graduate is admitted to the practice of law and given a license to practice law in the State of Illinois.

Illinois students take the academic bar examination after graduation. Many states are re-examining when and even if students should take a bar exam covering multistate topics and in-state topics. Arizona suggests that students take a bar exam after two years of schooling. New York is also considering the bar after two years and if they pass, that externships be the *sole* focus of student curriculum in the third year.

A former UCLA professor who now teaches bar examination preparatory courses in Illinois and serves as an associate professor pointed out that the legal profession is the only profession where students are not tested throughout their graduate-level learning experience to measure incremental progress and ensure that they meet the requisite standards to practice in their respective fields. The bar admittance process does not monitor progress until all academic education is complete and the student has either passed or failed the admission process. If the student fails, he or she has no recourse and must supplement any deficiency outside the parameters of school.

Medical schools, dental schools, veterinary schools, and similar professional training programs not only require hands-on learning, they test substantive learning practical skills throughout their graduate level education. For example, medical students must pass their boards during their training and are exposed to hands on experience with real patients early on in their education. Requiring board passage strongly encourages each school to teach material that is universally deemed most important and tested on boards.

The Illinois Supreme Court, through its rules, governs the process and criteria for admission to the Illinois bar. It is after all the members of the Supreme Court that sign the license authorizing the recipient to practice law in the State of Illinois. They have the authority to set parameters as they see fit to govern admission to practice in our state through their rules. We recommend that the Court consider requiring experiential learning beyond the minimal ABA standard as a criterion for licensing in Illinois. Such a step would be a clear message that the Court understands the dilemma facing new lawyers and is ready to address the need for

practice-ready skills training.

## V. RECENT UPDATES

### A. The Bar Exam

In July 2012, the National Conference of Bar Examiners evaluated the extent to which the bar exam tests the skills necessary for a newly licensed attorney.<sup>70</sup> Among other components, the study included phone interviews with practitioners across the country from various areas of practice and various levels of experience.<sup>71</sup> The comments from the phone interviews of the NCBE Job Analysis provided many of the national anecdotes regarding skills deficiencies in recent graduates discussed throughout this Report. Based on the findings of the Job Analysis, changes are underway for the Multistate Bar Examination (MBE). One change already in effect is the addition of Civil Procedure, which was tested in February 2015.<sup>72</sup> The results demonstrate that written communication, oral communication, and professionalism, among other skills, are considered significant nationally by practitioners and are thus, identified by the NCBE as areas to include in the bar exam.<sup>73</sup>

As we documented, there is great concern about the writing skills of law school graduates. The Illinois Supreme Court has responded to the growing concern over new graduates writing skills by raising the bar passage score.<sup>74</sup> The Illinois Supreme Court met with the Board of Admissions to the Bar and the deans from Illinois law schools to discuss the issues and agreed to raise the minimum passing score to 266 out of 400.<sup>75</sup> The rationale behind the

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<sup>70</sup> Susan M. Case, *The Testing Column The NCBE Job Analysis: A Study of the New Licensed Lawyer*, THE BAR EXAMINER 52, 52 (2013). The study, known as a job analysis was conducted by Applied Measurement Professionals Inc. *Id.*

<sup>71</sup> *Id.* at 52.

<sup>72</sup> *Id.* at 53 (noting the NCBE was in the process of adding Civil Procedure prior to the job analysis).

<sup>73</sup> *Id.* at 53, 55 (“[T]he goal is to include [the skills necessary for newly licensed attorneys] in the licensing exam . . . . Modifying our tests to assess certain skill areas rated as highly significant (e.g., oral communication) may be difficult—or, in some cases, impossible—but other skill areas are worthy of our effort to incorporate them into what is assessed in the bar exam.”).

<sup>74</sup> Steve Miller, *Exam Raising The Bar For Aspiring Lawyers In Illinois*, CHICAGO CBS LOCAL (Apr. 4, 2013, 1:17 PM), <http://chicago.cbslocal.com/2013/04/04/exam-raising-the-bar-for-aspiring-lawyers-in-illinois/> (reporting in April 2013 that the supreme court set the minimum pass score for July 2015 at 272).

<sup>75</sup> ILLINOIS STATE BAR ASS’N., *Revised Schedule and Increases to Passing Score for Bar Exam Announced*, ILLINOIS LAWYER NOW (Mar. 27, 2015), <http://iln.isba.org/blog/2015/03/27/revised-schedule-and-increases-passing-score-bar-exam-announced>.

change is to decrease instances where individuals pass the bar with a good cumulative score, yet scored poorly on the essay portion. Recent graduates' success on the MBE is attributable to how well the prep courses, such as BarBri, prepare students to take the MBE. The goal is that a higher minimum passing score will require individuals to do well on both the MBE and the writing section in order to pass.

While the Illinois Supreme Court's action has brought the issue of writing skills to the forefront, we encourage them to go further and address writing curriculum in law schools and urge dramatic change.

## **B. ABA Changes**

In January 2014, the ABA Task Force on the Future of Legal Education (ABA Task Force) issued its final Report and Recommendations.<sup>76</sup> As evidenced by the observations shared by Illinois practitioners and practitioners across the country, the ABA Task the Force concluded that despite their legal educations, many graduates are not equipped with the practical skills necessary for the practice of law when they graduate.<sup>77</sup> As a result, one of the recommendations by the ABA Task Force is that law schools develop legal skills and competencies in their students. The Report and Recommendations states: “[T]he core purpose common to all law schools is to prepare individuals to provide legal and related services in a professionally responsible fashion . . . . The balance between doctrinal instruction and focused preparation for the delivery of legal services needs to shift still further toward developing the competencies and professionalism required of people who will deliver services to clients.”<sup>78</sup>

While the ABA Task Force acknowledges that many schools have begun to address the call for

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<sup>76</sup> AMERICAN BAR ASSOCIATION TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, REPORT AND RECOMMENDATIONS (Jan. 2014), *available at* [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/report\\_and\\_recommendations\\_of\\_aba\\_task\\_force.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf). *See also* Jay Conison, *The Report and Recommendations of the ABA Task Force on the Future of Legal Education: Its Significance for Bar Admissions and Regulation of Entry into the Legal Profession*, THE BAR EXAMINER 12, 12 (Dec. 2014), *available at* [http://www.ncbex.org/assets/media\\_files/Bar-Examiner/articles/2014/830414-conison.pdf](http://www.ncbex.org/assets/media_files/Bar-Examiner/articles/2014/830414-conison.pdf) (noting that the ABA Board of Governors approved the Report in February 2014).

<sup>77</sup> AMERICAN BAR ASSOCIATION TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, *supra* note 76, at 26 (“Much of what the [ABA] Task Force heard from recent graduates reflects a conviction that they received insufficient development of core competencies that make one an effective lawyer . . . .”); Conison, *supra* note 93 at 15 (“Many if not most law schools today do not sufficiently develop core competencies that make one an effective lawyer, particularly those relating to representation of and service to clients.”).

<sup>78</sup> *Id.* at 3.

more practice-based learning, it calls for still more change to prepare law students for the practice of law upon graduation.<sup>79</sup>

In August 2014, the ABA took a step closer “toward developing the competencies and professionalism required”<sup>80</sup> for the practice of law when the ABA Section of Legal Education and Admissions to the Bar revised its law school accreditation standards.<sup>81</sup> Notable among the changes made and adopted by the ABA are changes to Chapter 3 – Program of Legal Education. The ABA Section of Legal Education and Admissions to the Bar explains that the goal of the changes to Chapter 3 is to “reduc[e] . . . reliance on input measures” and increase “outcome measures.”<sup>82</sup> While the revised standards throughout the Standards for Approval of Law School include many important changes, particularly those in the Program of Legal Education, there are a few that require specific attention here.<sup>83</sup> Specifically, Standard 301, Objectives of Program of Legal Education, was revised to include the requirement that “[a] law school shall establish and publish learning outcomes designed to achieve” the objective that law schools prepare law students “upon graduation,” for “effective, ethical, and responsible participation as members of the legal profession.”<sup>84</sup> This revised standard calls for preparedness to “participate” in the bar “upon graduation”—not after 2-3 years of experience as has traditionally been the case.<sup>85</sup> Secondly, the revised standard includes “ethical” preparedness, which demonstrates that the ABA, like Illinois practitioners, expects and values ethics and professionalism in law school graduates, and that education in ethics is required during law

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<sup>79</sup> *Id.* The ABA task force also provides specific recommendations to achieve the goal of producing law graduates with core competencies, including suggestions of changes to the ABA’s accreditation standards. *Id.* at 31.

<sup>80</sup> *Id.* at 3.

<sup>81</sup> See AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools* 1 (Aug. 13, 2014), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governance/documents/2014\\_august\\_transition\\_and\\_implementation\\_of\\_new\\_aba\\_standards\\_and\\_rules.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governance/documents/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.authcheckdam.pdf).

<sup>82</sup> AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION ADMISSIONS TO THE BAR, *Explanation of Changes* ch. 3, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/201408\\_explanation\\_changes.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201408_explanation_changes.authcheckdam.pdf) (last visited May 6, 2015).

<sup>83</sup> Other notable changes to Chapter 3 not mentioned here include: Standard 306 on Distance Education; Standard 309 on Academic Advising and Support; and, Standard 314 on Assessment of Student Learning, which requires feedback to students, essential for quality learning. AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION ADMISSIONS TO THE BAR, *Revised Standards for Approval of Law Schools* (Aug. 2014), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/201406\\_revised\\_standards\\_redline.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201406_revised_standards_redline.authcheckdam.pdf) (strikethrough version).

<sup>84</sup> *Id.* at Standard 301(a), Standard 301(b).

<sup>85</sup> See *Id.* at Standard 301(a), Standard 301(b).



school to prepare students for practice.<sup>86</sup> In addition, the revision also suggests that more education in ethics during law school is required than is the current practice.

Another notable revision is to Section 302, Learning Outcomes, which now states:

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (a) Knowledge and understanding of substantive and procedural law; (b) Legal analysis and reasoning, legal research, problem solving, and written and oral communication in the legal context; (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.<sup>87</sup>

Interestingly, these standards now specifically require law schools to develop competencies in many of the skills, such as procedural law, written and oral communication, and problem-solving, that Illinois practitioners identified as skills that are needed in new graduates. The standard also requires learning outcomes, which means that upon graduation, law students should be able to demonstrate at least minimum competency in the above skills areas.

Finally, another notable change is the requirement of six credit hours of experiential learning under Standard 303, Curriculum.<sup>88</sup> This additional requirement demonstrates a shift within the ABA, albeit a small one, toward the idea that “law schools are to prepare individuals to do things, rather than just know things.”<sup>89</sup> This change also reflects the consensus among Illinois legal employers that the critical hiring factor of a new graduate is most frequently clinical, externship, or internship experience, as the revised requirement encourages such learning.

As the Report and Recommendations of the ABA Task Force and the Revised Standards for Approval for Law Schools demonstrate, practitioners across the country value experiential learning and are calling for a legal education curriculum that develops the core competencies outlined and the skills detailed in this Report. Achieving these core competencies by the time law students graduate will necessarily require more of a shift in legal education to integrate ethics training and practical application into doctrinal courses and substantial, if not total, law student participation in experiential learning courses, specifically in clinics, externships, and

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<sup>86</sup> *See Id.* at Standard 301(a).

<sup>87</sup> *Id.* at Standard 302.

<sup>88</sup> *See Id.* at Standard 303(a)(3).

<sup>89</sup> Conison, *supra* note 93 at 18.

internships. Illinois law school curriculum must also adapt to meet the new realities and needs of Illinois practitioners as discussed above.<sup>90</sup>

### **C. Praxis Models**

The resounding voice of the practicing bar is that the most marketable and best-equipped new graduates are those with practical skills. Programs such as the Praxis model at Valparaiso University College of Law promote practical skills and was recently implemented as a new curriculum model.<sup>91</sup> It is based on a rotation that moves students through the foundational courses in seven week increments, with opportunity for evaluation and feedback throughout the term. The curriculum has three goals; teach the knowledge necessary to pass the Multistate Bar Exam (MBE), provide basic practice skills, and give concrete feedback to students throughout their course work. The Praxis Model allows students to take courses which are tested on the bar exam. Valparaiso observed what many already knew intuitively, that the bar passage rate was higher among students who had taken bar courses during law school and thus it is a component of their program. There is frequent and constructive feedback in every course area, and integration of basic skills in each course such as working with an actual contract in a contracts course or drafting complaints and interrogatories in a civil procedure course. The Valparaiso professor who addressed the task force spoke about the logistics of implementing the program and candidly told the task force that the Praxis model requires a substantial amount of time and resources.<sup>92</sup> We applaud Valparaiso for this undertaking and look forward similar success from Chicago-Kent College of Law and its introduction of Praxis.

### **D. Debt**

As mentioned above, many recent graduates work a primary legal job and a second job

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<sup>90</sup> See *supra* Sec. I, Sec. II.C.

<sup>91</sup> See *supra* note \_ (briefly describing the new model of Indiana University School of Law's legal education program).

<sup>92</sup> 2014 Chicago Hearing.

in the evenings to pay their debt.<sup>93</sup> Ironically, these attorneys are left caught between satisfying a new employer and earning supplemental income to sustain their financial obligations. Indeed, nationally, due to their inability to secure full-time legal employment, many newly licensed attorneys work part-time legal positions while also working other jobs. In January 2014, Forbes reported: “Nationwide, EMSI [Economic Modeling Specialists, Intl.] estimates jobs for those who draw miscellaneous income as lawyers (income that isn’t derived from their primary job) have grown 25% since 2009 and have more than doubled since 2001. Median earnings for these workers are \$35.62 an hour, nearly \$20 less than salaried lawyers.”<sup>94</sup> Further, even for those who do find full-time legal employment, their starting salary alone is insufficient to service both law school debt and maintain sustainable living. The NALP reported that at small firms (2-10 attorneys), which comprise 42% of law firm jobs, the average starting salary in 2013 was \$53,000 and the starting salary at the average public interest job requiring bar passage in 2013 was \$45,889.<sup>95</sup> The ABA reported that in 2012 the average amount borrowed by a law graduate at a public school was \$84,600 and \$122,158 at a private school.<sup>96</sup> Due to the discrepancy between starting salaries and law school debt, many new attorneys take on a second job to meet their debt obligations. The magnitude of debt and its impact continues to loom large on younger lawyers even those with a reasonable salary. Because of their substantial law school debt, students must be equipped upon graduation with the practical skills that make them valuable to prospective employers.

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<sup>93</sup> A new practitioner from the DuPage area also spoke to the Special Committee about making it a priority to graduate in 2.5 years instead of three in order to avoid more debt.

<sup>94</sup> Joshua Wright, *The Job Market For Lawyers: Side Work On The Rise Amid Continuing Glut Of New Graduates*, FORBES (Jan. 10, 2014, 11:20 AM), <http://www.forbes.com/sites/emsi/2014/01/10/the-job-market-for-lawyers-side-work-on-the-rise-amid-continuing-glut-of-new-graduates/2/>.

<sup>95</sup> NALP, *Employment for the Class of 2013-Selected Findings*, 3 (2014), <http://www.nalp.org/uploads/Classof2013SelectedFindings.pdf> (also reporting the overall median starting salary at \$62,467); NALP, *Class of 2013 Summary Report* (July 2014), <http://www.nalp.org/uploads/NatlSummaryChartClassof2013.pdf>.

<sup>96</sup> Am. Bar Ass’n, *Average Amount Borrowed, 2011-2012*, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/statistics/avg\\_amnt\\_brwd.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/avg_amnt_brwd.authcheckdam.pdf) (last visited January 6, 2015). This debt amount is for law school alone and does not include undergraduate debt. See Robert Farrington, *Law School and Student Loan Debt: Be Careful*, FORBES (Dec. 18, 2014, 8:46 AM), <http://www.forbes.com/sites/robertfarrington/2014/12/18/law-school-and-student-loan-debt-be-careful/>.

## E. Lawyers Assistance Program

Recently, the Lawyers Assistance Program (LAP) saw a dramatic increase in reports concerning mental health issues in attorneys primarily because of high debt loads and the inability to cope with the substantial burden such debt loads pose. Not only are new attorneys more inclined to live at a parent's home, or cope with a very low budget for basic needs, but they are also suffering from mental illness as a result of the new norm of higher debt upon graduation.

The LAP Report for 2014-15 evidences a continuation of these frightening trends.<sup>97</sup> For example, the number of law students seeking LAP assistance has risen and law students now account for 17.4% of those seeking help from LAP.<sup>98</sup> Also, LAP notes that “[t]he number of [its] clients under the age of 30 has been steadily increasing from 8% four years ago to 22.5% [in 2014-15].”<sup>99</sup> Interestingly, the next highest group is 30-39 year olds at 24.9%.<sup>100</sup> Finally, LAP notes that “[d]epression is still the most significant issue that the Illinois legal community faces. Often the depression starts out as stress and anxiety in law school and left untreated, becomes depression.”<sup>101</sup>

## VI. CONCLUSION

While many graduates of Illinois' law schools are entering practice with the requisite skills and transitioning well to the practice of law, many other new lawyers are struggling. They are saddled with enormous student debt, unprepared to practice law, without practical skills, and, for many, without practical experience. They find themselves shunned from private practice firms who are unwilling or unable to bear the cost the training them and competing against high odds to get a job in the public sector – which though low paying will offer them the golden opportunity to acquire the skills most employers want. Many move to rural areas where the likelihood of employment is higher and they can begin to build the practice skills they didn't

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<sup>97</sup> Lawyers Assistance Program, 2014-2015 Annual Report.

<sup>98</sup> *Id.* at 8.

<sup>99</sup> *Id.* at 7.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

learn in school. But the short-term employment and migration toward larger salary has inflicted another set of problems, particularly in rural areas. Those fortunate enough to have any law related position, still face working a second job and tough career choices and personal sacrifices. The unemployed struggle; applying for jobs as paralegals or clerks just to be part of a law office to learn practice skills. Still others hang out a solo practice shingle and hope that they can learn on the job.

Experienced attorneys, the senior members of the bar, shared their observations, recollections, and frustrations with the status of the practice of law. They lamented the change in the practice of law from the profession they entered to the business it has become. They see student debt as the biggest impediment preventing young lawyers from staying in downstate practices and realize that they cannot pay salaries necessary for a new lawyer to pay his or her student debt and live, and can not compete with the salaries offered in the metro areas. One attorney from a small collar county firm candidly admitted that she now inquires about the amount of student debt a prospective employee has, and “I do the math.” She weighs whether the firm can pay them enough to service the debt and live and if not, realizes that this will probably not be a long-term relationship. The next question is, can I afford to hire, pay a salary, and train this candidate for 12 to 18 months when a long-term commitment appears unlikely? The refrain continues, they come to gain experience, and to learn how to practice law, but do not stay.

Clients are no longer willing to pay for young unskilled associates to work on their cases. Thus the cost of training recent graduates falls on private firms or public sector offices willing to hire new graduates without skill. The training needed must remediate poor writing skills and teach basic practice skills and solid communications skills and address professionalism, lawyering skills, and the business of the practice of law.

Understand that new lawyers are our greatest resource – they are our future. We must assist the recently graduated new lawyers in a harsh market, *and make changes today that will change the future for the next class of graduates and new admittees.* Remember we would not be here today if much had not been given to us – it is now time for us to step up and ensure that much is given to those that follow us.

Addressing practice-ready skills in new graduates is not a simple problem. The solution will be difficult and require the compromise of conflicting interests and the modification of

rules and standards by groups larger than the ISBA. The Special Committee proposes a new perspective on law school curriculum, which would provide a better investment on the cost of legal education for students, provide more and better practice skills for new graduates, and reduces the cost of post-graduation training for employers. The solution will not be implemented easily. But the changes are necessary. Law school education must adapt to the changes in the marketplace and the demands of the practices new graduates will join. That said, the Special Committee emphasizes that this Report is not intended to be an attack on the education provided by Illinois' great law schools. Rather, it is an effort to present the observations of the practicing bar and start a dialogue with stakeholders that is aimed at addressing practice-ready skills in new graduates. The ISBA must engage in the solution.

The bench and bar share with the legal academy the responsibility of ensuring that new lawyers can meet the obligations of their professional calling. That requires that the relationship between them be revisited, and straightforward communications begun. The Special Committee recommends that the ISBA initiate this process by extending an invitation to representatives of Illinois law schools to engage in a series of formal discussions on the issues and recommendations set out in this Report. These discussions will provide an opportunity to find common ground in preparing the legal professionals of the future.