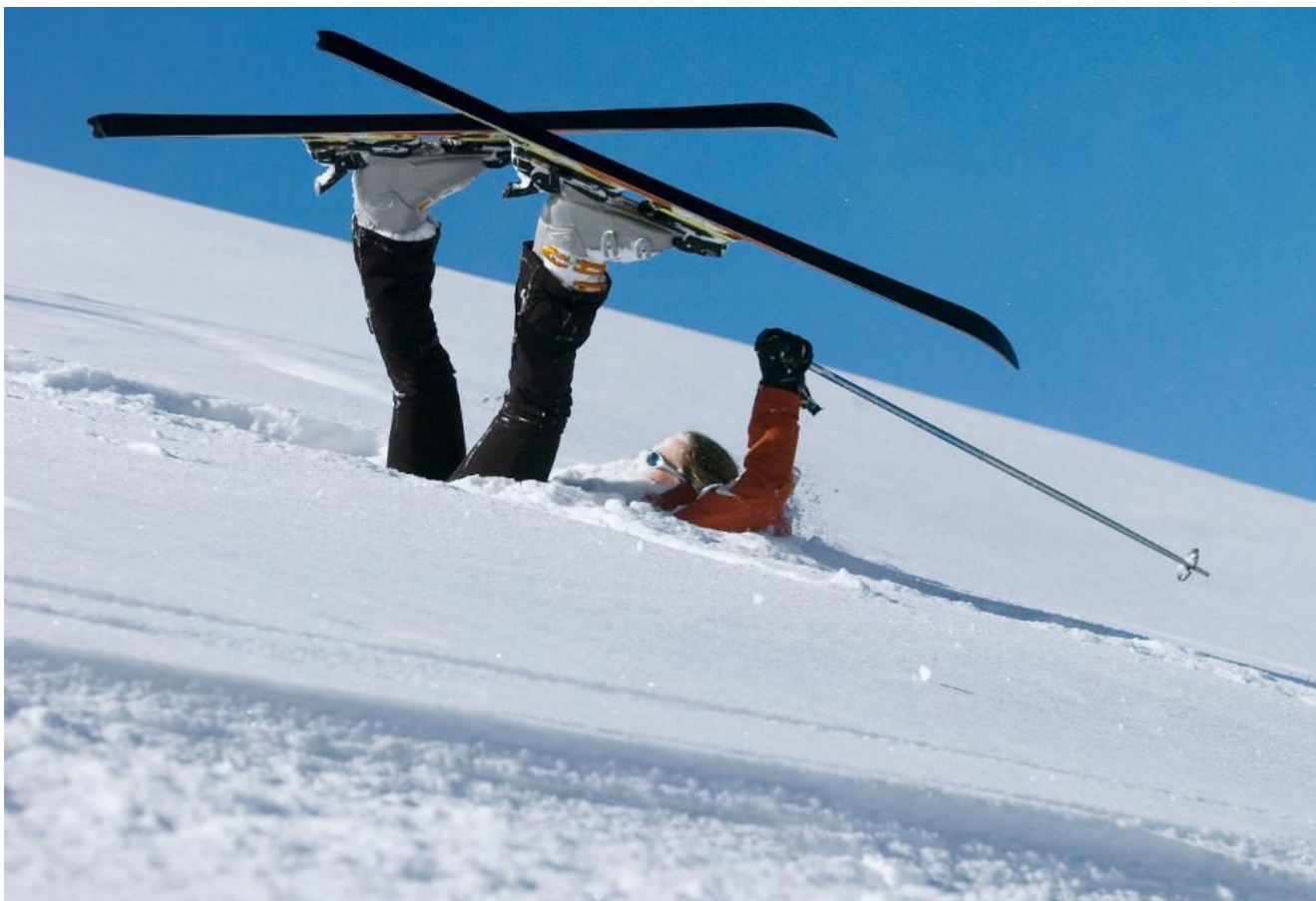# Law Schools' Lost Opportunity

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Policy

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Law schools have ceded an opportunity to shore up their balance sheets and to do right by grads, the legal industry, and the broader society. How? They have failed to transitio from three-year degree stopovers to learning centers for life that upskill grads and othe professionals throughout their careers. This would have created "stickiness" with alumni/ae throughout their professional lives and transformed law schools into lifetim learning hubs. In the digital age where competency, micro-credentialing, collaboration, upskilling, people-skills, and agile learning are critical, law schools are relics of the lega guild. Why?

There are a legion of explanations: complacency, detachment from the University—notably the business, engineering, computer science, and mathematics schools-- as well as the broader legal ecosystem and business community, faculty composition/hiring criteria, the American Bar Association's ineffective law school accreditation oversight, and absence of accountability and performance metrics—especially student outcomes, and self-regulation. Law schools are an island that has become increasingly detached from the broader legal mainland.

The inertia of law schools, like law firms, went unchallenged for decades. Their applicant pool was plentiful, the job market was robust, the curricula were unchanged and unchallenged, and they were cash positive. That rosy picture fueled the growth and proliferation of law schools from the 1980's until the global financial crisis of 2008. The confluence of that economic maelstrom and its aftermath coincided with rapid advances in technology, the ever- escalating cost of law school and its three-year hitch, a downturn in the legal job market, and disaggregation of a growing number of "legal" tasks. This resulted in the migration of young talent away from law and into other professional service and business careers.

Law School Stasis In An Age of Disruption

Today In: Industry

Law schools have largely failed to engage in material reform during the post-financial crisis decade, especially the top-tier ones. Their inertia has contributed to an ever-widening skills gap in the legal industry, a challenge and opportunity law schools have failed to respond to meaningfully. Law schools—like firms for whom they have long served as supply sources-- have failed to align with and adapt to a changing marketplace. The ramifications affect the entire legal ecosystem and beyond.

Law schools continue to prepare grads to "think like a lawyer" even as the function, role, skillsets, workplace, and career paths of lawyers are changing dramatically. Law schools still rely on firms to provide practice experience even as clients decline to subsidize on-the-job training of young lawyers. They are preparing grads for practice careers in a market where the practice of law is shrinking and the business of delivering legal services is expanding. Their pedagogy remains rooted in legal doctrine when law is now

a three-legged stool supported by legal, business, and technology. They teach the rudiments of legal expertise when that alone will no longer cut it for most lawyers. They perpetuate a mindset and culture of "lawyers and 'non-lawyers'" when law is now about legal professionals, only some of whom are licensed attorneys.

The New Tools For Success

Competency, not diplomas, dictates marketplace success in the digital age. Diplomas still matter, of course, and so does the granting institution's brand. But exposure to a new suite of augmented skill sets is what really matters, especially after one's first gig. The core skills required of legal professionals—apart from baseline legal knowledge—are common among other industries in the digital age, a time when traditional boundaries separating professions/industries are increasingly blurred.

The World Economic Forum Future of Jobs Report examines the skills required in the digital age. Critical thinking and problem solving, key elements of traditional legal pedagogy, remain. Other critical workplace skills--notably emotional intelligence (EQ), creativity, cognitive flexibility and collaboration-- are now equally important workplace competencies. These contemporary skills—and others including project/process management, data analytics, design, business basics, digital basics, risk prediction/management, and talent management—are largely ignored by the legal Academy and most executive education programs. They are also undervalued by legal industry talent managers even as they have become essential to satisfy rapidly changing legal buyer expectations. These skills are foundational elements of new legal positions to be filled now and many more as-yet to be created.

New Courses Don't Necessarily Translate to Marketable Skills

Law schools have recently introduced many new courses, but few address the skills gap. Legal tech courses are proliferating, for example, but few provide a technological use-case , competitive market analysis, design planning, cost/time to develop, etc. Legal entrepreneur courses, another hot offering, are often taught by professors with no entrepreneurial experience and little knowledge of the marketplace. Sexy as these courses might be for students, why not focus on building block courses like business,

data analytics, and digital transformation basics for lawyers? These are foundational elements for *all* lawyers and legal professionals and are marketable.

Dan Rodriguez, a colleague and friend, recently authored a cogent article positing that "law schools, when considered as a whole, are working hard on innovation." While som —myself included—might consider this an overly generous assessment of the Academy' efforts to modernize, Rodriguez pulls no punches acknowledging that US law schools "are fundamentally inadequate, at times border on the functionally illiterate, when it comes to collecting, synthesizing, and analyzing data." He cites a number of critical use cases that include the impact of curriculum change, student outcomes, externships, and other collective performance metrics. While law schools' poor grade on data adoption mirrors the broader legal ecosystem, it is particularly troubling in an academic setting where many tenured professors devote much of their time to research. How can resear be meaningful and relevant absent data to support it as well as the use case for engagin in it?

Law Schools Are Focused on New Revenue Streams, Not Solutions to Systemic Challenges

Most law school Deans pay considerable attention to new revenue streams to stanch their fiscal bleeding. While this is understandable, it does not address the underlying systemic challenges their schools face— educational structure/curricula; an unsustainable economic model; outmoded faculty configuration including preference for PhD's, not practitioners, and relegation of adjuncts (practitioners) to marginal stat and pay. This short-term fiscal fix does nothing to advance the interests of students, alums in need of upskilling, providers, clients, and society at large.

It's past time for law schools to accept a measure of responsibility for the profession's failing grades on addressing the access to justice crisis, improving the profession's woefully low net promoter score, reducing the exorbitant cost and staggering debt burden of legal education, providing graduates with training for law in the digital age, and offering more effective career services that commence upon matriculation and continue throughout grads' professional careers. Legal education must not end with a diploma; it should be a lifetime collaboration between the institution and alumni/ae.

The foundation of the compact should be a commitment to prepare grads to advance the interests of clients, society, and the rule of law.

Who Will Solve The Legal Industry's Skills Gap?

 If the legal Academy does not take the lead to solve the legal industry's skills gap who will? Short answer: Government, the private sector, and a handful of academic institutions that have forged strong marketplace ties and tailor their curricula to its needs. Here are some examples.

Singapore is taking bold, sweeping steps to modernize the legal industry domestically, throughout the ASEAN region, and beyond. Singapore is a global leader in digitization, and it has tasked the Singapore Academy of Law (SAL) to apply digital principles to the legal function. SAL is galvanizing all segments of the legal ecosystem in this effort— Government, the judiciary, regulators, business, the Academy, and international thought leaders. One of SAL's many noteworthy initiatives is the LIFTED (SAL's educational arm) Global Partners Initiative, a global, diverse, multidisciplinary group of thought leaders and doers charged with producing a white paper detailing key skillsets for all legal professionals around the globe. This will serve as a roadmap for global legal education and training upon its issuance in mid-2020 and beyond.

The private sector is beginning to address the legal industry's skills gap. DXC Technology (DXC) and UnitedLex (ULX), collaborators in a groundbreaking enterprise legal services agreement, have been inundated by requests from General Counsel to share their digital journey. Building off DXC's digital transformation centers and UnitedLex's global infrastructure and UnitedLex Academy, the companies are planning to launch the Legal Digital Exchange (DLX), a unique, business-to-business digital legal community and training center. DLX is designed to apply digital transformation and experiential training techniques to the legal function to solve real-world, high-stakes business challenges in real-time. A formal announcement will be forthcoming this Fall.

The Corporate Legal Consortium (CLOC), The Institute for the Future of Law Practice (IFLP), and LawWithoutWalls are three examples of market-aligned, client-centric, legal upskilling programs that have successfully bridged the gap between the marketplace and the Academy. A handful of international law schools including Bucerius (Germany), IE

(Spain) and the soon-to-launch Ryerson (Canada) meld law with business and technology, take a global approach, have faculties with industry experience, and collaborate with thought leaders and other leading Universities from around the world. US law schools would be wise to emulate them.

Conclusion

The legal industry's skills gap is real, pressing, and global. The problem can no longer ignored, even if most law schools choose to. The tools, resources, capital, collaborative mindset, and expertise required to tackle it at scale exist. It's up to law schools to decide whether they remain the problem or collaborate in its solution.

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