

NALP & The NALP Foundation Present

**A Roundtable on the Future of Lawyer Hiring,
Development and Advancement —
Adjusting to the New Normal**

**Monday, April 11, 2011
Los Angeles, California**

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**BIOGRAPHIES OF THE PARTICIPANTS IN THE ROUNDTABLE ON
THE FUTURE OF LAWYER HIRING, DEVELOPMENT AND ADVANCEMENT —
ADJUSTING TO THE NEW NORMAL
APRIL 11, 2011**

PARTICIPANTS:

- Aldo A. Badini, Partner, Dewey & LeBoeuf, LLP
- Mona Ehrenreich, Senior Vice President and General Counsel, Princess Cruises
- Tracy Gruber, Administrator, New Lawyer Mentoring Program, Utah State Bar Association
- Sandra (Sandee) Magliozzi, Director of Professional Development and Externships, Santa Clara University Law School
- Dean Rachel F. Moran, Dean and Michael J. Connell Distinguished Professor of Law, UCLA School of Law
- Dean Cynthia Nance, Dean, University of Arkansas School of Law
- James F. Owens, Partner, Paul, Hastings, Janofsky & Walker LLP
- Laura Saklad, Chief Lawyer Development Officer, Orrick, Herrington & Sutcliffe LLP
- Lauren Teukolsky, Pro Bono Director, Bet Tzedek Legal Services
- Robert E. Williams, Partner and Chief Talent Officer, Sheppard, Mullin, Richter & Hampton LLP

BIOGRAPHIES:

Aldo A. Badini

Aldo A. Badini is a litigation partner practicing out of the Silicon Valley office of Dewey & LeBoeuf, LLP, a global law firm. Mr. Badini is Co-Chair of Dewey's Intellectual Property Litigation Group, and has experience with patent litigation, antitrust, and international arbitration matters. His experience includes successfully representing a biotechnology client in a landmark U.S. Supreme Court decision on patent licensing issues. Mr. Badini has also successfully first chaired major patent infringement cases and has extensive experience litigating Sherman Act Section 1 and 2

cases in numerous industries including pharmaceuticals, healthcare, and electronics. Mr. Badini has had various positions at the firm including Hiring Partner, Managing Partner of the Silicon Valley Office, and a member of the firm's Pro Bono Committee. He is actively involved in associate training and recruiting.

Mona Ehrenreich

Mona Ehrenreich is Senior Vice President and General Counsel for Princess Cruises. Ms. Ehrenreich has been with Princess since 1993. She leads the Legal and Risk Management departments and advises on all legal aspects of Princess's operations. She is responsible for all union negotiations and relationships and participates in legislative and government affairs. Prior to joining Princess, Ms. Ehrenreich practiced law with the international law firm Gibson, Dunn & Crutcher in its Century City, California office. Ms. Ehrenreich is licensed to practice in California and Arizona and is a member of the Attorney Settlement Panel for the Central District of California. She also sits on the Board of Visitors of the UCLA Political Science Department.

Tracy Gruber

Tracy Gruber graduated from the University of Wisconsin-Madison in 1992. In her earlier career, she worked first for the Illinois General Assembly and then as Director of Retiree Programs and lobbyist for AFSCME Council 31, a public sector labor union. She then stayed home for seven years taking care of her two sons. In 2005, she started law school part-time at Chicago-Kent College of Law, graduating in 2009. During law school, her studies focused on labor and employment law and she earned a certificate from Kent's Institute for Law & the Workplace. Additionally, she worked for U.S. District Court Judge George W. Lindberg and won the Louis Jackson National Student Writing Competition in Employment and Labor Law for a paper entitled, "Transsexual Discrimination: Discrimination 'Because of ... Sex.'" Upon graduating from law school, she and her family moved to Salt Lake City, Utah, where she accepted the position as the Administrator of the Utah State Bar's newly adopted mandatory mentoring program for new lawyers, which has quickly become a model for similar programs nationwide.

Sandra (Sande) Magliozi

Sande Magliozi is the Director of Professional Development and Externships at Santa Clara Law. She directs the many opportunities for upper division law students to work for credit with federal and state court judges, the Panetta Institute, government agencies, public interest organizations, corporations, and private law firms. In addition, she teaches the Civil Practice, High Technology, and Social Justice Externship seminars and conducts professional skills workshops. Ms. Magliozi is focused on helping students leverage their externship opportunities to gain many of the benchmark experiences and skills they need in bridging the gap to law practice. She is a member of the leadership team working on the law school's Leadership Education Initiative. Ms. Magliozi is often asked to write and speak on attorney professional development issues and is a contributing author to *The Art and Science of Strategic Talent Management in Law Firms* (West, 2010). She currently serves as Chair of NALP's Law Student Professional Development Section.

Before joining Santa Clara Law, Ms. Magliozi was a Senior Manager of Attorney Training and Development at Holland & Knight LLP and the former firm-wide Professional Development Manager for Heller Ehrman LLP. She was awarded the Thomas J. Drinan Memorial Fellowship and worked in the Economic Crime Unit of the United States Attorney's Office.

Ms. Magliozi earned her BS (*magnum cum laude*) from Northeastern University and her JD (with honors) from Suffolk University School of Law. She is admitted to practice in California.

Dean Rachel F. Moran

Rachel F. Moran is the Dean and Michael J. Connell Distinguished Professor of Law at UCLA School of Law. Dean Moran is the eighth dean of the law school, and the first Latina dean of a top-ranked U.S. law school. She was previously the Robert D. and Leslie-Kay Raven Professor of Law at Berkeley Law School as well as a founding faculty member at the University of California, Irvine School of Law. Dean Moran, who teaches torts, education law, and race and the law, joined the Berkeley Law faculty in 1983 and received a distinguished teaching award from the Berkeley campus in 1995. From 1993 to 1996, she served as chair of the Chicano/Latino Policy Project, and from 2003 to 2008, she was director of the Institute for the Study of Social Change. In 2009, she became president of the Association of American Law Schools.

Dean Moran has published and lectured extensively on affirmative action, desegregation, and bilingual education. She is the author of *Interracial Intimacy: The Regulation of Race and Romance* (2001), co-author of the fourth edition of *Educational Policy and the Law* (2002) (with Mark G. Yudof, David L. Kirp, and Betsy Levin),

co-editor of *Race Law Stories* (2008) (with Devon W. Carbado), and author of numerous articles.

Following her undergraduate education at Stanford and law school at Yale, Dean Moran clerked for Chief Judge Wilfred Feinberg of the U.S. Court of Appeals for the 2nd Circuit and worked for the firm of Heller Ehrman White & McAuliffe. She has served as a visiting professor at UCLA Law (2002, 1988), Stanford Law School (1989), New York University School of Law (1996), the University of Miami Law School (1997), the University of Texas (2000), and Fordham University School of Law (1995).

Dean Cynthia Nance

Dean Cynthia Nance became the Dean of the University of Arkansas School of Law in 2006 and is both the first African American and first woman to serve in this position. She has focused her teaching and research on labor and employment law, poverty law, and torts. She earned her J.D. with distinction and M.A. in finance from the University of Iowa.

Dean Nance has worked as a labor educator at the University of Iowa Labor Center and was a faculty fellow in the law school. She was a recipient of the inaugural Judge Andree Layton Roaf Award, the 2009 T.E. Patterson Education Award from the Arkansas Democratic Black Caucus, the 2007 American Association for Affirmative Action Arthur A. Fletcher Award, and the 2006 NIA Professional Achievement Award. She was also honored as the 2005 Arkansas Bar Association Outstanding Lawyer-Citizen. In 2004, she received the University of Arkansas Alumni Association's Faculty Distinguished Achievement Award for Public Service and was recognized in 2003 as a Northwest Arkansas Woman of Distinction and a Northwest Arkansas Martin Luther King Individual Achievement Award recipient. In addition, she has been honored as one of 25 Minority Trailblazers and 20 Women of Influence by *Arkansas Business*.

Dean Nance is past chair of the Association of American Law Schools Employment Discrimination and Labor and Employment Law Sections.

James F. Owens

Jim Owens is a partner with Paul Hastings in Los Angeles and counsels a variety of nonprofit and for-profit healthcare businesses on transactional and regulatory matters. Mr. Owens is chair of the Paul Hastings Healthcare Practice and a member of the firm's M&A and Private Equity practices. As the global chair of the Paul Hastings Attorney Development Committee, Mr. Owens oversees the talent management strategy of the firm including competency modeling, performance management, train-

ing and development, orientation and integration, and career coaching. He is a former hiring partner and has served as a member of the NALP Foundation Advisory Board from 2005 to 2009 and joined the Board as a Trustee in 2010.

Mr. Owens received his B.A. degree in Political Science from Emory University and his J.D. degree from Stetson University College of Law, where he was a notes editor for the Stetson Law Review. He is admitted to the State Bars of California and Georgia. He is listed in Chambers USA, America's Leading Lawyers for Business.

Laura Saklad

Laura Saklad is the Chief Lawyer Development Officer for Orrick, Herrington & Sutcliffe LLP, with responsibility for the development and implementation of the firm's legal talent strategies in the U.S., Asia, and Europe. Ms. Saklad leads the firm's global talent strategy for attorneys including feedback and mentoring, professional skills development, evaluation and promotion, compensation, career management, recruitment, and diversity. Since 2009, Ms. Saklad has led Orrick's transition to a new Talent Model for associates that includes competency-based advancement and merit-based compensation for partner track associates, and new options for legal careers for lawyers not on partnership track. Before joining Orrick in 2004, Ms. Saklad spent ten years at Clifford Chance U.S. LLP heading several functions including human resources, lateral attorney recruiting, and attorney professional development.

She is a frequent speaker, having presented for NALP, ALI-ABA, West LegalEdcenter, the Hildebrandt Institute, and the Project for Attorney Retention. Her published work includes "The Shifting Associate Paradigm" in the *AmLaw Daily* (Nov 17, 2009), co-authored with Dan DiPietro and Lisa Keyes, and "Alternate Models for Law Firm Careers," a chapter in *The Art and Science of Strategic Talent Management in Law Firms* (West, 2010).

Lauren Teukolsky

Lauren Teukolsky is the Pro Bono Director at Bet Tzedek Legal Services. In this role, Ms. Teukolsky oversees all of Bet Tzedek's relationships with pro bono attorneys and other community members who volunteer for the organization. Ms. Teukolsky also runs the Holocaust Survivors Justice Network, a nationwide coalition of attorneys and social services agencies who provide free legal services

to Holocaust survivors seeking reparations from the German government. Since 2008, the Network has helped thousands of survivors recover millions of dollars in reparations payments.

From 2002 to 2010, Ms. Teukolsky was an associate at Hadsell Stormer Keeny Richardson & Renick LLP, a prominent public interest firm in Pasadena that litigates on behalf of plaintiffs in areas including international human rights, civil rights, employment discrimination, wage and hour law, prison conditions, police abuse, and consumer rights. Before joining Hadsell Stormer, Ms. Teukolsky clerked for the Honorable Harry Pregerson on the Ninth Circuit Court of Appeals and for the Honorable A. Howard Matz on the District Court for the Central District of California. While at Hadsell Stormer, Ms. Teukolsky worked on a wide range of cases, including two high-profile international human rights cases against multinational oil companies. She has litigated several class action lawsuits, and successfully advocated on behalf of a number of individual employees.

From 2004-2010, Ms. Teukolsky was named a Southern California Rising Star in the Southern California Super Lawyers "Rising Star" Edition. Ms. Teukolsky received her J.D. from UCLA School of Law in 2000, and her B.A. from Harvard College in 1997. Ms. Teukolsky has taught at UCLA School of Law as an adjunct professor, and has given numerous guest lectures on litigating public interest lawsuits. Ms. Teukolsky serves on the Board of Directors of the Eviction Defense Network, a nonprofit organization dedicated to affordable housing in Los Angeles County.

Robert E. Williams

Robert Williams joined Sheppard, Mullin, Richter & Hampton in 1977, and has spent his entire career with that firm. He is a real estate finance lawyer; his practice is focused upon representation of construction lenders, and he has a specialty in the financing of low-income housing projects.

Mr. Williams also serves as Sheppard Mullin's Chief Talent Officer. In that capacity, he is responsible for supervision of the firm's recruiting program, its associate evaluation system, its associate development program, and its diversity and inclusion activities. He is a member of the firm's Executive Committee.

Mr. Williams graduated from U.C. Santa Barbara in 1973 and from Harvard Law School in 1976.

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**TRANSCRIPT OF PROCEEDINGS
APRIL 11, 2011, LOS ANGELES, CALIFORNIA**

MS. PATTERSON: Good afternoon. My name is Tammy Patterson. I am the CEO and President of the NALP Foundation. On behalf NALP and the NALP Foundation, I would like to welcome you to the fifth in a series of national conversations concerning important issues and challenges facing the legal industry.

Our organizations are very excited to bring together this distinguished group of leaders for this moderated panel discussion titled “Roundtable on the Future of Lawyer Hiring, Development, and Advancement: Adjusting to the New Normal.” Today’s distinguished panel includes law firm partners, law school deans, in-house counsel, legal recruiting, training, and counseling professionals, a pro bono legal aid director, and a state bar representative.

Participation at this program is by invitation only. We will be recording the discussion today; and as a service to the industry, NALP and the NALP Foundation will make available both written transcripts of the proceedings as well as an audiovisual recording of the event.

We would like to begin by thanking the UCLA Law School for hosting today’s event. We would also like to thank West LegalEdcenter for educational support for the roundtable series and to Alderson Court Reporting for recording today’s conversation.

At this time it is my pleasure to introduce our distinguished panel. They are Aldo Badini, partner at Dewey & LeBoeuf; Mona Ehrenreich, Senior Vice President and General Counsel for Princess Cruises; Tracy Gruber, Administrator of the New Lawyer Training Program for the Utah Bar Association and a newly admitted lawyer; Sandee Magliozzi, Director of Professional Development and Externships at Santa Clara University Law School; Dean Rachel Moran, UCLA School of Law; Dean Cynthia Nance, University of Arkansas School of Law; Jim Owens, partner at Paul, Hastings, Janofsky & Walker; Laura Saklad, Chief Lawyer Development Officer at Orrick, Harrington & Sutcliffe; Lauren Teukolsky, Pro Bono Director for Bet Tzedek Legal Services; and Bob Williams, partner and Chief Talent Officer at Sheppard, Mullin, Richter & Hampton.

Thank you all for volunteering your time for this program. And now I’m pleased to turn the program over to my colleague, Jim Leipold, executive director for NALP, who will begin the discussion.

MR. LEIPOLD: Thank you, Tammy. Welcome, everybody. Thanks for being here. This is, as Tammy said, the fifth roundtable that we’ve hosted. And when we did the first one in June of 2009, the world was ending. You know, law firms were laying off people like crazy. New lawyer

hiring had ground to a halt. Clients were demanding all sorts of new billing models and saying we're not going to pay for training for first-year students. And as a result of that, law firms and law schools went into a period where they were making a lot of changes and trying to anticipate where the industry was going, trying to adjust to some emerging new normal, trying to rethink the business model, trying to rethink the value proposition for law students.

And what we'd like to do today, so we are here in April of 2011, to go back and talk about how much of that change perhaps is going to be lasting, how much of it wasn't. Are there structural changes that have come about in the way we run our institutions as a result of this? We'd like to think of ourselves as being in a post recessionary period right now, but I think while the U.S. economy is moving right along and we see all kinds of signs of strength in the legal economy, new lawyer hiring has not returned. There's a lot of lateral movement right now, but we have firms dissolving around us, and there is certainly peril in the industry.

We thought it would be useful to begin this conversation by going around the table and having people talk about, particularly with respect to lawyer and law student training and development, are there new things that your institution is doing? What are the changes you made in that arena over the last two years? How are you running things differently, if at all? What new initiatives? Even if you started things and abandoned them already, we'd like to hear you talk about that — just so we can sort of get for our viewers and for ourselves some sense of what's going on now — and then we'll dive in a little more deeply to some of these other questions.

I think I'll start with you, Dean Nance, and go around the table this way.

DEAN NANCE: Okay. Well, we were fortunate as this all started to boil down that we were in the midst of strategic planning at the law school. So we were able to have those conversations reflect what was going on in the broader marketplace. And as a result, there's much more emphasis on experiential learning. We've seen our externship program develop exponentially actually, including new opportunities. So, for example, we have someone who works in the Little Rock Attorney's Office, those kinds of experiences that we hadn't made available before.

Also, the Carnegie Report and Best Practices were influential at the same time this was happening. So there's more of an emphasis on rolling experiential learning into what we might think more of as substantive courses. So many of the traditional courses now have an experiential component as well in addition to the skills-based courses.

So I'll stop there because I know there's some more questions that get to law schools.

MR. LEIPOLD: Thanks. Jim?

MR. OWENS: Sure. I think what's changed for us is something that was actually already in progress around 2009. We were developing our core competencies to recruit, train, and evaluate our associates. And we shaped those for different levels of associates, and we have been in the process of really articulating those and integrating them into the organization. So that's really been our big change with the goal being you want to make sure that you are really refining the

expectations of your recruits and developing them in the way that they expect to be developed so that you can ultimately promote and retain them.

MR. LEIPOLD: Lauren.

MS. TEUKOLSKY: Lauren Teukolsky from Bet Tzedek Legal Services. Bet Tzedek, just to take a step back, we are a big legal services organization, nonprofit organization. And we've actually in some ways been the beneficiary of the recession. We have — we have a huge pro bono program. I'm the pro bono director there, and we have more volunteers now than we ever have had before. So in that way a lot of our volunteers are law students or graduates who have passed the bar, but who have not been able to find jobs yet. So a lot of them come to our organization to get experience.

Law schools have developed fellowship programs, both temporary fellowship programs, six-month fellowship programs, with the understanding that if the individual gets a job in that six-month period, they'll leave our organization. And so we've gotten fellows, we've gotten volunteers, and we've also gotten deferred associates. We've had four deferred associates working for our organization over the past couple of years, and they have been wonderful.

So that said, at Tzedek we've really had to change in some ways the way that we function to accommodate the sort of new influx of temporary workers because people come to our organization, they're very happy to be there, and they contribute wonderfully, but it's a huge amount of training when you have people coming in and out of your organization.

And so to the extent that law schools have developed externship programs or experiential learning courses, that's been fantastic because it helps have people come to your organization who at least have some of those skills already.

And so we've had to adjust our program. We put a lot of resources into our pro bono department and to our supervision of volunteers, deferred associates, fellows. We have only hired two new attorneys in the past two years, and those attorneys have been hired with funds from grants — earmarked money coming in for grants that we were awarded to do particular projects. I'll leave it at that.

MR. LEIPOLD: Could I just ask you by way of follow-up to say something about the funding picture generally? I think one of the things we've seen at the tail end of this recession is the legal services community has really been struggling in terms of all the traditional funding mechanisms sort of collapsed all at once.

MS. TEUKOLSKY: So I would say that our three primary sources of funding are individual private donors, private foundations — so we get grants from various foundations — and government funding. And we were nailed in all three of those areas. We also have some funding from attorneys fees and awards, but we don't really budget for those because they aren't predictable. So we were hit in all three areas.

We did — we laid off two attorneys, and everybody agreed to take salary reduction. I'm happy to say that as of January 1, 2011, we restored salaries. And we had a hiring freeze for a couple of years, and that hiring freeze has now been removed.

Interestingly, the hires that we are making or in the process of making or have made since the beginning of the year are all non-attorneys. They've really been in areas like I.T. or support staff, paralegals. So we really are sort of focusing now, it seems, on our infrastructure. And so hopefully we'll be able to do some new lawyer hiring in this year, but we don't have job announcements for those right now.

MR. LEIPOLD: Great. Thank you, Lauren. Mona.

MS. EHRENREICH: Speaking as the corporate client, and I think this is general — most corporate clients, we don't hire new lawyers. We expect the law firms and the schools to do the training, particularly the law firms — the schools to do the academic training and then law firms to teach them how to do the day-to-day work. And I think most in-house people come from clients, from law firms, and then go to clients, which was my path.

But I think that there has still been a lot that's changed from the corporate client perspective. I think, the budget, I think typically and in the past the legal department budgets were not under as much scrutiny as they are today. I think that's for two reasons. One is that it was always very small. Typically in a big company, obviously Princess Cruises is a huge company, and the legal department, very small and a small line item. But, of course, with the economic situation, particularly in the vacation business, you know, law firm — law departments are now every line item is being scrutinized.

So that takes me to the law firms providing the services. So that's, I think, one reason. And it used to be you'd say, well, the legal department, what, am I not going to fight the case? Of course, we're going to fight the case. It costs what it costs. That's changing. That's just really changing.

So we are looking at our law firms, then, and pressing that scrutiny out to our providers. And I think that first years, second years, they're the first ones hit because we say, no. No. We want this done more quickly. We want this done by the expert who I know can do it in one hour or three hours.

And I know that is something that we're sending out. That's not going to change because once the financial departments at the corporation start measuring the legal department budget, that's not going to pull back.

So I think that that is going to have longer term ramifications in terms of billing practices. And I think that the old model of how associates were trained is going to need to be tweaked because your clients are going to be requiring it.

MR. LEIPOLD: And is the mix of law firms you use changed, or have you gone out directly to any legal services providers that are not law firms for your services or outsourced stuff?

MS. EHRENREICH: We're still generally using law firms; and, of course, that would be international. But I think we are pulling back probably from the general practice firms and going to the specialty firms. And I think that started maybe five to ten years ago. You realize that there are people with expertise, and you know that they have done the same thing over and over, not the same thing, but in the neighborhood of the same thing. And whether true or not, I think most corporate clients think they're going to get more expertise at a better price. So I think that we are doing that.

And I think that some firms are also more willing to do different billing arrangements. And I think those firms that are more willing to are often our smaller firms. And, you know, people are looking at them, and I think that they're growing a practice that maybe they couldn't have grown before because of their willingness to make accommodations to clients when they need them.

MR. LEIPOLD: Thank you. Sandee.

MS. MAGLIOZZI: Sandee Magliozzi, Santa Clara University School of Law. I think the two things that we've seen at Santa Clara are we've been reaching out to legal practice more than I think the law school has in the past with a variety of different initiatives to get feedback. We have the advantage of being in Silicon Valley, so we've reached out to in-house counsel, managing partners, practicing attorneys to get their feedback on what they see the trends are and the need.

And that has created sort of the second trend, which is really more conversation about skills, but also about a broadening set of skills, which I'm thrilled that we're chatting about. So there's a few things that have taken place. Not unlike Dean Nance, we've had an exponential growth in the externship programs. My numbers have doubled. We have responded by allowing students to do more externships and have more units apply toward graduation. And in doing that, we felt the need to restructure.

So we've restructured the externship program in a way that I think is a little bit novel. It's not based around, on the civil side anyway, around sort of topics of law. Many students work in a variety of environments, so they're getting sort of those benchmark experiences in their experience in their field placement, but we've structured the seminars and workshops in a very professional development-like model like firms.

And part of that is that I come out of the firm world. And the focus there has been around the sort of critical professional skills that aren't taught in other places in the law school.

Santa Clara has a big leadership initiative. We found that leadership skills and the development of leadership skills are actually really the development of good, fundamental lawyering skills. And so in those series, sort of sequenced series of workshops and seminars, we're teaching client service, creative thinking and problem solving, managing of a variety of different types of what some would call soft critical skills.

I think those are the two big pieces, and then we're also trying to really expand the conversation on leadership nationally and get some folks thinking about what maybe law schools taking a broader look at some additional skills that we're hearing are needed out there in the profession.

MR. LEIPOLD: Great. Thanks, Sandee. Laura.

MS. SAKLAD: Hi. I'm Laura Saklad. I'm from Orrick, Herrington & Sutcliffe. The past two years have been a period of unbelievable change in my firm in the talent arena as well as in others.

In 2009, when the first roundtable took place, we were just about to launch what we call our new talent model. And what that means is that we have introduced three unique career tracks for associates. They are a partner track, which still contains 85 percent of our lawyers. A custom track, which is an explicit statement that lawyers, before they get to the counsel level, might choose a custom arrangement that does not lead to partnership where they can contribute in a way that adds value, or they can stay on your team and create more stability for the client, or we can create a compensation package that makes sense for the firm and the attorney. And then the third track is what we call our career track, which is really the aspect of our model that goes most directly to the cost pressures that have been felt and going out into the industry and hiring very talented lawyers that might not otherwise be hired into a partner track career at a big law firm, but who have very valuable contributions to make and who are very happy to do that type of work and add tremendous value.

And we have had great success in hiring very talented lawyers, and the turnover is very, very small. And they are integral members of our teams, and they work directly with clients and they work directly with our teams.

I think coming back to the partner track, it's important to focus on, as Paul Hastings did, we have introduced core competencies that define a progression through our partner track. We have three unique roles that are explicitly stated, and associates get promoted one through the next. Those are public. They are known to our clients. They are known internally. We base salary adjustments on movement through those roles, and we base our billing rates on movement through those roles.

So we are able to go to clients and have conversations about not annual matriculation increases because the calendar turned, but because we had made a concrete assessment that the associate skill set has developed in a way that we believe is more valuable to the client.

I think taking a step back from that, we've had to strengthen our evaluation and our assignment processes and our training processes because all of this takes a lot of work and a lot of time from not only professional staff, but from many, many partners throughout the firm.

And then I think the other piece, which is, I think, very practical, we have seen a shrinking of the size of our first-year classes. I think that is fairly common in the industry. We believe that using these career associates as a way to ensure that the first-year associates are getting better work experience faster because we have other places to thoughtfully allocate the appropriate work.

And I've also seen the externship programs, the fellowships, the deferrals that we've had to do have a very positive impact because I think we've had great experiences actually with the lawyers that are coming back after having been out on those mostly pro bono kind of assignments, and they're coming back with great work experience. So I think that is something we hopefully will talk a little bit more about because there's a lot to add.

MR. LEIPOLD: Great. Thanks. Bob.

MR. WILLIAMS: Bob Williams from Sheppard Mullin. You know, the recession did not have as dramatic an effect on our personnel hiring and firing practices as it did at some other firms. We didn't have dramatic layoffs.

We've downsized a little bit the number of people that we've been on-boarding from law school.

Picking up on what Mona said and what Lauren said, what we perceive very readily — and I think you'd have to be highly insensitive not to perceive it — is an intense focus on the part of our clients toward the value proposition that we offer.

And so we've been focusing on better efforts at identifying and retaining the highest achieving people within our firm and ways to improve our training so as to make them efficient and appreciated providers of client service sooner.

And that's led us to reorganize our training. We, too, are organized around a competency-based approach, which runs from original hiring through associate evaluation and on into partnership consideration. We've provided computer-based systematic skills training available to all of our associates 24/7 on their desktop. We've also gone into marketing training. The next field for us will be communications skills training. We've tried to make more emphatic to our associates the competency link that runs through those trainings, and the path that exists for them into partnership for those who want that.

One other thing we've done, with assistance from some professors at Harvard Business School, is to focus on leadership training for our partners so as to make them more intelligent and enlightened trainers and mentors. One of the aspects of that training was to recognize the needs of high achieving people and figure what we as an organization need to deliver in order to retain those people once we have identified them.

MR. LEIPOLD: Great. Thanks, Bob. Tracy.

MS. GRUBER: I'm Tracy Gruber. I'm with the Utah Bar and the administrator of their new lawyer training program. And as the Bar kind of bridges the gap and helps train lawyers who are in the profession, most of our changes have been taking place at the CLE level. In addition to the new lawyer training program, which started before the recession, which I'll talk about in more detail later, the CLE has had to change to address the needs of Bar membership that has really changed its focus. Not as many people, obviously, going to the large firms. We're finding a lot of solo practitioners or people leaving the law firms, going into solo practice.

So we've had seminars for under- and unemployed lawyers that included speed mentoring, which is not part of the new lawyer training program, but mentoring even for people who've been in the profession for a long time. We've had seminars on the economics of lawyering and the sustainability of the practice of law.

And then because the organization is changing and the economy has changed how firms are delivering services, there's been an established Modest Means Committee at the Bar, and we're pushing a lot of education on unbundling of legal services. So the training has really changed as a result of the economy.

As far as the new lawyer training program goes, we have already, even though the program started in '09, had to shift around the focus to address needs of new lawyers who are deciding that they're hanging out a shingle, which is frightening for everybody in the Bar. And we're trying to meet that need through our mentoring program as well.

MR. LEIPOLD: I mean for the class of 2009, the number of new graduates who said they were going directly into solo practice basically doubled from the class before that. That's something we see in every recession. I think the class of 2010 data will be out in a couple of weeks, and I think we'll see that same pattern. So that doesn't surprise me.

Dean Moran.

DEAN MORAN: I'm Rachel Moran. I'm the Dean of UCLA School of Law, and I wanted to thank you for including me in this roundtable. In terms of the things that we've been doing, I think one of the things we've tried to do is figure out what the critical transitions are for our students. So one example would be the transition from before law school to law school. We want people to have a strong foundation and a strong start. So we have actually been working on strengthening orientation so that people have a common vocabulary, a sense of the legal structure, and a beginning glimpse of what legal analysis will be like.

This enables them to enter the classroom for those first-year courses which are so critical to success with a strong common sense of purpose and, hopefully, a little common knowledge about the key points.

The next thing is, having gone through critical interest transitions, we have tried to strengthen our program, as we're always committed to the utmost preparation for our students. We've done two things that are important, I think. One is the evolution of our specializations. So for people who come in knowing, for example, that they want to do environmental law, entertainment law, business law, public interest law and policy, or critical race studies, we have a specialization which offers a great deal of curricular guidance.

In addition, we have continued to be a leader in skills training, and we have strengthened that area, I would say, in at least two ways. One is that we offer a portfolio of opportunities, not just live client clinics, also simulations and externships. And we've innovated by offering both part-time and full-time externships.

And the other level is it's not just a litigation based set of hands-on training. We also have transactional training, and we were a leader in the transactional area.

Once we have helped people through the critical transitions, once we have given them the skills that they need and the specializations they want, we also try to help people now with self-presentation and strategic planning. And so, for instance, we do a lot of mock interviewing work. We also help people to think about the ways to get to a destination if that might not be their first job in this particular climate.

And the final thing, which is often neglected in law school, is that it's not just about your skills or even your self-presentation. It's also about your social networks. So we heavily rely on our alumni to serve as mentors to our students beginning in the first year and continuing throughout. And in our specializations, very often we'll have adjuncts come in and teach advanced courses who also mentor students, so we see that as a critically important part as well.

MR. LEIPOLD: Great. Thank you. Aldo, last, but certainly not least.

MR. BADINI: Thanks, Jim. I'm Aldo Badini, and I'm a partner in the firm's Silicon Valley office specializing in litigation.

I don't know, Jim, if you intended to give me this benefit, but I do have the benefit of going last. And what that allows me to do is to focus on some of what my colleagues have said in relation to what we're doing.

At Dewey & LeBoeuf, we take associate development and training very seriously. We have a core training curriculum that is created by a partner in charge of associate development. They're mandatory courses. I teach one of the courses myself on deposition taking and defending. Is it because we love and care for our associates? I like to think that, in part, the answer is yes, but that's not the whole story. Part of the story is what Mona was talking about.

We've got to do that if we're going to compete as a law firm because clients demand it. Clients want fully trained associates. And they don't want to be paying to train an associate on their nickel.

We're dealing with a lot of challenges now, as we all are at the law schools and the clients. Jim was talking about a new normal. Is it a new normal model? I don't think we're there yet, but is it a new normal direction? Absolutely. And I think the keyword, if I had to pick one, is flexibility.

You know, our core training curriculum used to say these courses are mandatory for first- and second-year attorneys. And now we are scratching our heads because what does it mean anymore to be a first- and second-year attorney if somebody has done Lauren's pro bono programs for a year or two and has gotten great experience and then comes in, or if someone has taken various experiential courses like at Dean Nance's law school? So I think we're turning more to an individual assessment, and not every first or second year is created equal anymore, and that's what we're — that's the direction we're moving in.

MR. LEIPOLD: That's great. I want to come back to that assessment question later in the conversation. That's an important one.

MS. PATTERSON: Let's take — begin taking a little bit more in-depth look at some of these changes. And I'd like to start by talking about some of the changes that have taken place in law schools. We've heard a lot over the last several years about the need for a curriculum change and for law schools to go more in the direction of experiential learning. Law firms have jumped into that discussion over the last couple of years, a lot more so than in the past. And I think a lot of that is driven by client demands.

So as a result of this debate that has been going on about experiential learning and the value of that in the law school, NALP and the NALP Foundation recently conducted a survey. We went out to firm associates across the country and asked them, first, about their participation in these programs, externships, pro bono programs, the hands-on, real-life types of experiences that law schools are offering. And we asked them, No. 1, did you participate in those types of programs? And, No. 2, how valuable or useful did you find them once you started practice in a law firm?

Surprisingly, less than half of those associates who participated in the survey reported having taken some type of experiential course while in law school. So I'd like to start with Dean Nance and ask you, first, why do you think students are reluctant to get involved and to take those types of courses? And what types of changes at your organization have you made to enhance those skill-based learning opportunities in those experiential courses?

DEAN NANCE: Let me take the first part of your question first. I think that particularly in what's been typically known as big law, the perception for students is that it is law review and grades that are most important. And so you have some of the students who are focused on that particular career path who tend to underestimate the importance of, for example, the clinical program. And I think related to that is that in career services offices, it's not really easy for employers to glean that because those criteria are not included specifically as hiring criteria on the NALP career services request form.

So there's a little bit of a disconnect because I hear the firms saying we love that. That's a great skill set that folks like that bring, but there's no real signal to young people that, in fact, that's true. And so I think that's part of it.

I think for some other students, it's a little bit outside their comfort zone, like a real client might depend on me, and that's a little bit nerve racking. So I think for some of them — I'm just being realistic. I think that, again, these, the core competencies that you've mentioned, are not at this point effectively communicated to our students. And we — that's something that the schools and the employers need to work together on just to make that explicit. So those are sort of my reactions to why students are not taking advantage.

And another is money. So, for example, if I take a clinic and it's going to cause me to put in extra hours or I can go out, maybe, and clerk, even if the clerkship is not as fulfilling in terms of

the work, it may be that I need that money for tuition and that kind of thing. So that's another piece of it, I think, that we have to look at.

And, in fact, I know there's some conversation around the ABA accreditation standards and whether we can allow paid externships for credit. And a lot of that is being driven by the cost of tuition, so that may be another issue.

In terms of enhancing skills-based learning opportunities, we've increased the number and type of clinical offerings. I heard someone mention, perhaps Dean Moran, that it's not just about litigation. We have transactional clinics. We also have an immigration law clinic, which is much needed in northwest Arkansas, and teaches a very different administrative skill set.

We, as I mentioned, we restructured courses, trial courses to include a skills component. At the deans' conference recently, someone mentioned the idea of having what's the equivalent of a lab. And I've not had a chance to follow up on that. So, for example, if you take corporations, you bring in someone who's a corporate lawyer, and there's a one-hour lab component where you actually — so I think those are something to consider.

We've increased the number and types of skills courses, as I mentioned, a number of externships, and we've also increased the socialization opportunities. So, for example, we have a program entitled "Meet the Lawyers." It's very popular. We rent out a hall, and we serve very good appetizers, beer, and wine. So the Bar comes en masse, and we tell them that their only function there is to interact with students because it is a skill to hold a plate, hold a glass of wine, meet someone, engage them about their practice. And because of that, we've gotten good feedback in terms of the interview process and that for our students.

The other thing, and I think you're going to see this increasingly, is using your career services person more actively with the dean and development officers to bring in, as Rachel mentioned, to bring in adjuncts and make sure that when you're out visiting your alums, your career services person is a part of those conversations.

MS. PATTERSON: Dean Moran, would you like to add to that?

DEAN MORAN: Oh, certainly. First of all, I want to say that I appreciated the survey. It's always beneficial to the deans to find out what makes a difference to people once they graduate. I did want to say our experience at UCLA is quite different. For the class of 2010, 86 percent took some form of clinical course, and over one-third of the class took at least two clinical courses or externships.

So we find that there is a high demand for these courses, and we have met it by expanding our clinical offerings by 25 percent.

Why is it that the students at UCLA look so different from the students in your survey? I think one big difference is the diversity of our offerings. As I mentioned, we will have a simulation class where you go from beginning to end with making deals in a corporate setting. And this is a transactional experience. I actually received a testimonial letter from a student who took this, and

now he thinks he got his first job because of that experience, and that in his first job he's doing much better.

We also have live client experiences, and I think we do benefit from having Los Angeles in our backyard, a great global city with a vibrant law practice across a range of sectors, so our externships are incredibly rich.

And then I think the other way in which we have had this kind of interest is because we have integrated clinics into our specializations. And so that means that it's not just connected to a class. It's connected to a curriculum. It can be the capstone of a set of preparations that you go through. For instance, in our business law program, we have an incubator clinic where you look at technologies developed at UCLA and begin to think through how they might be converted into an entrepreneurial activity. And that has some real-world purchase for people.

So why might the picture look different elsewhere? This is resource intensive. So there may be more limited offerings. They may not be in subject matter areas that are a good fit for the people who are interested in taking the courses. And I have to say that I'm very grateful to the donors who have helped us to create these specializations through programs and centers that are affiliated which give us the kind of resources to create hands-on learning experiences.

MR. LEIPOLD: Tracy, did you want to jump in?

MS. GRUBER: Yeah. Wearing my new lawyer hat as opposed to Utah State Bar employee, I graduated in '09 and was very fortunate to go to law school at a time when experiential learning really was on the rise, and my school did have a lot of that. And the deans kind of touched on this, that I think a lot of the reluctance comes for two reasons.

One, it's an additional time commitment on top of our regular class load that not all students want to embrace because of the second point. There's so much emphasis on GPA in getting in the door to some of the big firms where you are going to.

So if you're in an experiential learning class that doesn't really add to that, and the law firms aren't looking to that in order to interview you, I think that both of those reasons are pretty big as to why there's significant reluctance.

I also think that our school in particular put a lot of emphasis and gave a lot of praise to those students who were in moot court and law review and had no kind of incentive or recognition for those of us who participated more in experiential learning and maybe the successes that we achieved while we were involved in those classes. And I think that that's also a problem when the focus is so much on moot court and law review of which only a very small percentage of the student population is going to participate in. There's less incentive to go into something that's going to take up more time.

And one of our committee members on the Supreme Court Committee on New Lawyer Training in Utah is a professor at BYU who's in charge of their externship and clinical program. And he wrote a paper about this issue and said that, you know, it's very costly for the schools to start

these types of programs, and there isn't enough space to meet the needs for all the law students. So that's, I would think, another significant hurdle.

DEAN NANCE: Jim, may I just jump in here with a point that was raised at the deans' conference. I think, Tracy, you really hit on something, and that is the cost of clinical or small enrollment classes. As you know, law schools have been catching a lot of guff lately about the cost of tuition and the cost of legal education. So it's a very delicate dance for deans in terms of if you don't have donor base opportunities, how much you ratchet up those offerings and where you make that balance in terms of the cost to the students. And I know that's been a conversation that deans have been having at the national conferences.

MS. PATTERSON: That's great because you covered my — you've answered my final question on this, which is what are some of the challenges that you're facing? So that's a great way to wrap it up.

MR. LEIPOLD: I wanted to jump in a little bit deeper. Tammy said the study also asked associates to rate the usefulness of these experiences. And I thought, reading the study, that was the most interesting set of findings. They don't — we had a huge response rate.

There were nearly 900 associates who responded to this from 500 firms across North America, so it was a pretty broad base. They don't value these experiences equally.

So 63 percent of them found legal clinics very useful. 61 percent found externships very useful now that they're in practice. But only 36 percent found their practical skills classes very useful, and only 17 percent found their law school pro bono experiences very useful now that they're in practice.

Now, there are probably lots of reasons. The data needs unpacking a little bit. One of the things to note in the practical skills courses is that the most frequently cited course that they had was trial advocacy. So the group as a whole hadn't had a lot of these other skills classes. And perhaps they were in a transactional practice setting, they had a trial advocacy course, there was a disconnect.

The study also, there's a big difference in schools that had mandatory pro bono experience versus voluntary pro bono for students, and so we could unpack that a little bit.

But I was going to turn to Sandee and see what your reactions were to that. Does it ring true with your experience? What do those results say to you? And I know Dean Nance and I were talking before we started and she looked at those and she said, "Oh, that's painful. I don't want to hear that. We're putting all these resources into practical skills courses, and don't tell me they don't value them." I don't want to — so I would just be interested in your thoughts.

MS. MAGLIOZZI: Well, I think there's a couple things that it may suggest, and I don't think we know all the answers yet based on just this. I will say on a personal note I was thrilled that the externships were sort of keeping task with clinics since they tend to have more resources than my externships and I have more students.

On the pro bono side, what struck me is the fact that such a big piece of the respondent did not have required pro bono programs. And the two things that struck me is the number of hours. So in an externship experience and a clinic experience, students are working a significant number of hours to earn those academic units. So I think there was maybe 60 percent in the study that worked 40 hours maybe or less total in there. My students work at least 50 hours a unit. They don't do less than three units. That's 150 hours per semester. So I think that's one piece of it.

I think the best practices is somewhere between 15, 16 hours a week in a field placement versus 40 hours across a whole semester. So that may be one difference.

The other difference, I think, is the structured supervision. When you're in a placement to get academic credit for it, the stakes are high. So in a clinic you've got faculty on-site who are supervising. You're doing real lawyering work. In an externship you've got a supervising attorney that we are trying to always sort of make the distinction that this is for academic credit. If you want to pay them, you can deal with them a little bit differently. But if they're going to earn academic credit, here's our expectations for how that experience grows a student.

And so that may be part of it. And we always have some sort of adjunct or faculty supervision with a course component that's contemporaneous to an externship. So the structure of the supervision is a little bit different.

I have no doubt that even those volunteer hours they're getting some good exposure, but it's not structured in the same way, I think, as externships and clinics are, although there's other valuable reasons for doing pro bono work beyond the transition to practice.

MR. LEIPOLD: Lauren, you want to jump in?

MS. TEUKOLSKY: Sure. Lauren Teukolsky from Bet Tzedek Legal Services. I totally agree with what Sandee said about the hours component of it. So we at Bet Tzedek, we have some local law schools who have mandatory pro bono requirements. They're 40-hour requirements. And so at a certain point in the year, we get an influx of calls from students from the law schools saying, "Help. I need to fill my 40-hour requirement. What do you have for me next week?" That is a very, very difficult thing for us to respond to.

And what we usually have those students do is prescreening. You have them screen clients for eligibility for our various programs, whether it's our Holocaust Reparations program or our general services program. That's usually what we have those students doing. Whereas, if you have students who are in externships at our organization, they are carrying caseloads under supervision from one of our amazing attorneys who's been there for a long time.

So they're carrying their own caseloads. They're actually seeing clients. They're serving clients directly. In some of those cases, they're going to be representing clients who have wage claims before the Labor Commissioner, they're going to be cross-examining, they're going to be marshalling evidence. So they're going to be learning a whole set of skills in that externship program that they're just not going to get through a mandatory 40-hour requirement.

The 40-hour folks are useful to us, but the people who are in externships are much more useful to us, and I think they get better experiences.

This is sort of borne out by the study. If you look at what the respondents said about the general usefulness of pro bono work, it's on page 28 of the study, about 60 percent of the students who spent more than 40 hours on pro bono, on a scale of 1 to 4, 4 being the most useful, folks who spent more than 40 hours, 60 percent of them gave their experience a three or a four.

MR. LEIPOLD: So that bumps it up with the other two categories.

MS. TEUKOLSKY: And the general response rate, only about 40 percent of the respondents gave their pro bono experience a three or a four. So I think the more hours, the better experience you are going to get.

MR. LEIPOLD: Aldo, did you want to jump in on that?

MR. BADINI: Sure. From a law firm perspective, I can tell you my view on why students don't think their practical skills courses are very helpful in practice. And that's because there's sometimes a disconnect between what the students want at law schools, and they sort of, by demand, force deans to give them, and what they actually find useful when they're at the law firms.

If you look at the study, 56 percent of the students took trial advocacy, which was the most popular practice skills course taken. Now, how many first and second years are likely to put on a witness at trial? Not many, at least not at large global law firms.

The one course that would be more useful in the litigation sphere is pretrial litigation, but only 26 percent of those took that. I can imagine the tension at the law schools though. You know, you have a trial advocacy course that's probably very popular. You have a pretrial litigation course, who's going to go to that, right? So you've got to make that sound sexy, but really that's the one that's more useful.

I mentioned earlier I train folks on deposition taking and training. Folks come in having taken trial advocacy. They think they know how to put on a witness. Whether they do or not is another issue. But nobody comes in thinking they know anything about depositions. When I ask somebody to help prepare me for a deposition, I get these deer in the headlight looks, and these people are terrified because they've never done it.

So I think the challenge here from a law firm perspective is the types of courses we really need, and that was one of them, the other one is advanced drafting, which is also very unpopular. Those are the ones that you guys have to make sound interesting. And those are the ones, I think, the law firms really need.

MR. LEIPOLD: Dean Moran.

DEAN MORAN: I just wanted to build on all of the comments. The first relates to pro bono. I agree with the observations that have been made. I do want to say that pro bono may actually serve a somewhat different function than just pure skills building. The Carnegie Report on Educating Lawyers said that law schools do a good job of inculcating doctrinal knowledge with their signature pedagogy, the Socratic method. They're doing better at skills, but what we remain somewhat weak on is creating a sense of the lawyer in the larger society.

So if you think of pro bono as a part of that educational mission, it may be that what we need to do is strengthen the curriculum around pro bono in terms of communicating a sense of the role of the lawyer in the larger society so that pro bono doesn't become assimilated to just another skills curriculum exercise.

With respect to what you just said about the simulation courses and so on, I think what's happened is law practice is more complicated, it's more segmented. We've doubled the number of upper division courses in the last five years, and we are now seeing that students need help to navigate an increasingly complicated curriculum. And when we looked around, we found that nobody was doing this. They are assuming the curriculum was what it was 20 years ago when it was a less difficult thing to get through.

So we're going to create an online program that will enable people to see what they've taken and how it fits together in various categories. So they build a professional profile deliberately and thoughtfully over the two years of their upper division curriculum. And to me part of the problem here is not just that this might be disconnected from practice, but it's disconnected from the other clinical opportunities. So people need to think about have I got the right portfolio of simulation, live client, and externships in my profile.

And so we think that providing this kind of support will be important to help students to also present themselves more effectively once they graduate, but to have a more meaningful pedagogical experience while they're here.

MR. LEIPOLD: Mona.

MS. EHRENREICH: I wanted to follow on to some things that Aldo said. Totally agree. No second-year lawyer is going to be trying cases from a large firm, and no fifth-year lawyer is going to be doing it either. But I think the skills that I would like to see, negotiating, 34 percent, and alternative dispute resolution skills, 21 percent of those. I think combining those are as equally relevant to a litigation practice as to a transactional practice.

I mean our cases are not going to trial. That's why nobody is trying them. They're just not going to trial at all. They're settling. And so from the client's perspective, I know on 80 percent of my cases, I know every bad thing about it already. I know to begin with. It doesn't get any better normally in litigation. It doesn't even often get worse in litigation. It just takes that course. Well, I'd rather settle it sooner than later knowing that I'm going to be settling it.

And I think that that is a skill, you know, trying to keep your mind and your speech open to the fact that you are looking to resolve the case in the cheapest and most efficient way possible.

So those are skills that are the same — you know, from the in-house perspective, I mediate all the time between this department and that department. So it's a crossover skill; and I think these courses, if the law student understands this gets me in any practice area I want to be in, it helps me in a company where I'm dealing with nonlawyers 95 percent of the time. It helps me to communicate with my colleagues. I think that these are critical skills that, from my perspective, that's what I'm looking for, whether they get it in an externship or from other programs. This is the skill that they really need to have to come into an in-house perspective or deal with clients. I think they're key.

MR. LEIPOLD: I should just say for the record for people who are following this conversation that the experiential learning survey results are available for free on both the NALP Foundation and the NALP website if you haven't had a chance to look at that.

I think Jim and then Dean Nance both want to jump in, and then — Laura. Let's go Jim, Laura, Dean Nance.

MR. OWENS: Sure. I just want to say on behalf of those of us who are outside counsel, we want what our clients want. What Mona is signaling is what we want. How does that reflect back at the law schools? In two different ways.

I think Aldo, I agree with what Aldo says as far as drafting. I mean we're not even talking about that. We're talking about experiential learning and clinical experience, but there's still a sore need for just drafting and writing skills.

We have the privilege of hiring very bright people who can write excellent exam answers. But are they able to also gear their target audience, whether it's an email, piece of email writing, whether it's writing to a client directly, whether it's to their colleagues in the law firm? There's still, I think, a lot of room for improvement around just drafting and writing. And that's probably always been the case and always will be.

We try to teach it as well in the law firm. And we find those same challenges that I'm sure the law schools find.

The other thing is this idea that Dean Moran raised about the role of lawyer and society. There's this still, I think, a huge lack of understanding of the business of law and of the lawyer and society. And where does that play in? Well, it's how to be solution oriented, how to be practical, how to understand what your role is in the scheme of things. And if what you think the practice of law is what you've read on "Above the Law," you're going to be way off.

So there's still, I think, really a lot of potential out there for helping law students understand how they fit within society and what is the practice venue that they want to select, and how can they be an effective practitioner in that venue.

MS. SAKLAD: I just wanted to come back to the comment, Dean Moran, that you made about helping students learn how to have a discipline around creating a professional profile. This is

something from a law firm perspective that would be tremendously useful when they get into practice because one of the things, I think, that we find is that frequently the star young associates are the ones that come in with some sort of a strategic view and an ownership of their own career development. And they are thinking strategically about what is the well-rounded skill set that I need.

I think law firms are doing a better job. All the firms around this table talked about having competency models, having benchmarks that they can follow. But these young lawyers need to pursue that. And I think that if they start to do it at the law school level, they'll be more inclined to do it when they get into practice.

MR. LEIPOLD: Dean Nance, last word on this one?

DEAN NANCE: Okay. I guess I just wanted to start out pointing out the demographics of the respondents may have influenced some of the data that we got here. So, for example, if you look at the number of people in very small firms, those folks are going to trial because they hit the ground running. Whether it's scary or not, the truth of the matter is they are the ones going to trial right away. And so a little bit of this is driven by who responded.

I think that law schools really have been very good about incorporating negotiations, client counseling, alternative dispute resolution, and even in many schools a class called solo practice, which is how to put the law firm together, how to get your malpractice. Even in our school there's a component that tests your personality, what kind of people you should hire to work for you and with you based on your own personality. And I think that's important.

And I don't want to lose the societal component in a different way that I've not heard raised, which is this. There are many places in the country where there are senior lawyers who have very, very prosperous law firms who can't get young people to come there. Again, because sort of the model that's held up in high esteem is, again, sort of the, for lack of a better term, big law. If we had young people going to those places. I mean I've had lawyers say, "I will bring you in for two years, train you, and turn over the entire book of business. I don't want it anymore. I just want somebody that's beloved to me, that matters to me. I want someone to take that." That person will end up being a county judge. That person will end up very active in the bar. And so we are losing that piece of it, I think, out there in some other practice areas. I just wanted to raise that.

MR. LEIPOLD: Great. Thanks.

MS. PATTERSON: We've heard a lot of great ideas around this. And I'd like to pose a question to our law school representatives on the panel. And that is, in a perfect world, what could the legal employers be doing to help the law schools form a better arrangement, a better situation, build on your curriculum that you already have in place? What are some suggestions? What would you like to see, Dean Moran?

DEAN MORAN: Well, I wanted to say, first of all, I'm very grateful to the employers for all that they already do. We have people who mentor our students, take our externs, and over the

summer provide wonderful training. And we hear back from students about their summer experiences, and they're generally very pleased.

What I'd like to highlight is some innovations that firms have undertaken or other employers because I think that will give you a sense of the richness of what's going on.

At Occidental Petroleum, Donald de Brier created a summer program where he takes students into an in-house practice, and he gives them a lot of personal attention and training. And the students feel that they almost have a mark of distinction by participating in this program. I met with some of them, and I asked them what happens when the summer is over? And they said, "Oh, it's not over." It's a lifelong connection. They go back to him, they have reunions, and they have an alumnus who has just joined Occidental in-house. And it also promotes diversity in the profession.

Paul Hastings, and I assume Jim Owens can talk a little bit more about this for first-year students, has done a summer leadership conference on a pilot basis last summer. And some of our students participated. And I take it that they get a full day of intensive training, team projects, and panel discussions. And so this is another opportunity.

For second-year students, second summer students, Seyfarth Shaw has created a labor employment fellowship for eight weeks that gives intensive training. So they are really focusing on a particular area and giving in-depth preparation in that area.

And the Los Angeles Chapter of the American Board of Trial Advocates has created a postgraduate program which they claim is the closest to a sort of medical school apprenticeship that we've seen in the law where someone will spend one month with a plaintiff side firm, one month with a defense side firm, and one month with a state court judge.

So we see a lot of innovation, and we're very excited about that, but we appreciate all that employers already do. And we look forward to working with them on sort of models of lifelong learning.

MR. LEIPOLD: Sandee.

MS. MAGLIOZZI: I would say having worked on both sides, that one of the things that employers could do, and I echo Dean Moran, they do a lot for law schools, and alumni come back and contribute a lot of valuable time. Competencies and benchmarks are merging. That's a relatively new concept for law schools. I know in talking to my faculty about it, they tend to be very proprietary. Laura mentioned that yours are public. Some firms aren't. To the extent that folks will share that, if you take a look at them, and I've had the opportunity to do that in a variety of different roles, they may be put together slightly differently, but there's a lot of overlap on what those things are.

And that's what we need to be able to communicate and our students need to be aware of. And particularly if they do differ from firm to firm, what are the common themes within our geographic area or the places that our students go to work so that we can start speaking the same

language? And we can start guiding students with the strategic planning that you are talking about so that they're getting those types of benchmark experiences and at least so they understand what the expectations are going in. I think that that would be an area that would be particularly helpful to have that sort of shared communication.

The other thing I'll say, and I may be jumping ahead a little bit, I think that at law schools there's a lot of innovation going on.

They tend to be somewhat additive, and we tend not to reach a broad enough, in my opinion, swath of students. So the kinds of tracking and planning that are happening, I think, help because one size does not fit all. But I think we have to start thinking about how do we reach all students with negotiations, not just the few who choose to take that elective.

And part of that comes back to competencies, I think, in collaboration. What can we do so that we can focus our resources so the firms don't have to do it and vice versa? What can the firms do that they actually are positioned to do better so that the law schools may not have to do it so that we're not sort of working at cross odds, but we're actually deploying our resources on both sides of the gap strategically to bridge it.

MR. LEIPOLD: Dean Nance.

DEAN NANCE: I guess I was going to take a higher global view. And first of all, I want to echo the thanks of Dean Moran. But I think that one thing that you might not have thought of is that the ABA Accreditation Committee is reviewing every standard for accreditation. And this is a wonderful time for law firms to come to the table because one of the things being discussed is what should the outcomes be? What is the appropriate outcome measurement for the success of law schools?

And I think it's pretty fair to say we've not heard a lot from firms in terms of looking at that. And it may be that some of the things suggested are not possible, but certainly being a part of that discussion and helping legal academicians think through that would be helpful and give a chance for direct input into shaping legal education at a broader level. So I just wanted to remind you that that is under way.

MR. LEIPOLD: I wanted to turn to the firms with this question now and probe a little bit about the real value of experiential learning when you're recruiting and hiring. In other words, does a student with a resume with a lot of experiential learning, is that valuable? Does that help? Does a school that has a reputation for producing highly skilled students who've been through experiential learning, does the value of that school's graduates, does their value in the marketplace go up? Or, you know, at the end of the day, is that all nice stuff if they have the right GPA and graduate the right place in their class from the right school? In other words, are we still so pedigree bound and reputational capital bound, that all this experiential learning is really not shifting the way the firms hire?

And I've maybe framed that in a not helpful posture. But from where we sit in the NALP office, and the data, the volume of data that we see, the way firms hire hasn't changed. In fact, in the

recession, because people were bringing in smaller classes, firms actually retreated even more to simply using numeric markers based on class rank and school reputation as they brought even these very rarified small classes.

So I don't know. I guess I'd like to call on Bob and Aldo first to respond to that, but I'd really like to have a conversation on this. This is a conversation we've had a couple of times in these roundtables, and I'm hoping as we move through time, the answer will change. So, Bob, I guess I'll turn to you first.

MR. WILLIAMS: I have a highly ambivalent answer to the basic question. First of all, I think that I personally, and I think our firm, and I'll bet every other firm representative at this table are pleased to see the mindset that's evidenced by legal academia's engagement in those kinds of programs. I'm probably the oldest person here, and it evinces a huge shift in thinking from the one that pervaded my law school back when I was there. At that time, the prevailing attitude among professors toward the profession was one of benign neglect or, worse than that, contempt. Professors seemed to think there were really two jobs: becoming a professor like them, and everything else.

So I really like to see the degree of alignment that an interest in experiential learning reflects between legal academia and the profession.

Having said that, at our firm we don't exactly screen for having taken experiential courses. We wouldn't rank someone higher who had taken more of those courses over someone who had not. But I think it does touch on something that we screen for very seriously. We seek to hire smart people. We like to think that they're academically smart, and we like that they're on law reviews. But we have not seen any real correlation between their success in our firm and high GPAs or service on law reviews.

Where we see a big correlation is with their understanding of what they're headed into. That is, the degree to which they have an understanding or have given some forethought to what the profession is about. Experiential learning experience will not allow us to check the box so that we won't have to train that person, but I think it may impart to the students a feeling about what they're going to do. And perhaps it will impart some harder information to them about what kind of specialty they're more interested in.

We're very interested, apropos of the earlier discussion, in getting our lawyers up to a specialty skill more quickly, more efficiently. And if, through experiential programs at law school, a student is able to specialize or channel his or her career in a direction sooner, that, I think, is a very good thing.

MR. LEIPOLD: Aldo.

MR. BADINI: So we've had a very interesting experience. I think that in the midst of the recession when nobody was hiring, or hiring very few, we did see classes that were higher GPA and more of the so-called elite or top ten law schools. So in that sense your perception is correct. A lot of those students, however, have either not yet started or they've just started. At Dewey,

like many other firms, we have these deferral programs. We called ours DL Pursuits where we encouraged students to go out for a year or so and do something else at a fraction of their salary. So we'll see whether that translates into better performance.

But I would like to point out what I see a sort of a bifurcation of the hiring market that may over time lead to an overthrow of this tyranny of the *U.S. News & World Report* rankings, which I'm sure a lot of you would be glad to hear.

The other thing we've seen, aside from that trend in first-year hiring to higher GPA is an increase in lateral hiring. And you all are going to talk about that a little bit later. But the interesting thing is our lateral hiring is very targeted. It's both at the partner level and the associate level. And what we've seen is when we have a strategic hire, for example, we recently augmented our intellectual property group in a couple of places.

We go after some partners, and then they tell us after they're over at the firm, we want to hire these five associates. And the story we normally get is we want to hire these five associates because I've worked with them for the last two years and they're great. And in that situation, which is not uncommon, it hardly matters what their GPA is or what law school they went to. What we care about is this person, who we respect, our new partner, has had a tremendously positive work experience with this associate for the last two years.

What's interesting is that Dean Nance used a phrase that I think rings true. She said some firms are afraid that something is outside their comfort zone. And we all know which law schools we interview on campus at, and those are inside our comfort zone. Then we get a resume from a law school where we don't interview on campus, and we may not know much about it. And that's where we may turn to a *U.S. News & World Report* ranking.

I have to tell you if we hired someone laterally from that law school, and they've done great at the firm. And in our experience, GPA is a better predictor of success than law school at our firm because there are lots of folks who went to not the top three or four law schools that are doing great. And we can — that could be a way to get comfort with that law school and change the perceptions down the road, I think.

MS. PATTERSON: So let's talk from the legal employer side. We've asked this question in previous roundtables, and we've had some pretty interesting answers. What specifically do you think is missing? What skill set? What particular skill, for that matter, do you think is missing from new lawyers as they enter your firms and start working on your client's matters? What would you like to see that's not there? Laura, would you like to start us off?

MS. SAKLAD: I think we had a bit of at least a start to this discussion in the question and answer earlier today. In the previous roundtables, I noticed that there was a lot of discussion about what I would characterize as sort of longer term aspirational competencies that we need to develop in our law students, things like leadership skills, management skills, emotional intelligence, which appears in many different ways, and clearly some of that needs to be in place as first years.

I was thinking, as I thought about answering this question, really practically what is it that we need sort of the day they walk in the door that they don't have? And the top of my list was the practical writing skills that was referred to earlier. And we've just taken the step of hiring a full-time in-house writing instructor because there is so much work to be done with the first years when they arrive.

And it's really a matter of helping them write from a business perspective, putting the solution in the context of the business problem and not just providing the sound legal answer to the question. So that, I think, is at the very, very top of the list.

Second for me is really helping them understand, I would call it, a commercial awareness or a business acumen, not just of how law firms are run, but that is clearly one piece. And I think law schools could do more, and law firms have to be part of this conversation. I think you really do need partners coming in and helping students understand this, but understanding the economics of how at least a big law firm runs, perhaps other models of how law firms run so they can make better choices both in selecting where they want to practice and in conducting themselves when they walk in the door.

But I think it's also a matter of helping them understand how to educate themselves about a client's business when they first get engaged on a matter. It's — they have the intellectual curiosity. I think they just need the discipline to think about understanding what's happening in that client's industry, learning about that client, and taking what, I think, is probably something that's fairly commonly taught in business school and applying it in a law school context.

So for me those were sort of at the top of my list of practical when they walk in the door skills.

MS. PATTERSON: Aldo.

MR. BADINI: So I agree with Laura that I would, and Jim, who mentioned this earlier, I would put writing at the very top of the list because they need writing skills from day one. And I think what law schools could do is focus on the particular types of writing that they're likely to need right away. Brief writing, sure. That's what you get most often in law schools. But, again, the thing they're most likely to do from day one are memoranda, are E-mails to clients. You would be surprised how many new lawyers don't know how to write E-mails to clients.

And some of the things that Laura mentioned I would put in a catchall category called like the Care and Feeding of Clients. Why it's not okay to answer a client's phone call the next day. Clients really don't react very well to that. And understanding the client's business, absolutely. Very important. Not only at the client phase, but also at the potential client phase. We always tell our young lawyers, or junior lawyers, I should say, when we go out on pitches, the successful person who pitches is not talking about him or herself. The clients don't want to hear about you. They can read about you if they want on the web. They want to hear about their problems and how you can solve them.

So I don't know if there's a course called the Care and Feeding of Clients; but if there were, I would vote for it.

MS. PATTERSON: Jim, you have anything to add?

MR. OWENS: I don't think I have anything new to add to the discussion. I know that some law schools are making efforts around this issue of the business of law. I've been a guest lecturer at some of those courses. They're a lot of fun, but those are primarily seminars for third-year students. They're very small. I think there needs to be a basic understanding at the very beginning of law school of those issues.

MS. PATTERSON: Lauren, I'm going to ask you. You've got a little bit different perspective in your position. What do you think is missing?

MS. TEUKOLSKY: Well, just listening to the folks from big firms talk about what they need, I can now see how difficult it is to be a dean at a law school because you have some tough choices to make about where you're going to put your resources.

As someone who works for a large nonprofit organization, I would love to see law schools do more to teach law students about the business of public interest practice, which presents a whole different set of competencies and skills than if you're going to go work for a big corporate firm. And I attended UCLA Law School and was in the public interest program. And as part of that program, we did spend a lot of time thinking about the business of public interest practice and talking about different models, private public interest firms where I was for eight years before coming to Bet Tzedek and talking about attorneys fee statutes and setting up — hanging out your own shingle and how that actually works.

I would love to see more law schools offer those kinds of courses, but also courses in nonprofit management, taking what you learn in a business school on nonprofit management and putting it in a law school setting so that when new lawyers come to our organization, they're not only really committed to public interest practice, and maybe gone to clinic at a law school where they've actually had real-life experience with clients, which is always something we like to see, but actually coming in and saying, this is my project and this is how I'm going to write a grant to sustain my project. And this is how I'm going to do a pitch to this private foundation so that I can keep my practice alive so that when the government funding gets shut off, I can actually be able to go to a foundation and do a pitch and sustain my project.

The sustainability of projects is something that we as managers at our nonprofit think about all the time. Whenever there is a recession or whenever we're hurting in the funds department, we look at our staff and we look at who is not being supported by one of our government grants or one of our foundation grants. That's the first thing we look at. And so if people can come in with some skills about not just I'm a really good public interest lawyer, but I can actually help you think about ways to sustain your organization. I would love to see that coming from law schools.

MR. LEIPOLD: Bob.

MR. WILLIAMS: I agree with the remarks made by others about the need for communication skills. Written communication was mentioned. Oral communication is really important too.

Those things are hard for law firms to do, and I would think they would be hard for law schools to do, too, because of the need for one-on-one instruction.

I think one thing that law schools could do within a traditional academic environment would be more business law — business school-type training. All the lawyers here are familiar with the legal case method where you read a fact pattern and then think of the applicable law. In the business case method, you read a fact pattern and then think of what should you do. And I think that's really invigorating to someone who's been steeped in the legal case method for quite a long time, and it will bring them into closer alignment with the way their clients think.

MR. LEIPOLD: All right. Lauren, I'm going to turn to you with a question that's probably unfair, but I'll ask you maybe to speak for your entire sector there for a moment. So in terms of experiential learning and hiring in the public interest sector kind of broadly defined, is there more attention paid to evaluating the skills courses or the experience that students have had than we've talked about in the private sector?

And so imagine a setting where you were hiring new law school graduates and you did have money. How would you approach the resume and assessment at the front end maybe differently than happens in the private sector?

MS. TEUKOLSKY: Sure. So my guess is that in the public interest, the nonprofit sector, there may be less of an emphasis on looking at GPA. GPA remains important because I think it can be a good proxy for if you see someone who across the board has gotten As in every single class, it probably tells you a lot of things other than that they're really smart. Probably tells you that they're a pretty hard worker, that they can do things on time, that they show up to class. I mean all of these things are important skills that employers want.

But in terms of the clinic and the pro bono work, when we hire, one of the things we're going to be looking at most is public interest commitment. And is the person coming in really and truly committed to serving low-income people, and is this something that they are probably going to do for the rest of their career. And so when we evaluate someone's resume, we're going to be looking for things that either directly show a public interest commitment or maybe are a proxy for it.

So if you have someone who has taken a bunch of clinics and those clinics are helping immigrants get asylum or helping domestic violence victims get temporary restraining orders, or helping low wage workers with wage claims before the Labor Commissioner, all of those things are going to tell us not only, yes, they've gotten good experience, but that they have public interest commitment, and they even show it through this way.

Pro bono work, I think it's a question mark. If they're coming from a school that has mandatory pro bono hours, you know, 40 hours, I doubt that that's going to tip us to think that that student has public interest commitment. We're really looking for students who go above and beyond. We're going to be looking at what they did during their summers, keeping in mind that not everyone is in the position, the financial position, to take a job at a nonprofit organization.

So public interest commitment can be shown in some ways through the kinds of course selections that people make in law school. And I would also say that people I think we are most likely to hire are people with whom we've had direct working experience. I know that when I — I just went through a round of law student hiring. We had 600 applications for 28 law clerk positions. And probably — some of the things that mattered most to me were has this person worked for Bet Tzedek before? If so, I got on the phone with that person's supervisor and said how'd they do?

So if we have a position open at our organization, if there is a volunteer, someone who's worked at our organization and done a fantastic job, that's going to be far and away the thing that matters more than experiential learning courses or other things on their resume. If they've actually worked for our organization before, that's going to matter.

The last lawyer, new entry level lawyer, that we hired was an individual who had volunteered for our organization for many, many months when he was in law school; and then after he became a lawyer, he volunteered for us. And finally a job came open, and there was fierce competition, and he was the person who was hired. And I think that's just the reality of the way that things are working these days.

MR. LEIPOLD: That rings true.

MS. PATTERSON: Mona, I'd like to turn to you now, and let's talk a little bit from the client's perspective. When you're working or have the opportunity to work with junior lawyers, what are your expectations in terms of skill sets, and what do you see that's lacking?

MS. EHRENREICH: I think, starting off, preparedness. So that starts from what Laura said. Know who your client is. I mean we spend bazillions on our website. Anybody working on any of my cases or any transactional matter, any legal issue can know exactly who Princess Cruises is by just ten minutes, 15 minutes of research. So there's no excuse for not knowing who your client is. You may not know every detail, but you know you can get a very good idea of who your client is in 15 minutes.

I would expect that anybody that I would deal with, as you say, you would expect them to know the client. I would expect that too. And that just goes to preparedness. If they're going to call and we have a meeting on something or we're talking about something, be ready for what it is that we're talking about because we're all very busy. You know, I have a concern about the billable hour in that it rewards inefficiency, if you want to look at it like that.

The associate who bills 2,000 hours is sometimes more favorably looked upon than the associate who bills 1800 hours. You never see the parallel. They might be doing the exact same output, and you would never be able to figure that out because they're working for different people and doing different cases. You know, you may want the meeting to take an hour because it's easy, but I want it to take 15 minutes. So be prepared in every respect.

And then communication. We talked about this. Not just writing, but oral communication. And law review articles are great, and that is a certain skill. And if you want to be an appellate

lawyer, that's a great skill to have. If you want to communicate with inside counsel about something, that's not a good skill to have. You want a one-page memo with an executive summary on top.

That's what I want. I want you to tell me up front because maybe sometimes I just need the answer, or I just need to know what is going to happen at this meeting. And then there's the whole three pages later if I want it. If I have time to read it, I will. It may be me. It may be that I'm giving it to a non-lawyer in my office because really in in-house legal departments, we're not like a law firm. We're just advancing the business. There's no reason for us to be there other than supporting the business of our companies.

So oftentimes legal advice that I get, I'm turning around and giving it to my CEO or I'm giving it to other departments or somebody else on my staff is or the lawyer is. And if the first year or second year or third year did the research and knows the answer, they should be talking to the business person. The way we have it set up, I don't intervene. I don't have to be the intermediary for that. So they have to be able to communicate because they might be talking to someone senior in a company, even if they're a junior associate, and have to be ready for that.

That's just as basic as no typos to the good grammar. And I'm shocked sometimes at how often I see typos. And we have spell check, we have everything. I don't know. I just — that's the way I grew up. It's very frustrating to see documents that I don't feel like I could give to my CEO.

I think efficiency. So we talked about having a law student think of what's the arc of my career? What am I thinking? Think about the arc of my case, my project. Maybe you can file a demurrer, but should you? Does that advance the case? Or if it's a transaction, is belaboring this point going to advance the deal?

Now, first, second, third years, they don't have a lot of necessary experience to do that, but they should be working with whoever the more senior person is to say, okay, this is the project. What's the arc because I need to be always pushing the case forward. That's what I have to justify, particularly now with my budget. Why did we spend this \$5,000? Did it move the case forward? And some sense of reality to what's at stake here. There are some bet the company cases where you throw away the page and you say whatever it takes, it takes. How often do you have those? Hopefully not very often. They're more the run of the mill. Okay. This is just about money. So we want — you know, there's no points or principles.

A lot of litigation is like that. A lot of deals just need to get done. They're small contracts. So when you start putting — understand what the particular project means for the overall project. And I don't sometimes see that, and I think that is experience. You don't know it the first time you see it.

And I guess if the firms clearly put that into perspective, but I think to the extent that there are more practical legal courses to see how things fit with each other because at the end of the day, we're business people. And there's been a couple of references to business school concepts.

And actually at Princess we have gone to the Anderson School every year for four days. And we've had these intensive programs for the Princess management. And I come out of there going, thank God I didn't go to business school. I would have hated it, but there are bits and pieces of it that are so relevant to being better at what I do.

And I think it's the realization that most of us are supporting business, whether we're lawyers, and how we're lawyers in whatever form that we're in of practice, but we're supporting a business ultimately. And getting some of those strategic thinking pieces into our mentoring and what we're giving to clients, what I'm receiving, I think that is something that we could all — I'd like to see more focus on that because it's really — it's something that I have to do every day. So if my lawyers do it, it helps me quite a bit.

MS. PATTERSON: Very good —

MR. LEIPOLD: That's great. I think this is a good opportunity to take a break.

(Recess was taken.)

MR. LEIPOLD: Okay. Looks like everybody is back. We'll go ahead and start the second part of our conversation.

And for this we're going to turn to Tracy. Tracy, you're kind of in a unique position working for a state bar that's one of a few state bars, including Utah, Nevada, and Georgia, that have recently taken sort of a major initiative in terms of preparing new lawyers. There are a lot of folks who think bar associations should be doing more of this. And that as firms and schools struggle to figure out who's training the new lawyers, that there's a role for bar associations.

Tracy, you're the administrator for the Utah Bar's New Lawyer Training Program. I would love to — you talked a little bit about it in the first go around, but we'd love to hear more about your program, how it came about, how it works, what the politics were in putting that together. You know, just to kind of give others a sense of what happened in Utah.

MS. GRUBER: Sure. Well, thank you very much for inviting me to come. This is a very unique opportunity to speak about the program in a completely different context.

The New Lawyer Training Program came about starting in 2006 when the Utah Supreme Court approached the Bar. Now, Utah's Bar is a mandatory bar, so we handle bar admissions, we handle discipline, we handle training, and every lawyer in the state is a member of our bar. So we have the ability to kind of tell the lawyers what they need to do in order to keep their license current.

So the Supreme Court, the Utah Supreme Court, approached our bar because they had concerns about professionalism and ethics primarily in the courtroom and also concern that law firms, not just law firms, but access to quality training for new lawyers was really lacking. In the big firms sometimes it was an issue of billable hours versus training. A lot of new lawyers don't have access to training if they're solos or they work in small firms. There also was a study by the

women lawyers of Utah that showed that women lawyers in particular were very concerned about the lack of training and mentoring that they were getting, and minorities were included in that as well.

So the Utah Supreme Court came to us. Supreme Court Justice Scalia along with Judge Tacha in the 10th Circuit, and an attorney at one of the big law firms in Utah wrote a paper talking about the legal training system in England versus the United States. And they wanted the Bar to investigate this mentoring model which existed back in the day when lawyers got their training was through mentoring. And they wanted to revisit it.

And the one state at that time that was doing it that was mandatory was Georgia. We're the second state that's doing it, and we modeled our mentoring program on Georgia's.

So basically what the program is is that every new lawyer who has an active license in Utah and stays in Utah for their first year of their admission to the Bar has to be mentored by an attorney who's been approved by the Utah Supreme Court to work with them for a 12-month period of time. And in that 12-month period of time, they go through a formal mentoring arrangement. It's not a brown bag lunch. It's not a call your mentor. Maybe we'll sit down and have lunch.

It's a very formalized program that has various areas of law that need to be addressed, required sections, and then optional sections, and topics such as introduction to the legal community, because we've kind of talked about the importance of networking and knowing the profession and knowing what's expected, professional responsibility and civility, law office management, balancing work-life issues, litigation and transactional experiences. And these are the required components of the plan.

And then they have these electives that deal more with substantive areas of law. We're not trying to take away the training of the new lawyers from the firms in the substantive areas of the law. We trust that the firms and the employers are redlining and kind of talking about writing a good piece of — a good legal brief. This is an opportunity for the new lawyers to learn about professionalism, what it means to be a member of the bar, legal custom that we didn't learn in law school, and feeling a connection, just a general connection to the profession, and what that means for their future because there's also been this demonstration that a lot of new lawyers are leaving the profession because it's just not meeting their expectations.

So that's kind of the nuts and bolts of the program. They meet once a month for a minimum of two hours for this full year. It's a big time commitment on the mentor's part. It's a big time commitment for the new lawyers. And that's the general parameters.

At the end of it, the mentors receive one full year of CLE credit free of charge, and new lawyers get their one year of CLE credit.

MR. LEIPOLD: And how are the mentors identified, selected, and trained?

MS. GRUBER: That's a key component to getting a program like this working. And there were a lot of resources expended in getting the mentors before the program even got off the ground.

And the way they first did it, and we're fortunate because we have a very small bar, and everybody knows everybody. So the commissioners who — the bar commissioners sat down and literally put together a list of attorneys they know who kind of are who they believed were strong representatives of the profession. And then a letter went out by our chief justice asking them to participate and recruiting them.

And we now have 662 mentors. And we roughly have about 300 every year between the February bar and the July bar who come into the program.

And then I get the applications. They have to be practicing for seven years or more, be free of discipline, and carry a minimum amount of malpractice insurance, and then their application goes to the Supreme Court's Advisory Committee on Professionalism for review.

MR. LEIPOLD: And then do they go through a training program?

MS. GRUBER: We have a mandatory training program. When they complete it, they get two CLEs. We have received some pushback from members of the bar that they all know how to mentor, and they don't need training. But this program is different than your informal mentoring experience, and they have to go through the training requirement.

We were a little loopy when they had to complete training. Now as soon as they're admitted, they have a three-month window in which to complete the training. We offer it live, and then we also have it online for them to complete.

MR. LEIPOLD: And are there plans in terms of assessment to figure out if this is working? Is it making a difference? Are there — how are you guys thinking about —

MS. GRUBER: From our — are we evaluating the program? Yes. So the program was adopted in 2008 by the Supreme Court. The first class started in the program July of '09. They completed June 30th of 2010. We have just completed our second class, which started January of 2010 and ended December of 2010. So we've gone through two evaluations, both evaluating the mentors and the new lawyers, and we have done one focus group of mentors.

What is the anecdotal evidence? Surveys are not the most reliable sources, and we did not have it professionally done. Mentors love the program. They think it's long needed. They overwhelmingly say it's a ton of work, but we get a lot of personal satisfaction. We feel like we're really contributing to the future of the profession. They enjoyed their relationships with their new lawyers.

I was thinking about this with the pro bono experience and the outcome on the survey. The new lawyers are not quite as enthusiastic. And we're trying — what's really interesting is that when you ask them if they think the program went well for them, they all say, yes, it was great. But then when you look at their comments, some of their comments reveal problems. And I think it's a case of they don't know what they don't know because the program is so young and they're just new in the profession. And when they come into it, there's so much for them to learn. One of the last things they want to do is carve out two hours to meet with their mentor.

I think if we were to evaluate five years down the road, we go back to these new lawyers and ask them how valuable the relationship is, my gut tells me that the responses would be more positive. If they are a solo practitioner, I hear from them a lot more praising the virtues of the program. And as I alluded to earlier, this program was not in place at the time — it came about when the economy kind of collapsed. And it wasn't anticipated that the people that were going to be coming into the program were going to be solos. We thought they were all going to be going to firms.

The timing of it actually could not have been better because now we have all these solos and they're paired up with an experienced practitioner who they have access to. An experienced practitioner is more than willing to help them out on some of the most basic things that they just have no idea what they needed to do for it.

So generally extremely positive. It's been a great experience. And I definitely think that there's some tweaking that needs to continue in the program to make it that much better to meet everybody's needs, and some of it is just the newness and lack of communication in getting it started.

MR. LEIPOLD: Did you consciously do things differently than Georgia, or are there things that set your program apart, or is it largely —

MS. GRUBER: We consciously did things almost exactly like Georgia. We had to make some modifications because our bar is much different than theirs. Their program works. They researched it for ten years. They did a pilot program. They had the plan in place. So we pretty much took theirs. And now these other states, Oregon, Nevada, Wyoming, New Mexico, it's just expanding. We're all kind of making the same program with just minor modifications.

MS. PATTERSON: Tracy, I would like to ask you, and others feel free to chime in on this. Why do you — it sounds like a fabulous program, and I think everyone would agree it's a great step to kind of bridging that gap that we've talked about from law school to practice. Why do you think that states are reluctant to do this kind of thing? What kind of challenges? Are there barriers that would prevent other states from going to this type of program?

MS. GRUBER: Well, obviously I haven't spoken to a lot of them to know why they're not doing it, but I think probably the biggest — people's reluctance is that it's a formal mentoring relationship. I think generally people are hesitant about imposing that on lawyers who are already working a lot. And trying to make those relationships work takes a lot of time.

So I think that states are reluctant to kind of impose that type of relationship on their mentors and their new lawyers. So I think that's probably the biggest reasons.

I also think that a lot of bars and states believe that they're doing an adequate job training new lawyers. We're doing the best we can. We have CLE. We have bridge the gap programs. We have transitional programs, and all we need to do is just beef up those programs a little bit more. And we also had a program like that. A two-year new lawyer CLE program, but it was seminar

related. And we felt like the new lawyers, by sitting in seminars about family law when they're doing criminal law, just it didn't work. So I think that there's that.

And then it also takes everybody buying into the program. It takes the law firms buying into the program, the bar, the court, the law schools. And you can't undertake something like this with just a couple of players. If you can't get everybody at the table, we were fortunate that it came from our court, it's just not going to succeed. So I think those are probably the biggest hurdles.

MR. LEIPOLD: The mentors come from across all the different practice areas?

MS. GRUBER: Yes.

MR. LEIPOLD: Like big firms and solo and public sector people?

MS. GRUBER: Yeah. And they have to come statewide. So we have, you know, Panguitch, Utah, which is very, very small, has one mentor, and he's still waiting for a new lawyer. So we have to recruit statewide. The bulk of our mentors are in Salt Lake City because that's the bulk of our population, but they come from across all cross sections.

I think the biggest hurdle for the program is convincing a litigator who's practiced for seven years that they can still mentor somebody who's doing transactional work for the purposes of this program, not for the purposes of telling that transactional attorney how to do the substantive law, but for the purposes of legal custom and networking and all the things that the program is trying to achieve beyond just that. So there's ability for there to be cross-mentoring, but, yes, we have a pretty diverse representation in our mentorship. We're very lucky. The program could not succeed without the mentors signing up for this program.

MR. LEIPOLD: Sounds great.

MS. GRUBER: It's exciting.

MR. LEIPOLD: I wanted to turn to the question of assessing skills, and turn to the legal employers in particular for either your lateral hiring candidates or your new lawyer candidates. Have you talk a little bit about either what you are doing or the conversations you've had about what you should be doing in terms of skills assessment on the front end, and to inquire whether anybody is actually using an assessment instrument of some sort, or are you through behavioral interviewing trying to identify competencies on the way in the door, or skill sets?

And this we haven't necessarily prepared you to answer, but for those of you who have had people who were deferred and have come back, have you done any skills assessment with them to figure out what do we do with this person? Where do we put them? Where do they fit into our competency system? Or where do they fit into our progression? Different people who were out had different experiences. Because it seems to me that it's an area where if we're going to do all the things we talked about doing in the first half of this conversation, firms have to change what they're doing or get better at that skills assessment piece at the hiring point.

I guess I'll turn to Jim first on that.

MR. OWENS: Sure. Well, I guess we've done a number of things at Paul Hastings. The first thing you really have to do, I think, is you have to know yourself well to be able to recruit well and evaluate people. And the way we did that, we're always trying different ideas, but most recently, as we were developing our core competencies, we had to sit down and really look carefully at who are the people that succeed at our firm, and what are their characteristics, and how they have been successful.

And you would think initially, well, you would just ask the partners that question, but you really can't because the partners have one perspective, but they've forgotten what it's like to be an entry level lawyer. And you have to ask the successful entry level lawyers what it is that they do that makes them successful as entry level. And you have to ask it again of midlevels and again of senior level associates because those characteristics are on a continuum, but they're slightly different.

So I guess using a lot of techniques that the corporate world has used for years that law firms and professional services organizations are just now really grasping. We had to sit down and develop an understanding of what it is that made someone successful at our firm. And then we had to really tailor our questioning of recruits. We had to train our recruiters to know how to look for those traits. And some of them are not going to be demonstrated in a screening interview. So you look for other indicators of success.

And certainly the traditional indicator of success, if there's been someone who's gone straight through school without work experience, has been grades or clinical expertise. But I think that whatever it may be, we have certain ways we benchmark that, and we really try to screen for that. That includes the evaluation form we use to evaluate a recruit as well as the way we discuss a recruit in our recruiting committee meetings.

MR. LEIPOLD: And were their qualifications that you came up with as you had that dialogue at all the different levels that were surprising in terms of what the firm thought it was and then what it discovered, or was it —

MR. OWENS: A lot of it was not surprising. It was just much better articulated. Going from the old excellent, good, poor, to developing something that really made a lot more sense where it's a system that is a continuum. So you start with a basic demonstration of competency. You move to a working demonstration to a seasoned demonstration and ultimately to mastery, which I don't know if anybody ever achieves, but at least you understand what the goal is.

MR. LEIPOLD: Bob.

MR. WILLIAMS: I think that Sheppard Mullin is on pretty much the same page as Jim describes with respect to Paul Hastings. First of all, if the question is about hiring people from law school, we do all of our hiring from law school through a second-year summer program, which gives us a pretty extensive look at the student and enables us to assess their writing skills. But if you peel

it back to figure out how we get people into that program, we try to be attuned to the criteria that we've identified as predictors of success in our organization.

A lot has been said and written about behavioral interviewing. But the behavioral interview still takes place in a relatively short interval in time. We actually make a lot more use now of plain old-fashioned resume review because someone reveals, through the steps that are listed in their resume's list of experiences, the things that they've done. And those are a powerful predictor of success. Again, as Jim said, not always in a student who has done nothing but go to school, and we don't rule those people out, but we really like to find people who have had other kinds of experiences, particularly experiences that predict leadership.

MR. LEIPOLD: Laura.

MS. SAKLAD: I'm just adding some — a few other specifics that we're trying, and we're trying it for the first time this summer. We're looking at — as we've talked about, we do have these competencies, so we are able to identify what traits we're looking for in the candidates. And we're looking at ways to use our summer program and some of the training that we do in our summer program to more specifically capture the way they're demonstrating those skills.

So we're looking at in a training exercise having them do a group problem-solving activity, and then actually trying to capture their team skills, their problem-solving skills, their analysis skills, and making some kind of a record of that so that we can then go back and incorporate it into our decision making.

There's a fine line, and we're all, I think all the major law firms are concerned about doing anything that makes the program too different or feels too evaluative in some way. So this clearly has to have a training and a feedback component to it, but we are trying to do a better job at capturing that information.

I think to answer your question about the fellows that are coming back, we haven't done a formal sort of assessment in trying to go through and say what have you done and sort of how does that stack up. But we have intentionally had them sit down with the assigning partners, talk very specifically about the kinds of work experiences that they had while they were on those fellowships, so that we could do some calibration, right, about where they fit and what kinds of experiences we could give them. And so it's a step. I think there's still more to be done, but I think it's a step towards getting there.

MR. LEIPOLD: Dean Moran.

DEAN MORAN: I was at a meeting where there was a discussion among law firms of these elaborate new systems they were developing for competencies and evaluation. And as I was listening, I said how do you make sure this actually works; in other words, that you get better return as a result of this extra investment? And there wasn't actually a good answer. The assumption was if we do more, necessarily it will be better, but I'm not sure that's true.

So how, if you're adopting these new systems, are you monitoring their reliability, their validity as predictors of success?

MR. OWENS: We're trying to be more systematic in the way we train to those skills.

And I think that while the training programs that we've had to date have been wonderful, they've have been very haphazard. We'll have great training on mergers and acquisitions. We have a whole academy on that. We'll have a great trial advocacy program. But have we systematically looked at everything we're doing and made sure that we've offered a comprehensive curriculum around the entire firm? No. But we're doing that now.

And if the program goes as it should, we should be fairly evaluating these associates. And our new partners are also part of this program in a top-down way so that we're constantly looking and we're measuring and we're talking about what we're getting for the return.

DEAN MORAN: Through some systematic sort of socially scientific method? What's the method, just your intuitions, your subjective knowledge? You might know they're participating in certain ways, and you like that they're participating, so that makes you evaluate them more favorably. I don't know.

MR. OWENS: Well, an evaluation, I think, is always going to be subjective. You're going to try to make it as objective as possible as far as clarifying what the expectations are and trying to have a systematic way to measure so that you're balancing interests. But there's always going to be, I think, a huge amount of subjectivity baked into that.

MR. WILLIAMS: I take your question on two levels. One is training of associates whom we've already hired. And we've devised a series of what we call skills matrices. Each of our practice groups has compiled a skills matrix that lists all the experiential skills that people might bring to bear in practicing in that field, and we've got a comprehensive training set around each of those skills matrices.

What we don't have, and what we're working on, is to see whether the young lawyers take them, the courses. We're about to purchase a learning management software with which we'll be able to see how many of these courses really got viewed on video at our firm.

In terms of intake into the firm, I don't know how successful our assessment of predictors of success is. I don't know how accurate we are in perceiving those predictors of success, but I do know that organizing our interviews around the assessment of predictors of success elevates the content of the interview. At least we don't just have a conversation for 20 minutes about the weather or how the Dodgers are going to do. Our interviewers have a talk about the student and give the student a chance to really talk about himself or herself in a way that's meaningful and connects with what we're looking for.

MR. LEIPOLD: Dean Nance.

DEAN NANCE: I guess I'm curious about how — and this is to all the firms — how you feel, what kind of impact this has on some of the concerns that have been around the evaluation of associates in terms of the outcomes of gender and diversity, both once the person is in the firm and you're using a competency model and at the front end as you screen people. I'm wondering if sort of focusing on more specific skill sets and maybe it's too early to tell whether that's having a good impact on some of these concerns. Or I'm just very curious about what your experience has been on that.

MS. SAKLAD: I could jump in on that a bit. We — I think it's very, very important, very, very important point for firms that are undertaking this kind nonlockstep advancement to look at very carefully. One thing that we talk about a lot, I think, in the space of challenges that diverse associates face is sometimes having equal access to the information about what it takes to succeed. And you don't necessarily have that inside sort of the back door.

What we have found and what we have heard from our minority associates is that laying out this very, very explicit competency model and then the backup which we call the benchmarks, which are really the practice skills and work experiences that you expect an attorney to have at certain stages of their career, it just takes some of that mystery away. It gives everybody that same deck.

Now, that's just the starting point, but it at least gives you that same deck. It lets the attorney ask an intelligent question about I seem to be getting a lot of experience here, I'm not getting so much experience here. Is that okay? What should I do? And that's been, I think, very powerful.

The other thing that I think is incumbent upon firms as we undertake these systems is that we do need to get more sophisticated in the way that we look at our talent management results. And we are doing a lot of tracking. We are looking at the percentage of associates that get promoted, quote, unquote, on time, by race, by gender.

We are looking at our overall compensation expenditure by race and by gender because it's not a lockstep system. And I think these are systems that are really going to be critical over the next five years as we look to see how we're doing to make sure that we are not unconsciously creating any bias that was not intended.

MR. LEIPOLD: So, Laura, as your promotion thing gets spread out, so you're in levels, different people take different amounts of time in those levels, has there been conversation about, just in terms of cultural norming, whether there's any stigma attached to spending longer in a level, or is it truly okay to take more years to advance than not? Because we come in with our lockstep history, and it's hard. I don't know if you even have that conversation or can have it.

MS. SAKLAD: We do have the conversation. And I think that there is a — there's a concern amongst associates that if they are not promoted within what might be the normal three-year window in a role, that that's going to carry some stigma with it. We are trying to manage through that as a growing pain of the system because as we get another year or two into this, we will have people sort of going early and staying back, and you won't have that same lockstep system.

We do talk about sort of an outside window when it really is no longer appropriate for somebody to be in a partner track role where they're not advancing beyond that promotion point. And that, I think, is really important to talk openly to the associates about because right now sometimes what we hear is that associates just keep moving. And then they get to the seventh year, and they're told they really don't have a shot at making partner. What we're trying to do is identify that earlier and give them more clear messages earlier, that they need to move on.

So I think the fourth year in a role, it's not becoming a stigma. I think if you start getting out to five years, we need to start having conversations about what is the right role for you in the firm or elsewhere.

MS. PATTERSON: With respect to core competencies and benchmarks, we've heard a lot about firms and how those are being developed, but a key part of this is when the training occurs, also giving that associate the opportunity to practice those skills.

So for the legal employers, what are you doing from a work assignment, if anything, work assignment process, to make sure that they're getting a chance to practice those skills once you've trained them on it? And I guess that sort of connects us with Laura, and are you using pro bono opportunities for those training — or that learning experience?

MR. OWENS: Sure. And I think this also goes to Dean Nance's point about leveling the playing field for certain types of work. I think that the legal industry is looking now at this issue of work assignment, and it's a very sensitive issue because it starts to encroach on the autonomy of the practitioner to make decisions on how they want to service the client.

So it's something we're looking at. The issue really comes down to ensuring that you identify the kinds of experiences that are going to develop those competencies, first of all. That's easy. You can come up with a list. But then it's ensuring that everybody has access to that kind of work. And you're getting into the area of saying, well, I know you want to work with this person, but you're going to work with this person. And if you've hired the right person, that should work, especially with technology and the ability to work across office lines and in different time zones. But I think that's something we still have to work towards. And whoever does that really well, please give me a call.

MR. BADINI: I wanted to pick up on something Jim said and Laura said on diverse candidates and actually for all candidates. I think the more specific you can be in the evaluation, the better for that candidate. Right. In the old days, it was okay to say you're just not cutting it. You're not doing well enough here. What does that mean? How am I not cutting it? So we strongly encourage — we have these ten- or twelve-part evaluation criteria which address all the so-called core competencies, writing, oral communication, case management, etc.

And the evaluator is told you have to be — you can't just say you're a bad writer, although that's better than you're not cutting it. That's a step in the right direction. But you have to say how are you a bad writer. What specifically did this person do or not do and how can I improve?

And then picking up on what Jim said, one part of the form and one part of the process is, okay, what experience can we give this person in the next evaluation cycle to improve. And we do a couple things in that regard. One is, I think Laura mentioned you have an in-house writing course, we have somebody on contract. We outsource it, but we send someone to courses, or we do in-house training.

And one of the ways we do it is we have assigning partners who are told, okay, this person needs help in writing. Make sure they get a writing assignment for the next cycle.

So I think it's very important to be specific and, as Jim says, to address that issue with the right training for the next six months or the next cycle.

MR. WILLIAMS: I agree that the hardest thing, the hardest issue that faces us is to deal with work assignments as an integrated part of associate development. Jim mentioned that it's hard to do in relation to the lawyers in your firm. You're also, of course, at odds with the desires of your clients, who really like a specialized lawyer. And once you've trained a lawyer to do project A, they want to get that lawyer to do that again and again and again.

Where we're thinking about this most in a most focused way right now is with respect to women lawyers and minority lawyers, to try to make sure that they get an even opportunity to work through a broad range of skills to maximize their chances of success.

We hope to go from that effort where we're actually trying those things into doing it for all of our lawyers, but it's dicey because of the conflict with the desire of the client for efficiency.

MS. SAKLAD: I think there's an opportunity for firms to use technology more effectively than we have in the past in this complicated endeavor of our assignment systems. We do not do this across the board. We have one practice group that does this very efficiently, and they have designed a platform that is not very complicated, as far as I can tell, where our associates can communicate directly with the assigning partner, and they can — part of it is just a red light, green light, yellow light sort of an I available for work component, but the other piece is they can put in specific information about the kinds of work experiences that they have not been exposed to yet.

While the assigning partner certainly cannot create any kind of expectation of a promise that they can fulfill that need, at least they know that that exists; and then when they get that next assignment that crosses the desk that needs to be filled, they have that in the back of their minds in terms of who needs what experience. And I think there's got to be lots of other ways that we can use technology to sort of capture the information and then incorporate it.

MR. LEIPOLD: Mona, from a client perspective, as you see the firms around you developing these competency programs, does it change what you look for in a particular lawyer? Do you try to assess does this third year or fifth year that's been assigned to me have particular experience that's important to me?

MS. EHRENREICH: I kind — I know that the law firms want to keep me as a client, so that's basic. So I assume that they're sending me a person qualified with the competencies to do it. Whether they can do it the most quickly, and I think that's a billable hour question, is that the right framework for us to be operating in, but I think they're not sending me somebody that I'm going to be unhappy with. I just don't think they would do that. So they're sending me someone; I'm assuming they're competent.

There's all the intangibles. I share your struggle in terms of wanting to be objective and have objective measurements, and sometimes, you know, when I complain, it's happened a few times. It might be me. This person can't say anything in under four pages. You know, that's very objective. You can communicate that. That's a good one. Or they come back to me piecemeal. Give me everything you want at one time. Don't come back a week later and a week later, or don't send me things at the last minute because we're busy and we need to review it and make sure it's a week.

So sometimes I'm able to give really objective information for you to go back and say here's what the client said about you.

Other times it's more of a subjective. Well, they're just not, they don't have the initiative of some other people that I've dealt with. And sometimes I have an example for that. Oh, in looking at what we did in this case, we decided this tour operator manual needed some tweaks, but they didn't say, well, let me go tweak it, whatever it is. Sometimes I can give an example, sometimes I can't. They just didn't seem, you know, and you still have to respond to me. That is me signaling you I don't want to work with that person again.

And if they — if I have the work that's on the list of things that they need, I think your quandary, I might not be so happy to work with that person.

I think so much of what we do, it's a science. Yes, you need to measure, but it's also an art. And I think that that's sort of the gray area that we all live in. And we are a — I'm an employer of lawyers as well, not so young, not for second, third years; but what we've done, part of what our whole company has done is we've taken every job in the company and sort of did a role description and put down the key activities. So here — so that I can then say when I go evaluate them, this is what I think your job is, and here are the things that you need to be doing. These are your key activities. Are you doing these things? Because if you're not doing these things, you're not doing what I need you to be doing.

And we have loaded it so it's sort of an evolved job description, but that is also the basis for the performance evaluation. So everybody knows it's these things. You need to excel in these things, and these things are what you'll be evaluated on. That's how we've tried to bring some measurement to what we're doing in terms of decision-making.

But I think — I don't know that we'll ever be in an area where there's no subjectivity left. I just don't think that that's possible in what we do. I don't think it's desirable in what we do either.

MR. LEIPOLD: On the firm side, are folks tying salary to movement through this competency-based system, or is promotion based on competency and salary progression separate?

MS. SAKLAD: We're tying it to a limited degree. Within role there is expected progression. There is no progression from Point A to point B unless you get promoted, and billing rates are the same.

MR. LEIPOLD: Anybody else?

MR. WILLIAMS: We still have an eight-step progression on the partnership track, and I think most firms have that, with corresponding salaries. Maybe I'm a little skeptical of complete abandonment of that kind of structure because the competencies are sufficiently subjective, that I think unless you have enormous engagement by your partners in assessing those competencies, you may risk a step back into an older day of "who you know" and log-rolling among the partners regarding who advances.

So we still have the structure of eight steps, but we group those into three groups with an important promotion part between. In the first group of three steps, we focus upon mastery of individual substantive legal skills. There is a major promotion point to the fourth step. The fourth, fifth, and sixth steps are focused on the ability to manage and supervise the work of others. And then a promotion step to the last two steps, in which we focus on the ability to generate clientele.

MR. OWENS: We've got a system that's very much like what Bob is describing at Sheppard Mullin in that we've got the steps involved. And we are primarily still a lockstep system, but having the competency model gives you more flexibility to advance people. They don't necessarily have to go one year at a time, or given the chance, hold them back a year and assign the right billing rate to that person. So I think if you've hired the right people, it gives you the ability to not just be an up or out strict kind of place.

I think from a market standpoint, no law firm wants to be the market leader on abandoning lockstep because that puts you in a whole different situation. We've got that tension.

MR. BADINI: So I think like Paul Hastings and Bob's firm, Sheppard Mullin, we also tend to have a lockstep, although what I would add is that we have these interesting conversations now with the folks who come back from these externships or these experiential programs. One would assume that they would automatically want to receive credit for that year, but that's not necessarily the case. It depends on what they've done. And sometimes they say, look, I think I need the training. I don't want the pressure of being a third year when I can be a second year. So we have a conversation with them, and then we slot them in where we think is appropriate based on the training they've gotten and their desires.

So may be sort of a softening of the lockstep that's happening.

MR. LEIPOLD: Okay. As we bring this to a conclusion, what I'd like us to do is to do a little stargazing and look into our crystal balls. And I think what would be interesting for everyone

around the table and for the folks who are following us on the outside is for everybody to think a little bit about the five-year mark, sort of five years from now. And you can handle this aspirationally or cynically, but to tell us where you hope your organization will be, where you fear your organization will be, the sort of aspirational structural change you'd like to have accomplished five years from now, focusing particularly on the framework for today's conversation; that is, lawyer and law student training and development in particular, although you're not — I'm not going to rigidly limit you to that because I think our industry is still, as Aldo said, we're only part way into some new normal, and it's continuing to evolve. And I think for fairness, we should probably go around the other direction.

MR. BADINI: I don't get the advantage this time. So I think hiring, obviously, is on the uptick. I think we will have bigger summer programs, but probably not as big as they have been historically. I think summer programs will probably not be as central to decisions about permanent employment as they were in the past. I think the lateral market will continue to be important, very important.

And as I said before, I think that that may be the key to sort of lessen the importance long term of rankings like *U.S. News & World Report* because for the lateral market, you have folks actual experience working with people in the real world, not just the law school.

And what does that have to do with training and development? What it has to do with it is that it makes it all the more challenging as there are all these different entry points into the law firm where first years are not classical first years anymore. What does that mean to be a first year? It could be someone straight out of law school. It could be someone off of a pro bono program. It could be someone off of some completely different experience for a year or two.

So I think that as time goes by, the training will be more flexible, not tied to class rank, will be tied to the individual's specific needs, and personalized. That's where I see the future going.

DEAN MORAN: I think that one of the things we've learned in this recent downturn is that law markets are increasingly volatile, so we need to prepare students to be versatile in the face of this kind of market volatility. I think that the specializations we have actually, while they are important in targeting an area, also have to have skills that will cut across different sectors of law practice.

So, for instance, our clinics were founded on principles of being client focused and having transferable skills. If anything, I think those original insights are more powerful than ever.

I think that we have a special set of challenges as a public law school because we are committed to building citizen lawyers, to helping people to go out into the communities and remember their roles and obligations to a larger society.

I think one of the problems of stratification in the profession has been that there has been a perception that public interest is almost another world apart from private practice. Now, you mentioned this in your comments about, boy, the law schools are going to have to do a lot of different things. We have to do the business of law firms and the business of public interest. And

the lack of interest in pro bono suggests that we need to do a better job of training people about the obligation to a larger society of attorneys in all sectors of practice.

I think a final set of challenges which haven't been mentioned, but I think are going to be important, will relate to globalization of law practice. We are having a discussion at how to serve a largely domestic market with the existing structures. I think the pressures of globalization may lead to further restructuring and actually complicate the notion of mobility in the profession. And we haven't even talked much about intercultural competencies today, but that may be an area.

And finally, I think it's important for law schools to identify emerging markets in practice so that students can get assistance in directing themselves into those areas.

MR. LEIPOLD: Have you had conversations specifically about that here? Like I think of technology jobs related to E-discovery and this whole new. They need lawyers with training, but they're not lawyering. We don't have good models for what that career track looks like.

DEAN MORAN: We are actually because we have a business law and policy specialization. And in that context, we've tried to forge close ties to the business school. And one of the things we're trying to think about is we've had tracks that looked at corporate finance, at bankruptcy, and tax which are doctrinally driven. But whether we might add a track that would simply be called an entrepreneurial track that would assist law students in getting a sense of how businesses operate. Also some of our most successful graduates have left law and gone into business. To that extent, this would also help them in that regard.

So we are looking into that as a possible new track that would not be doctrinally driven, but would be a different notion of sort of seizing the moment and finding opportunities, and then having the skills to make those opportunities into successful ventures

MS. GRUBER: My hope for the next five years, at least for the bar and the training of lawyers in general, is that there's a recognition, kind of like what Dean Moran was saying, that we have to serve all sectors of the profession. And I think for a long period of time, it was focused on people under the assumption that they're going to be going to the large firms. So my hope is that all bars, including ours, will shift focus to address the needs of attorneys in all sectors, and also help these people who are finding themselves at a crossroads in the profession to reestablish and get training in an area that they might not have had experience.

MR. WILLIAMS: From the perspective of a talent manager in a large law firm, I think that during the next five years, partly because of the shift in the economic cycle, but partly just through our firm's learning curve, I look forward to spending less time working on or paying attention to underperformers, underachievers in our firm, and spending a lot more time focusing on high achievers or people that we can develop into high achievers. And I think technology will be on our side. I think we'll increasingly deploy software solutions to help us with that.

I look forward to an increased use of project management as a device in associate development. I think we can find collaborative solutions with our clients to help toward that end. I think that

informing all of those things, and the really dominant theme of our last five years and our next five, will be more and more focus on diversity and inclusion.

I think that our firm's happiest experience, the thing that's given us the biggest boost in morale and collective self-esteem has been diversity. And I think that the diverse lawyers in a way have really shown us what we can do to help all — to lift all boats and help all lawyers develop themselves. I look forward to more of that.

MS. SAKLAD: Picking up on the final point that I think Bob articulated so well, I think we are going to see more diversity within our firms if we look five years out, and not just within our associate ranks, but moving up into our partnership ranks and in our leadership ranks. The clients are demanding it. I think firms are very, very serious about it, and we have the right mechanisms in place. And I'm very hopeful that five years out, we are going to see a different landscape in terms of the diversity of our firms.

I think that we will see a greater variety of roles in big law firms so that it's not just the one model of a partner track lawyer that marches through seven or eight years of their career before they become a partner or go elsewhere. I think we need to look at alternative staffing models. I think we need to look at the way we use professional resources that might not be lawyers. All of this fits into the way we're thinking creatively about how we disaggregate the work and deliver the service most efficiently.

And I think, I hope, at Orrick I believe we will have a fully realized merit-based advancement model. What I'm looking forward to is when we are not one of a few, but I'm hoping we are one of the first among many because I think that is really the direction that will serve the industry well. And I will look forward to not being one of a few.

MS. MAGLIOZZI: I will say at law schools I hope you're not one of a few either.

I've been accused of being unduly hopeful. I like to think that I'm also pragmatic. So I have really loved what's happening economically because I think it has helped move us in ways that we haven't. So I would like to see law schools really understand their connection to the value chain so that practice, skills, and what we're doing in terms of preparing our students for practice, that everybody at the law school gets on board.

I think there are some really practical ways that that can start, which is better messaging and mapping of the curriculums that we have. I think a lot of schools are doing very innovative things. Not everyone is aware, even not all of our students are aware of all that we're doing.

I'd like to see, I think, five years you'll see the second and third year curriculums look different. How I'm not sure yet. We're in that new normal, but I think you'll see the use of the upper division curriculum change, and it has already begun to change through Carnegie, through a lot of the different initiatives that law schools are undertaking. The new third year. There's some innovative things that are happening out there that people are starting to evaluate.

And I guess my final wish, which I do think is unduly hopeful, is that we will come to consensus on some core lawyer competencies for all that cut across practice areas, that go to negotiations, writing, some of the things that we've discussed here that every law student graduates with at every law school. That may take more than five years.

MS. EHRENREICH: I wouldn't be so bold as to predict the demise of the billable hour, but I think in five years it will be one of a number of methods that I think law firms and clients will use to — in the value proposition of the work. And I think for some projects, it's the best way, maybe the most fair way because I think it has to be fair for both sides. You know, we need a win-win here. But I think that during these difficult economic times, a number of law firms were very inventive and creative about ways to bill. And I don't think that we're going to pull back from those.

So I think it may have been born of need, but where it made sense, I think that that's going to continue. And I think that the firms saw that this is a useful way on a project by project basis. Some things can be looked at that way. And I think once that happens, it will free up a little bit of the concerns about a first year doing the work because I don't care if it's here's my employment manual, and I want to refresh it, X dollars, I don't care if it take a hundred hours, 500 hours, or ten hours as long as the ultimate work is good at the end of the day. And so I think that will free up how you might use a first year or second year or third year who could actually learn a lot on a project like that and might be training for you completely offset and it's a project for me.

So I think that we're going to just be more open-minded. I think that what it takes is just open-mindedness on the value proposition between clients and lawyers. I think we're going to see that definitely push forward in five years.

MS. TEUKOLSKY: So I think from the nonprofit perspective, pro bono is definitely here to stay. Even if the economy picks up, I think that the institutionalization of pro bono at nonprofits is going to be permanent. And when the recession hit, I think a lot of nonprofits said how do we do more with less, and the answer was pro bono. But having established these pro bono manager positions, which the position at Bet Tzedek was created in 2007. And in the last three years, I think you've seen all of the big nonprofits in Los Angeles, or many of them, create similar positions.

This is not necessarily great news for law students who are going to be looking for jobs because I think that nonprofit organizations, many of us, are going to change the way that we deliver legal services to our clients. And we are going to use more pro bono attorneys and law students and paralegals to help us deliver legal services.

So it might present a different set of opportunities for employment in the future. I think it's going to look different. I think our organization, for example, is going to become more strategic about the way that we offer pro bono opportunities. So we want to offer opportunities for litigators, but we also want to offer opportunities for transactional attorneys who are much more reluctant to get involved in pro bono.

This conversation has made it clear that I need to be doing a better job of working with law firms to make sure that when you do give us your attorneys or your deferred associates, that we are giving them skills, and that we're letting you know what those skills are. It could be partly a communication issue. I want to be able to say, look, we have these opportunities that are going to give folks the opportunity to interview clients, that are going to give people the opportunity to do legal research and writing. I need to be able to communicate to you what your people are going to be getting when you give us their time.

So in 2010, 56,000 hours, pro bono hours, were donated to our organization. Those hours were valued at about \$16.8 million, and I think that funders are looking for leverage like that from nonprofits. Our budget is about \$7 million. And if we go to funders and say, look, our budget is 7 million, that's for staff and our pro bono folks, me, but we've leveraged that, and we've gotten \$16.8 million in donated services, funders are increasingly going to want to see that kind of talk.

So I think that that's the direction that we're going to be heading, and we're going to be investing a lot more in our infrastructure to work with law schools to make sure that it's not just haphazard. We have this opportunity, but really to be strategic about investing in ourselves so that we can give law students great experiences, so that we can give attorneys great experiences. So I think we're looking at bigger and better pro bono departments.

MR. LEIPOLD: Thank you. Jim.

MR. OWENS: From the global firm perspective, I think we're going to continue to grow, and we're going to be growing in different markets. But I think the competition is going to get more and more fierce. Hearing Mona talk about her expectations, I really think that they're consistent with so many clients. They're looking for the value add. And so what does that mean from a training and development and recruiting standpoint? I think the leverage model has shifted from what it was in the last 20 years. And there's really more of an expectation that you're expert in an industry and in a particular subject matter.

And what does that do to training and recruiting? That puts more emphasis on training, but I think that the hiring at entry level is going to be even more competitive than it is today and there will be less of it.

So what does that mean with training and collaborating with clients? We'll be doing more with secondments than we even do today. There'll be more placing people in legal departments of our clients working in that way, looking for more ways to add value, and price our services in a way that is competitive.

DEAN NANCE: Well, I guess I agree with most of the things that were said. I'll just add a few. I think that whether you call it core competencies or outcomes, we will begin to see more emphasis on specific skills. I think that that's the trend in education generally, and legal ed is just reflective of that. And it would be nice if we could all call it the same thing. You want us to give core competencies, or you want outcomes. Anyway, but I think you're going to see more of a trend to that.

I think that some of the pigeonholing in law schools is going away. So, for example, we had a career services office, a development office, an alumni office. I think that you're going to see some blending of that to bring in more practitioners because I think, for example, for me when we give acknowledgement letters, it's not just how much someone has given. It's how much time. And so drawing in alums to be mentors, role models, teachers, adjuncts, that kind of thing, I think you're going to see a blurring of that. And I think that's a good thing.

I think that you're going to see more focus on sending young people out or new lawyers out into very different types of occupations, and that we have to be more proactive about that. For example, I think that with the increased regulation in the financial markets and healthcare, I think that will be sending lawyers to do jobs that maybe are not legal, but where legal training is increasingly important and where those markets are increasingly intricate and sophisticated.

And I also think that you will see an increase in soft skill training, for lack of a better word, whether it is what's appropriate use of technology, like you don't put your iPhone in at work or whatever. The best way to use — the best way to approach people from other cultures as we see both clients and law firms become more diverse.

And then, finally, I think more of an emphasis on interdisciplinary education. So, for example, you all have talked about knowing your client and business model. For example, working with MBA students, we have a business planning class that does that, or whether it's in the criminal law area where we have social workers teach students about the family implications of why this juvenile is already in trouble. I think one of the beautiful things about being a public law school is you're on a campus where there are experts in other things. And I think we haven't done the best job of drawing that and giving our students those broader skills.

MR. LEIPOLD: Great. Thank you. So based on everything we've said, does anybody want to have a last word? In going around the table, did it make anybody think about anything else they want to say?

DEAN MORAN: The only thing I would add is that I think legal education has also merged as a kind of empirical approach to legal analysis that's quite different from what we've seen in the past. We have an empirical legal scholars program now for students where they get experience with quantitative skills and data analysis, which means that when you're looking at complex evidence, you actually can know how the study was done, what its methodological strengths and weaknesses are. That's another example of interdisciplinarity which I think has been increasingly important in the legal education world.

MR. LEIPOLD: Great. Well, on behalf of NALP and the NALP Foundation, thank you so much for this. I think it was a great conversation, and we really appreciate your time in participating.

MS. PATTERSON: Thank you all very much.

(The Roundtable adjourned at 03:53 P.M.)