

University of Missouri School of Law

University of Missouri School of Law Scholarship Repository

Faculty Blogs

Faculty Scholarship

7-31-2016

BIG NEW STUDY ON NECESSARY LAWYERING SKILLS

John Lande

Follow this and additional works at: https://scholarship.law.missouri.edu/fac_blogs



Part of the [Dispute Resolution and Arbitration Commons](#)

BIG NEW STUDY ON NECESSARY LAWYERING SKILLS

JULY 31, 2016 | JOHN LANDE | 6 COMMENTS

The Institute for the Advancement of the American Legal System released a new “[Foundations of Practice](#)” study based on a survey of more than 24,000 lawyers nationwide.

The study identifies “foundations” that lawyers need in the short term after graduation. The following are the items that at least 85% of the respondents said were needed:

Communication

- listen attentively and respectfully (91.5%)
- respond promptly to inquiries and requests (91.0%)

Emotional and Interpersonal Intelligence

- treat others with courtesy and respect (91.9%)

Passion and Ambition

- have a strong work ethic and put forth best effort (88.1%)

Professionalism

- keep information confidential (96.1%)
- arrive on time for meetings, appointments, and hearings (95.4%)
- honor commitments (93.7%)

Qualities and Talents

- integrity and trustworthiness (92.3%)
- diligence (88.4%)
- attention to detail (87.8%)
- conscientiousness (85.5%)

It is striking how almost all of the items on the list refer to personal qualities – things people should have learned by the time they graduate high school, if not kindergarten. These generally are hard things to teach and most law schools probably don’t focus on them much, if at all. To the extent that law schools do teach these skills, it is often in DR courses.

By contrast, law schools do focus on some things that relatively **small proportions of the lawyers think are necessary** in the short term. These include:

- providing quality in-court appellate advocacy (9.9%)
- preparing a case on appeal (11.9%)
- preparing for and participating in an arbitration (13.8%)
- preparing for and participating in mediation (21.3%)
- providing quality in-court trial advocacy (26.7%)
- preparing a case for trial (26.9%)

It's interesting that more respondents think that it's important for graduates to be prepared for mediation and arbitration than appellate advocacy.

The **study states** that “The employment gap [of graduates without jobs] is exacerbated by another gap: the gap between the skillset lawyers want in new graduates and the skillset lawyers believe new graduates have. Only 23% of practitioners believe new lawyers have sufficient skills to practice. . . . When new lawyers enter the workforce unprepared or under-prepared, it undermines the public trust in our legal system.”

Another part of the disconnect is that a large proportion of our graduates harbor **illusions of competence**.

This study has a lot of data worth considering so you might want to check it out and share it with your colleagues.

◀ FOR TEACHERS AND STUDENTS ◀ SEEING THE WORLD THROUGH OTHERS' EYES

6 THOUGHTS ON “BIG NEW STUDY ON NECESSARY LAWYERING SKILLS”

Adrianna Hromadka

SEPTEMBER 20, 2016 AT 4:40 PM

The infamous ‘what I learned in kindergarten’ skills at times seem to be lacking in our informal generation. I am very impressed that different law schools are taking steps to create an app targeted for law students. While it may be inappropriate to teach law students respect and listening skills in Contracts or Torts, these are skills necessary for success. It is interesting that the 24,000 lawyers nationwide agree that these personal skills are important to have when entering the legal profession and yet only 23% of em-

ployers of new lawyer believe that new lawyers are practice ready. While law students study for finals, we must also keep in mind our ‘what I learned in kindergarten’ skills and develop them for application in any professional setting.

Adrianna

SEPTEMBER 20, 2016 AT 2:35 PM

The skills that lawyers need after graduation may seem obvious and universal, however, I feel that law students’ misjudgment of competence also applies to these personal skills.

In a referenced post, “Illusion of Competence”, it is stated that “71 percent of 3L law students believe they possess sufficient practice skills ... only 23 percent of practicing attorneys who work at companies that hire recent law school graduates believe recent law school graduates possess sufficient practice skills” as reported by BARBI. The 71% of 3L students that believe they are practice ready, are also likely to believe that they possess all of the personal skills needed in the short term after graduation. These students seem to overestimate their preparedness for practice and their personal skills. The infamous “what I learned in kindergarten” skills seem to be falling to the wayside in this informal generation.

While it may seem inappropriate to spend class time teaching law students these skills, their importance suggests some action should be made to help students build their foundation. It is interesting that previous comments mention an app with the purpose of teaching/reviewing these skills. With the app, students would be able to take it upon themselves to build a good foundation, without forcing professors to incorporate respect and listening skills into their syllabus.

I look forward to more information about the creation of these apps and other avenues for students to build their foundational skills.

Erin Archerd

AUGUST 5, 2016 AT 1:25 PM

One thing I actually find heartening about this study is that professionalism is something that we can teach our students and make them practice. Some of most difficult conversations with students as a clinician were around things like sticking to their court schedule and not missing a session at the last minute for things like (i) picking up an extra shift at work and (ii) needing the afternoon to complete an appellate brief (that had been assigned several weeks in advance). They usually felt like I was unfairly busting them or that I should have been able to accommodate their schedules, but it always

boiled down to, “Look, I used to be a practicing attorney and let me tell you how this will look from your boss’s perspective.”

I try to capture some of this in my doctrinal classes via a Class Participation grade that includes factors like showing up on time, being prepared with that day’s assignment, letting me know in advance about absences if possible and doing an additional assignment to show you have considered the material. I also ran a negotiation simulation in which I had students do a peer assessment.

I enjoyed that Skating to the Puck panel at this year’s ABA DR conference. I hope there will be something like it for 2017.

★ **John Lande**

AUGUST 3, 2016 AT 11:34 AM

Thanks, Kristen.

I’m glad to hear that your school – no need to be shy – it’s Nebraska – has an app for that. Since students tend to be app-happy, this should be something they are likely to use.

For an excellent article about the theory and practice of using “portfolios” to do the kind of thing that Kristen suggests, see Deborah Jones Merritt, [Pedagogy, Progress, and Portfolios](#), 25 Ohio St. J. on Disp. Resol. 7 (2010).

I described this approach generally in our “[Skating to the Puck](#)” session at the last Legal Educators’ Colloquium and my “[Last Lecture](#)” article.

Kristen Blankley

AUGUST 2, 2016 AT 1:51 PM

My university is launching a new app for our “Build Your Character” program (BYC). The BYC looks at lawyer skills across 8 essential areas, including communication and negotiation. The new app allows students to track their courses, competitions, extra-curricular activities, and lecture attendance across all of these skills so they have a better idea of the skills they are developing in their three years of law school!

Kristen Blankley

AUGUST 1, 2016 AT 1:07 PM

The University of Nebraska Law College is launching a new app for students in our Build Your Character Program. The program focuses on how students can get a well-rounded education, covering 8 categories of essential lawyer skills. Blog post to follow in the coming days. <http://www.law.com/sites/almstaff/2016/07/20/law-school-app-tracks-students-professional-skills/?slreturn=20160701133858>

This site uses Akismet to reduce spam. [Learn how your comment data is processed.](#)

