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Connecting Prospective Law Students' Goals to the Competencies that Clients and Legal Employers Need to Achieve More Competent Graduates and Stronger Applicant Pools and Employment Outcomes

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ARTICLE

Neil W. Hamilton

Connecting Prospective Law Students' Goals to the Competencies that Clients and Legal Employers Need to Achieve More Competent Graduates and Stronger Applicant Pools and Employment Outcomes

Abstract. The author's chapters in the 2018 professional responsibility hornbook, *Legal Ethics, Professional Responsibility, and the Legal Profession*, discuss the new data available to help law faculties and students understand the competencies that clients and legal employers want. The foundation for many of these competencies—like ownership over continuous professional development and the relational competencies with clients and teams—is the student's professional identity or moral core. But students need help to understand these connections.

We have seen some very useful new data over the last few months that will help build bridges among the three major stakeholders in legal education: the students, the faculty and staff, and the legal employers and clients. The Association of American Law Schools released its survey, *Before the J.D.*, on September 1, 2018. This is a survey of 24,000 potential applicants to law school analyzing why they made their decision to attend law school and why they selected a particular law school. This survey also includes data on 2,700 1L students at the end of the 1L year regarding their post-graduation goals.

With respect to the competencies that clients want, Educating Tomorrow's Lawyers out of the University of Denver will be publishing their data on a large study they are doing with the AVVO lawyer rating service on what are the competencies that individual clients want sometime in July 2019. At the end of June, all 203 law schools are supposed to have posted the faculty's learning

outcomes on the school's website. In July, the Holloran Center, that the author directs, will publish its analysis of all these learning outcomes.

Then, interested organizations can collectively compare the most recent data on what competencies the legal employers and clients want with what competencies the faculties have included in their learning outcomes. We can analyze how this intersection of the faculties' learning outcomes and the competencies that legal employers and clients want should inform the students so they can reach their goals. The author's mission is to help students understand how to build a bridge from the learning outcomes they are experiencing in law school to the competencies that the legal employers and clients want. The author hopes to foster movement toward the second improved model.

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Among other awards from the practicing bar, the Minnesota State Bar Association gave Hamilton its highest honor, the Professional Excellence Award, in 2004. He received the University of St. Thomas Presidential Award for Excellence as a Teacher and Scholar in 2009, and in 2012, *Minnesota Lawyer* placed him in its Circle of Merit for those who have been honored more than once.¹

1. Portions of this article are reproduced from the author's previous work. NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT (2d ed. 2018).

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I. INTRODUCTION

In changing markets for clients and legal employers, law schools that most effectively connect the goals of prospective and enrolled law students to the competencies that clients and legal employers need will be successful. Over time, a school that creates this type of effective bridge will benefit from a reputation both among legal employers and clients for educating highly effective graduates and among prospective students for helping them achieve their goals. All stakeholders benefit, but for faculty, stronger applicant pools and strong post-graduation employment outcomes in particular contribute greatly to the quality of the students and the school's ranking and financial stability.

Creating a clear curricular path between the goals of prospective and enrolled law students and the full range of skills that clients and legal employers want in changing markets also helps each law student understand that to reach his or her goals, the student must develop all the skills that Model Rule of Professional Responsibility (Model Rule) 1.1 requires of lawyers—to “provide competent representation to a client.”² With a clear understanding, each student can take ownership over the student's developmental process during law school. The challenge, in the author's experience, is that many legal educators, especially among the podium faculty, have relied historically on armchair theorizing about both the goals of prospective and enrolled students and the full range of skills that clients and legal employers need. These legal educators have not focused on active investigation and empirical research to inform curricular design.

Because of recent empirical research on these issues, there are substantial opportunities for law faculty and staff to significantly increase a law school's effectiveness in helping students, clients, and legal employers, as well as the law school itself. For example, in 2018, the Association of American Law Schools published the first extensive empirical study of undergraduates considering law school to identify their goals and the characteristics of the law school they prefer.³ In 2018, the author published the second edition of *Roadmap: The Law Student's Guide To Meaningful Employment*⁴ which summarizes all the empirical data available on the competencies that clients

2. MODEL RULES OF PROF'L CONDUCT R. 1.1 (AM. BAR ASS'N 2018).

3. ASS'N OF AM. LAW SCH., BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL (2018) [hereinafter BEFORE THE JD].

4. NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT (2d ed. 2018) [hereinafter ROADMAP].

and legal employers want, including the Institute for the Advancement of the American Legal System's extensive 2016 study of the competencies, skills, characteristics and qualities that new lawyers need to be ready for practice.⁵ Starting in 2017, the Holloran Center has been maintaining a website listing all the learning outcomes that the law schools have been adopting.⁶ This article summarizes the learning outcomes of the 168 law schools that had posted learning outcomes as of October 29, 2018.⁷

This article is the first to help faculty and staff connect all three data sets and make use of the new data to design a more effective curriculum to help prospective and enrolled students, clients, and legal employers, and the law school itself reach their goals. The article in Section II analyzes the growing empirical evidence on prospective law students and enrolled law student goals. Section III analyzes data on the competencies that legal employers and clients need, and in Section IV, the article examines the learning outcomes that the law schools are adopting as the schools move toward competency-based education required by the 2014 American Bar Association (ABA) accreditation changes.⁸

Historically in the author's experience, many legal educators have not had much interest in data on these matters because the legal education market was relatively stable for a number of years. However, over the last decade, changes in the markets for legal services have had a substantial impact on both the number of applicants to law school and the post-graduation employment outcomes that law graduates experienced.⁹ These market changes coupled with the 2014 accreditation changes requiring learning outcomes and better assessment are creating opportunities for law schools

5. INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT (2016) [hereinafter FOUNDATIONS FOR PRACTICE].

6. Holloran Ctr., *Learning Outcomes Database*, U. ST. THOMAS, <https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/> [<http://perma.cc/RA87-2V2H>] [hereinafter *Learning Outcomes Database*].

7. Co-directors Professor Jerry Organ and Neil W. Hamilton and Center coordinator Brady King meet quarterly to review and categorize the posted learning outcomes for that time period.

8. ABA Section of Legal Educ. & Admissions to the Bar, *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools*, AM. BAR ASS'N (Aug. 13, 2014), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.pdf [<http://perma.cc/8Y5Q-NT8G>].

9. See William D. Henderson, *The Structure of the Legal Profession, in* LEGAL ETHICS, PROFESSIONAL RESPONSIBILITY, AND THE LEGAL PROFESSION § 1-1 (2018) (tracking the impact market changes have on the legal profession over time) [hereinafter LEGAL ETHICS].

that are pro-actively taking advantage of the increasing data on the goals of prospective and enrolled law students and the competencies that legal employers and clients want. These pro-active law schools can benefit all stakeholders including the law school itself.

II. DATA ON THE GOALS OF PROSPECTIVE AND ENROLLED LAW STUDENTS

The 2018 Association of American Law Schools (AALS) report, *Before the JD: Undergraduate Views on Law School*, is the first large scale, national study to examine what factors contribute to an undergraduate student's decision to go to law school.¹⁰ The AALS study is based on responses from 22,189 undergraduate students from twenty-five four-year institutions and 2,727 law students from forty-four law schools.¹¹ The survey asked the undergraduates "how important are each of these characteristics to you when thinking about selecting a career?" The top seven characteristics that undergraduate students considering law school (and thus selecting a law career) thought were "extremely important" are:

1. Potential for career advancement—62%;
2. Opportunities to be helpful to others or useful to society/giving back—54%;
3. Ability to have a work-life balance—50%;
4. Advocate for social change—37%;
5. Potential to earn a lot of money—31%;
6. Opportunities to be original and creative/innovative—27%; and
7. Whether the job has high prestige/status—22%.¹²

The study also asked undergraduate students considering law "what are your top three factors for considering law school?" with the following top seven factors:

1. Pathway for career in politics, government, or public service—44%;
2. Passionate/high interest in type of work—42%;
3. Opportunities to be helpful to others or useful to society/giving back—35%;

10. BEFORE THE JD, *supra* note 3, at 43.

11. *Id.* at 5.

12. *Id.* at 29 fig.1.2.

4. Advocate for social change—32%;
5. There are high paying jobs in the field—31%;
6. Advance/Law degree prepares for many different types of jobs—25%; and
7. Advance/Law education develops analytical abilities/intellectual challenge—25%.¹³

The AALS survey also included law students currently enrolled¹⁴ and asked them the question “please rate the importance of the following criteria in selecting the specific law schools you applied to.” The top seven criteria that were extremely or somewhat important were as follows:

1. Location of school—83%;
2. Graduate employment rate—78%;
3. Quality of faculty—78%;
4. General reputation/school ranking—76%;
5. Amount of financial support offered—74%;
6. Bar passage rate—70%; and
7. Distinctive aspect of curriculum—61%.¹⁵

Overall, a synthesis of the AALS data indicates the most important goal of undergraduate students considering law school is meaningful post-graduation employment with the potential for career advancement that “fits” the passion/motivating interests/strengths of the student and offers a service career that is both helpful to others and has some work/life balance. Achieving a high income is an additional key factor defining the meaningfulness of employment for about 30% of the students considering law school.¹⁶

Another 2017 empirical study of enrolled 1L students in five law schools asked, “What are the professional goals you would like to achieve by six months after graduation?” The two most important goals were bar passage

13. *Id.* at 44 fig.5.1.

14. *Id.* at 54.

15. *Id.* at fig.8.1.

16. 31% of the undergraduate students considering law school responded that the potential to earn a lot of money was an important characteristic in selecting a law career and 31% responded that “there are high-paying jobs in the field” was an extremely important or important criterion for selecting the specific law schools to which they applied. *Id.* at 44.

and meaningful employment, followed by sufficient income to meet loan obligations and a satisfactory living and a trustworthy reputation.¹⁷

If we assume that when those students currently enrolled in law school applied to law school, they had the same goal as those considering law school in the current AALS study, then the top seven criteria that the currently enrolled law students used to select the law schools to which they applied would indicate how a prospective law student tries to determine which law school has the highest probability of helping the prospective student realize her goal of meaningful post-graduation employment with the potential for career advancement that “fits” the passion/motivating interests of the student and offers a service career that is both helpful to others,¹⁸ and has some work/life balance (and for 30%, a high income). The two criteria that on their face seem most directly related to the prospective students’ goal are “graduate employment rate” and “bar passage.” “Distinctive aspect of curriculum” relates to a prospective student’s current understanding of her passion/motivating interests.

Prospective students are assuming that “quality of faculty” and “general reputation/school ranking” will increase the probabilities to achieve the prospective students’ goal of meaningful post-graduation employment with the potential for career advancement that “fits” the passion/motivating interests of the student and offers a service career that is both helpful to others, and has some work/life balance (and for 30%, a high income). These two criteria of quality of faculty and general reputation/school ranking, in the author’s experience, are highly influenced by how faculty peers perceive the national scholarly impact of a school’s faculty.

In the past, the higher ranking schools on national scholarly impact have generally had stronger bar passage and post-graduation employment outcomes at higher starting incomes.¹⁹ However these strong bar passage,

17. Larry O. Natt Gantt, II & Benjamin V. Madison, III, *Self-Directedness and Professional Formation: Connecting Two Critical Concepts in Legal Education*, 14 U. ST. THOMAS L. J. 498, 503–04 (2018).

18. Note that a service career that is helpful to others includes many practice settings including law firms. In the author’s experience, some legal employers, particularly the big law firms, have historically wanted the highest-ranked graduates on technical legal skills and have assumed that this type of graduate will best serve the employer’s and clients’ needs. The data in Part III *infra* indicates that a broader range of competencies beyond technical skills is needed to serve today’s clients well.

19. For data on scholarly impact, see Gregory Sisk et al., *Scholarly Impact of Law School Faculties in 2018: Updating the Leiter Score Ranking for the Top Third*, 15 U. ST. THOMAS 95, 97–98 (2018) (ranking the top third of ABA-accredited law schools by scholarly impact score). For data on bar passage rates, see ABA Section of Legal Educ. & Admissions to the Bar, *Bar Passage Outcomes*, AM. BAR ASS’N, <http://abarequireddisclosures.org/BarPassageOutcomes.aspx> [<http://perma.cc/ASF4-859A>]. For

post-graduation, starting income outcomes only partly satisfy the prospective students' underlined goals of meaningful post-graduation employment with the potential for career advancement that "fits" the passion/motivating interests of the student and offers a service career that is both helpful to others, and has some work/life balance (and for 30%, a high income). To the author's knowledge, there are no data indicating that higher ranking schools on national scholarly impact are more effective in helping students with the underlined goals above. In addition, if legal employers move toward behavioral interviewing in order to assess a broader range of student competencies beyond the cognitive technical skills that all law schools teach, there are no data, to the author's knowledge, indicating that the higher-ranking schools on national scholarly impact provide a stronger education on these competencies.

A pro-active school that is ranked lower on national scholarly impact could seize the opportunity to demonstrate to prospective students that its faculty, staff, and curriculum are more effective in helping each prospective student realize his or her goal. A pro-active school must take several steps indicated below and further analyzed in Part V.

1. Educate the faculty and staff regularly regarding the increasing empirical data on what are the competencies that clients and legal employers want in changing markets. The next section sets forth the current data on these needed competencies.
2. Create and revisit the school's learning outcomes regularly to see if they meet a sufficient range of client and legal employer needs.
3. Include a learning outcome(s) that helps each student:
 - (a) understand the full range of competencies that clients and legal employers want;
 - (b) gain experience and reflect on the experience so that the student, in an iterative process, gains insight into how his or her passions/motivating interests/strengths best fit with client and legal employer needs while offering a service that is helpful to

data on employment outcomes, see ABA Section of Legal Educ. & Admissions to the Bar, *Employment Outcomes*, AM. BAR ASS'N, <http://abarequireddisclosures.org/EmploymentOutcomes.aspx> [<http://perma.cc/2GJX-WUU2>] and Inst. for the Advancement of the Am. Legal Sys., *Law Jobs: By the Numbers*, U. DENVER <http://iaals.du.edu/projects/numbers> [<http://perma.cc/FSM4-BYUN>]. For data on starting salaries, see *Summary Salary Findings from NALP's 2018 Survey of Legal Career Professionals*, NALP (Nov. 2018), <https://www.nalp.org/1118> [<http://perma.cc/TF7P-8Y8B>].

others and has some work-life balance (and for 30%, a high income);

- (c) gain experience that gives the student evidence he or she is at a later stage of development on the competencies needed for the student's most promising types of employers; and
 - (d) develop, implement, and receive feedback on a written professional development plan to use the years of law school most effectively to achieve the student's goal.
4. Design and implement a plan to demonstrate empirically that the law school's curriculum offers a higher probability than other options that the prospective and enrolled student can realize his or her goal of meaningful post-graduation employment with the potential for career advancement that "fits" the passion/motivating interests of the student and offers a service career that is both helpful to others, and has some work/life balance (and for 30%, a high income).

III. DATA ON THE COMPETENCIES THAT CLIENTS AND LEGAL EMPLOYERS WANT

The first step is to educate faculty and staff regularly regarding the increasing empirical data on the competencies that clients and legal employers want in changing markets. This section looks at the most current data, first on the competencies that clients want and second on the competencies that legal employers want. This section then turns to what the experts looking at the future of the legal services market predict in terms of the skills needed.

A. *Data on the Competencies that Clients Want*

A threshold question is to focus on the type of client: organizational or individual. Professor William Henderson has been emphasizing data going back to 1975 demonstrating that over recent decades the proportion of the total annual dollar amount paid nationally for legal services going to organizational clients has been steadily increasing in comparison to the annual dollar amount for legal services going to individual clients.²⁰ For example, Henderson reports the percentage of law firm receipts by type of client in 2012 in Table 1.²¹

20. LEGAL ETHICS, *supra* note 9, § 1–1.

21. *Id.*

Table 1²²
Breakdown of 2012 Total Law Firm Receipts by Type of Client

Type of Client	% of total receipts
Individuals	23.9
Business <\$1M to \$5M	16.8
Business \$5M to \$100M	26.7
Business \$100M to \$4.75B	16.9
Business Fortune 500	12.2
Government entities	<u>3.6</u>
[Total]	100.0

These data suggest that pro-active law schools should be particularly interested in the competencies that organizational clients want. Overall, there are few empirical studies of the competencies that organizational and individual clients want, but the next two sub-sections summarize the modest data available. There is a strong need here for better data.

1. Data on the Competencies that Organizational Clients Want

There are several studies of how in-house counsel for corporate clients evaluate the effectiveness of outside counsel. One is the annual BTI Consulting Group's survey of corporate clients to identify outside counsel who stood out for delivering superior service.²³ The 2018 Survey summarized responses from more than 350 corporate clients.²⁴ The clients ranked five factors as most important in delivering superior service:

22. *Id.* tbl.1.

23. BTI CONSULTING GRP., <https://www.bticonsulting.com/> [http://perma.cc/6T8B-5HD3].

24. BTI CONSULTING GRP., THE 17TH ANNUAL BTI CLIENT SERVICE ALL-STARS 61 (2018), <https://www.mcssl.com/SecureCart/DownloadFile.aspx?vid=5b6d3c3bc045b1f1143db9e22042547f> [http://perma.cc/C6MZ-48FZ]. BTI Consulting Group also notes:

Superior client service is consistently the leading driver of law firm recommendations by General Counsel. Superior service accounts for nearly [five] times more recommendations than any other single factor. The [five] components of superior client service include: Meeting client-targeted objectives even as they change and evolve[;] Adding business context through your keen understanding of your client's business[;] Making your client's life easier by providing key information and insights before they ever ask[;] Delivering higher value than expected[; and] Bringing certainty in fees and deliverables[.]

1. Superior client focus—30.8%;
2. Consistent client experience across interactions and touchpoints—30.3%;
3. Legal skills—17.5%;
4. Exceptional understanding of the client's business—14.7%; and
5. Delivering efficient, value-added service—4.3%.²⁵

Based on the survey results, BTI's most important recommendation to deliver superior service is:

[To] ingrain yourself in the [client's] business—not the matter . . . Cloak all your recommendations and guidance in the context of the client's business. Legal decision makers say business context most differentiates one attorney from another. . . . The work is important, but is only one component of a successful relationship. Many attorneys are capable of providing effective counsel. Few focus on building the business relationship. . . . Teach clients something they don't know and will help them do their job better No charge. Taking a step to prove you are invested in the client earns you their investment back.²⁶

Similarly, the Altman Weil 2018 Chief Legal Officer Survey of 279 law department leaders found the most important efforts outside counsel could make to improve relations with the client were all related to improved responsiveness to the client's needs, including greater cost reduction, non-hourly-based pricing structures, improved budget forecasting so the client will know what the service will cost, more efficient project management, modification of work to match legal risk, improved communication and responsiveness, and greater effort to understand the client's business.²⁷ The Association of Corporate Counsel (ACC) created the ACC's Value Index in 2009, which defined six key criteria of high-value service: (1) understanding client objectives and expectations; (2) legal expertise; (3) efficiency/

MAKERS RECOMMEND 2 (2018), <https://www.mcssl.com/SecureCart/DownloadFile.aspx?vid=08d83b7e472e123738fe2b810b80d18c> [<http://perma.cc/JNM6-8K3B>].

25. THE 17TH ANNUAL BTI CLIENT SERVICE ALL-STARS, *supra* note 24, at 4.

26. *Id.* at 57.

27. ALTMAN WEIL, INC., CHIEF LEGAL OFFICER SURVEY 45 (2018), http://www.altmanweil.com//dir_docs/resource/D3942AD5-753D-4EDC-96C6-99048671F193_document.pdf [<http://perma.cc/FUS8-JBA8>].

process management; (4) responsiveness/communication; (5) predictable cost/budgeting skills; and (6) results delivered.²⁸

These studies converge on these critical points: corporate clients are seeking outside counsel possessing excellent client relationship skills, demonstrating (1) strong client focus, (2) a strong understanding of the client's business and needs, (3) strong responsiveness to the client, and (4) a focus on cost-effective solutions that provide value to the client.

2. Data on Competencies that Individual Clients Want

There are no recent empirical studies on how individual clients define the skills of an effective lawyer, although AALA has been working with AVVO on a project to use AVVO data to determine the skills that individual clients want. There is one rigorous empirical study from fifteen years ago of what competencies lawyers as clients would want if they were hiring a lawyer. In 2003, Professors Marjorie M. Shultz and Sheldon Zedeck at the University of California at Berkeley identified twenty-six factors important for lawyer effectiveness by interviewing people from five stakeholder groups associated with Berkeley Law: alumni, students, faculty, clients, and judges.²⁹ They asked questions such as, "If you were looking for a lawyer for an important matter for yourself, who would you identify, and why?" and "What qualities and behavior would cause you to choose that attorney?"³⁰ The twenty-six factors important to lawyer effectiveness that emerged from the interviews are shown in Table 2.

The Shultz-Zedeck study did not list the twenty-six lawyer effectiveness factors in order of importance, so for comparative purposes, Table 2 lists the twenty-six lawyer effectiveness factors using the same umbrella categories as Table 3 later on the competencies that a survey of practicing lawyers indicate are "necessary in the short term."³¹

28. Larry Bodine, *ACC Launches Controversial "Value Index" Ranking of Law Firms*, L. MARKETING BLOG (Oct. 20, 2009), <http://blog.larrybodine.com/2009/10/articles/current-affairs/acc-launches-controversial-value-index-ranking-of-law-firms/> [<http://perma.cc/7N2Y-3XMM>].

29. Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 LAW & SOC. INQUIRY 620, 629 (2011).

30. *Id.*

31. The following material is taken from the author's earlier work in ROADMAP, *supra* note 4, at 20–21.

Table 2³²
Shultz-Zedeck List of Twenty-Six Lawyer Effectiveness Factors

Trustworthiness
<ul style="list-style-type: none"> • Integrity/honesty • Self-development
Relationship Skills
<ul style="list-style-type: none"> • Building relationships with clients and providing advice and counsel • Developing relationships within the legal profession • Networking and business development • Listening • Able to see the world through the eyes of others • Community involvement and service • Organizing and managing others • Evaluation, development, and mentoring of others
Strong Work Ethic/Diligence
<ul style="list-style-type: none"> • Passion/engagement • Diligence • Stress management
Common Sense/Good Judgment
<ul style="list-style-type: none"> • Problem solving • Practical judgment • Creativity and innovation

32. *Id.* tbl.2 (citing Shultz & Zedeck, *supra* note 29, at 629).

Technical Competencies

- Analysis and reasoning
- Researching the law
- Fact finding
- Questioning and interviewing
- Influencing and advocating
- Writing
- Speaking
- Strategic planning
- Organizing and managing one's own work
- Negotiation

The few other empirical studies of how individual clients assess lawyer effectiveness reveal that clients highly value client responsiveness and relationship skills. In a major 1995 ABA study, both individual and corporate clients believed that lawyers are technically skilled, though clients generally did not believe that lawyers are committed or responsive to their needs (and were excessively focused on money).³³ A 1997–1998 study in England and Wales revealed similar client perceptions of lawyer effectiveness, and clients indicated effective communication (including attentive listening, clear explanations, empathy, and respect) was important to them.³⁴ In 2001, the ABA Section of Litigation commissioned a survey of 450 U.S. households plus focus groups in five cities to explore public perceptions of lawyers. On the positive side, respondents generally thought lawyers were knowledgeable about the law, and the majority of respondents who had hired a lawyer were satisfied;³⁵ but on the negative side, 69% of the respondents thought many lawyers are “more interested in making money than serving their clients,” “manipulative,” and “do a poor job of

33. Stuart A. Forsyth, *Good Client Relations: The Key to Success*, AZ ATT'Y (May 1998), <https://www.myazbar.org/AZAttorney/Archives/May98/5-98a4.htm> [http://perma.cc/7LG2-R5B5].

34. See Clark D. Cunningham, *What Do Clients Want from Their Lawyers*, 2013 J. DISP. RESOL. 143, 147–50 (“A qualitative study commissioned by the Law Society of England and Wales, of solicitors and clients regarding their perspectives on quality service, provides very useful concrete examples of how ‘poor communication’ leads to client dissatisfaction.”).

35. ABA SEC. ON LITIG., PUBLIC PERCEPTIONS OF LAWYERS CONSUMER RESEARCH FINDINGS 7–10, 19 (Apr. 2002).

policing themselves.”³⁶ Two empirical surveys from the early 2000s revealed that criminal defendants value some client relationship skills (such as caring about the client, keeping the client informed, and listening skills) as much as, or more than, technical legal skills.³⁷

3. Summary of the Competencies that Clients Want

Technical legal skills are considered a given by clients, and, to stand out, an attorney must demonstrate strong client relationship skills. Whether serving individual or corporate clients, attorneys need to understand the client context and develop the ability to relate to their clients. For corporate clients, this can be demonstrated through excellent client relationship skills, demonstrating (1) strong client focus, (2) a strong understanding of the client’s business and needs, (3) strong responsiveness to the client, and (4) a focus on cost-effective solutions that provide value to the client. For individual clients, this client focus can be demonstrated through trustworthiness, relationship skills (especially strong communication skills in which attorneys listen attentively and provide clear explanations and information to their clients), strong work ethic and good judgment.

B. Data on the Competencies that Legal Employers Want

1. Data from Legal Employers Assessment Models and Some Data from Hiring Managers

Many legal employers, including law firms, are developing “competency models.” A competency model begins with identification of characteristics of an organization’s most effective and successful lawyers.³⁸ The organization then develops a framework of core competencies for new attorneys to master, providing associates with a roadmap for success.³⁹

36. *Id.* at 4, 7–10.

37. Marcus T. Boccaccini et al., *Client-Relations Skills in Effective Lawyering: Attitudes of Criminal Defense Attorneys and Experienced Clients*, 26 L. & PSYCHOL. REV. 97, 100–01, 111, 118–19 (2002); Marcus T. Boccaccini & Stanley L. Brodsky, *Characteristics of the Ideal Criminal Defense Attorney from the Client’s Perspective: Empirical Findings and Implications for Legal Practice*, 25 L. & PSYCHOL. REV. 81, 97–101 (2001).

38. Susan Manch & Terri Mottershead, *Introduction: Talent Management in Law Firms—Evolution, Revelation, Revolution or Business as Usual?*, in THE ART AND SCIENCE OF STRATEGIC TALENT MANAGEMENT IN LAW FIRMS 1, 9 (Terri Mottershead ed., 2010).

39. Neil W. Hamilton, Verna Monson & Jerome M. Organ, *Encouraging Each Student’s Personal Responsibility for Core Competencies Including Professionalism*, 21 PROF. LAW. 1, 9 (2012).

These models are used to assess the professional development of junior lawyers, and some legal employers are beginning to use these models to inform “behavioral interviewing” in the hiring process.

Among the substantial challenges in this type of research is the unwillingness of private firms to share their competency models because, in the author’s experience, the firms have concerns about protecting the firm’s brand and intellectual property invested in developing a competency model for the firm.

There is compelling evidence this trend of developing competency models is widespread. For example, Table 3 shows data from ten state attorney general offices that assess certain competencies evidenced by junior attorneys.

a. What Attorney Generals Are Assessing

Table 3⁴⁰
Synthesis of Competency Models for Junior Attorneys
from Ten States’ Attorney General Offices

Competencies	Number of AGs Assessing the Competency
Initiates and maintains strong work and team relationships	10
Project management; including high quantity and quality, efficiency, and timeliness	10
Effective written/oral communication skills	9
Commitment to professional development toward excellence	9
Legal competency/expertise/knowledge	9
Good judgment/common sense/problem solving	8

40. In April–December 2013, the offices of ten state attorneys general (California, Colorado, Georgia, Iowa, Missouri, New Hampshire, New Mexico, Rhode Island, Washington, and Wisconsin) provided the author, Neil W. Hamilton, with their attorney evaluation forms. The competencies that the state attorneys general are evaluating were synthesized and tabulated to create this table.

Research skills	6
Strategic/creative thinking	6
Analytical skills: identify legal issues from facts, apply the law, and draw conclusions	5
Inspires confidence	5
Commitment to firm/department; its goals and its values	4
Integrity/honesty/trustworthiness	4
Delegation/supervision/mentoring	4
Initiative/ambition/drive/strong work ethic	3
Integrity/honesty/trustworthiness	4
Ability to work independently	3
Dedication to client service/responsive to client	3
Seeks feedback/responsive to feedback	4
Leadership	2
Stress/crisis management	1
Strategic/creative thinking	6
Negotiation skills	1
Pro bono, community, bar association involvement	0
Business development/marketing/client retention	0
Demonstrates interest in business and financial arrangements with clients	0

b. What Large Firms Are Assessing

In May and June 2012, the fourteen largest law firms in Minnesota (ranging in size from 67 to 740 lawyers)⁴¹ made their associate evaluation forms available. All fourteen had developed competency models and were using them to gauge the effectiveness of associate attorneys.

Four other separate studies analyze the competency models of individual firms: a 2012 study of a firm larger than 250 lawyers,⁴² a 2008 study of a firm of approximately 750 lawyers,⁴³ a 2007 study of a firm of more than 300 lawyers,⁴⁴ and a 2006 study of a firm of approximately 600 lawyers.⁴⁵

Table 4 provides a synthesis of the 2012 survey of the largest law firms in Minnesota and the four separate studies, from 2006 to 2012, analyzing the competency models of individual firms.

Table 4⁴⁶
Most Common Values, Virtues, Capacities, and Skills
from Analysis of Studies' Research on the Competency Models
of Eighteen Individual Firms

Number of Firms Included in Competency-Model Studies That Considered Each Value/Virtue/Capacity/Skill in Their Evaluation of Associates	
Initiates and maintains strong work and team relationships	18
Good judgment/common sense/problem solving	18
Effective written/oral communication skills	17

41. See Hamilton, Monson & Organ, *supra* note 39, at 12.

42. Lori Berman & Heather Bock, *Developing Attorneys for the Future: What Can We Learn from the Fast Trackers?*, 52 SANTA CLARA L. REV. 875, 877 (2012).

43. SCOTT A. WESTFAHL, *YOU GET WHAT YOU MEASURE: LAWYER DEVELOPMENT FRAMEWORKS AND EFFECTIVE PERFORMANCE EVALUATIONS* (2008).

44. PETER B. SLOAN, *FROM CLASSES TO COMPETENCIES, LOCKSTEP TO LEVELS: HOW ONE LAW FIRM DISCARDED LOCKSTEP ASSOCIATE ADVANCEMENT AND REPLACED IT WITH AN ASSOCIATE LEVEL SYSTEM* xiii (2007 ed.).

45. HEATHER BOCK & ROBERT RUYAK, *CONSTRUCTING CORE COMPETENCIES: USING COMPETENCY MODELS TO MANAGE FIRM TALENT* 3 (2006).

46. ROADMAP, *supra* note 4, at 27 tbl.4.

Project management, including high quantity, quality, efficiency, and timeliness	17
Business development/marketing/client retention	16
Dedication to client service/responsiveness to client	16
Analytical skills: identify legal issues from facts, apply the law, and draw conclusions	15
Initiative/ambition/drive/strong work ethic	15
Legal competency/expertise/knowledge	14
Commitment to professional development toward excellence	12
Research skills	12
Commitment to firm, its goals, and its values	10
Integrity/honesty/trustworthiness	9
Delegation, supervision, mentoring	9
Pro bono, community, bar association involvement	8
Seeks feedback/responsive to feedback	5
Stress/crisis management	5
Inspires confidence	4
Ability to work independently	4
Negotiation skills	4
Strategic/creative thinking	4
Leadership	2
Demonstrates interest in business and financial arrangements with clients	2

There is a high degree of convergence on the competencies the firms are assessing with twelve or more of the firms (66%) assessing eleven of the competencies, and nine or more of the firms (50%) assessing fourteen of the competencies.

What are the competencies that legal employers look for in hiring new attorneys? It seems reasonable that over time, the hiring model would consider the same competencies that the firm or department is using in assessing new lawyers. The firm or department would use behavioral interviewing to ask a job applicant about these foundational competencies. There is very little empirical research on this question, but several studies define the competencies that legal employers in Minnesota (legal aid, county government, small firms, and large firms) value most in their decisions to hire new lawyers.⁴⁷ Table 5 sums up the four studies to capture the competencies considered most important by all four types of legal employers. Appendix B in the *Roadmap* book reports the data from each of the individual studies.⁴⁸

Table 5⁴⁹
The Relative Importance of Different Competencies
in the Decision to Hire a New Lawyer—Average Ratings across
All Four Studies (of Legal Aid, County Attorney, Small Firm,
and Large Firm Employers)

The competencies that follow show an average ranking between one and five, where five is very important to critically important, four is important to very important, three is significant to important, two is modest to significant, and one is not important.

Competencies Considered Very Important to Critically Important		
1.	Integrity/honesty/trustworthiness	4.76

47. See Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 S.C. L. REV. 547, 551–56 (2014) (comparing the legal competencies favored by hiring attorneys at legal aid, county attorney, small firm, and large firm employers).

48. ROADMAP, *supra* note 4, at 201–07.

49. *Id.* at 31–32 tbl.6.

2.	Good judgment/common sense/problem solving	4.63
3.	Analytical skills: identify legal issues from facts, apply the law, and draw conclusions	4.37
4.	Initiative/ambition/drive/strong work ethic	4.33
5.	Effective written/oral communication skills	4.33
6.	Dedication to client service/responsiveness to client (1st for legal aid)	4.29
7.	Commitment to firm/department/office, its goals, and its values	4.25
8.	Initiates and maintains strong work and team relationships (4th for county attorneys)	4.14
Competencies Considered Important to Very Important		
9.	Project management, including high quality, efficiency, and timeliness	3.91
10.	Legal competency/expertise/knowledge	3.87
11.	Ability to work independently (6th for small firms and 7th for county attorneys)	3.83
12.	Commitment to professional development toward excellence	3.68
13.	Strategic/creative thinking	3.66
14.	<p>Research skills (9th for large firms)</p> <p>Note that for large firms, business development/marketing/client retention was ranked 15th most important competency, and for small firms this was ranked 14th most important, but this competency was not included in the legal aid and county attorney surveys.</p>	3.62

Competencies Considered Important to Very Important		
15.	Inspires confidence (8th for large firms)	3.60
16.	Seeks feedback/responsive to feedback (12th for small firms and 11th for county attorneys)	3.53
17.	Stress/crisis management	3.45
18.	Leadership	3.10
19.	Negotiation skills	3.10
Competencies Considered Somewhat Important to Important		
20.	Pro bono, community, bar association involvement (13th for legal aid)	2.48
21.	Delegation, supervision, mentoring	2.37

The data support several significant conclusions about the competencies legal employers are looking for in hiring. Overall, there is wide agreement among these types of legal employers on the competencies that are important in the decision to hire:

- All four types of legal employers agree that the following five competencies are very important to critically important in the decision to hire: (1) integrity/honesty/trustworthiness; (2) good judgment; (3) analytical skills; (4) initiative/drive/strong work ethic; and (7) commitment to the firm or department and its goals and values.
- Three out of the four types of legal employers agree the following three competencies are very important to critically important in the decision to hire: (5) effective communication skills; (6) dedication to client service/responsiveness to client; and (8) initiates and maintains strong work and team relationships. The fourth type of employer considers these competencies important to very important.
- All four types of legal employers believe that the competencies from number nine (legal competency/expertise/knowledge) up to

number sixteen (seeks feedback/responsive to feedback) are at least important to very important in the decision to hire, with one or two types of legal employers including numbers nine through fifteen as very important to critically important in hiring.

- All four types of employers ranked knowledge of doctrinal law from ninth and fourteenth in importance in the decision to hire. Many law professors and law students believe that a doctrinal law specialty in law school—through a concentration of some sort—is a more important factor than these legal employers are reporting. Students should not overemphasize the use of a concentration to differentiate themselves, but instead should also emphasize some of the other competencies.⁵⁰

(Note that with respect to social justice employers like legal aid, these employers made clear that the candidate must have a demonstrated record of passion for and service to the disadvantaged. With respect to large-firm employers, these employers made clear that they initially limit the applicant pool to the 10-20% of the 1L class by rank, but then look at these competencies to differentiate candidates within that group.⁵¹)

2. General Data on the Competencies that Practicing Lawyers Indicate Are Needed in the Early Years of Practice

The IAALS published a substantial empirical study in 2016 where IAALS asked lawyers to identify the competencies, skills, characteristics, and qualities that new lawyers need to be ready for practice. IAALS worked with focus groups in various practice areas to identify a list of 147 possible significant items to include in the survey and distributed the survey through bar organizations in thirty-seven states to over 780,000 lawyers, ultimately receiving 24,137 survey responses.⁵²

50. *Id.* at 32–33.

51. *Id.* at 33.

52. FOUNDATIONS FOR PRACTICE, *supra* note 5, at 4–5.

For each item, the survey asked respondents to identify whether the item was: (1) necessary in the short term; (2) must be acquired over time; (3) advantageous but not necessary; and (4) not relevant. The items rated “necessary in the short term” would be the group that respondents believed the new law school graduate needs immediately upon beginning practice.⁵³

The data in Table 6 indicate the percentage of the 24,137 responses from across all practice areas and geographies that answered an item was “necessary in the short term.”⁵⁴ To make the data more understandable in relation to an ethical professional identity, the various “necessary in the short term” competencies are grouped into umbrella categories of Trustworthiness, Relationship Skills Including Respect for Others and Responsiveness, Strong Work Ethic/Diligence, and Common Sense/Good Judgment.⁵⁵ The number to the left of the competency indicates the relative ranking of that competency as “necessary in the short term” out of the 147 possible competencies.⁵⁶ The number to the right of each competency is the percentage of respondents who indicated it is “necessary in the short term.”⁵⁷

53. *Id.* at 6.

54. *Id.* at 4–6.

55. *See id.* at 7–21 (summarizing the data to make it more understandable in relation to professional ethics characteristics).

56. *See id.* (sorting sixteen competencies by their importance as “necessary in the short term” from a master list of 147 competencies).

57. *Id.*

Table 6⁵⁸
Educating Tomorrow's Lawyers' Data on Competencies
"Necessary in the Short Term" For Law Graduates⁵⁹

Trustworthiness		
1	Keep confidentiality	96.1%
3	Honor commitments	93.7%
4	Trustworthiness/Integrity	92.3%
15	Take individual responsibility	82.2%
18	Strong moral compass	79.2%
Relationship Skills Including Respect for Others and Responsiveness		
2	Arrive on time	95.4%
5	Treat others with respect	91.9%
6	Listen attentively and with respect	91.5%
7	Respond promptly	91.0%
17	Emotional regulation and self-control	80.4%
20	Exhibit tact and diplomacy	77.7%
Strong Work Ethic/Diligence		
8	Strong work ethic	88.1%
9	Diligence	88.4%
10	Attention to detail	87.8%
11	Conscientiousness	85.5%
Common Sense/Good Judgment (85%, this was 12th)		

58. *Id.* at 26–33.

59. *Id.* at 7–21.

(Note: Research the Law was thirteenth (84%), Intelligence was fourteenth (84%), Speak Professionally was sixteenth (80%), and Write Professionally was nineteenth (78%).⁶⁰)

A number of the most important competencies “necessary in the short term” are what the author calls the “professional-formation competencies” (IAALS calls these competencies “the character quotient”).⁶¹ These are values, virtues, and habits that can be developed over a career and include the competencies related to trustworthiness (keep confidentiality, honor commitments, trustworthiness/integrity, take individual responsibility, and strong moral compass), the competencies related to respect for others and relationship skills (arrive on time, treat others with respect, listen attentively, respond promptly, emotional regulation and self-control, and exhibit tact and diplomacy), the competencies related to strong work ethic/diligence (strong work ethic, diligence, attention to detail, and conscientiousness) and common sense/good judgment.

3. Convergence in Competency Models

There is substantial convergence among the data on the competencies that clients want, the data on the competencies that legal employers value, and the IAALS data on what competencies are “necessary in the short term” for law graduates. Table 7 sets forth this convergence.

60. *Id.* at 30–31, 33.

61. *Id.* at 1.

Table 7⁶²
**Convergence of the Empirical Studies on the Non-Technical,
 Professional-Formation Competencies That Clients
 and Legal Employers Want**

Ownership of Continuous Pro-Active Professional Development Over a Career
<ul style="list-style-type: none"> • Commitment to professional development toward excellence including habit of actively seeking feedback and reflection • Initiative/strong work ethic/diligence plus project management that demonstrates these
Internalization of Deep Responsibilities to Others (the client, the team, the employing organization, the legal system)
<ul style="list-style-type: none"> • Trustworthiness and integrity • Relationship skills including respect for others, understanding of responsiveness to client, and listening • Good judgment/common sense • Teamwork and collaboration

C. *Expert Predictions on the Skills Needed for the Future of the Legal Services Market*

An influential futurist, Richard Susskind, emphasizes three main drivers of change for the legal-services market in *Tomorrow's Lawyers: An Introduction to Your Future*. (1) the principal driver is the “more-for-less” challenge in which clients, especially organizational clients with in-house lawyers, want legal services delivered at lower cost; (2) the increasing capabilities of information technology that computerize and streamline current processes in the legal services market will transform the way lawyers and courts operate; and (3) the liberalization of licensing to permit non-lawyers to participate

62. ROADMAP, *supra* note 4, at 33 tbl.7.

more fully in providing legal services to clients.⁶³ Susskind predicts these market changes “open [] up the possibility of important new forms of legal service, and of exciting new jobs for those lawyers who are sufficiently flexible, open-minded, and entrepreneurial to adapt to changing market conditions.”⁶⁴ Furthermore, “Lawyers in training should be proactive . . . always on the lookout for experiences that prepare them for tomorrow.”⁶⁵

Professor Henderson and Jordan Furlong, another influential futurist, also emphasize that client demands for better, faster, and cheaper legal services are causing a structural change in the legal services market. To thrive in the years ahead, lawyers will need to become more entrepreneurial, more efficient, and less expensive through the use of new technologies and collaboration. They also stress the need for both project management skills and collaboration skills in teams of lawyers, non-lawyers, and clients as a major contributor to greater efficiency and lower costs.⁶⁶

To what degree do the learning outcomes that law schools are adopting reflect the full range of competencies that clients and legal employers want? Section IV explore the learning outcomes that law schools are adopting.

IV. DATA ON LEARNING OUTCOMES THE LAW SCHOOLS ARE ADOPTING

As of October 29, 2018, 168 out of the 200 ABA-accredited law schools had posted learning outcomes on their websites.⁶⁷ Thirty-two law schools had not yet made their learning outcomes publicly available as of October 29, 2018. The Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law has been tracking law school learning outcomes and maintains a searchable Learning

63. RICHARD SUSSKIND, *TOMORROW'S LAWYERS: AN INTRODUCTION TO YOUR FUTURE* 4–14 (1st ed. 2013).

64. *Id.* at 133.

65. *Id.*

66. See JORDAN FURLONG, *LAW IS A BUYER'S MARKET: BUILDING A CLIENT FIRST LAW FIRM* 29, 73–81, 145–52 (2017) (expressing a need for traditional business skills for exceptional client interactions); William Henderson, *Efficiency Engines: How Managed Services Are Building Systems For Corporate Legal Work*, ABA J., June 2017, at 38, 38–45 (emphasizing the changing level market requires new lawyers to develop new skills to lower costs in order to compete with new sources of legal competition).

67. See *Learning Outcomes Database*, *supra* note 6 (cataloging the learning outcomes for ABA accrediting law schools for researchers in the field).

Outcomes Database with all publicly available learning outcomes.⁶⁸

After analyzing the posted learning outcomes for each school, we have divided the 168 law schools into two groups. The first group consists of the forty-five law schools adopting learning outcomes that essentially use the same language as ABA Standard 302.⁶⁹ We call this group the “minimum Standard 302 law school group.”⁷⁰ The second group consists of the 123 schools that have adopted learning outcomes specifically identifying competencies that further define Standard 302(c) (“[e]xercise of proper professional and ethical responsibilities to clients and the legal system”) and Standard 302(d) (“[o]ther professional skills needed for competent and

68. *Id.* Professors Jerry Organ and Neil W. Hamilton and Holloran Coordinator Brady Kind meet regularly to review the latest schools that have posted learning outcomes and to categorize them. The author is very grateful for Professor Organ’s and Brady King’s work.

69. Note that Standard 302(b) includes “legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.” ABA Section of Legal Educ. & Admission to the Bar, *Managing Director’s Guidance Memo: Standards 301, 302, 314, 315*, AM. BAR ASS’N (June 2015), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.pdf [<http://perma.cc/X77W-KMBJ>]. Some law schools have defined “legal analysis and reasoning” to include analogize and synthesize, spot issues, and provide policy analysis. Some law schools have defined “written and oral communication in the legal context” to include citation/format compliance, identifying authority, precise language, persuasion/known audience, advocacy, and public speaking and argument. We think that these further specific elements are included in the general concepts of “legal analysis and reasoning” and “written and oral communication in the legal context” so a law school adopting these specific elements is not going beyond the Standard 302(b) minimum. Holloran Center, *Learning Outcomes 302(b) and (d)*, U. ST. THOMAS <https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/learningoutcomes302b/> [<http://perma.cc/8EKJ-K7PS>].

70. ABA Standard 302 requires that:

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOL STANDARD 302 (AM. BAR ASS’N 2018). The law schools currently in this minimum Standard 302 law school group may just be adopting the 302 language as a placeholder to meet ABA requirements. If so, the law school may intend to supplement the basic language after seeing what other law schools are doing with respect to these requirements.

ethical participation as a member of the legal profession”).⁷¹ We call these schools the “leadership beyond the minimum Standard 302 group.”⁷² Both the minimum Standard 302 law school group and the leadership beyond the minimum Standard 302 group will need to proceed through the steps of competency-based education outlined in Section IV of this article, but the leadership beyond the minimum Standard 302 group will be experimenting with a number of competencies that have historically received less curricular attention than the traditional cognitive skills set forth in Standard 302(a) and (b).

What are the most common competencies that law schools are adopting that give further definition to Standards 302(c) and 302(d)? We list below the competencies adopted by ten or more law schools:

1. Sixty-one law schools adopted a learning outcome that includes competency in understanding the value of providing pro bono legal services to the disadvantaged;
2. Fifty-four law schools have adopted a version of a learning outcome that includes the competency of demonstrating understanding and integration of pro-active self-evaluation and professional development toward excellence at the competencies needed to serve clients and the legal system (self-directed learning). This includes 16 schools that have adopted the competency of self-evaluation and reflection;
3. Fifty-two law schools include the competency of teamwork/effective collaboration;
4. Forty-six include a learning outcome that students develop self-awareness and cross-cultural competency to work with those of diverse backgrounds;
5. Forty-four law schools have adopted a version of a learning outcome that includes the competency of professionalism, high or the highest ethical standards, a personal code of ethics, or the internalization of values grounded in morality or faith;
6. Twenty-seven include a learning outcome on integrity;
7. Twenty-six include investigating facts;

71. *Learning Outcomes Database*, *supra* note 6.

72. *See id.* (listing all of the schools that have gone beyond the minimum standard of the 302 group).

8. Twenty-four include client interviewing or counseling or both;
9. Twenty-three include active listening;
10. Nineteen include negotiation;
11. Eighteen include judgment;
12. Eighteen include improving the legal system or the profession;
13. Fourteen include organization and management of legal work;
14. Twelve include respect for others; and
15. Ten include leadership.⁷³

If these same proportions hold true when all 200 ABA-accredited law schools in our survey post learning outcomes, approximately seventy-two law schools will have a learning outcome of understanding the value of pro bono services, and sixty-four will have adopted a learning outcome relating to self-directed learning. Sixty-two will have adopted a teamwork/effective collaboration learning outcome. Fifty-four will have adopted a cross-cultural competency learning outcome, and fifty-two schools will have adopted a learning outcome on professionalism/high ethical standards/personal code of ethics. Thirty-two will have adopted an integrity learning outcome.

V. CONCLUSION—OPPORTUNITIES FOR PRO-ACTIVE SCHOOLS
TO CREATE AND IMPLEMENT A MORE EFFECTIVE BRIDGE TO HELP
STUDENTS REACH THEIR GOAL WHILE MEETING THE NEEDS
OF CLIENTS AND LEGAL EMPLOYERS

The data in Section IV on learning outcomes indicate that some law schools are adopting learning outcomes that go beyond the traditional technical skills that legal education has historically emphasized. These pro-active schools are including in their learning outcomes a wider range of the competencies that clients and legal employers want as outlined in Section III. This is very promising to increase the probabilities that prospective and enrolled students at these pro-active schools can reach their goal (explored in Section II) of meaningful post-graduation employment with the potential for career advancement that “fits” the passion/motivating interests of the student and offers a service career that is both helpful to others and has some work/life balance (and for 30%, a high income).

73. Holloran Center, *supra* note 69.

As indicated in Section III, *supra*, in order to reach their goal, students should:

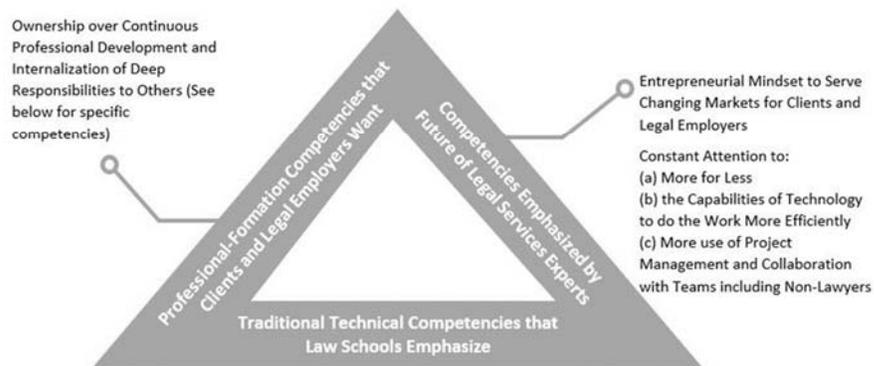
1. understand the full range of competencies that clients and legal employers want;
2. gain experience and reflect on the experience so that the student, in an iterative process, gains insight into how his or her passions/motivating interests/strengths best fit with client and legal employer needs while offering a service that is helpful to others and has some work-life balance (and for 30% a high income);
3. gain experience that gives the student evidence he or she is at a later stage of development on the competencies needed for the student's most promising types of employers; and
4. develop, implement, and receive feedback on a written professional development plan to use the years of law school most effectively to achieve the student's goal.

The students are relying on the law school to adopt and implement learning outcomes that help the student to achieve his or her goal.

The steps for a pro-active school are:

1. Compare the school's current learning outcomes to the current data reflected in Figure A below on the full range of competencies that clients and legal employers want. To what degree do the school's learning outcomes match up with those in Figure A?

Figure A – The Pyramid Model for Pro-active Law Schools



Ownership of Continuous Pro-Active Professional Development Over a Career
<ul style="list-style-type: none"> • Commitment to professional development toward excellence including habit of actively seeking feedback and reflection • Initiative/strong work ethic/diligence plus project management that demonstrates these
Internalization of Deep Responsibilities to Others (the client, the team, the employing organization, the legal system)
<ul style="list-style-type: none"> • Trustworthiness and integrity • Strong relationship skills including client focus, understanding of the client's context/business, responsiveness, listening and clear communication, and focus on cost-effective solutions • Good judgment/common sense • Teamwork and collaboration

Note that the law schools have added several competencies that build on the internalization of deep responsibility to others that are less emphasized in the legal employer competency models: pro bono, cross culture skills, and leadership.

2. Educate the faculty and staff regularly regarding the increasing empirical data on what are the competencies that clients and legal employers want in changing markets.
3. Revisit the school's learning outcomes regularly to see if they meet a sufficient range of client and legal employer needs.
4. Include a learning outcome(s) that helps each student:
 - (a) understand the full range of competencies that clients and legal employers want;
 - (b) gain experience and reflect on the experience so that the student, in an iterative process, gains insight into how his or her passions/motivating interests/strengths best fit with client and legal employer needs while offering a service that is helpful to

- others and has some work-life balance (and for 30% a high income);
- (c) gain experience that gives the student evidence he or she is at a later stage of development on the competencies needed for the student's most promising types of employers; and
 - (d) develop, implement, and receive feedback on a written professional development plan to use the years of law school most effectively to achieve the student's goal.
5. Design and implement a plan to demonstrate empirically that the law school's curriculum offers a higher probability than other options that the prospective and enrolled student can realize his or her goal of meaningful post-graduation employment with the potential for career advancement that "fits" the passion/motivating interests of the student and offers a service career that is both helpful to others, and has some work/life balance (and for 30%, a high income).

Note that in 2014, the American Bar Association revised its accreditation standards to

require law schools to develop programmatic learning outcomes as well as methods to assess those outcomes. . . . The assessment standards stem from a broader movement in higher education from a traditional, input-based prescriptive system of accreditation (focusing on budget, facilities, academic metrics of incoming students, and the number of faculty) to an outcome-based system of accreditation.⁷⁴

74. Margaret Y.K. Yoo & Jeremy Paul, *From the Editors*, 67 J. LEGAL EDUC. 373, 373 (2018). "Learning outcomes" are defined as:

[C]lear and concise statements of knowledge that the students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives. The outcomes should identify the desired knowledge, skills and values that a school believes that its students should master.

ABA Section of Legal Educ. & Admission to the Bar, *supra* note 69. For an excellent analysis of the history of the 2014 accreditation changes, see Steven Bahls, *Adoption of Student Learning Outcomes: Lessons for Systemic Change in Legal Education*, 67 J. LEGAL EDUC. 376 (2018). For an excellent analysis of assessment challenges that law schools face, see Judith Welch Wegner, *Law School Assessment in the Context of Accreditation: Critical Questions, What We Know and Don't Know and What We Should Do Next*, 67 J. LEGAL EDUC. 412, 450 (2018).

An outcomes-based

approach would require law schools to (1) identify knowledge, skills and professional attributes that graduates should possess, (2) design curriculum based on such educational outcomes, (3) communicate these outcomes to students, (4) provide feedback on student progress toward achieving these outcomes and (5) measure student proficiency in terms of the outcomes.⁷⁵

Competency-based education (CBE) is a type of outcomes-based education that: (1) puts more emphasis on the competencies that the ultimate people to be served (e.g., customers, clients, patients, students) and employers want; and (2) tends to emphasize more self-paced learning.⁷⁶

Learning from medical education's fifteen years of additional experience with competency-based education, the author focuses this essay on CBE as the most promising opportunity for pro-active law schools to benefit students and the law school.⁷⁷ The larger legal employers are also moving to competency-based assessment of their lawyers.⁷⁸

One key change is that learners in a CBE "system "must be active agents co-guiding both the curricular experiences and assessment activities."⁷⁹ What does it mean for a student to be an active agent in her own learning and assessment? "Learners must learn to be self-directed in seeking assessment and feedback[.]"⁸⁰ Learners should ideally:

75. Carolyn Grose, *Outcomes-Based Education One Course at a Time: My Experiment with Estates and Trusts*, 62 J. LEGAL EDUC. 336, 337 (2012).

76. See LINDSAY DAUGHERTY ET AL., COMPETENCY-BASED EDUCATION PROGRAMS IN TEXAS: AN INNOVATIVE APPROACH TO HIGHER EDUCATION 10 (2015) (explaining competency-based education has two major parts: an eye towards the final goal of customer service and self-paced learning).

77. See generally Neil Hamilton, *Professional-Identity/Professional-Formation/Professionalism Learning Outcomes: What Can We Learn About Assessment from Medical Education?*, 14 U. ST. THOMAS L.J. 357, 357 (2018) ("Facing the same type of changes in accreditation standards in 1999, medical educators have fifteen years of experience from which legal educators can learn with respect to what curricular engagements are most effective to help each student grow toward competency-based learning outcomes . . .").

78. See ROADMAP, *supra* note 4, at 17–35 (noting the trend in larger law firms moving to competency-based advancement programs); Neil Hamilton, *What Legal Employers and Clients Want: The Competency-Model Approach to Legal Success*, 11 U. ST. THOMAS L.J. 1, 6–18 (2013) (highlighting how employers prefer to hire students based on competency models in order to better serve their client base).

79. ERIC S. HOLMBOE ET AL., THE MILESTONES GUIDEBOOK 15 (2016).

80. *Id.* at 16.

1. be both introduced to the overall competency-based education curriculum at the beginning and engaged in dialogue about the overall program on an ongoing basis;
2. actively seek out assessment and feedback on an ongoing basis;
3. perform regular self-evaluations together with feedback from external sources;
4. direct and perform some of their own assessments such as seeking out direct observation of the learner by an experienced professional and creating portfolios of evidence regarding specific competencies; and
5. develop personal learning plans that students revisit and revise at least twice a year.⁸¹

The learning outcome data in Section IV indicated that 54 law schools of the 168 that had posted learning outcomes as of October 29, 2018 have adopted a version of a learning outcome that includes the competency of demonstrating understanding and integration of pro-active self-evaluation and professional development toward excellence at the competencies needed to serve clients and the legal system (self-directed learning). This group of law schools (32%) is particularly well-positioned to be pro-active into the steps above and also to take advantage of the CBE emphasis on self-directed learning as a foundation. This group of schools could form a learning community to share information on effective curriculum and assessment and to develop data from the legal employers in their region by, for example, obtaining legal employer competency models.

In changing markets for clients and legal employers, pro-active law schools that most effectively connect the goals of prospective and enrolled law students to the competencies that clients and legal employers need will be successful. All stakeholders including the students, the clients, the legal employers and the school itself benefit.

81. *See id.* (explaining what students should do in order to become “active agents” in their own learning and assessment).