To: Commission on Future of Legal Education

From: David English

Date: 2/4/2018

Thank you for the opportunity to comment on the future of legal education, I have chosen to comment on the following question:

How can law schools prepare students for the law jobs of the 21st century? What are the new skillsets not traditionally included in law school curriculum?

I am a long-time faculty member at the University of Missouri at Columbia. I am also the Chair-Elect of the ABA Section of Real Property Trust and Estate Law. Prior to entering law teaching, I was a partner in a major Chicago law firm with a focus on estate planning, estate and trust administration, and fiduciary litigation. The University of Missouri is a small law school with slightly over 300 students. There are no other law schools in central Missouri. The nearest other law schools are in St. Louis and Kansas City which are each more than 120 miles distant.

In preparing this memo, I have conducted three discussions. On Tuesday, 1/30/2018, I set aside part of my Estate Planning seminar class to find out from the 15 students in the class what they thought the Law School could do to better prepare students for practice. On Wednesday, 2/1/2018 I had a similar discussion with Lyrissa Lydsky, the Dean of the University of Missouri School of Law. Finally, on Saturday, 2/3/2018, the same issue was discussed by the Executive Committee of the ABA Section of Real Property, Trust and Estate Law.

Student Views

The students want more courses with practical and drafting applications. The students also want more transactional courses generally and a greater breadth of course offerings. Solutions mentioned included adding a 1-hour skills component to doctrinal courses, and making it easier to take courses in the summer, either online or at a law school in the city where their summer job is located. The students also expressed a desire for more pro bono opportunities during the school year.

Several students expressed a desire that law schools be structured more like medical schools, allowing students to sample different practice specialties through a clinical rotation. Students expressed a desire for greater job skills generally. One older student mentioned that some of her younger colleagues had never worked in an office environment. Students also expressed a desire to learn more about handling finances, particularly their own.
Dean Lydsky’s Views

Dean Lydsky is of the view that the University of Missouri should expand its course offerings but given current budget constraints hiring additional faculty is not an option. Her solutions include cooperative online courses with other law schools and the development of a semester in practice program in cities where the students intend to practice. We also discussed the need for training students in the use of technology.

Meeting with RPTE Section Executive Committee

The members of the Executive Committee noted that many law schools no longer teach real estate transactions or trusts and estates or if offered, the new associates have not taken those courses. Consequently, many new associates need to be trained from scratch.

Law schools do a good job of training students in legal doctrine but what many new associates lack are problem solving skills, the ability to assess the strengths and weaknesses of a client’s case and to assist a client in making a sound business decision.

Many new associates also are not adequately equipped to handle a professional job. This includes how to interact with clients, how to stand before judges, and a general lack of social skills and the ability to interact with colleagues and clients of a different generation. Particular examples mentioned included failing to return phone calls and communicating with elderly estate planning clients via text message. Generally, there is a greater need for professionalism.

My Observations

Based partly on the above and also my own experiences:

1. Law student accreditation requirements currently require that students take six semester hours of experiential education. I would increase that requirement although I do not have a specific number in mind.

2. Many law school experiential courses emphasize litigation skills, which is fine, but there is also a need for more transactional courses and faculty qualified to teach them. The decline in the teaching of trusts and estates and real estate transactions has been a concern of the Section of Real Property Trust and Estate Law for many years.

3. There is a need, particularly at the University of Missouri but also at other law schools, for online education options. This would allow students to enroll in specialized courses that it is otherwise impossible for a small law school to offer. By sharing faculty with other law schools through online options, the need to hire additional faculty to teach small enrollment classes would be lessened.
4. The practice of law is becoming increasingly sophisticated in the use of technology. Law students, particularly those who will practice on their own, need training on how to use this technology.

5. Some students need training in basic job skills. This includes how to function in an office and how to interact with clients and colleagues.

6. Converting law schools from three to two years and requiring a third year clinical type rotation is not a new idea. The logistics in adding such an option are considerable but the idea should continue to be explored. Post-law school internships are required for licensure in a number of other countries. The Commission could learn from the experiences in these other countries.