

ABA Law Student Division Fall Roundtable Meeting Summary Circuits 7, 8, 10, 13

The 2010-2011 Fall Roundtable Meeting took place in Houston, Texas, and involved students from the 7th, 8th, 10th, and 13th Circuits. The Law Student Division and the Circuits are grateful to South Texas College of Law, which generously offered incredible facilities in the form of the Emilie Slohm Dining Room (with an incredible balcony view of downtown!) and the Joe Green Auditorium. A very special thanks to Travis Normand of South Texas College of Law, a Lt. Governor of the Thirteenth Circuit and a recipient of a Law Student Division Certificate of Appreciation, for all of his hard work in helping to make the Roundtable a success.

Programming Highlights

Judiciary Panel: Explaining the Mysteries of the Judiciary

This panel included the *Hon. Caroline Baker*, 295th District Court Judge, the *Hon. Dion Ramos*, 55th District Court Judge, *Meagan Wilder*, Law Clerk to U.S. District Judge Lynn N. Hughes, *Jonathan Williams*, Law Clerk to U.S. District Court Judge Lee H. Rosenthal, and *Joseph Buoni*, Law Clerk to U.S. Bankruptcy Court Judge Marvin Isgur. The panel was dynamic and the interaction between the state court and federal court representatives was seamless, with panelists noting the very few differences and numerous similarities in their practice.



Some information highlights from this panel included:

Honesty is still the best policy. All of the panelists noted that when an advocate is found to be disingenuous, in written or spoken word, the court takes an understandably more cautious view of that advocate's submissions in the future. While the court won't discount these views entirely, it will more thoroughly research propositions from that advocate to ensure they are an accurate reflection of the law and the facts. You want to be the advocate whose representations the court can trust to be correct, as the judges and clerks will look more favorably on your arguments, and thus more favorably on your clients.

Don't hesitate to break the mold in looking for positions in the courts. The OSCAR system and other judicial application norms are not the only ways of getting a position, and you

shouldn't avoid operating outside those norms. Indeed, one of the panelists successfully obtained a federal clerkship through networking and a hand-delivered application. The state judges noted that several of their former interns parlayed their experiences into other judicial positions. While some state judges do not have the funds to pay for an intern, most are willing to have a student serve as an intern to gain experience without pay. Taking a state court position or a private practice position immediately after law school, even if your ultimate objective is to serve as a federal clerk, does not preclude (and can even aid) successfully seeking a federal clerkship position at a later date.

Keep in touch with your law school contacts who serve as clerks. Oftentimes these people have the first notice of upcoming positions, and might also be able to put in a good word for you if you want to apply. One panelist was notified by a current clerk in her professional network of an opening in another court, and she ultimately obtained the position. Include your interests and other character-defining items on your resume. Judicial chambers are small and require co-workers to have a physically-close working relationship. Both judges and other clerks want to know that those seeking employment will help the interpersonal dynamic of the chambers. Several panelists recalled how notable personal pursuits indicating an applicant's interests were what resulted in those applicants being asked to interview.

**Changes in the Legal Field and Legal Education.
Presentation by Daniel Thies.**

Daniel Thies is a recent graduate of Harvard Law School who now serves as a clerk for Judge Smith of the Federal Court of Appeals for the Fifth Circuit. As a law student, he served for two years as the



Liaison between the Law Student Division and the Section on Legal Education and so has a profound understanding of the concerns of law students, the functions of the Law Student Division, and the perspective of the Section on Legal Education as it considers major changes to the law school accreditation standards. Below is a brief summary of his remarks. For a more detailed understanding of the issues, read Mr. Thies' article for the Journal of Legal Education, ["Rethinking Legal Education in Hard Times: The Recession, Practical Legal Education, and the New Job Market"](#).

The structure of law firms has changed and, as a result, their compensation-structure has changed from focusing on partnership potential to higher associate salaries. However, the weakness of that firm and compensation structure was revealed as a result of the recent economic downturn. Economic necessity has resulted in three changes in the hiring dynamic: 1) big-law firms are hiring fewer associates at lower salaries and require those associates to deliver practical

value commensurate with their salaries; 2) small- and medium-sized firms are likewise seeking associates with greater practical skill sets; 3) all firms are increasing their employment of contract attorneys outside the firm hierarchy.

Though the economic realities have affected firms and the legal field more broadly, those same realities have not significantly altered the operations of law schools. While firms have responded by reducing hiring, reducing salaries, and requiring greater practical experience, law schools have not commensurately responded by reducing admission levels, reducing tuition rates, or requiring greater practical experience. While many schools have incorporated practical elements to their curricula, these efforts are neither widespread nor adequately staffed; law schools have maintained their focus on faculty scholarship rather than re-orient their focus to teaching practical education.

Acknowledging the changes in the legal marketplace, and the lack of commensurate changes in legal education, the Section on Legal Education is currently developing new accreditation standards that will give due consideration to the practical education provided by schools. Though still in their initial stages of development, these new accreditation standards will be more responsive to legal market demands and, thus, to law student needs. In broad strokes, the general tenor of potential changes will focus less on law school inputs (e.g., the number of books in the library, the number of professors) and focus more on outcome measures, such as post-graduate placement. You can find out more information at [this website](#).

Indeed, ABA President Zack is leading an initiative entitled “Truth in Legal Education,” which seeks to incorporate specific placement statistics in law school accreditation reports. An article on the subject can be found [here](#). In a coordinated effort, the Section on Legal Education is seeking feedback from students regarding those same considerations. Please send your comments to Becky Stretch at this email address, stretchc@staff.abanet.org. Please keep your comments professional and without personal attacks; although this issue is important to us as law students, having profound and emotionally-charged effects on our futures, it is important to respect this offer of partnership by the Section on Legal Education as it considers these changes.

Lunch with Experience.

Student attendees enjoyed lunch with members of the local bar. Students remarked that the relaxed environment allowed a candid exchange from practitioners in their field of interest. Thank you to all of the attorneys involved.



Legal Rebels Panel Discussion.

This panel included a wide array of attorneys who have taken a novel approach to the practice of law. The panelists included: [Martin D. Beirne](#), the Managing Partner of Beirne Maynard & Parsons, [Jeffrey Carr](#), the Vice President and General Counsel of FMC Technologies Inc., [Mitchell Katine](#), Partner at Katine & Nechman LLP, and [Wayne J. White](#), General Counsel for Sindicatum Carbon Capital Americas.

The Death of the Billable Hour: Increased Client Satisfaction and Firm Profits.

Jeff Carr discussed the need for lawyers to have a paradigm shift in the way they think about themselves in the professional realm. The mission statement of his company is “We are not lawyers,” with Mr. Carr explaining that we are not just lawyers, we are also businessmen; legal professionals need to expand their self-concept and apply principles that businessmen in very other area of the economy apply. Specifically he noted that, while the billable hour is extremely useful as a measurement of the internal cost of doing business, it does not translate outside the firm into relationships with your client. As a result, his firm promotes “alternative fees” or “value-based fees”, one variant of which structures billing such that the hours spent on a client task are inversely proportional to the hourly rate.



Marty Bierne, whose firm works with Mr. Carr’s company, noted that, by reducing costs for the client and freeing up firm hours spent on a task, the model results in increases in both client satisfaction and profits for the firm.

The Legal Services Supply Chain and the New Lawyer.

Panelists also spoke about how law students don’t have a choice about whether to develop novel approaches to the legal field; it is a lack of options. He began by noting that the legal services supply chain is changing in a way that involves fewer lawyers. Our legal system neglects the middle-income clients who need services at an affordable price, while addressing the poor (who have pro bono advocates) and rich (who can afford to pay inefficiently-high prices for the services they need). He emphasized this point by noting that LegalZoom has higher name recognition than any legal firm in the nation.

Wayne White added that clients utilize these websites due to the reduced cost in resolving their problems. As a result, we as attorneys and future attorneys have to be more effective in delivering legal services to people who need help in a way that makes it a valid value-proposition. He also noted that the tension in doing so is that we need to develop those value-

propositions and simultaneously uphold our noble tradition as inheritors of a thousand year-old legal tradition.

All panelists recognized that some services are more suitable to the efficient performance by online services, specifically those services which only involve legal process or content. However, these services are unsuitable for clients, and even potentially dangerous, when services require legal judgment. These services, involving advocacy and counsel, should be the focus of lawyers looking to re-incorporate attorneys into the legal-service supply chain.

Mitchell Katine, counsel for the Petitioner in the landmark Supreme Court case *Lawrence v. Texas*, provided a tangible example of taking a new eye to the legal field. Giving the lie to the adage that the era of the gentleman-generalist is over, his firm handles a broad range of issues, including estate planning, employment discrimination, contracts, and adoption. However, his firm does so for the gay community, and so deals with very unique situations and unique aspects of the law.

**The ABA as Your Advocate.
Presentation by Carter Alleman.**

Carter Alleman is the Law Student Division Vice-Chair of Student Bar Associations as well as the SBA President at Valparaiso University School of Law. He updated students on the legislative efforts the ABA is making on their behalf through lobbying efforts on Capitol Hill.



Loan reform is taking center stage right now, and the the following is a summary of his remarks.

The ABA passed Resolution 301, which encourages several legislative changes. The first is permitting borrowers with private loans to refinance into federal loans. Second, it encourages income-based repayment on more favorable terms. Third, it encourages increasing the Stafford Loan limits to keep up with inflation and create law student parity with medical students. Ideally, the current Stafford Loan cap of \$20,500 would be increased to \$30,000 and would include bar exam loans as part of the educational loan.

Currently, the Congress passed reform legislation in March that eliminated FSEL and only allowed direct lending. Immediately after the election, the new agenda is dependent upon the new tone in Congress.

However, as to the immediate future, a bill is pending in the Judiciary that would allow students to discharge loans through bankruptcy but there has been no progress after passage in the subcommittee. In the next term, several education bills will be introduced and the 2012 Higher Education Act is up for renewal.

Carter ended with a reminder to students to email, mail, or call your legislators to tell them how important student loan reform is to you as their constituent. Remember both that we can influence the new Congress, and that many staffers and Congressmen have been in our shoes.

Conclusion

We hope you enjoyed the information and that it will help you in your legal career. Please keep an eye out for news about your Spring Circuit Meeting, which will be held in late February or early March. Furthermore, it will be in New Orleans and will offer a programming line-up that won't leave you disappointed. If you have a suggestion for programming or would like more information about the meeting, don't hesitate to email your Circuit Governor, Trevor Hall, at hall.trevor@sbcglobal.net. We look forward to seeing you there.