

**CLOSING SESSION
REPORTS FROM BREAKOUT SESSIONS
AND CLOSING REMARKS**

**LOUIS A. CRACO, ESQ.
Chair, New York State Judicial Institute on
Professionalism in the Law**

We are going to begin now with the reports from the Breakout Sessions. There were five Breakout Sessions. I'm going to ask the moderators of each of them in the order in which their names are displayed in the program to come up to the podium and give their reports, trying to limit that report to about 5 minutes.

Before I do that, I want to add my thanks not only to John Dunne, Hank Greenberg, Priscilla Hall (yet again), John Stuart Smith and Lorraine Tharp who, by the way, is another one of those king pins, or queen pins I guess it is, of the New York State Bar who have been collaborating with us so marvelously. Also I want to thank the young attorneys from the New York Court of Appeals who served as the reporters of these Breakout Sessions. They did this as a volunteer expedition and I'm really very grateful both to the Court for lending them to us and to them for their good work. So I think, John, I will start with you and, without subsequent introductions when each reporter is finished, perhaps the next would come up.

For purposes of making a record of these proceedings, the two questions asked of the Breakout Sessions were:

(1) Having in mind David Wilkins' challenge to form a new partnership from which might come a sense of professionalism for the twenty-first century, identify at least three concrete steps you believe must be taken to form that partnership between the academy and the practicing bar.

(2) The presentations and colloquy yesterday and today underscore the complex elements of diversity in New York's law schools and practicing bar. What aspects of this rich variety can be drawn upon to insure that each young lawyer develops a meaningful life in the law?

JOHN R. DUNNE, ESQ.
Whiteman Osterman & Hanna

Lou, thank you. I got a sense of what a strong leader we have here. In light of events that are going on, I asked Lou if we could adjourn this until 5 o'clock, when we complete a final count of the vote in a very disputatious panel that we had. It was a very special panel, 11 members: Leah Soule was our reporter, five members were law school deans, five were practitioners and one was a businessman known affectionately to all of us as a client. It was interesting. We were trying to reduce our report to a few terse sentences and we were struggling as lawyers do over language. Guess what? It was the layman who came up with the clear language that hopefully you will understand and will be some valuable contribution to our deliberations.

In response to Question #1, in terms of identifying at least three concrete steps which should be taken to form the partnership between academia and the profession, the first was a clear, a very strong, feeling that there must be developed a meaningful, ongoing, formal relationship between academia and the bar. And how should that be done? We didn't presume to come up with any specific plan, but focused the attention of those who are going to build on this meeting on the American Inns of Court, with which most of you are probably familiar, as an example of a vehicle for a continuing, ongoing dialogue among the various members of the profession. But in this case, having those from academia playing a far more significant role.

Second, the need for mentoring is such that it was our consensus that CLE credit should be made available for those practicing attorneys who are willing to become involved in organized and structured mentoring programs which could be conducted, hopefully, at the venue of the law schools. Working with law students on a structured basis is central to this idea. Part of their charge would be to emphasize the core values of the profession. Speaking of core values, one of the panelists or one of our group observed that the profession is in transition, we don't know where the profession is going to wind up. People, practitioners, including professors, don't know what the answer is to that question, so you can imagine how confused law students and those just coming into the practice would be. But if we were to focus in our mentoring on the core values, the tradition

of public service, pro bono service to the community, that would be a very positive, credible starting place for mentoring and bringing all segments of the profession and academia together.

And the third, bringing more lawyer clients into the classrooms to understand exactly what it is that the consumers of our services are looking for. That was something that Ms. Lieberman touched on yesterday in her remarks. How many people who are providing service to the public create a vehicle or a service or a product without talking with the consumers. We believe that law students, in shaping their expectations as well as their ability to fulfill the expectations of the consumers of those services, should hear from lawyer/clients and understand what it is that they are looking for. So: (1) an ongoing formal relationship between academia and the bar, (2) CLE credit for mentoring practicing attorneys, and (3) bringing more consumers of our services into the classroom or into media where the law student would have a better idea of what was expected of them.

It is interesting that the first question took about 95 percent of our time and the next one could have taken an equal amount of time but we ran short. However, there was pretty much agreement with regard to responding to the question of what aspects of the rich variety can be drawn upon to enhance the prospect for, rather than ensure, that young lawyers would develop a meaningful life in the law. First, we observed that law schools must inspire students with the message of the profession, its history and tradition of leadership and service. We felt that that is really an essential. Once again, not telling academia how it should be worked into the curriculum, but that the message is very important.

Second, and we recognize that we should not be telling law firms how to conduct their business and we should not be telling law firms how they should demand or treat hours. That was prompted by the ugly discussion on hours. It was a strong recommendation, however, that equal treatment should be given for pro bono and public service time spent by associates in law firms and credited to fulfilling the obligation of the young lawyer to the firms in terms of whatever that magic number of billable, or accountable hours would be. If there was one thing that our panel was totally agreed on, it was that factor: the formal recognition of the contribution that lawyers make in terms of pro bono and public service. Third, a suggestion that came to nobody's surprise from the dean of a very prestigious law school that perhaps we should be thinking in terms of a

prescribed set of four or five books about the profession which should be required reading for those who are entering law school and perhaps even further on during the curriculum, as the students look forward to graduation and actually becoming involved in the law. This way there would be meeting what some have felt is false impressions or senses of what the law is all about in its practice and also what the expectations would be of those who are going to call upon those services. So that basically is what we had come up with as a result of our deliberations and I must thank very much Ms. Soule for her helpful role as a reporter.

HENRY M. GREENBERG, ESQ.
Couch White, LLP

Our group had a wonderfully stimulating conversation too. It was fascinating. Our recommendations can be divided generally into two groups. The first group of suggestions has as an objective bringing the perspective of practitioners — the practicing bar — into the academy, and the second group seeks to facilitate efforts by law school faculty to influence the way law is practiced. That dichotomy is interesting because one thing that emerged during our discussion was a healthy tension, I think, between the academicians and practitioners and a concern that we work together without invading one another's turf. Our suggestions have as their purpose breaking down barriers and forging a partnership. Turning to our first group of recommendations, we, too, talked about mentoring, so I won't cover that, but we spent a lot of time on that subject. We also talked about the role that bar associations might play in making this partnership a reality. For example, we talked about how bar association task forces, committees and the like need to be representative in terms of the people who serve on them. When a bar association task force focusing on a particular issue is assembled, consideration should be given to expanding the number of faculty members who serve on the task force in order to obtain greater input from the academy. We talked about putting on law school events at which practitioners could come and Senator Dunne talked a little bit about that. We also spent a lot of time talking about values and teaching values at law school, and Senator Dunne commented on that too.

We went perhaps a little bit further. Professor Shaw gave what I thought was a wonderful illustration of things going awry from time to time in the classroom. He described a law school class in which he was dealing with a particular constitutional law issue and one of the students came out with a suggested result that sounded somewhat pitiless and heartless. Professor Shaw confronted the student, questioning whether the result was humane; was it right? At which point the class started to laugh — that sort of knowing laugh — as if asking what role would considering what's right or fair or what seems humane have in the classroom. Obviously there is a role in the classroom for such discussions and it is no less important for law schools to teach values as it is to have our children in grade school taught such lessons. Serious thought should be given to providing values education in our law schools. It can be done in a myriad of ways. And, again, with the practicing bar not seeking to dictate what the curriculum should look like, but they should be able to have a say in what they want their profession to look like.

We also talked briefly about the issue of faculty status — adjuncts as opposed to full tenured faculty. The tension that exists between those two camps and the need to bring the perspective of the practice and adjunct faculty to bear on what the full tenured faculty thinks about. Suggestions were made about law schools creating lunches or dinners in which those groups could be brought together.

Now on the subject of the law school bringing their viewpoint into what lawyers do, into law firms, into bar associations, we talked about faculty-sponsored CLE courses in which law schools perform CLE services for law firms. And in some cases perhaps having law school faculties physically going into law firms or even government law offices and providing either lectures or training. There was some talk, which was interesting, about representational issues. The Institute has, I think, one law school representative. There was some thought that it would perhaps be more helpful to expand that perspective by increasing the number of law school faculty that participate either on a consultative basis or as members in the work of the Institute. The same could be said as well for public service attorneys. So it was a wonderful, wonderful discussion and we were pleased to have it.

HON. L. PRISCILLA HALL
Justice of Supreme Court, Kings County

In addressing the concrete steps we believed would be necessary to form a partnership, our group came up with the following: One, in addressing the question that was raised by Panel II, that sometimes there is a dichotomy between what we value in terms of the academic part of the profession as opposed to the practicing bar. To address the fact that sometimes there is a gap between the professors and the practitioners, we suggest a job swap. One of the academics on the panel noted that there is a program that enables professors and Assistant United States Attorneys to swap their jobs. That is, an Assistant United States Attorney goes to teach school and a professor comes to work as an Assistant United States Attorney, thereby giving both of them a different kind of experience. We thought that idea could be expanded to other, different kinds of job swaps. That if indeed the leadership of the universities (the Deans) would support that kind of practical experience, professors would perhaps go to work in legal services. The notion of doing a swap on a sabbatical was opposed by the academics. The sabbatical, they said, is reserved for studying and writing and scholarship, but there are professors who may have reached tenure already and who have some other interests. They may go out and do some more practical things so they could bring that back to the institution.

A second suggestion was getting support for community legal resource networks. Law schools are very interested in starting out these kinds of programs wherein they divide graduates into certain groups and they have a coordinator who will reach out to graduates and then let the university be used as a resource. The law school as a resource that can provide advice on ethics, that can provide legal advice, provide access to the professors by grads who are in the practicing bar. And they would like to call upon the law firms to be involved in terms of finding funds to support such coordinators. Perhaps the law firms could go to foundations and make a pitch to get the funds so that these programs could be set up in different law schools. The law schools then could continue to provide services to the grads, first year out, second and third year out, especially those individuals who are in community-type law practices — the ones who have gone back to their respective communities, who are working in storefronts and doing community law who might need the resources.

And the third thing was that we need to define “public interest” more broadly. It’s not only working for the District Attorney’s office or Legal Services but the small storefront law offices also should be defined as public interest, because those offices are the ones actually delivering access to justice for a lot of poor people. As an example, there was one firm that was described that has a sliding fee scale so that everybody from the community pays something. It may only be one dollar a week but they all pay. The pay is commensurate to what that family or that person can afford but that can be done by a small firm. Such a sliding fee scale could not be done by a larger firm, but we need to define public service in that fashion.

Another thing we suggested was that at the very beginning of law school there should be instilled a sense of passion about the law and love for the law. Students then would be very clear that the skills they have, and those they are going to learn in law school, are a privilege to possess and they owe back to the community they come from. Most of the academics said that when kids come to law school they do have this passion. They lose it over the three years. It should be clear from the administration and from the teachers that as a lawyer you can live a comfortable life, that in between the extremes of working in a major law firm and starving, there is something in the middle — you can have a good life in the law. There exists a set of new and different kind of models for you to be able to do that.

On the second question about the elements of diversity, I think we have the same experience as the first panel, we spent so much time talking about the first question we didn’t do too much with regard to the second. And then I think some of it had to do with a question that I raised because it seemed to me that when I was in law school, in terms of the African-American community, there were substantially more male African-American students than there were female. In the ensuing years that has changed for the law school overall. I think women are now the majority of persons in law school. But my understanding and feeling that was confirmed by the academics is that at this point there are substantially more African-American females in law school than there are African-American males. I don’t know if that’s a problem or whether we perceive that to be a problem, but from my point of view I think that’s a problem. The ratio is completely out of kilter: the number of African-American females in law school versus the number of African-American males in law school is grossly disproportionate. Now I know a lot are in jail and so

forth. I know one of our panelists talked about the fact that because of the bar examination's lower pass rate for an African-American male, the possibility of not passing after the investment of all that time and money might lead an African-American male to conclude that the decision to pursue a law degree might not be a good choice for him. He might indeed choose some other career. But I think we ought to think about the fact of what appears to me to be a real shortage of African-American males in the legal profession. When I went to law school there were four black women and there were 20 or 25 men. Now it's completely the reverse so I think that is something that we don't have a solution for but I guess we also are just raising problems. Thank you.

JOHN STUART SMITH, ESQ.
Nixon Peabody, LLP

Group IV looked at Question #2 and discussed that Question #2 by talking about the diversity of both the practicing lawyers and the law schools located in New York informed what could be realistically done with respect to Question #1. And our discussion on Question #2 then essentially filled in some gaps on Question #1. In other words, as good lawyers we disagreed with the question in Question #2 and focused all of our attention on Question #1, and came up with a good rationalization for doing so.

With respect to Question #1, we had dozens of specific suggestions, which I can't go over in five minutes but which I would like to group. The first group is interaction with respect to law students. We had the same discussion as others did about mentoring. But we also had a recognition that, on the interaction between law students and law firms, there is more of that now done than in any of the other areas. When you look at externships, internships, and summer clerkships, first and second year, there is a great deal more interface now on that issue of providing guidance to law students from law firms than any of the other areas in which we interface. One of the specific thoughts that we had with respect to law students was the concept of mandatory *pro bono* work while in law school. Again you can read a theme of emphasizing the commitment to public service as part of the profession.

Now let me turn to the area in which I think we had the greatest number of ideas, which is the interrelationship between faculty and practicing lawyers. Here we had a lively discussion because we were made up equally of members of the law schools' community and the practicing bar. There was a wealth of suggestions including having law school professors actually work with practicing lawyers in developing their courses, in coming up with real life examples that do not come out of the case book, that do not come out of litigated situations but really are practical situations. That was felt to be particularly true with respect to the teaching of ethics. Rather than spending all of the time on those intellectually challenging areas of conflicts, it would be useful to have practical discussions of those issues which lawyers come across, in other words the disciplinary rules and the actions that are subject to discipline. There ought to be a greater discussion of those issues even though some of them are not intellectually challenging. They are very important. Having a practicing lawyer participate in the shaping of those courses would be helpful, as well as having guest lectures and the lawyer actually participating in it.

Another concept that came up was an understanding (and this was kind of fun) of the role scholarship has played in law schools. A dialogue between practicing lawyers and the law schools about that scholarship is important. As moderator, I asked the provocative question, "How many of the practicing lawyers in our group had read over five Law Review articles in a year?" The answer was zero. Yet there was a heck of a lot of focus from the academic side on merit being measured by how many Law Review articles you write. We thought there might be a disconnect there and a dialogue between the practicing bar and the law schools — a two-way dialogue — would be helpful. We also thought that it would be helpful for members of the faculty to be involved in bar publications with practical articles, practical solutions, using their wisdom to provide practical guidance in fora other than Law Reviews.

The concept of faculty being involved both in taking and giving CLE was something that everybody felt was of merit, that they had a great deal to offer in providing CLE courses. Of course, if they are members of the bar they are now required to take the CLE courses as well and that provides the opportunity for interchange. *Pro bono* activities also are an important activity of a law school faculty member's job, as is direct involvement in the bar association.

That's just the tip of the iceberg. But most of our effort really did

focus on the relationship between practicing lawyers and the members of the faculty. With respect to the administration, there was a consensus that there ought to be a regular forum like this for law school administrators that also involves practicing lawyers. We didn't say whether that was through the bar association or some other forum, but the idea of keeping the dialogue that was started here going seemed to be a very important one when we are dealing with the administration, particularly the parts of the administration that interface with law firms, placement services, career counseling and so forth.

Overall issues. A number of people raised the issue of defining professionalism. There have been lots of activities and lots of efforts devoted towards that, but it was clear that there is a need for doing more. And finally our crazy idea, because any of these things should produce at least one crazy idea. The crazy idea from our group is: Look, we have heard a lot yesterday about the tyranny of the LSATs as being the primary, if not only, factor determining who it is that gets into law school. We heard a lot today about the tyranny of first-year grade point averages as determining who gets hired by law firms. Our suggestion is that the academic community and the bar ought to work together on a scholarly analysis defining what yesterday we were told was undefinable, which is what makes a good lawyer.

Many of us obviously over our careers have thought we have come up with individual answers for ourselves as to what constitutes a good lawyer. Most of us would agree getting high scores on the LSAT is not among the top items in that. Nor are your first year grades. There is a wealth of other considerations that make a good lawyer in terms of judgment, ability to deal with people, ability to solve problems, being active in the community. But we don't ever really talk much about those. So the thought here was: Why don't some of the faculty members, some of the law schools, some of the practicing lawyers, work on that kind of a definition so that when you go back after you come up with some sort of definition and consensus as to what makes a good lawyer, that definition can inform the decision as to who is admitted. That can inform the decision as to what they are taught and that can inform the decision as to whether they get hired. That was our crazy idea and we offer it. We also think that the transcripts of the discussions will be very useful because we could have gone on for at least two more hours and not run out of fruitful ideas for further discussion.

LORRAINE POWER THARP, ESQ.
McNamee, Lochner, Titus & Williams, P.C.

Hello. We started with two pervasive comments and thoughts. The first was that we, to a certain extent, are preaching to the choir. On a number of these issues, there are constituencies that are not represented here, as you will see probably in all five of our remarks. At least two of our members are people involved in ABA accreditation issues. Someone such as myself, a practicing attorney, has no idea about accreditation, but I have learned a bit through this process for the past day and a half. The other constituency are tenured faculty. A number of us have talked about these wonderful partnerships of shadowing in classrooms and things of that sort. Tenured faculty should at least be brought into the discussion; and right now, we don't have them involved. That's one overall thought expressed during our discussion.

The second overall thought is we really do want something to happen. These discussions have been wonderful. The speeches have been wonderful. We need the next steps and I think we need to remind ourselves that they have to progress and follow in concrete ways. We didn't ignore Question #2, we combined #1 and #2. We could not really figure out how to divide them so we addressed both.

The first words out of almost everyone's mouth in our group was the passion and the meaning. I don't know if we are all buying into this idea, but I think we are. We are hearing this from the younger attorneys, we are seeing when we go to the law school to interview locally. You see optimism. You see happiness. You see excitement. It's not just youth. It is really an idealism and a passion. That is the only word to define it and describe it. We need to be able to share that and identify that passion with the group coming up and probably with some of our disaffected senior attorneys. I know personally I became a lawyer, not for money, not for this, that and the other thing. My father is a lawyer. He loved his work. That was plain and simple.

We also felt very strongly that in this approach we should not focus on the top 10 percent of the class and on the top major law firms. They are doing fine. They will continue to do fine. The top law schools feed the top law firms, that will all work and, as one in our group said, "Those firms and schools are very well integrated, things are going just fine."

There were some suggestions though that perhaps they should interview deeper within the top law schools and then go broader to other law schools. In addition, there were some suggestions for summer clerkship programs. One model that was discussed earlier would be a split between doing your summer internship at the law firm itself and then in a public service mode. Interestingly enough, that public service component would be paid for by the law firm. I don't see Steve Krane here but that would be part of Economics 101 at a law firm. But I think it would be money well spent.

For the balance of our group, for the 90 percent of our law students, I was struck by one of our group who is a young associate just out of law school, a first year associate who said that she had the distinct impression at law school that during the first few months in the school year, from September through December, all of Career Placement Services' efforts were focused on that top 10 percent of the class, and that in the subsequent part of the year they scrambled to find positions for the rest of the class. It was intense and it didn't seem to spread the right message or give a good comfort level. That goes to a cultural law school issue that we also have to deal with, and I'll mention in a minute. But in the meantime all the things that have been previously mentioned, we too discussed — externships, internships, mentoring, pair the need with the available talent. What I also loved is we had several representatives from law schools in our group and they are passionate in their own way about their students. They said that except for, I think they used the phrase, the three or four “unemployables” who probably are in every law school class, they have wonderful, wonderful students who are just waiting to find the right employment match. That's what we have to concentrate on. I think the organized bar can play an incredible role in this and our group felt that too. One of the concepts we felt strongly about was a job fair concept. With the gentleman this morning mentioning about the group that did minority hiring and interviewing, if you could take away some of the burden, the time and the cost of the interview process from the small/medium law firms and shift that into a job fair focus where resumes could be collected, I think it would be an enormous benefit all the way around. We would look to see that as a real concrete step.

The law school culture has to, I think, change to some extent. We talked about this. It's not just the top 10 percent who are valued. Every career choice is a good one, a significant one. We are going to match peo-

ple according to what they are good at and we will find a spot for them. We too felt it was important in the teaching aspect to bring in attorneys with practical experience to help teach. Again you have to have the tenured faculty buy into this, as one of our members, who is a Dean and I gathered he's not king, said. Things are not easily decided. It's probably similar to our managing partner when ninety people go running in on a regular basis screaming how could you decide something like this. But I think that's why the tenured faculty has to be part of this discussion. But we felt very strongly that their participation is important. And ethics, just the teaching and I don't mean some of the obscure, albeit important, provisions of the professional code. I'm talking about day-to-day ethics. I'm talking about civility. I'm talking about telling a young attorney you do not have to push the envelope in ethics and civility to be able to be a zealous advocate. Things of that sort we have to teach. Apparently also we have to teach things about law school transcripts. We learned about some interesting doctoring of transcript issues that I can tell you as somebody hiring now I think an official transcript seal is going to be more important than ever before.

Obviously the issues of accreditation and the LSAT requirements and what role that plays as far as diversity are key. We have to look at that. But, again, we are powerless in that. We have to start the dialogue but with the people who can actually make the decisions. On the diversity issue, here in Albany we had an initiative that was started by a group of local lawyers. The Chief Judge was involved. It has resulted in diversity internships where major law firms have undertaken to place minority interns for both the fall and the spring program for a short period of time over and above their regular hiring. This is the first year of its operation; we will see if it works. But things of that nature have to be fully explored.

I would like to end on a positive note. I think everyone in the room acknowledged the positive changes in legal education and what it is doing for the profession not only in diversity — there are tremendous grounds being made there — but also in skills orientation. When I was in law school we had one clinic and now we have got a broad expanse of clinics, the introduction to *pro bono*, the ethic of that as well as the ability to develop true skills. Thank you.

MR. LOUIS A. CRACO:

Thank you very much and thank you to all the people who participated so fully in those conversations that have produced such an interesting harvest of ideas.

When John Feerick held the meeting that I mentioned a little while ago at the City Bar, the Dean of Columbia Law School, who is also on our Institute board, abjured us to avoid doing the “same old, same old” if we were going to set about something like this, a dialogue between the practicing profession and the academy. There had been many of those programs and they had reduced the concept of dialogue to a certain level of triteness.

I think we have evaded that risk. We have actually been talking about what David Wilkins proposed when he set the table for us yesterday. We recognize — all of us across the vast differences of practice settings, academic settings and between the academy and the profession — that we have an obligation. We all have an obligation to provide a coherent account of what it means to be an American lawyer in the twenty-first century. We have that obligation to the public, at whose sufferance we enjoy the franchise we possess. We have that obligation to our clients, whom we serve one by one. We have that obligation to our students, to our colleagues and to each other. The conversation we have had today and yesterday has been made the more rich it seems to me by the very diversity of the voices that spoke to it.

One of the things that is important and to which the Chief Judge alluded briefly yesterday is that the Institute was set up to have institutional stamina. It is, as she put it, a permanent authoritative entity in the court system. That means that we need to collect what we have learned from this and to act on it, to satisfy the appetite which has been repeated a number of times in the remarks just finished. Something has to happen. What those some things might be are going to be as varied as the people who were here and the settings from which they come. But that we will begin to work, in harness with the State Bar, together with local bar associations, to cause those things to be discovered and to happen is not a question that is left in doubt by today’s events.

We were able to focus on substance of the quality that we were because among other things the logistics of this conference went seamlessly. That was not an accident, as you might know, any of you who have

tried to do that. I want to thank profoundly Catherine O'Hagan Wolfe, Tony Galvao, Sheila Murphy and Hope Engel, who in all sorts of ways, ad hoc, planned, improvisational and emergency, have contributed to making all that happen. And above all, I want to thank you. There is that famous exchange in Shakespeare where Glendower says, "I can call the spirits from the vasty deep," and the response from Hotspur comes back, "Why, so can I, and so can any man; but will they come when you do call for them?"¹¹ You have come when we called for you and we will not let you down in the expectations that we have collectively aroused.

¹¹William Shakespeare, Henry IV, Part One, Act III, Scene I, 53-55.

SUMMARIES OF BREAKOUT SESSIONS

BREAKOUT SESSION I

**Moderator: John R. Dunne, Esq.
Whiteman Osterman & Hanna
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Breakout Session I first discussed concrete steps that could be taken to form a partnership between the academy and the practicing bar. Andrew Simons described the success of the American Inns of Court in bringing together professors, practicing lawyers, members of the judiciary and law students. He suggested that the Institute create more organizations like the Inns of Court. Mary Lu Bilek agreed with Dean Simons and emphasized that participation in such organizations provides critical mentoring and networking opportunities for law students. She also recommended that practicing lawyers receive continuing legal education credits for participation in mentoring programs for law students.

David Leebron stressed that law schools should provide, at early stages, informal opportunities for students to meet with members of the profession outside of the context of job interviews. He stated that law students need to be made more aware of the important roles that relationships and relating effectively to people play in professional development. Charles Cramton added that most law schools do have mentoring programs in place but that the location of a law school affects its ability to set up mentoring events. Jeannette Ostaseski answered that tenured professors could better contribute to students' professional development by becoming active in bar associations and encouraging their students to do the same, and by bringing practitioners into the classroom.

Robert Witmer, a partner with Nixon, Peabody in Rochester, New York, and former State Bar president, then suggested that current technology provides new opportunities to promote mentoring relationships at different types of schools. Melinda Saran echoed Mr. Witmer's comments, describing the success of on-line mentoring in that school's Attorney Development programs. Madeleine Kennedy suggested that issues related to mentoring be discussed by the Network of Bar Leaders. Peter Sylver stated that the differences between separate aspects of the profession should be celebrated and that a student's ranking at a school or the school's ranking should not preclude that student from entering any sector of the profession.

The panel agreed the biggest obstacle to the success of mentoring programs is time pressure and that providing CLE credits for mentoring would provide an appropriate incentive for participation in mentoring programs. In addition, the panel agreed that involving practitioners in the classroom leads to more effective legal education grounded in the realities of the practice of law, provides unique mentoring opportunities and

stimulates meaningful dialogue on social and public policy issues between the academy and the practicing bar.

The panel also explored those aspects of the profession that could be drawn on to help young lawyers develop a meaningful life in the law. Jeannette Ostaseski, Robert Witmer and David Leebron observed that economic and time constraints prevent young lawyers from joining bar associations, teaching and otherwise diversifying themselves. Andrew Simons and Lewis Golub, Chairman of the Board and Chief Executive Officer of the Price Chopper supermarket chain, asserted that the profession needs to find a way to place a value on *pro bono* service, teaching and participation in bar associations. They both suggested that law firms count *pro bono* service toward billable hours requirements. Peter Sylver stated that students need more exposure to varied aspects of the profession during their summers. David Leebron discussed Columbia University's mandatory *pro bono* program and explained that such programs impart to students the value of the profession and their ability to make a difference. Mary Lu Bilek suggested that the third year of law school should be structured as a required internship or series of internships that are not geared solely towards job placement.

The Breakout Session ended with an agreement that law schools should instill in students a feeling for the majesty of the profession, perhaps through providing a list of books that inspire people about the law and lawyers.

BREAKOUT SESSION II

Moderator: Henry M. Greenberg, Esq.
Chair
Committee on Attorneys in Public Service
New York State Bar Association

Reporter: Matthew S. Lerner, Esq.

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Breakout Session II first addressed the concept of mentoring. The concept of mentoring, however, took on many forms during the discussion; however, the group seemed to agree that the underlying concept of mentoring is to assimilate law students into the profession, hopefully at the earliest points in their careers. The group addressed the relationship

between academicians and practitioners. Despite comments by some members of the group that time was an issue for both parties involved, the group agreed that the parties should work on defined projects within a mentoring construct. Richard Matasar suggested that the projects focus on answering how the profession can make its services more available, and at a better level of quality and/or price; Dean Matasar gave an example of a project in Florida in which practitioners, faculty, law students and the public all participated. Similarly, Hank Greenberg suggested that these projects could be created through bar association task forces or groups. The panel stated that faculty members, for the most part, are not members of bar associations. Several persons in the group suggested that bar associations offer a special faculty membership to encourage faculty participation in these projects.

In response to the possibility of a special faculty membership, the group briefly discussed alternative methods to foster mentoring. Jim Cohen suggested non-formal public events – i.e., brown bag lunches – that would expose practitioners to academicians' current projects. Marc Waldauer, a private practitioner from Syracuse, New York, agreed and stated that these events needed to be packaged in a way to encourage practitioners to mentor law students. Another participant emphasized that mentoring programs should not focus exclusively on litigators, but should also include transactional lawyers.

Through this brief discussion, however, the following two questions arose: (1) Whether bar associations have an effect on the law school curriculum and (2) Whether the “academy” can have an impact on law firm economics and law firm cultural issues. These questions met with some dissension. Particularly, Richard Matasar noted that law schools are already regulated by the American Bar Association – largely a group of practicing lawyers.

Hank Greenberg asked how public sector attorneys could establish relationships with law students. He noted that law students, given the economic realities they face upon graduation, are reluctant to enter the public sector. The group did not submit a solution to this question.

Leslie Stein – an Albany City Court Judge – returned the discussion to mentoring. Judge Stein stated that one-to-one mentoring did not work for most law students. She suggested holding small panels at law schools where lawyers from diverse backgrounds could speak to law students about their careers. The group picked up on this idea, suggesting that bar

associations and other entities avoid large-scale, institutional mentoring programs. John McAlary suggested that law schools not limit the events to alumni.

The group then briefly discussed different types of mentoring programs. One participant suggested the possibility of a law school-sponsored event that gave CLE credit to practitioners, and which required attendance by its students in order to graduate. Another suggested the possibility of faculty members teaching CLE programs in government institutions and private law firms, thereby fostering a relationship between the academy and practitioners.

Next, the discussion turned to whether law schools need to instill a values system within their curriculum. Perhaps the most vocal member with respect to this part of this discussion was Gary Shaw, who recognized that law schools, by default, bear the burden of socializing their students to a value system (i.e., students should not view potential clients as a means to an end). However, he cautioned the group not to be overly idealistic and recognized that law schools are essentially a microcosm of society; although he strongly encouraged some type of socialization process for law students. The group noted that law school could institute a value system in its regular curriculum, i.e., side discussions in the substantive courses, instead of adding more ethics courses. Mr. McAlary noted at the end of the session that the profession also needed to impart to new lawyers a value system, stating that newly admitted lawyers in the First and Second Departments attend a one-day program on ethics in the profession.

Finally, the group spoke briefly about the schism between adjunct and full-time professors in the academy. The group did not arrive at any solution regarding the schism; however, Vice-Dean Shaw did note that good adjuncts usually interact with the full-time faculty.

BREAKOUT SESSION III

**Moderator: Honorable L. Priscilla Hall
Member
New York State Judicial Institute
on Professionalism in the Law**

Reporter: David W. Novak, Esq.

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Breakout Session III's overall focus was on the interplay between the academic world of law school and the professional world of big city law firms and solo practitioners serving the needs of their community. The discussion often shifted in focus and was wide-ranging in nature.

Initially, the group discussed the role law school plays in training lawyers to serve the public. Kristin Booth Glen asserted that law school's

purpose is to train law students to serve the practical needs of their community. Included in her vision would be lawyers accepting fees for whatever the client could reasonably afford. In low-income areas, she noted, the fee would not be much at all. This kind of service, she concluded, is another form of public interest law, which many lawyers may find more satisfying than working in a large firm. She also perceived a need to understand that the practicing bar is much broader than large law firms, and public sector and organizational public interest firms. She urged the practicing bar and law schools to create partnerships to provide access to justice for all, in part by resourcing solo practitioners.

Ted Del Valle accentuated the point that the community lawyer is most people's access to justice. Most people cannot afford to go to a large firm or wouldn't even know how to find one. He stressed that law schools need to emphasize the noble aspect of representing the "little guy," rather than helping to play into the myriad of lawyer jokes, which are aimed mostly at the large firms. He noted the advantages of being a small-firm lawyer. He also stressed the need to work on improving the reputation of the profession and the need for the law schools to "bring back the pride" in our wonderful profession and celebrate the diversity in the way the profession is practiced.

The discussion shifted to the content of the law school curriculum. David Yellen stated that the current law school model of three years of studying mostly appellate cases may be anachronistic, and would likely not be the chosen method if we had to start from scratch in developing a curriculum. Therefore, more practical skills and clinical programs need to be integrated into the teaching of law. Dean Glen noted, however, that the bar examination remains looming over law students and that the full integration of clinical programs may be difficult given that students use the third year to take classes useful for the bar exam. Moreover, although clinics are essential to the teaching of law, the substantial extra expense of clinical programs makes them difficult to implement.

Everyone agreed with the point of Steven Krane that the legal profession and, in particular, the law schools, need to do a better job of marketing the profession to the public and stressing that lawyers have played an integral role in bringing about social change, especially in the area of products liability and consumer rights.

Justice Priscilla Hall also focused the discussion on getting academics back into the practice of law. The group discussed the idea of profes-

sors working at firms on their sabbaticals or at job swap programs, such as an existing Department of Justice program between law professors and Assistant United States Attorneys. While the academics questioned the use of sabbaticals, everyone seemed to believe a connection between law professors with the actual practice of law was important.

Richard Revesz gave his brief review of Law School Incentives 101, and noted that professors' scholarship is highly valued and earns the law school public respect. He believed the disconnect claimed between practitioners and academics is not so great and that most good law professors do engage in some law practice.

In conclusion, the group had an engaging discussion on pro bono work. Some thought that *pro bono* was not emphasized enough in law school and that the schools should take more seriously their *pro bono* obligations. The group stressed the need to instill a sense of service to the community through everyday teaching and emphasizing that making money is not all that lawyers can aspire to do. Mr. Krane thought that many firms would be more involved in *pro bono* work if more opportunities existed for politically diverse causes and interests. Dean Glen observed, however, that much *pro bono* work, such as representing tenants being evicted, is not a political enterprise.

BREAKOUT SESSION IV

**Moderator: John Stuart Smith, Esq.
Nixon Peabody, LLP**

Reporter: Jesse Ashdown, Esq.

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Interestingly, Panel IV began and ended its session with an expressed desire to define or set standards for “professionalism.” The panel even came up with the “crazy idea” of defining what characteristics make up a “good lawyer.” At a more basic level, however, Joseph V. McCarthy suggested that law students, and particularly young lawyers, need to become more aware of the disciplinary rules and how they operate on a practical level – the reality of what it means to go out and set up a practice and work with other lawyers.

Warren Redlich urged law professors to remain involved in the actual practice of law through *pro bono* or other practice, and he encouraged practicing lawyers to become involved in the law schools by teaching adjunct courses. Many members of the group also urged practicing attorneys to become involved with law students as mentors, Moot Court volunteers and, importantly, fund raising. Jane Kaplan encouraged team teaching and spoke of a program with which she was involved as part of a paralegal program where a paralegal and a lawyer teach as a team. She found the practicing bar very enthusiastic in volunteering and participating. She also stressed the need to teach practical aspects of ethics, integrating discussions in all classes. Many participants agreed that integrating ethics was important, but it was also important to teach law students the “nuts and bolts” of practice. Donald Doerr spoke about a one-on-one mentoring program that exists in Syracuse.

The panel also urged law students, as well as the law school academy, to become more involved in bar association activity. Jay Carlisle specifically encouraged law school faculty to give and participate in mandatory continuing legal education with practicing lawyers and take advantage of its feedback opportunities and to direct a portion of its scholarship to writing short practice-related articles for the The State Bar Journal or The New York Law Journal.

Many participants acknowledged the positive recent changes in the law schools, including more skills and values courses and more clinical and externship opportunities. Dick Bartlett discussed recent changes in the New York State bar examination to include, beginning July 2001, a performance test question, which is intended to reflect what lawyers may do in practice: draw up a complaint, draft a contract, prepare a memorandum for a “senior partner.” Additionally, starting July 2000, New York essay questions integrate professional responsibility issues with substantive questions. He also suggested the law schools could strengthen the partnership with the bar by providing more internships and externships.

John Feerick also focused on faculty scholarship. He suggested that a State Bar Journal section focus on interesting faculty scholarship or that different sections of the bar associations invite faculty active in that area to come to the bar associations and give a talk about their research and scholarship in hopes of having a conversation between the academicians and the bar on such scholarship. Dean Feerick cautioned against the bar trying to dictate to the law schools what they should do and how to do it,

and vice versa. He encouraged working together “inch by inch, not yard by yard” in forming a partnership. Despite perception, Dean Feerick observed, much faculty scholarship is “on the law that touches lawyers.” The moderator of the panel, John Stuart Smith, asked a provocative question of the practicing lawyers, “How many practitioners have read five or more Law Review articles in the last year?” The answer was none had, although several indicated they had read fewer than five articles during that time.

Ellen Wayne observed that we need to encourage young lawyers—the future of the profession—to participate in bar association activities. She also suggested that bar associations could sponsor meetings where practitioners, law school administrators and Pre-Law Advisors could discuss issues of common interest, such as recruiting, placement and counseling.

Moderator John Stuart Smith came up with the self-described “craziest idea” that the academy and the profession should work together to come up with a definition of a good lawyer.

As to the second question, the Session recognized the diversity in New York’s law schools and in the practice of law in New York. Many panelists observed that many good lawyers were not in the top ten percent of their class or on Law Review, and that recruiters need to look beyond their narrow parameters to focus on people who have judgment, people skills and are involved in their communities.

BREAKOUT SESSION V

**Moderator: Lorraine Power Tharp, Esq.
Secretary
New York State Bar Association**

Reporter: Hope B. Engel, Esq.

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The discussion in Breakout Session V began by focusing on the call for a partnership between the academy and the bar. Some questioned the premise, viz., whether a dichotomy actually exists between the academy and the bar. Laurie F. Shanks suggested that, as between certain law

schools and certain sectors of the bar, there exists “perfect” integration. Law schools rank their students, and the profession ranks its law schools, and thereby create a perfect feed for “top” law students to go to “top firms.” But the problem is that 80-90 percent of law students in the state do not fit the model. Jennifer Bock, a recent law school graduate and an associate at a firm on Long Island, expressed her concern that much of the dialogue in the profession, and in her law school career services office, was not addressed to those who fell outside of the top ten percent of the law school class.

The group focused on this perception and the discontent and suggested that one way in which the practicing bar, through its bar associations, might make a difference is by helping to organize the process by which smaller firms and public service institutions do their recruiting, perhaps sponsoring job fairs or informational sessions. Additionally, lawyers can work with the schools with externships and mentoring programs. Some participants provided examples of programs with which they have been involved. Many in the group stressed that another important service that lawyers can provide is to simply share with law students their passion for the law. Many law school participants were passionate about their students, indicating many students not at the top of their class were destined to be good lawyers. Joanne Winslow also pointed out that lawyers in communities with no law schools can also participate in college and high school programs directed at prospective law students.

The group also spoke on the need for the law schools to teach “day-to-day” ethics and civility, not simply provide intellectually interesting hypotheticals under provisions of the disciplinary rules. As to diversity in the bar, Irene Dorzback spoke of encouraging firms to expand their recruitment to a wider law school pool of applicants and to look deeper in each law school class. She also suggested that law firms consider expanding their summer programs. Others criticized the law schools for focusing so heavily on the LSAT, faculty “scholarship” (limited to Law Review publications) and the increasing cost of law school. Dean Howard Glickstein observed that an important participant was missing from the Convocation dialogue – the accrediting institutions. For example, the American Bar Association requires that law schools use the LSAT or something equivalent, and the increase in tuition costs can be directly attributed to the library and building requirements imposed by ABA inspectors. Dean Glickstein observed that one of the greatest obstacles to diversity is the

LSAT score, without which we never would be able to “objectively” state that one applicant is “more qualified” than another. While one applicant may have scored better on one particular exam, however, does not demonstrate that the individual possesses the myriad of qualities essential to being a good lawyer that the LSAT simply cannot assess. In contrast, in his view, the bar exam itself was not as big a barrier as some may portray because, although first time pass rates may be low for some minority groups, “eventual” pass rates are quite high.

Joy Beane urged the law firms to recognize that what’s going on now is that law firms are hiring people on the success of first-year grades, but that more about the person needs to be valued.

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APPENDIX A

COMPILATION OF PROPOSALS MADE AT THE BREAKOUT SESSIONS

TOPICS RAISED IN RESPONSE TO QUESTION 1

Question 1: Having in mind David Wilkins' challenge to form a new partnership from which might come a sense of professionalism for the twenty-first century, identify at least three concrete steps you believe must be taken to form that partnership between the academy and the practicing bar.

I. AMERICAN INNS OF COURT

A. More American Inns of Court would help form the partnership through mentoring and networking opportunities. (I, p.7)

II. MENTORING

A. The Importance of Mentoring

1. Mentoring opportunities are critical for students to obtain good jobs and to close the gap between the academy and bar. (I, p.9)
2. Mentoring helps students make good job choices. (I, p.32)
3. Mentoring increases diversity and helps to socialize students to the profession. (I, pp.10-12, 32; II, p. 4, 39)
4. Mentoring builds partnerships between the academy and the practicing bar. (IV, p.4)

B. Specific Mentoring Programs

1. Create mentoring programs where practitioners come to law schools to talk to the students. (II, p.34)
2. Develop breakfast programs with a small number of students, as well as other informal opportunities for students to get to know practicing lawyers. (I, p.11)

3. Mentoring between practicing lawyers and law school professors. (I, p.14; II, p.5)
 4. Mentoring programs should match the interests of the mentors and students. (I, p.21)
 5. Mentoring opportunities should be available in informal networking contexts. (I, pp.22, 24)
 6. Mentoring opportunities in a small group environment should be created. (I, p.27)
 7. Mentoring programs should provide one-on-one contact between law students and members of the bar. (II, p.4)
 8. Law schools could work with their local bar associations, especially women and minority bar associations, to create mentoring opportunities through internship programs. (I, p.27)
 9. Mentoring programs could be based in a local setting with law schools reaching out to their alumni. (II, p.37)
 10. Law schools could couple first year law students with local alumni. (IV, p.13)
 11. Virtual/on-line mentoring. (I, pp.14, 20)
 12. Create CLE opportunities for the practitioners through mentoring programs. (I, pp.33, 43)
 13. Develop a systemized mentoring program from law school right through practice. (I, p.42)
 14. Have students, practitioners and professors gather on a regular basis. (I, p.41)
- C. Impediments to Successful Mentoring Programs
1. Geographic barriers. (I, p.13)
 2. Time and energy constraints. (I, pp.22, 24, 45)
 3. Mentoring programs are not individually tailored to the needs of different groups. (I, pp.29-31)
 4. The informality of most mentoring programs leads to a high failure rate. (I, p.11; II, p.33)

5. Law schools cannot afford to be embarrassed by low student attendance at such programs. (I, p.47)
6. The students and the profession must value mentoring. (I, p.25)
7. The practicing bar must recognize its role in mentoring new attorneys since mentoring programs in the employment context are likely to be more successful. (I, p.25; II, p.43)

III. EVALUATE THE PROFESSION

- A. Define professionalism and then try to form a partnership to accomplish it. (IV, p.8)
- B. Create a definition of a good lawyer and integrate it into the law school admissions process, the curriculum, and the hiring process. (IV, p.21)
- C. The practicing bar should be examined with a broader vision than is generally discussed and the different categories should be examined before we develop ways to build a partnership. (III, p.7)
- D. Develop minimum standards for the practice of law. (IV, p.4)
- E. Compare and integrate the practice models in place with the rules of professional responsibility. (II, p.12)

IV. HELP STUDENTS UNDERSTAND THE REALITIES OF LAW PRACTICE AND BE READY TO PRACTICE UPON GRADUATION

- A. Provide law students with more clinical experience. (III, p.28; IV, p.11)
- B. Provide law students with more client counseling experience. (III, p.29)
- C. Teach law office/practice management in law school. (IV, pp.17, 19)
- D. Teach the nuts and bolts of practice so that law students can hit the ground running upon graduation. (V, p.23)
- E. Implement a core curriculum in terms of practice expectations, career expectations and pro bono requirements. (V, pp.19, 35)
- F. Provide bridge the gap programs for law school graduates. (IV, p.35)

- G. Students could be given academic credit for working with lawyers. (III, p.12)
- H. Clinical programs could be created for those students who want to practice in the transactional law arena. (II, p.50)
- I. The law school accreditation process causes problems for the schools in addressing these issues. (V, p.25)

V. INCREASE FACULTY AND PRACTITIONER INTERACTION

A. What the Academy Can Do

1. Where the Academy Can Improve Interaction

- a. Increase interaction between adjunct and full time faculty. (II, pp.51, 60)
- b. Law school faculty and deans should become more involved in the organized bar. (II, p.13; IV, p.9)
- c. Increase faculty participation in pro bono or other forms of practice. (IV, p.6)
- d. Faculty should prepare and give CLE programs. (IV, pp.9, 39)
- e. Encourage more practitioner/adjunct teaching at law schools. (I, p.34; IV, p.7)
- f. Law schools could market the legal profession to improve its reputation through its public service work. (III, pp.10-12; V, p.14)
- g. Administrators could hold biennial meetings. (IV, p.20)

2. Faculty Scholarship

- a. Generate more practitioner knowledge about faculty scholarship. (IV, p.15)
- b. Faculty scholarship could address questions that are important to practitioners. (I, p.39; IV, p.9)
- c. Invite practitioners back to the law schools to focus on intellectual subjects without regard to clients. (II, p.18)

- d. Invite practitioners to the faculty lunches already in place where faculty work is presented to the attendees. (II, p.15)

3. Career Services

- a. Law schools could provide ongoing support for students leaving law school and throughout their careers. (III, p.24)
- b. Encourage big firms to look deeper into the law school classes and broader to include more law schools to fulfill their needs. (V, pp.21, 28)
- c. Fix the law school model so it works for students other than those in the top of the class who are heading to the big firms. (IV, pp.30, 33; V, p.6-8, 14, 17, 29)

B. What the Practicing Bar Can Do

1. Where the Bar Can Improve Interaction

- a. Bar associations could do a better job of reaching out to law schools on particular projects. (II, pp.58, 61)
- b. Increase practitioner involvement with the law schools with regard to recruiting, placement, counseling and fundraising. (IV, p.20; IV, p.10)
- c. Practitioners could participate in curriculum development. (II, p.20)

2. Develop cooperation among big and small firms. (III, p.8)

3. Have the bar associations' newsletters include perspectives from different areas of the profession including judges, law professors, and practitioners. (IV, p.19)

4. Create fellow programs to teach new attorneys how to be effective associates. (I, p.48)

C. What the Academy and the Practicing Bar Can Do Together

1. General Suggestions

- a. Increase communications between law schools and bar associations to achieve shared goals. (IV, pp.26, 37)

- b. Get the word out that, as a profession, lawyers have passion. (V, p.13)
 - c. Recognize the necessary contribution of both the bar and the academy to produce good lawyers. (III, p.32)
 - d. Work together to reduce debt load and allow students to make more meaningful job choices. (II, pp.25, 29)
 - e. Create community based legal resource networks to help deal with ethical issues that arise during the practice of law. (III, p.27)
 - f. Hold conferences for bar leaders to create a dialogue between law students and the practicing bar. (I, pp.4, 28)
 - g. Be cautious in telling the different segments of the legal community what they should be doing. (I, pp.35-37; II, p.24; IV, p.36)
2. Specific Suggestions
- a. Team teaching where full time professors work with practitioners. (I, pp.30, 34, 54)
 - b. Collaborate on law reform work. (II, p.8)
 - c. Have each sector of the profession devise projects in their respective area of law that have a sense of purpose. (II, pp.9, 14, 19)
 - d. Encourage luncheons for those in a specific practice area. (II, p.56)
 - e. Have professors and practitioners engage in job swaps. (III, pp.16, 20)
 - f. Bar associations should assist in developing small firm on-campus hiring programs. (V, p.28)
 - g. Develop a meaningful model for the bar examination in order to create different priorities with regard to the law student course selection. (I, pp.10, 41; III, pp.19, 29; IV, p.11)

VI. TEACH STUDENTS ABOUT PROFESSIONALISM

- A. Communicate the core values of the profession to law students. (I, p.48, 54; II, pp.26-27, 59, 60)
- B. Convey the joy of being a lawyer to law students. (III, p.31)
- C. Ensure that law students leave law school with the idealism and values they had upon entering. (II, p.46)
- D. Career Services
 1. Change the law school culture so that law students understand that they need not land a job at a Wall Street firm to be a success. (V, p.12)
 2. Place greater emphasis on career services and programs for students who are not going to large firms. (V, pp.6, 8, 14, 17, 27)
 3. Educate firms that lawyers with passion for the law will be good at what they do. (V, p.11)
- E. Course Requirements
 1. Provide ethics lessons while teaching the core courses. (II, p.49)
 2. Implement an intensive course on the practical application of the rules of professional responsibility. (IV, pp.5, 24)
 3. Require student participation in bar association activities. (IV, p.23)
 4. Implement law student CLE requirements. (II, pp.38, 40, 63)
- F. Law School Administrations
 1. Encourage faculty participation in bar association activities so that students follow. (I, p.15; II, p.14)
 2. Value faculty participation in public interest work. (III, p.17, 21)
 3. Celebrate the differences among law schools and make students aware of those differences. (I, p.17; IV, p.33)
 4. Implement professional responsibility at the law school level through a student code of professional conduct. (V, p.37)

VII. PRE-LAW SCHOOL ACTION

- A. Provide for shadowing at the high school and college levels to aid students in their career choices about the realities of lawyering. (V, p.30)
- B. Introduce conflict resolution at the grammar and high school levels. (V, p.32)

TOPICS RAISED IN RESPONSE TO QUESTION 2

Question 2: The presentations and colloquy yesterday and today underscore the complex elements of diversity in New York's law schools and practicing bar. What aspects of this rich variety can be drawn upon to insure that each young lawyer develops a meaningful life in the law?

I. ADMISSIONS PROCESS

- A. Provide pre-law school advisory programs so that potential students can envision the career path of their choice. (III, p.36)
- B. Make law school admission standards more favorable to minorities. (III, p.33)
- C. Law school admission standards should focus on more than just grades in determining who will be a successful lawyer. (IV, p.30)
- D. Expand the definition of scholarship to increase diversity. (V, p.40)
- E. Place less emphasis on LSAT scores since they negatively impact diversity and do not translate into who will be a good lawyer. (I, pp.10, 52; V, pp.26, 53)

II. PROVIDE STUDENTS WITH MORE CAREER CHOICES

- A. Career services could do better job placement. (III, p.42)
- B. Students could receive broad practical experience in law school beyond clinic programs. (V, p.56)
- C. Summer programs could involve a rotation that enables students to see different aspects of the profession. (I, p.60; V, p.19)
- D. Require third year or post law school internships. (I, p.68)
- E. Provide students with a required reading list that will inspire them about the profession. (I, p.73)
- F. More extensive loan forgiveness programs could be created, especially for graduates employed in public service positions. (IV, p.34)
- G. Law schools can better recognize the diversity of practice. (IV, p.33)

H. Law schools can better develop their students' passion to love the practice of law. (I, pp.65, 73; III, p.35)

I. Impediments

1. ABA accrediting stands in the way of providing significant practical skills at the law school level. (V, p.56)
2. ABA and AALS representatives must be part of the decision-making process; we need a consensus to make change, including the support of law school deans. (V, pp.34, 40, 57)
3. Law schools could stop worrying so much about bar pass rates and the U.S. News and World Report. (V, pp.6, 40)
4. The bar exam is a barrier for minority students. (III, p.33)

III. HIRING STANDARDS

- A. Change the large firm hiring standards and procedures so that firms look beyond the top 10% of students from the top law schools. (V, pp.29, 49)
- B. Employers could better evaluate a potential hire by looking at the whole person, not just grades. (V, p.53)

IV. BILLABLE REQUIREMENTS

- A. Place less focus on billable hours. (I, pp.56, 61; V, p.60)
- B. Billing requirements hinder new lawyers from engaging in bar association activities. (IV, p.19)
- C. Law firms could give recognition to the time its associates put toward pro bono and community service activities. (I, p.68)

V. WORK PROGRAMS DURING LAW SCHOOL

- A. Firms could reduce summer programs by one week so that an additional summer associate can be hired. (V, p. 50)
- B. Firms could expand summer programs to include real training and trial periods and increase competition among students. (V, p.52)
- C. Bar associations could match the pool of students available to work with small firms on daily or weekly projects. (V, p.54)

VI. RESPONSIBILITY OF THE BAR

- A. Encourage young lawyers to the rewarding aspects of the profession. (I, pp.48, 58, 62)
- B. Encourage diversity and minority participation in bar associations. (I, p.70; V, p.42)
- C. Require law school graduates to perform pro bono work. (IV, p.29)
- D. Create more conservative *pro bono* opportunities. (III, p.43)
- E. Big firm attorneys could work with those serving the underserved communities. (III, p.8)