# FOUNDATIONS FOR PRACTICE:

## Skills, Competencies, and Characteristics that Comprise the Whole Lawyer

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# 34%

Percentage of 2017 law graduates who did not land full-time, long-term employment requiring bar passage

Credit: ABA Employment Survey

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# 25%

Percentage of 2017 law graduates who did not land full-time, long-term employment recognizing law degree

Credit: ABA Employment Survey

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# 22%

Percentage of 2017 law graduates who did not land full-time, long-term employment
(including professional and non-professional)

Credit: ABA Employment Survey

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# 71%

Percentage of third-year law students who believe they have sufficient skills to practice

Credit: BARBRI, State of the Legal Field Survey

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# 45%

Percentage of law professors who believe new lawyers have sufficient skills to practice

Credit: BARBRI, State of the Legal Field Survey

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# 23%

Percentage of practitioners who believe new lawyers have sufficient skills to practice

Credit: BARBRI, State of the Legal Field Survey

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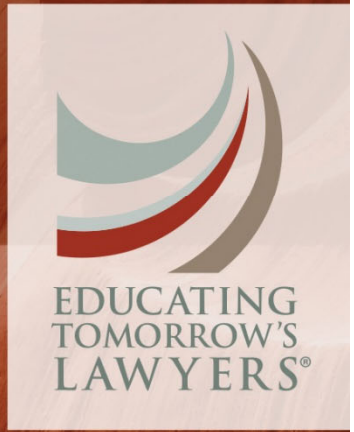
# FOUNDATIONS FOR PRACTICE




1. Identify the foundations entry-level lawyers need

2. Develop measurable models of legal education that support those foundations

3. Align market needs with hiring practices to incentivize positive improvements

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# 37

The number of states that distributed the survey

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# 24,137

The number of valid responses to the survey

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# NEW YORK

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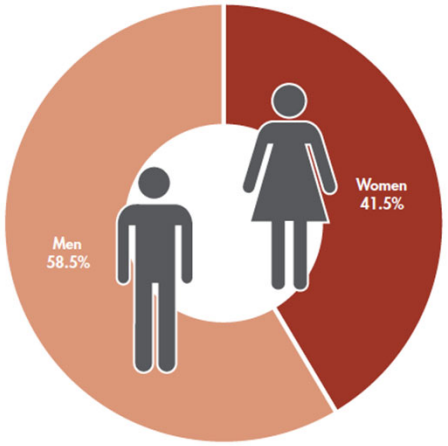


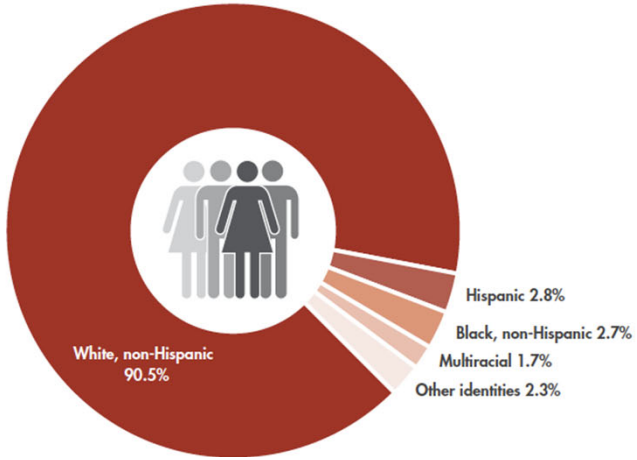


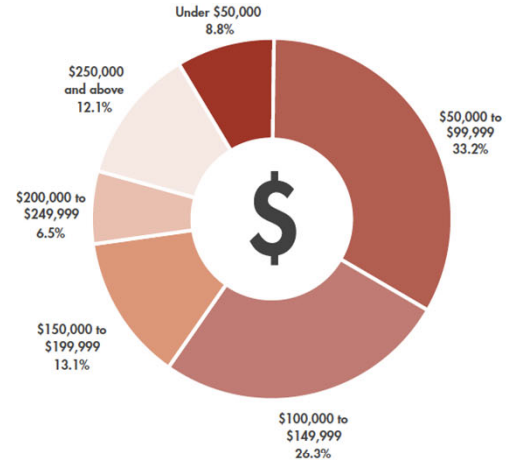


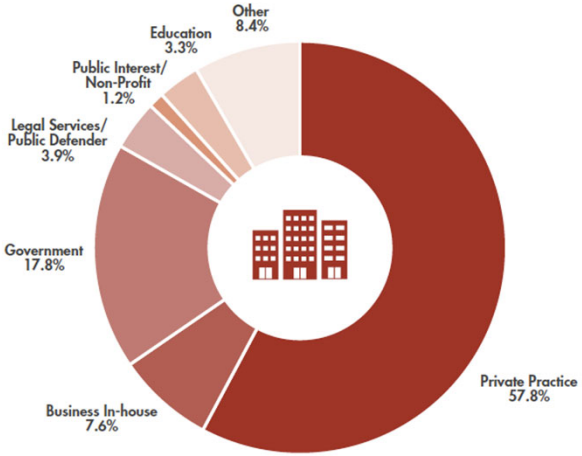


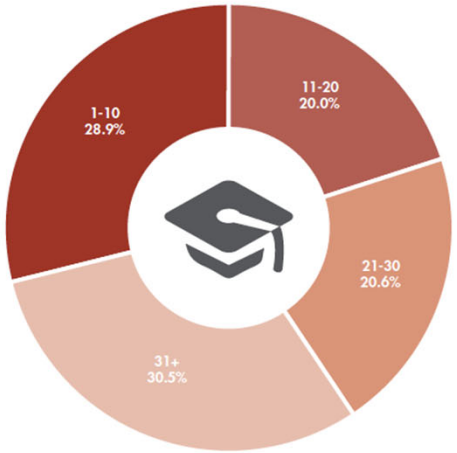


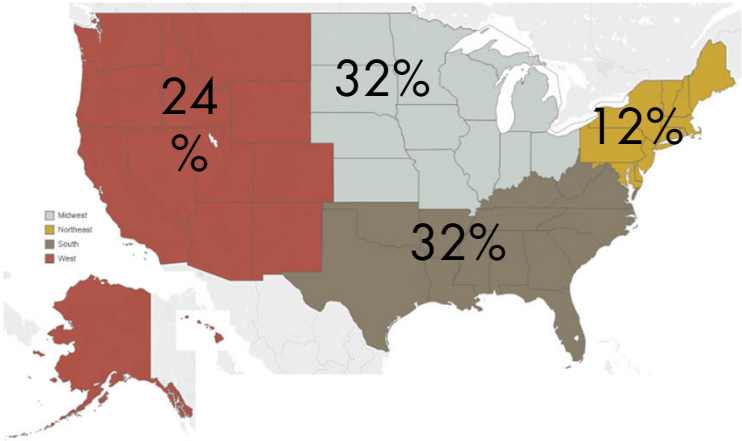


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# RESPONSES COMPARED

## Overall

| Practice Setting | | Percent |
|---|---|---|
| | | |
| Business: In-house | | 7.6 |
| Government | | 17.8 |
| Other | | 16.8 |
| Private Practice | | 57.8 |

## New York

| Practice Setting | | Percent |
|---|---|---|
| | | |
| Business: In-house | | 7.7 |
| Government | | 12.3 |
| Other | | 19.2 |
| Private Practice | | 56.0 |

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# 147

The number of foundations we asked about

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Listen attentively and respectfully

Identify relevant facts, legal issues

Initiative

Make decisions and deliver results

Diligence

Critically evaluate arguments

Work as part of a team

Integrity and trustworthiness

Conduct and defend depositions

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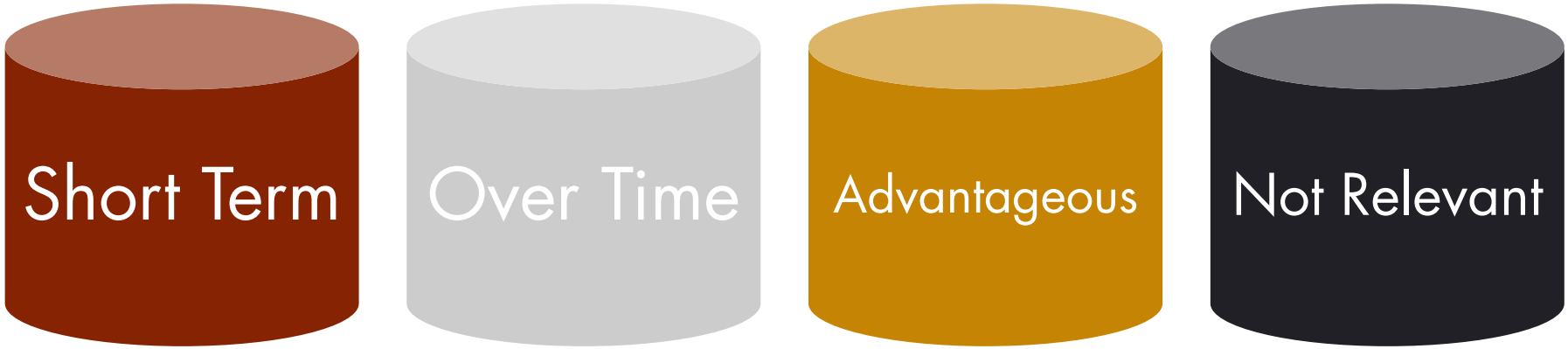


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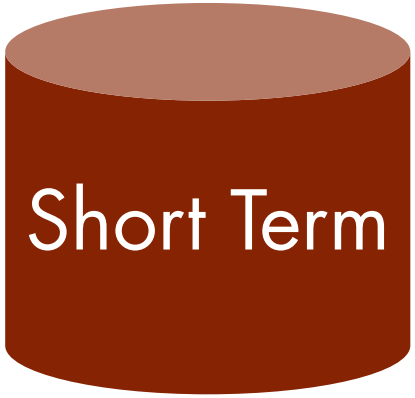


(Necessary right out of law school)

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# 77

The number of foundations identified as "Necessary in the Short Term" by 50% or more of the respondents

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# Foundations for Practice

1. Keep confidentiality
2. Arrive on time
3. Honor commitments
4. Integrity and trustworthiness
5. Treat others with courtesy and respect
6. Listen attentively and respectfully
7. Respond promptly
8. Diligence
9. Strong work ethic
10. Attention to detail
11. Conscientiousness
12. Common sense
13. Intelligence
14. Research the law
15. Take individual responsibility
16. Emotional regulation/self-control
17. Speak professionally
18. Strong moral compass
19. Write professionally
20. Exhibit tact and diplomacy

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# Legal Skills

1. Keep confidentiality
2. Arrive on time
3. Honor commitments
4. Integrity and trustworthiness
5. Treat others with courtesy and respect
6. Listen attentively and respectfully
7. Respond promptly
8. Diligence
9. Strong work ethic
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16. Emotional regulation/self-control
17. Speak professionally
18. Strong moral compass
19. Write professionally
20. Exhibit tact and diplomacy

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# Competencies

1. Keep confidentiality
2. Arrive on time
3. Honor commitments
4. Integrity and trustworthiness
5. Treat others with courtesy and respect
6. Listen attentively and respectfully
7. Respond promptly
8. Diligence
9. Strong work ethic
10. Attention to detail
11. Conscientiousness
12. Common sense
13. Intelligence
14. Research the law
15. Take individual responsibility
16. Emotional regulation/self-control
17. Speak professionally
18. Strong moral compass
19. Write professionally
20. Exhibit tact and diplomacy

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# Characteristics

1. Keep confidentiality
2. Arrive on time
3. Honor commitments
4. Integrity and trustworthiness
5. Treat others with courtesy and respect
6. Listen attentively and respectfully
7. Respond promptly
8. Diligence
9. Strong work ethic
10. Attention to detail
11. Conscientiousness
12. Common sense
13. Intelligence
14. Research the law
15. Take individual responsibility
16. Emotional regulation/self-control
17. Speak professionally
18. Strong moral compass
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# THE WHOLE LAWYER

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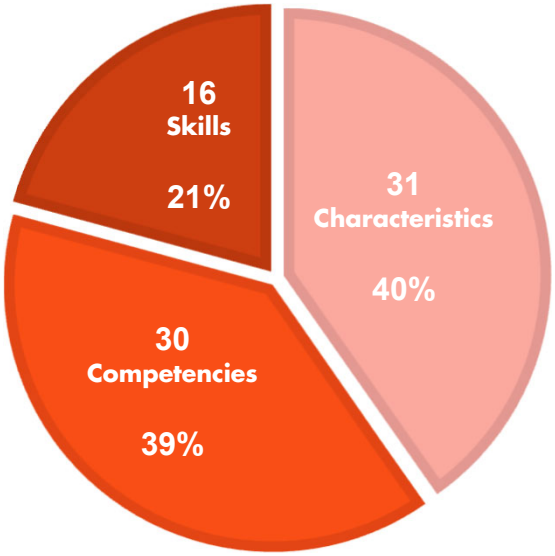
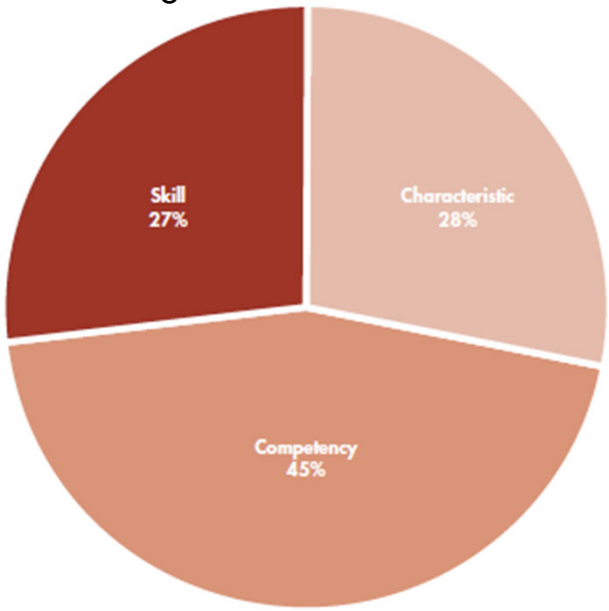
# THE WHOLE LAWYER

Proportion of Skills, Competencies, & Characteristics Among 77 Whole Lawyer Foundations




Proportion of Skills, Competencies, & Characteristics Among 147 Foundations

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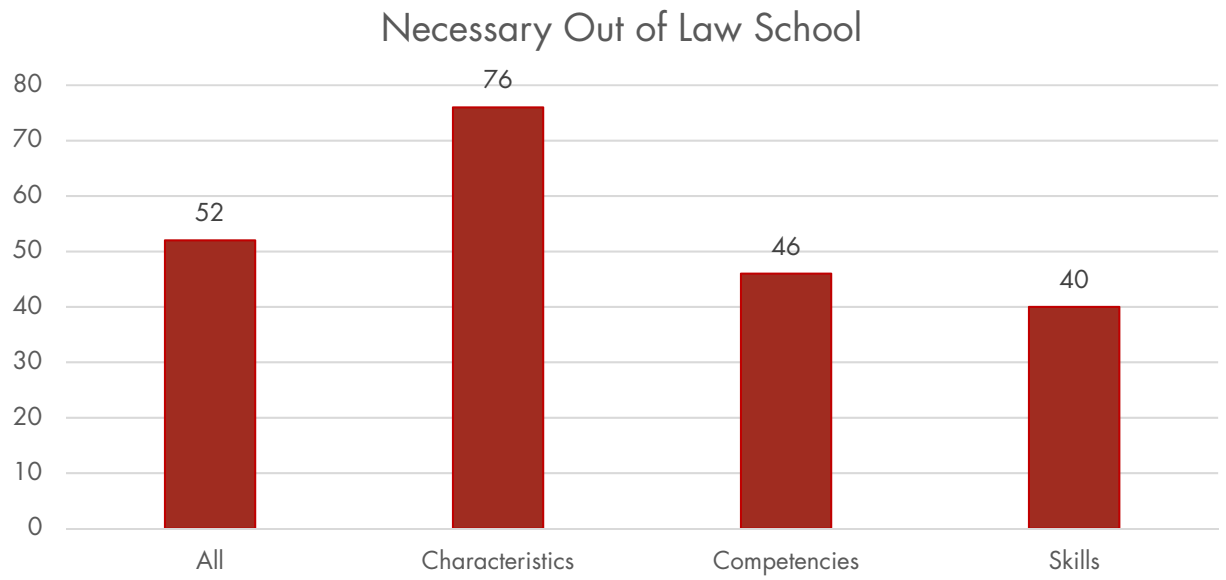
# The Whole Lawyer

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# CHARACTER QUOTIENT

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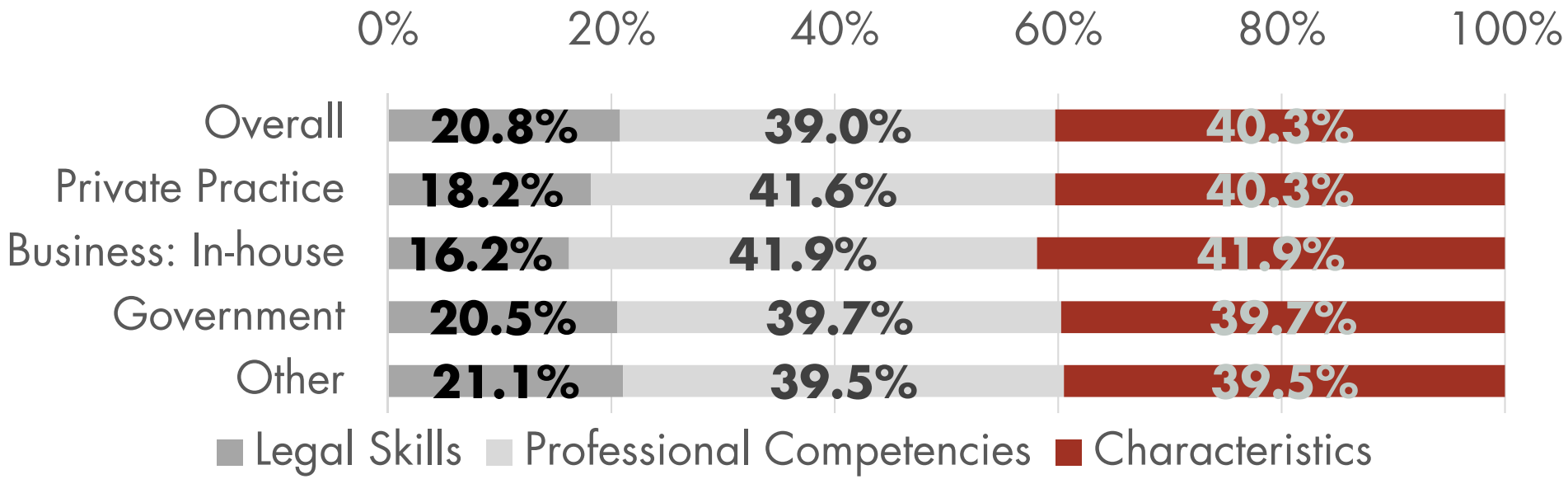
# The Whole Lawyer
# Foundation Types by Practice Setting

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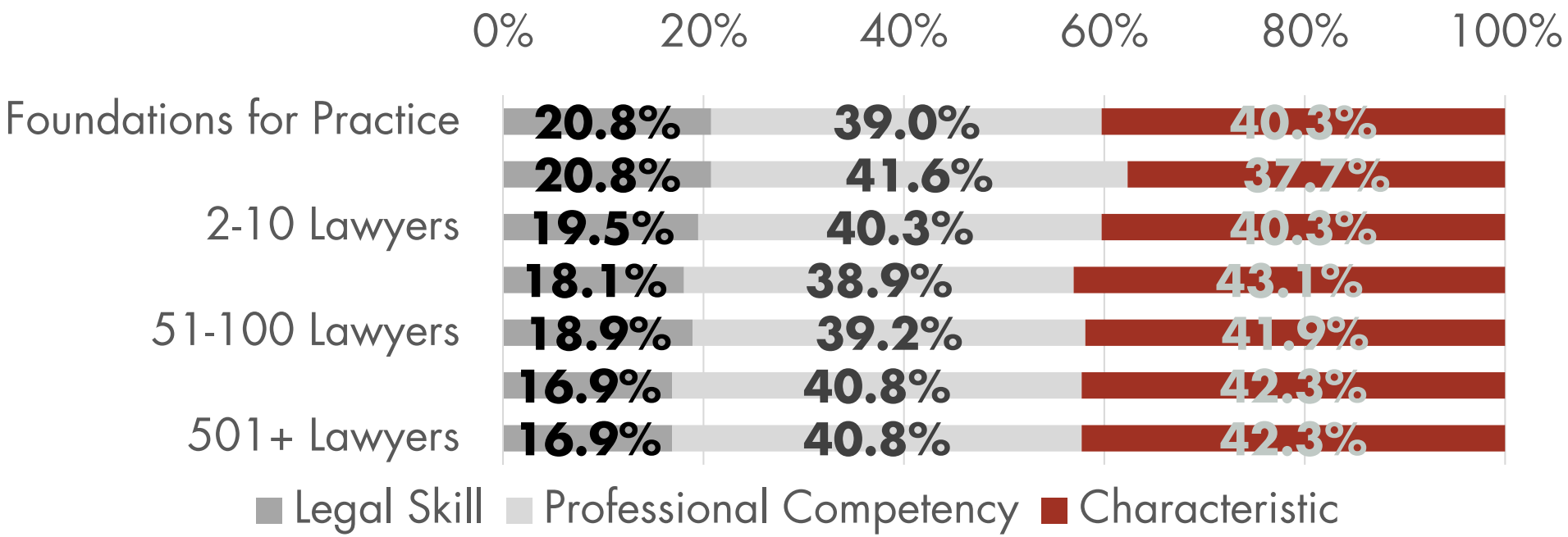
# Foundation Types by Law Firm Size

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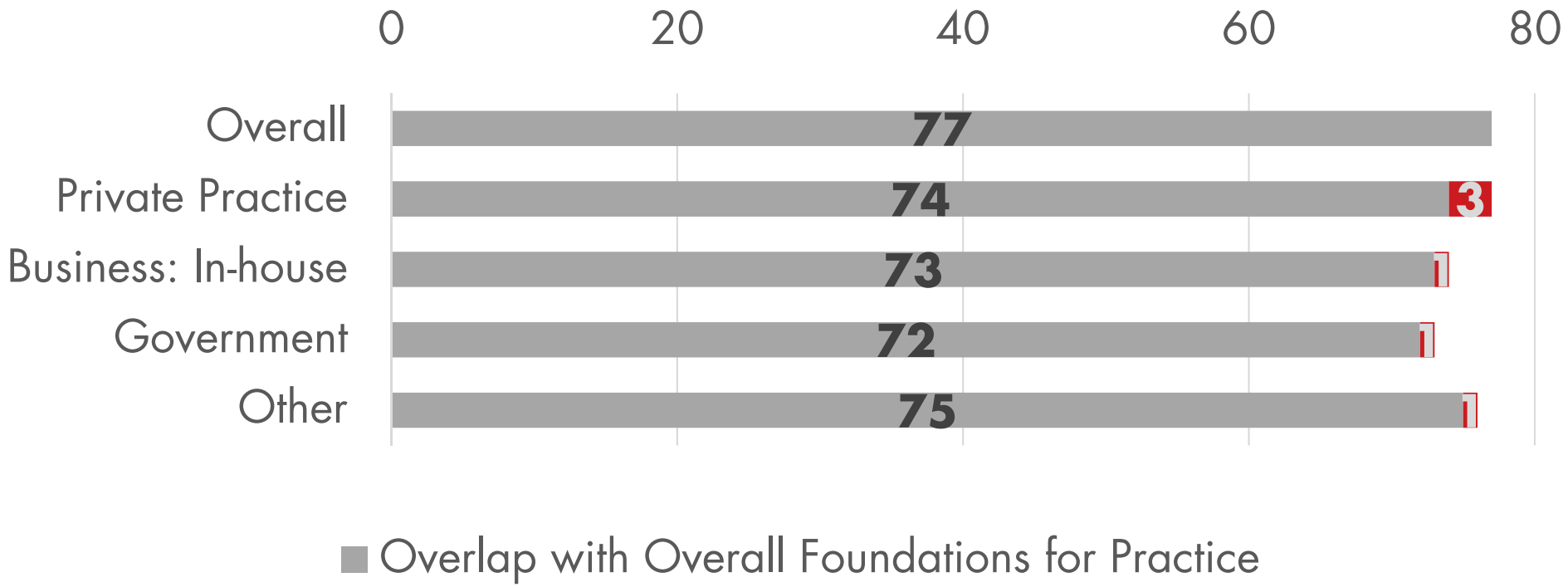
# Whole Lawyer Foundations

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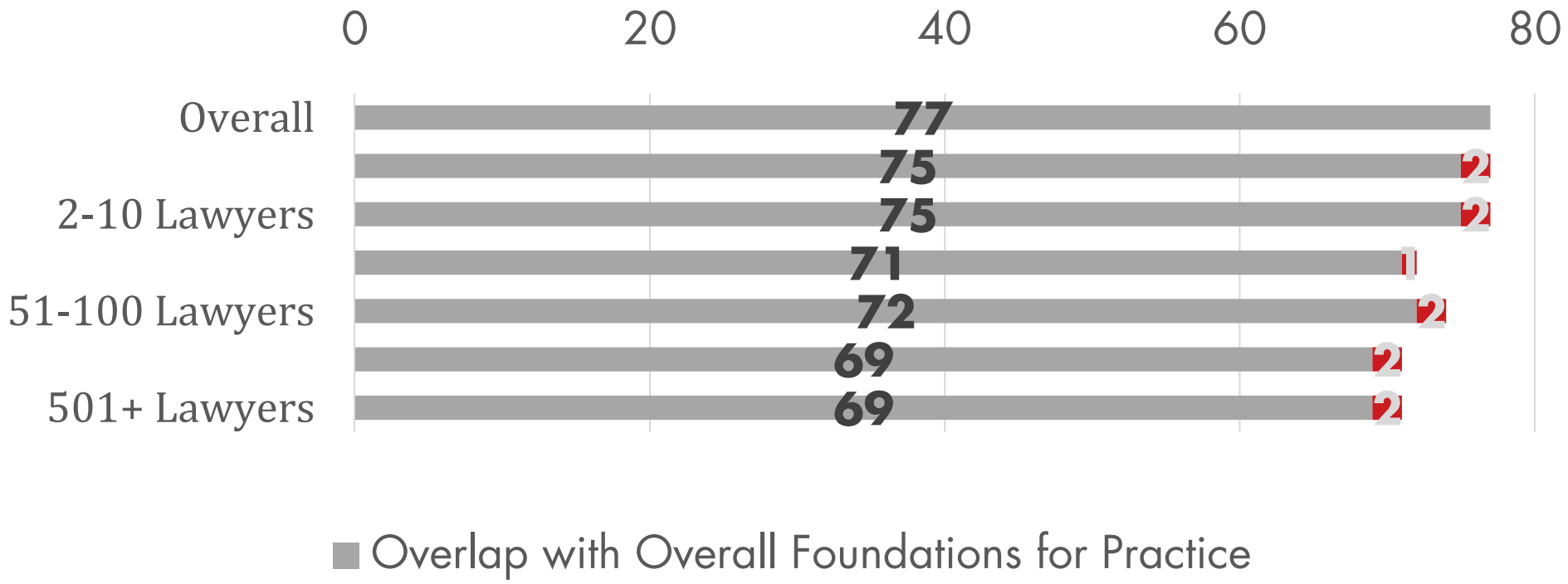
# Whole Lawyer Foundations

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# Private Practice

| Foundations Added to the Overall Whole Lawyer | Foundations Removed from the Overall Whole Lawyer |
| --- | --- |
| • Be visible in the office<br>• Adhere to proper collections practices | • Draft contracts and agreements<br>• See a case through from start to a timely finish |

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# Business: In-House

| Foundations Added to the Overall Whole Lawyer | Foundations Removed from the Overall Whole Lawyer |
| --- | --- |
| • Understand the challenges of virtual communication | • Draft pleadings, motions, and briefs<br>• Request and produce written discovery |

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# MINIMAL DIFFERENCES

| Foundation Added | OVERALL | NY | DIFFERENCE |
|---|---|---|---|
| Seek out work or training that will expand skills, knowledge, or responsibilities | 48.9% | 53.6% | 4.74 |

| Foundations Removed | OVERALL | NY | DIFFERENCE |
|---|---|---|---|
| Interview clients and witnesses | 50.0% | 42.7% | 7.29 |
| Critically evaluate arguments | 55.4% | 49.7% | 5.70 |
| See a case or project through from start to timely finish | 53.7% | 49.0% | 4.68 |
| Have a personality that "fits" the firm or organization | 53.0% | 48.3% | 4.68 |
| Maintain core knowledge of the substantive and procedural law in the relevant focus area(s) | 50.7% | 46.1% | 4.65 |
| Prepare client responses | 50.7% | 46.2% | 4.56 |
| Possess self-awareness (strengths, weaknesses, boundaries, preferences, sphere of control) | 50.2% | 46.2% | 4.07 |
| Work autonomously | 50.2% | 48.8% | 1.41 |
| Draft contracts and agreements | 50.3% | 49.2% | 1.09 |
| Recognize client or stakeholder needs, objectives, priorities, constraints, and expectations | 49.9% | 49.3% | 0.63 |

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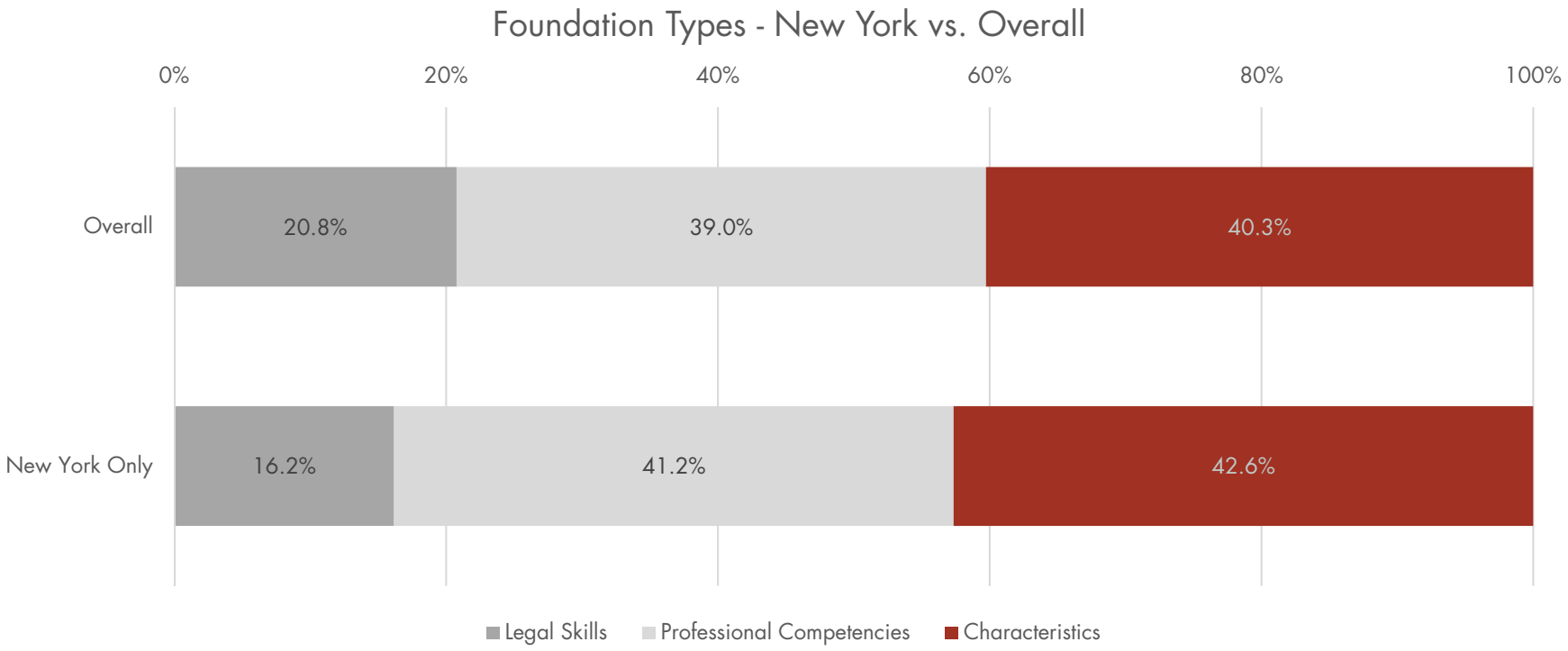
# THE WHOLE LAWYER

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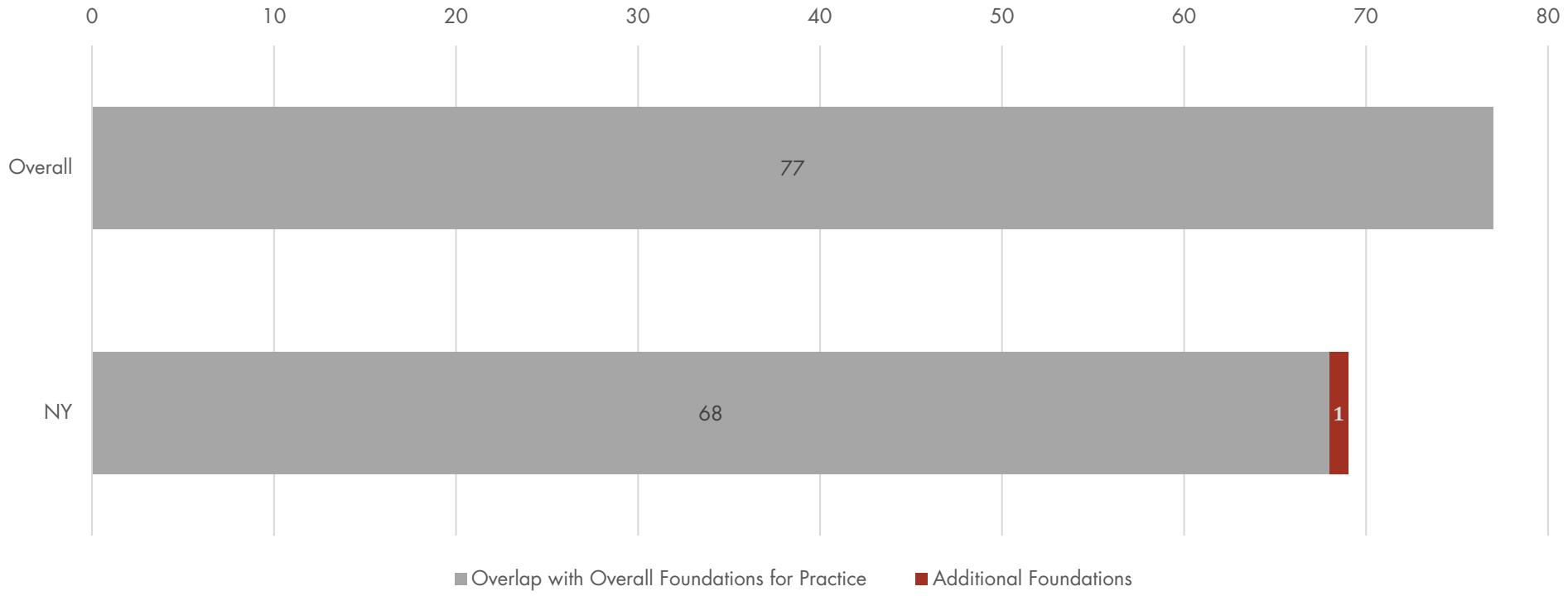
# Whole Lawyer Foundations

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# THE WHOLE LAWYER IS CONSTANT ACROSS ALL WORKPLACES


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# So… legal skills don't matter?

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# Hiring the Whole Lawyer

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# OLIVER BARRETT IV

119 Oxford Street · Cambridge, MA 02140 · obarrett@law.harvard.edu

## EDUCATION

**Harvard Law School**

Juris Doctor received May 2014

- *Harvard Law Review*, notes editor
- Lincoln's Inn Society, president
- Ames Moot Court Competition, prize: best brief
- Harvard Association of Law & Business

**Yale College**

Bachelor of Arts in American History and Political Science, *summa cum laude*, received May 2011

- Yale Debate Association, president
- The Yale Historical Review, senior editor
- Phi Alpha Theta (National History Honor Society)
- Club ice hockey, co-captain, 2010-2011

## EXPERIENCE

**Wilmer Cutler Pickering Hale and Dorr LLP** — Boston, MA

*Legal Intern* — May – August 2013

- Drafted briefs and memoranda
- Performed legal research on transactional and intellectual property issues
- [illegible] for clients, revised contracts

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1. Law school attended
2. Class rank
3. Law review experience
4. Journal experience
5. Legal employment
6. Legal externship
7. Participation in law school clinic
8. Other experiential education
9. Law school courses in a particular specialty
10. Law school certification in a particular specialty
11. Recommendations from professors
12. Recommendations from practitioners or judges
13. Extracurricular activities
14. Life experience between college and law school
15. State court clerkship
16. Federal court clerkship
17. Ties to a particular geographic location

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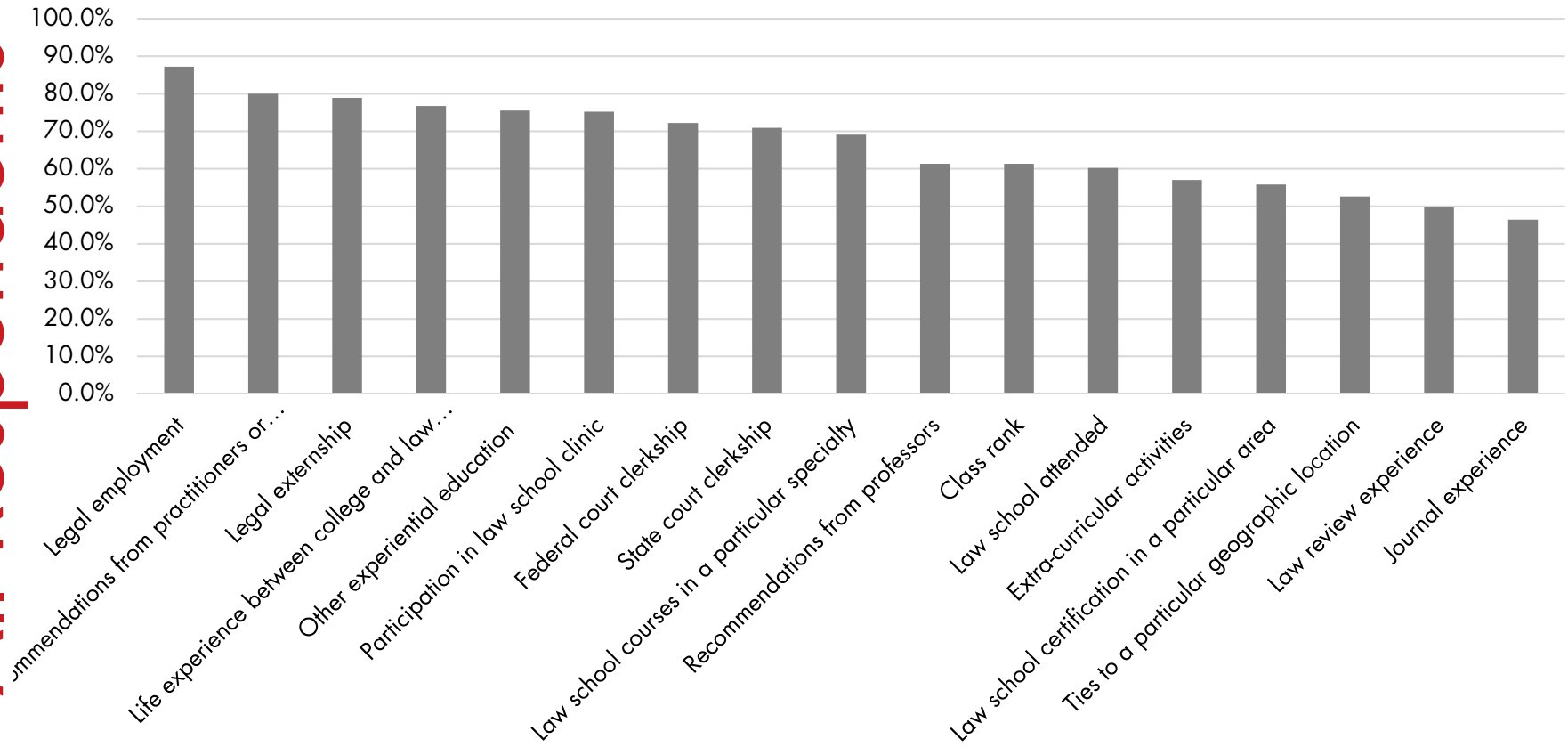
# All Respondents

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# EXPERIENCE MATTERS

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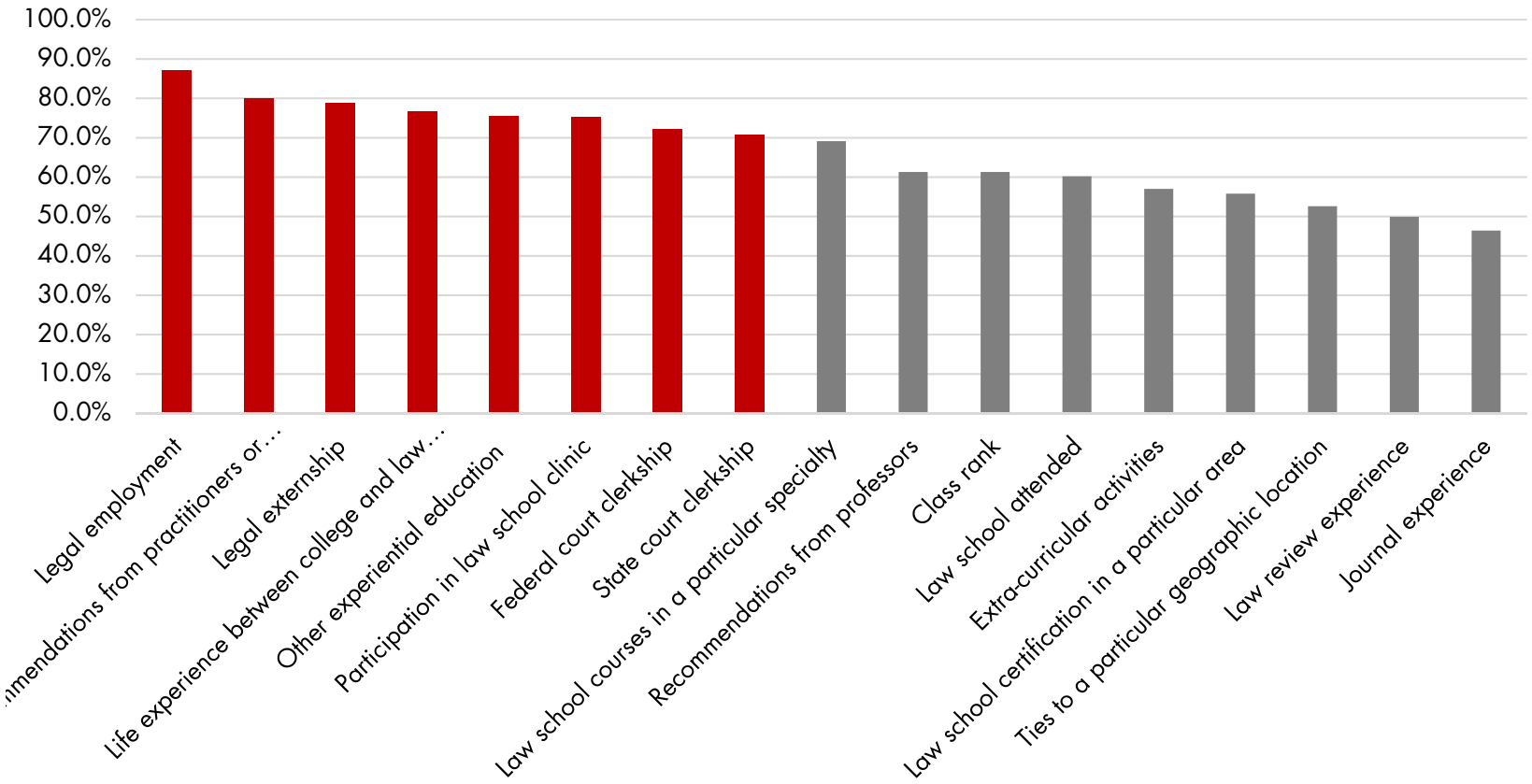
# All Respondents

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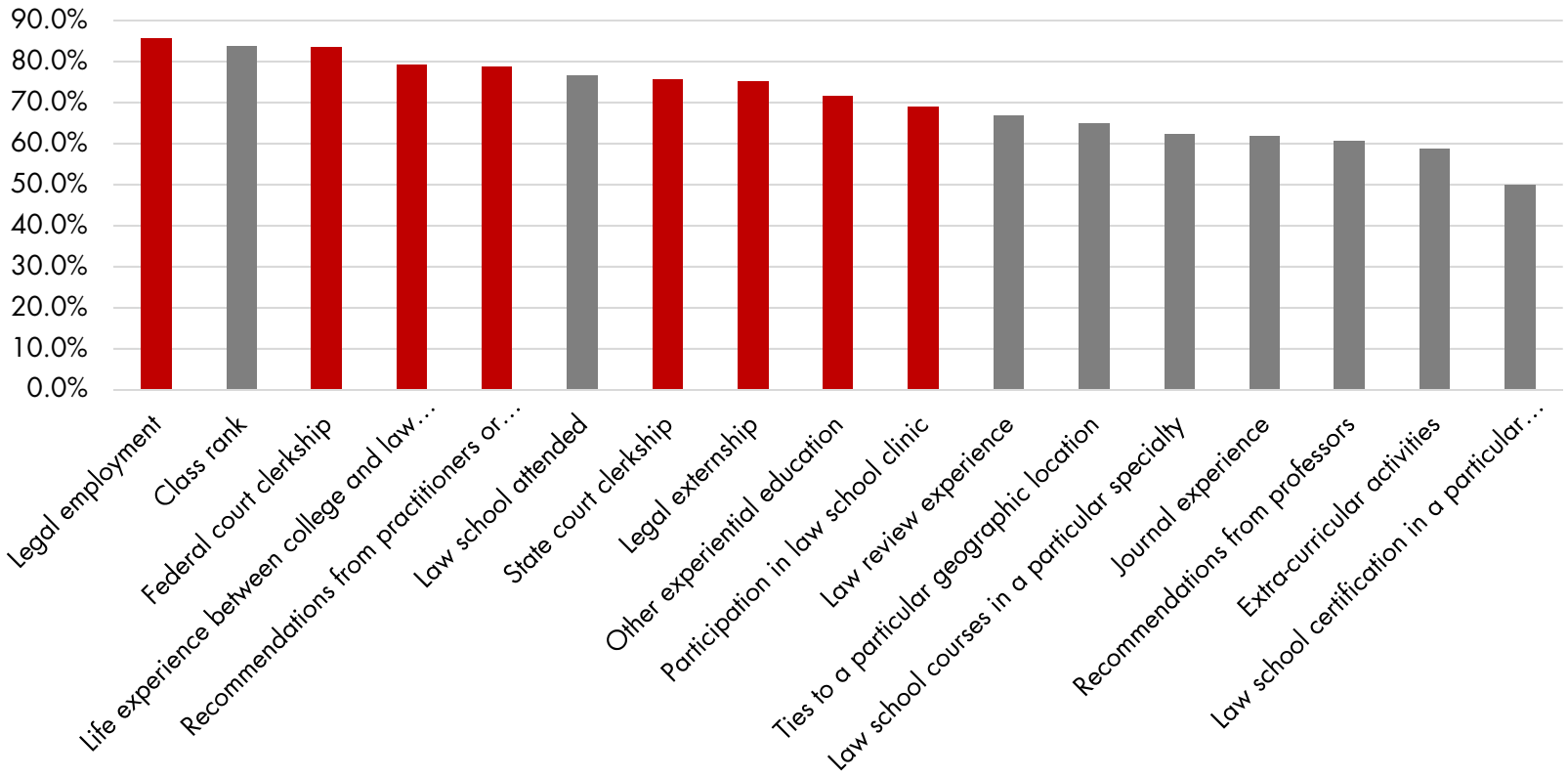
# Firms – 100+

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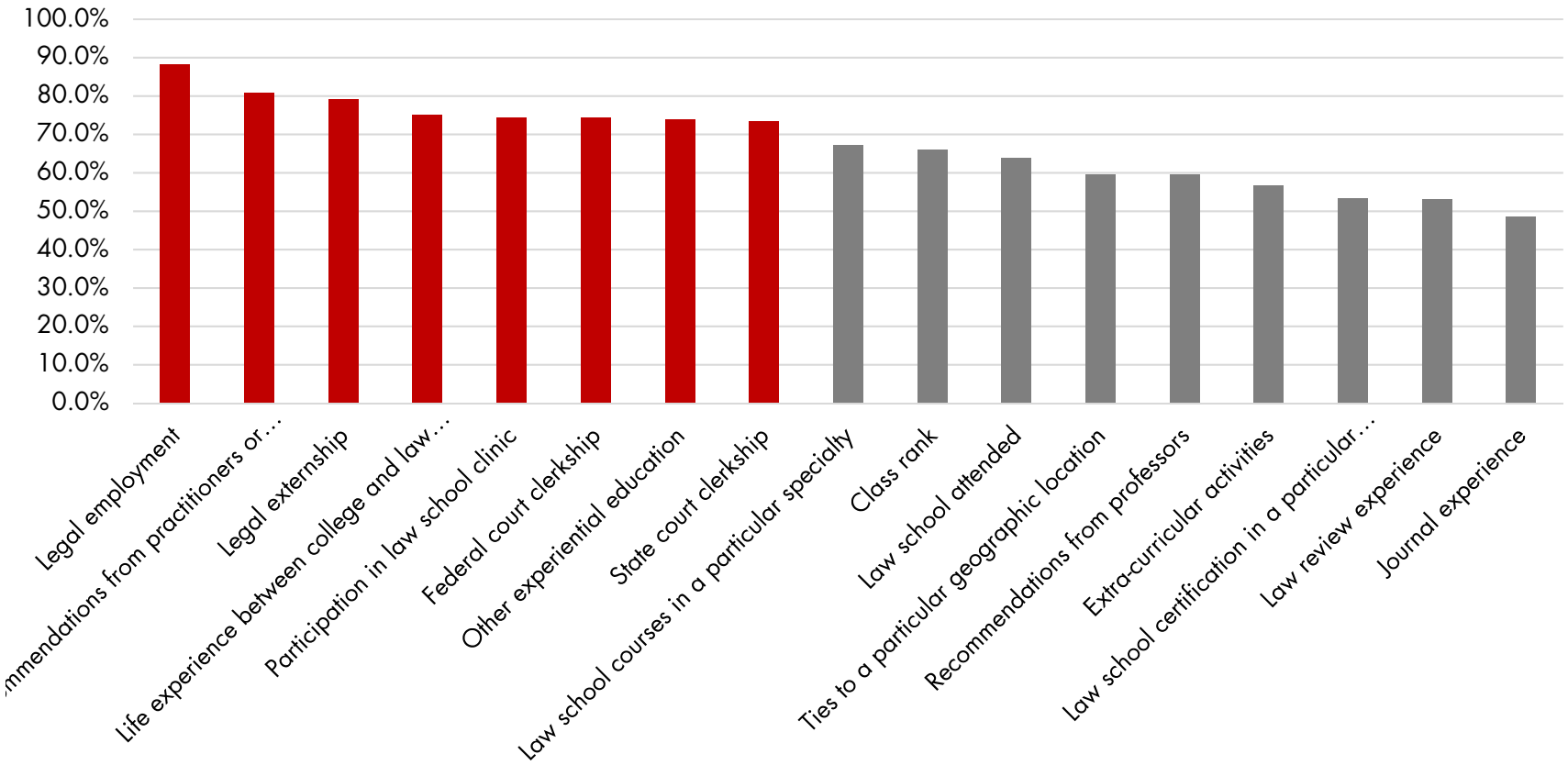
# Firms – 2-100

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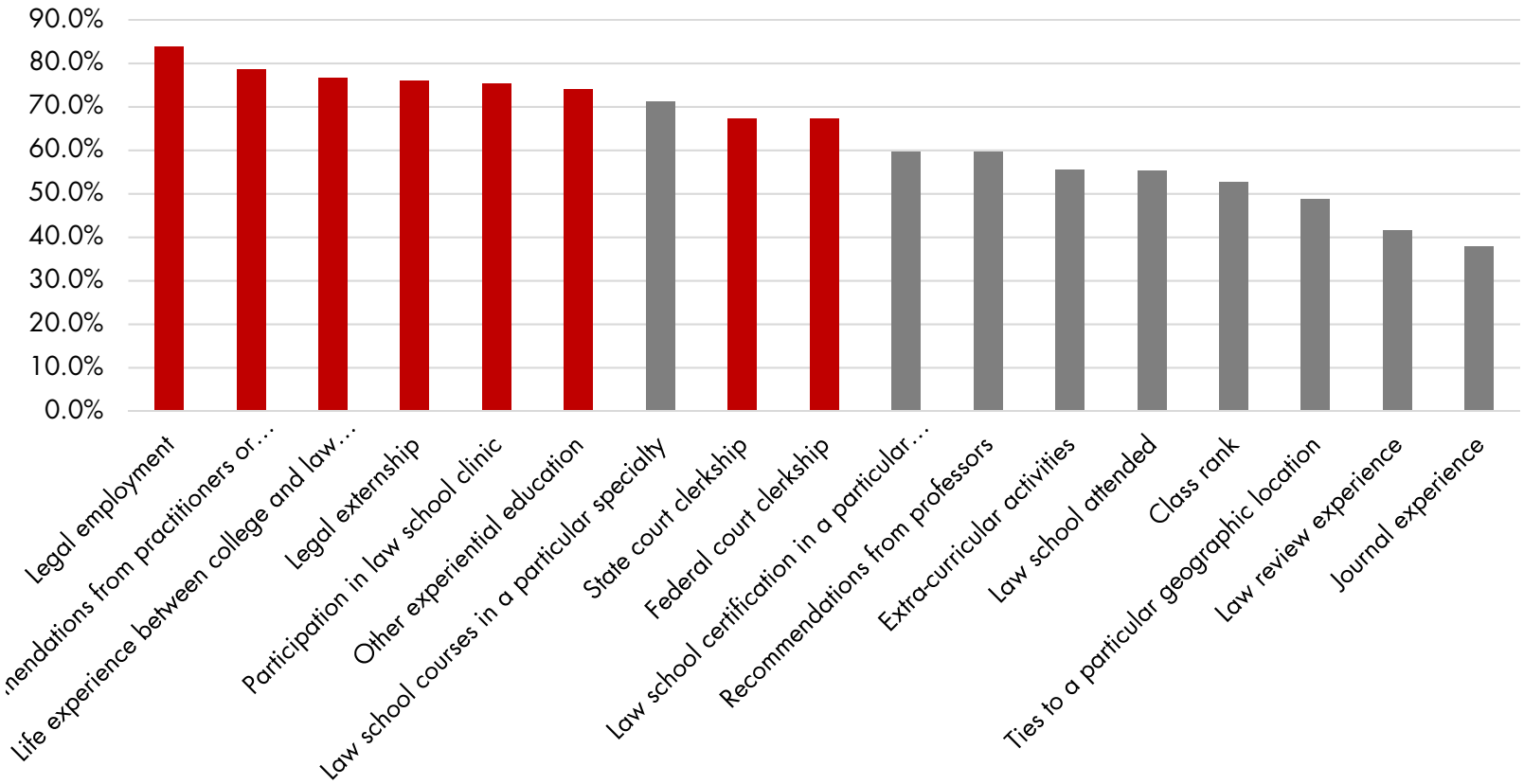
# Firms – Solos

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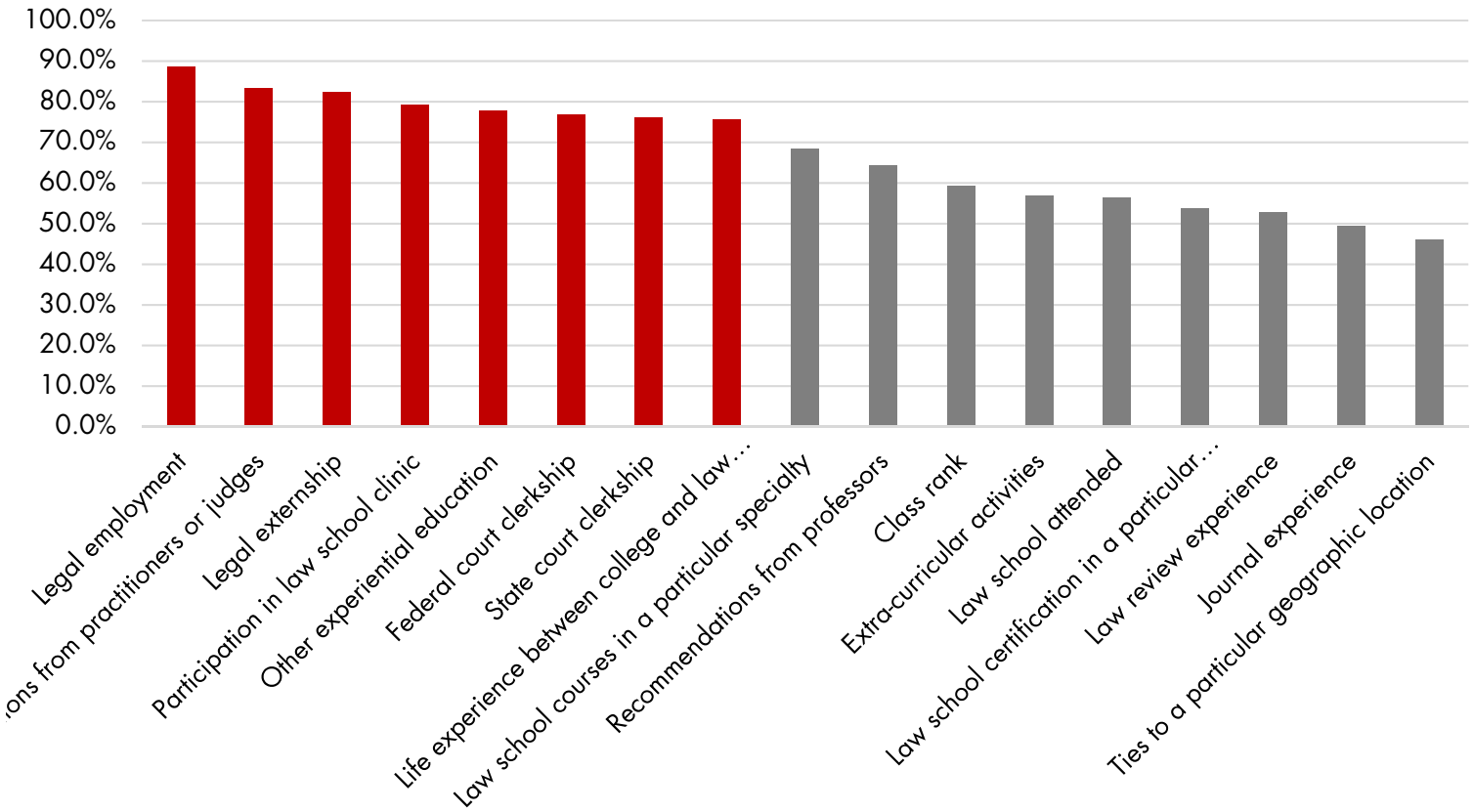
# Government

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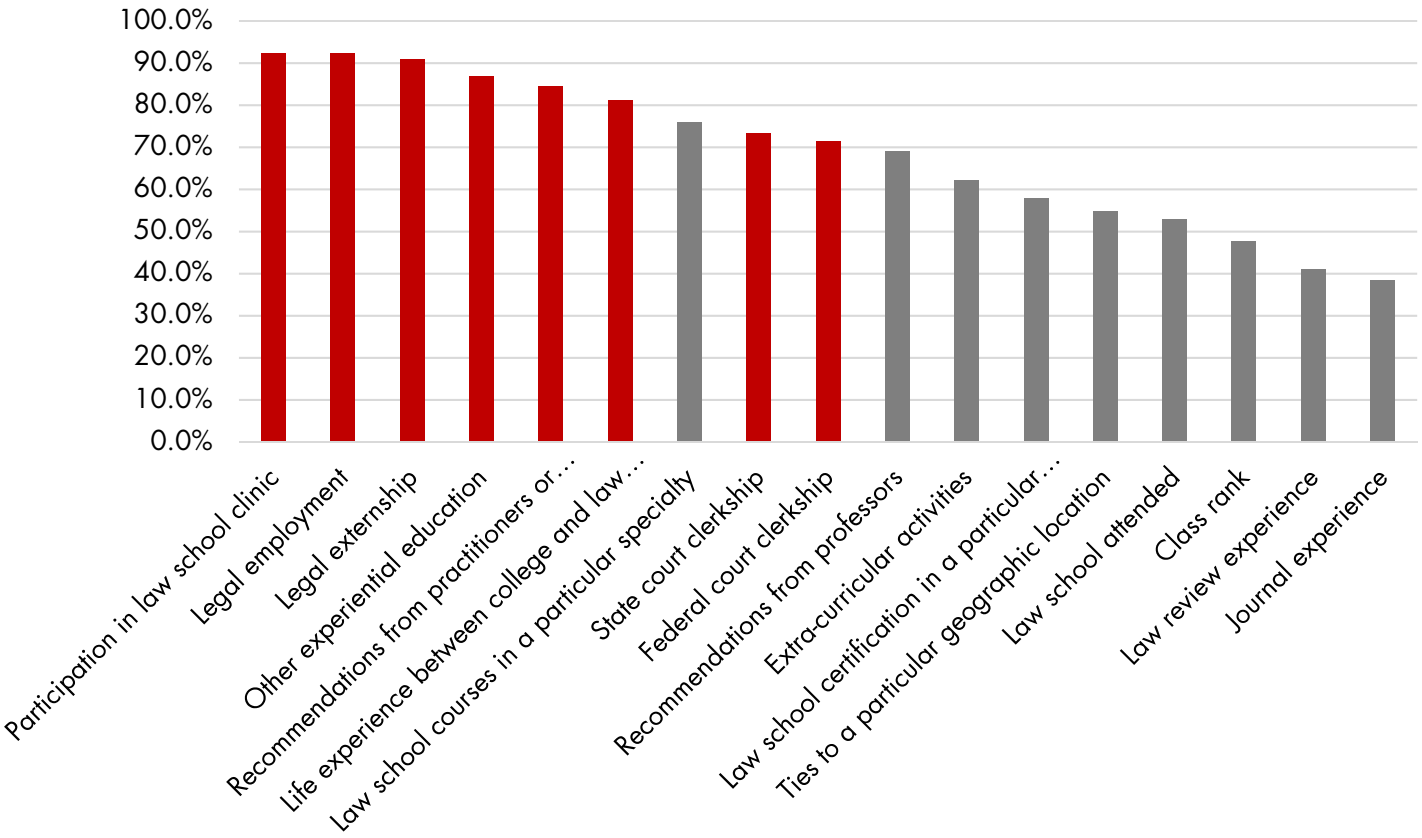
# Legal Srvcs/PD

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# FOUNDATIONS FOR PRACTICE PHASE II

Can schools really measure and teach these things?

Will employers really hire based on these things?

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UNIVERSITY of DENVER

STURM COLLEGE OF LAW

Northwestern

PRITZKER SCHOOL OF LAW

SEATTLEU®

SCHOOL OF LAW

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# LEGAL EDUCATORS

- Please read the Phase II Report and Instructional Guide
- Take a look at the model and the process, and identify ways to incorporate both in your law school

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# LEGAL EMPLOYERS

- Please read the Phase II Report and Hiring Guide
- Consider whether your hiring process is meeting your needs
- If not, consider whether a Foundations-based process could be an opportunity to improve

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https://iaals.du.edu/projects/foundations-practice

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