FOUNDATIONS FOR PRACTICE:
Skills, Competencies, and Characteristics that Comprise the Whole Lawyer
34%

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

Credit: ABA Employment Survey
25%

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

Credit: ABA Employment Survey
22%

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

Credit: ABA Employment Survey
71%

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

Credit: BARBRI, State of the Legal Field Survey
45%

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

Credit: BARBRI, State of the Legal Field Survey
23%

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

Credit: BARBRI, State of the Legal Field Survey
1. Identify the foundations entry-level lawyers need

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

3. Align market needs with hiring practices to incentivize positive improvements
The number of states that distributed the survey
24,137

The number of valid responses to the survey
## RESPONSES COMPARED

### Overall

<table>
<thead>
<tr>
<th>Practice Setting</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business: In-house</td>
<td>7.6</td>
</tr>
<tr>
<td>Government</td>
<td>17.8</td>
</tr>
<tr>
<td>Other</td>
<td>16.8</td>
</tr>
<tr>
<td>Private Practice</td>
<td>57.8</td>
</tr>
</tbody>
</table>

### New York

<table>
<thead>
<tr>
<th>Practice Setting</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business: In-house</td>
<td>7.7</td>
</tr>
<tr>
<td>Government</td>
<td>12.3</td>
</tr>
<tr>
<td>Other</td>
<td>19.2</td>
</tr>
<tr>
<td>Private Practice</td>
<td>56.0</td>
</tr>
</tbody>
</table>
The number of foundations we asked about
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
Short Term

(Necessary right out of law school)
The number of foundations identified as “Necessary in the Short Term” by 50% or more of the respondents
<table>
<thead>
<tr>
<th>1. Keep confidentiality</th>
<th>11. Conscientiousness</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Arrive on time</td>
<td>12. Common sense</td>
</tr>
<tr>
<td>3. Honor commitments</td>
<td>13. Intelligence</td>
</tr>
<tr>
<td>4. Integrity and trustworthiness</td>
<td>14. Research the law</td>
</tr>
<tr>
<td>5. Treat others with courtesy and respect</td>
<td>15. Take individual responsibility</td>
</tr>
<tr>
<td>7. Respond promptly</td>
<td>17. Speak professionally</td>
</tr>
<tr>
<td>8. Diligence</td>
<td>18. Strong moral compass</td>
</tr>
<tr>
<td>9. Strong work ethic</td>
<td>19. Write professionally</td>
</tr>
<tr>
<td>10. Attention to detail</td>
<td>20. Exhibit tact and diplomacy</td>
</tr>
<tr>
<td>Legal Skills</td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>1. Keep confidentiality</td>
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<td></td>
</tr>
<tr>
<td>15. Take individual responsibility</td>
<td></td>
</tr>
<tr>
<td>16. Emotional regulation/self-control</td>
<td></td>
</tr>
<tr>
<td>17. Speak professionally</td>
<td></td>
</tr>
<tr>
<td>18. Strong moral compass</td>
<td></td>
</tr>
<tr>
<td>19. Write professionally</td>
<td></td>
</tr>
<tr>
<td>20. Exhibit tact and diplomacy</td>
<td></td>
</tr>
</tbody>
</table>
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
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
19. Write professionally
20. Exhibit tact and diplomacy
THE WHOLE LAWYER
Proportion of Skills, Competencies, & Characteristics Among 77 Whole Lawyer Foundations

- Skills: 16 (21%)
- Characteristics: 31 (40%)
- Competencies: 30 (39%)

Proportion of Skills, Competencies, & Characteristics Among 147 Foundations

- Skills: 30% (27%)
- Competencies: 45% (28%)
- Characteristics: 25% (46%)
The Whole Lawyer

Necessary Out of Law School

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Characteristics</th>
<th>Competencies</th>
<th>Skills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>52</td>
<td>76</td>
<td>46</td>
<td>40</td>
</tr>
</tbody>
</table>

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CHARACTER QUOTIENT
# The Whole Lawyer

## Foundation Types by Practice Setting

<table>
<thead>
<tr>
<th>Practice Setting</th>
<th>Legal Skills</th>
<th>Professional Competencies</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>20.8%</td>
<td>39.0%</td>
<td>40.3%</td>
</tr>
<tr>
<td>Private Practice</td>
<td>18.2%</td>
<td>41.6%</td>
<td>40.3%</td>
</tr>
<tr>
<td>Business: In-house</td>
<td>16.2%</td>
<td>41.9%</td>
<td>41.9%</td>
</tr>
<tr>
<td>Government</td>
<td>20.5%</td>
<td>39.7%</td>
<td>39.7%</td>
</tr>
<tr>
<td>Other</td>
<td>21.1%</td>
<td>39.5%</td>
<td>39.5%</td>
</tr>
</tbody>
</table>
### Foundation Types by Law Firm Size

<table>
<thead>
<tr>
<th>Law Firm Size</th>
<th>Legal Skill</th>
<th>Professional Competency</th>
<th>Characteristic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Foundations for Practice</strong></td>
<td>20.8%</td>
<td>39.0%</td>
<td>40.3%</td>
</tr>
<tr>
<td>2-10 Lawyers</td>
<td>20.8%</td>
<td>41.6%</td>
<td>37.7%</td>
</tr>
<tr>
<td>51-100 Lawyers</td>
<td>19.5%</td>
<td>40.3%</td>
<td>40.3%</td>
</tr>
<tr>
<td></td>
<td>18.1%</td>
<td>38.9%</td>
<td>43.1%</td>
</tr>
<tr>
<td>501+ Lawyers</td>
<td>18.9%</td>
<td>39.2%</td>
<td>41.9%</td>
</tr>
<tr>
<td></td>
<td>16.9%</td>
<td>40.8%</td>
<td>42.3%</td>
</tr>
</tbody>
</table>

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Whole Lawyer Foundations

Overall: 77
Private Practice: 74
Business: In-house: 73
Government: 72
Other: 75

Overlap with Overall Foundations for Practice
Whole Lawyer Foundations

- Overall: 77
- 2-10 Lawyers: 75
- 51-100 Lawyers: 72
- 501+ Lawyers: 69

Overlap with Overall Foundations for Practice
# Private Practice

<table>
<thead>
<tr>
<th>Foundations Added to the Overall Whole Lawyer</th>
<th>Foundations Removed from the Overall Whole Lawyer</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Be visible in the office</td>
<td>• Draft contracts and agreements</td>
</tr>
<tr>
<td>• Adhere to proper collections practices</td>
<td>• See a case through from start to a timely finish</td>
</tr>
</tbody>
</table>
## Business: In-House

<table>
<thead>
<tr>
<th>Foundations Added to the Overall Whole Lawyer</th>
<th>Foundations Removed from the Overall Whole Lawyer</th>
</tr>
</thead>
</table>
| • Understand the challenges of virtual communication | • Draft pleadings, motions, and briefs  
• Request and produce written discovery |
## Minimal Differences

<table>
<thead>
<tr>
<th>Foundation Added</th>
<th>OVERALL</th>
<th>NY</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seek out work or training that will expand skills, knowledge, or responsibilities</td>
<td>48.9%</td>
<td>53.6%</td>
<td>4.74</td>
</tr>
</tbody>
</table>

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

Foundation Types - New York vs. Overall

Overall
- Legal Skills: 20.8%
- Professional Competencies: 39.0%
- Characteristics: 40.3%

New York Only
- Legal Skills: 16.2%
- Professional Competencies: 41.2%
- Characteristics: 42.6%
Whole Lawyer Foundations

Overall

NY

Overlap with Overall Foundations for Practice

Additional Foundations

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THE WHOLE LAWYER IS CONSTANT ACROSS ALL WORKPLACES
So... legal skills don’t matter?
Hiring the Whole Lawyer
OLIVER BARRETT IV
119 Oxford Street · Cambridge, MA 02140 · obarrett@law.harvard.edu

EDUCATION

**Harvard Law School**
Juis 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

*Legal Intern*
- Drafted briefs and memoranda
- Performed legal research on transactional and intellectual property issues
- Represented clients, revised contracts

Boston, MA  
May – August 2013
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
EXPERIENCE MATTERS
Firms – 100+

- Legal employment
- Class rank
- Federal court clerkship
- Life experience between college and law school
- Recommendations from practitioners or employers
- Law school attended
- State court clerkship
- Other experiential education
- Legal externship
- Participation in law school clinic
- Law review experience
- Ties to a particular geographic location
- Law school courses in a particular specialty
- Journal experience
- Recommendations from professors
- Extracurricular activities
- Law school certification in a particular field

%
Can schools really measure and teach these things?

Will employers really hire based on these things?
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
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