

FOUNDATIONS

Educate and Hire the Best Lawyers



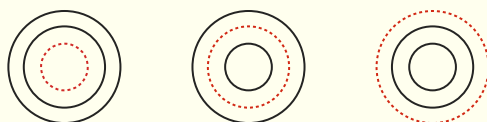
INSTITUTE *for the* ADVANCEMENT
of the AMERICAN LEGAL SYSTEM



UNIVERSITY of
DENVER

The Problem of Legal Education & Legal Hiring

Most law students graduate thinking they have the knowledge, skills, and abilities necessary for practice, but that opinion is not shared by the profession they hope to enter or their future clients.



Indeed, this gap reflects that legal education does not sufficiently prepare students for practice. Not only do underprepared lawyers undermine public trust in our legal system, but they also struggle longer and harder than they should as they try to gain footing in the legal profession.

Legal employers often exacerbate the problem: they rely on traditional indicators of success—such as class rank and law school attended—when hiring new lawyers that fail to truly assess whether a candidate is likely to succeed in their organization. Traditional hiring criteria not only reinforce and perpetuate the gap, but they also contribute to the legal

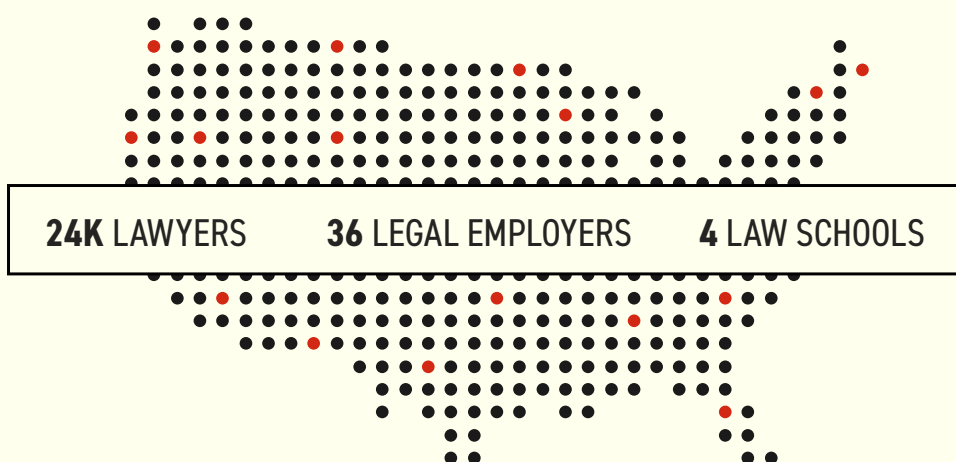
profession's status as among the least diverse professions in the United States.

Legal educators and employers must do better: the way forward is a shift to using data-driven practices based on empirical research to guide curriculum and hiring processes. The result will be higher-quality legal services, improved retention, and a profession that better reflects society's diverse population. As our country reckons with systemic racism, implicit bias, an access to justice crisis, and a changing economy, the urgency for updating how we teach, assess, and hire budding lawyers has never been greater.

The Solution: *Foundations for Practice*

Improving legal education and legal hiring requires first understanding exactly what lawyers need as they enter and develop careers in the profession. That knowledge can improve professional development, educational, and hiring outcomes.

Enter: Foundations for Practice.



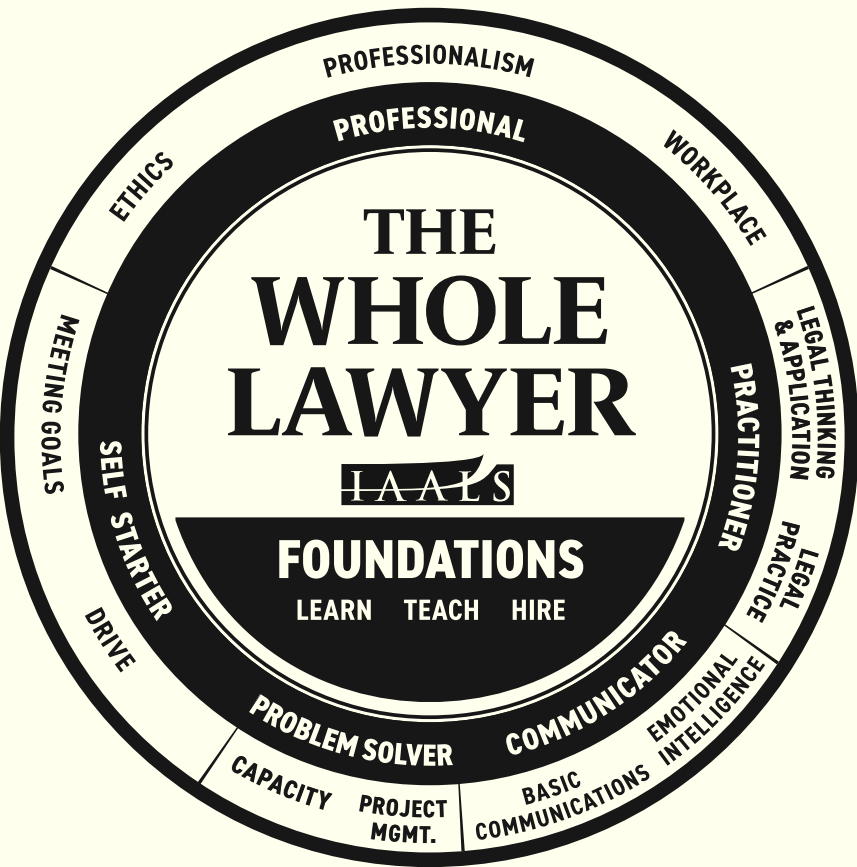
In 2014, IAALS launched this groundbreaking project with a nationwide survey. We received more than 24,000 responses from lawyers in all 50 states, representing a broad array of practice areas and practice settings. From this data, we identified the characteristics, competencies, and skills, that new lawyers need to be ready for practice. Now, *Foundations for Practice* uses that data to drive improvements to legal education and hiring; these improvements are designed to bring more accountability, transparency, and, ultimately, better outcomes to legal education and the legal profession. Building on the insights of our comprehensive survey, IAALS developed model processes to help educators impart

and measure what's important and to help employers use more objective hiring practices less influenced by bias to identify worthy candidates.

By targeting both legal education and legal employment, *Foundations for Practice* aims to strengthen both. It is a first-of-its-kind effort to offer tools for law schools to instill key qualities in future lawyers, and for legal employers to hire and advance career development based on those qualities. Our vision is a more diverse profession that finally closes the gap between school and career, between credentials and capabilities, and between thinking like a lawyer and becoming one.

A Brief Overview

Foundations for Practice applies empirical data to both legal education and legal hiring practices to help new lawyers serve clients well upon graduating from law school. The project started with a survey and analysis of what new graduates need for success immediately after law school. It has continued by engaging key stakeholders who want and need a say in improving entry to the legal profession.



The Whole Lawyer

The survey asked lawyers to indicate—for their specific type of organization, specialty, or department—whether 147 different characteristics, professional competencies, and legal skills are necessary immediately out of law school, can be acquired over time, are advantageous (but not necessary), or are not relevant. Ultimately, 76 items were considered necessary immediately out of law school by at least half of respondents—these are the 76 foundations a new lawyer needs to be successful.

Two findings warrant special note. First, new lawyers need character. Three-quarters of the characteristics presented

in the survey were necessary right out of law school by at least half of respondents. Second, successful entry-level lawyers are not merely legal technicians, nor merely cognitive powerhouses. Any debate that places “law school as trade school” up against “law school as intellectual endeavor” misses the sweet spot of what legal education could be and what type of lawyers it should produce. New lawyers require cognitive ability and legal skills, but are most successful when they come to the job possessing 76 foundations that make up what we have termed the “Whole Lawyer”—a much broader set of characteristics, professional competencies, and legal skills.

Hiring the Whole Lawyer: Experience Matters

Our survey also asked respondents which criteria would be most helpful in determining whether a candidate for employment possesses the foundations they identified as necessary. They told us that practical experience matters. Most employers still rely on traditional criteria like class rank, law school attended, and law review. However, our respondents

told us that practical experiences—such as legal employment, recommendations from judges or practitioners, participation in a law school clinic, and other experiential education—are most effective in targeting candidates who have developed some degree of mastery in the needed foundations.

The Foundations Learning Outcomes

The *Foundations for Practice Model Learning Outcomes* groups the 76 foundations necessary right out of law school into five broader categories:

COMMUNICATOR

Communicate by reading, writing, speaking, and listening in a professional manner.

PRACTITIONER

Employ research, synthesize, analyze, and apply skills in legal processes and actions.

PROFESSIONAL

Use efficient methods and tools to manage one's and the firm or organization's professional workload with accuracy and utility.

PROBLEM SOLVER

Solve long-term and immediate problems to the benefit of all stakeholders.

SELF STARTER

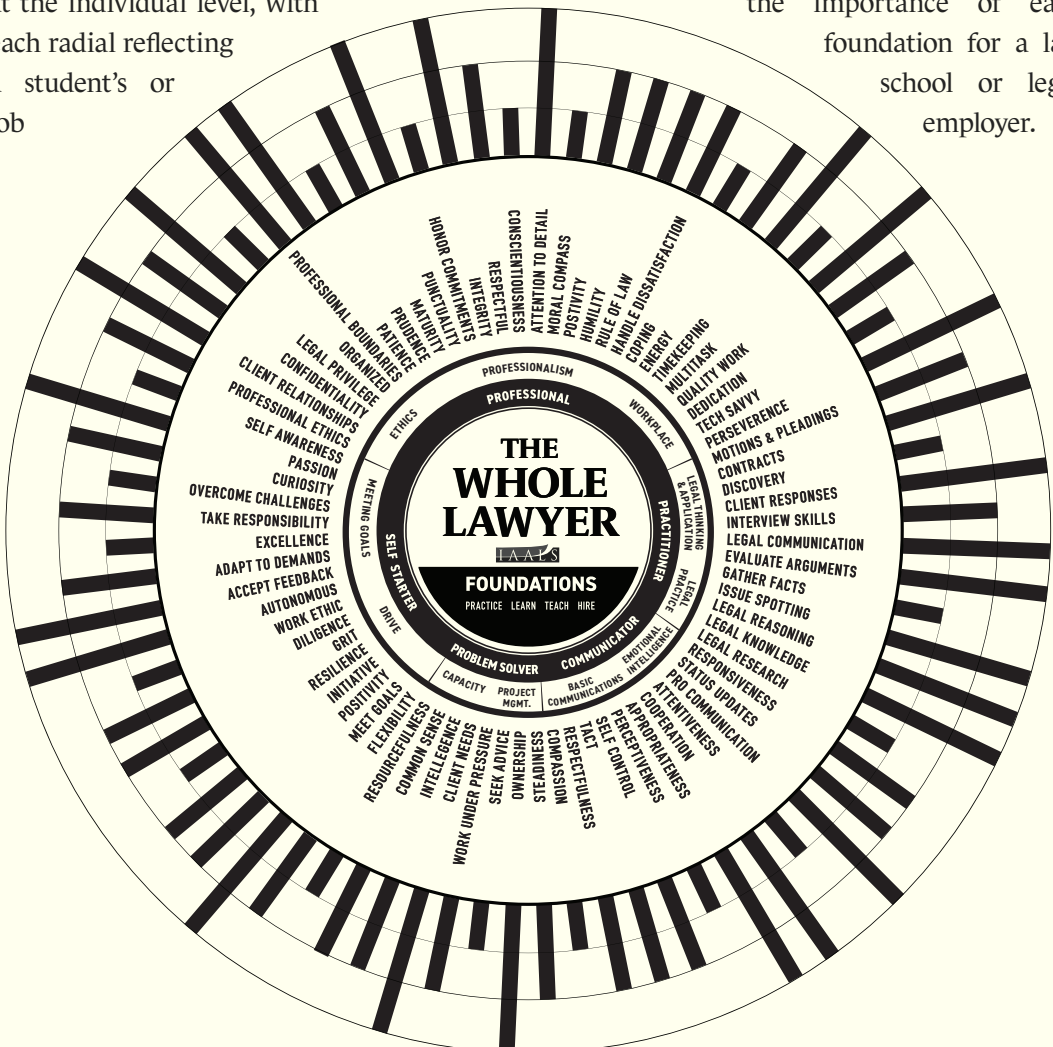
Demonstrate leadership, responsibility, and initiative in work responsibilities with little supervision.

The Learning Outcomes Map

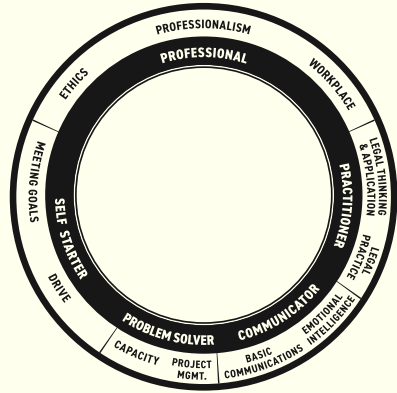
The Learning Outcomes Map captures the five learning outcomes, the categories within them, and the 76 foundations organized according to those categories.

This model is designed to be flexible and can be used, with the assistance of the guidance, tools, and processes we developed, to measure relative mastery of these foundations. This map can be used at the individual level, with each radial reflecting a student's or job

candidate's level of mastery of each foundation based on the length of the radial line. It can also be used at the organizational level to map the relative strengths of a curriculum or to communicate the importance of each foundation for a law school or legal employer.

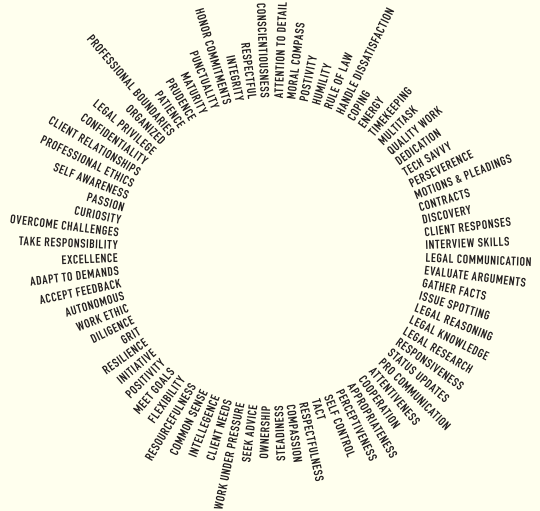


The five Model Learning Outcomes serve to categorize the foundations.



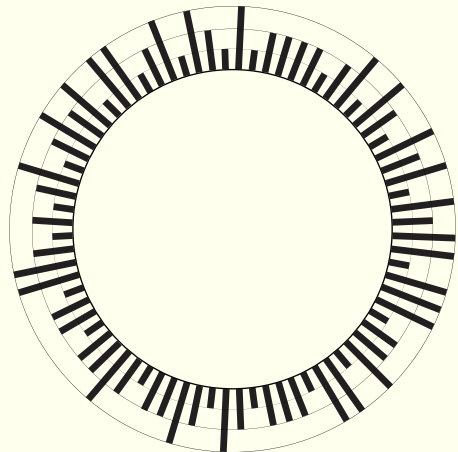
76 Foundations

The 76 foundations comprise
the Whole Lawyer.



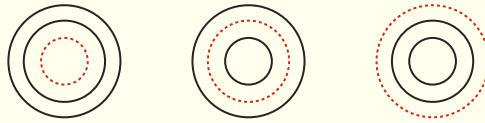
Measuring Competency

The outer rings allow us to measure competency for each foundation across three levels—beginning, developing, mastering—according to the length of the radial beams.



Putting the Data to Work

To make impactful and lasting change, IAALS has and will continue to design methods and tools for educators, employers, lawyers, students, and others to implement our empirical research.



For legal educators, we released a set of Model Learning Outcomes—measurable standards that describe and assess the knowledge or skills students should acquire by the end of a particular assignment, course, or program—based upon the *Foundations for Practice* survey data and workshops with legal educators and legal employers. Law schools can tailor the Model Learning Outcomes and use our implementation tools to match their needs.

The Model Learning Outcomes, tools for implementation, and practical, step-by-step recommendations for how to put the data to work are all included in our *Foundations Instructional Design Guide* and our *Foundations Hiring Guide*. The Instructional Design Guide is for educators who are interested in using what

IAALS has learned from the *Foundations for Practice* project as a basis for designing and implementing learning outcomes and standards-based assessments.

The Hiring Guide is for employers who want to use to a Foundations-based process to improve their hiring practices. It is a set of principles and recommendations that emphasize accountability, transparency, and capabilities over credentials. Employers that adopt these practices position themselves to achieve better hiring outcomes because Foundations-based hiring results in evaluating candidates based on well-articulated needs—as defined by the organization’s practice, vision, and goals; reduced influence of bias; and a broader pool of candidates, which increases the scope of diversity for new hires.

Changing the Status Quo

The *Foundations* suite of tools offers novel and innovative means to create alignment between law schools and legal employers, and to effectively address structural problems inherent in the status quo of the legal profession.

Traditional models of legal education and hiring present major obstacles to adopting new and improved methods. For instance, learning outcomes have never traditionally been a part of legal education, even though they are a primary feature of education in just about every other context—from kindergarten to graduate school. Indeed, medical schools had an early form of learning outcomes in the 1930s, which have been modernized over time. In law schools, the focus is on teaching rather than learning. Moreover, the *U.S. News* rankings in particular stultify creative spirit and disincentivize innovation in curriculum design, admissions criteria, and faculty hiring.

On the employment side, criteria for hiring new lawyers are largely confined to small sets of information, such as law school ranking, grade point average, or professional connections. For employers, hiring is not based on the candidate's actual experience, achievement, or performance needed for development and mastery of the competencies most relevant to the employer's practice, but on a set of prestige factors that only tenuously connect to

preparedness for practice. But as employers know, this type of hiring does not meet the needs of an evolving profession and society. In addition to leaving out other key indicators for success, such as practical judgment and interpersonal relationship building abilities, the traditional hiring process limits efforts to diversify the legal workforce in law firms and throughout the profession. The process typically lacks a robust assessment that employers can use to discover candidates who fulfill an employer's specific needs and who would be committed to the work, goals, and vision of the employer.

Changing the status quo means seeing it for what it really is: a cycle of tradition that negatively impacts lawyers, employers, clients, and society. By applying empirical research to the problems readily identified by legal educators, employers, and clients, we can evolve and expand the paths of success for all new lawyers, but especially for those who are less advantaged because of race, gender, or socioeconomic background. *Foundations for Practice* offers the data, the models, and the tools to clear those pathways.

The Future of Foundations for Practice

In the next phase for *Foundations for Practice*, we are creating different pathways to improve education, hiring, and professional development—*Foundations for Learning*, *Foundations for Teaching*, and *Foundations for Hiring*—and working directly with law firms and law schools to implement Foundations-based practices. Whether assisting a law school to map learning outcomes to its curriculum, working with a professor to employ learning outcomes in designing their courses, offering insight to students for better directed learning, or helping a law firm define the foundations their employees need to succeed, IAALS is a resource for educators, future lawyers, and employers. We will continue to offer dynamic information and guidance as we develop it, and to continue to push for adoption and implementation of data-driven, outcomes-based standards to fairly benefit all stakeholders in our justice system.

Want to learn more or explore how IAALS can bring *Foundations for Practice* into your school or business? Connect with us at foundationsforpractice.com or email:

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