“Cradle to Grave” Professional Development

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Introduction

The classic bargain has always been that law school teaches young lawyers to “think like a lawyer” and that law firms and other employers teach students to actually become skilled and ethical practitioners through an apprenticeship system consisting of informal mentoring and training in the context of actually delivering legal services.

This system has always worked better in theory than in fact. While law schools have traditionally done a good job of teaching certain analytical skills and a basic knowledge of legal institutions, it has long been clear when examining legal practice that there is much more to actually “thinking like a lawyer” than these important tools. Similarly, legal employers have been uneven in the way that they train and mentor junior lawyers, even at the nation’s top law firms.

Recent changes in legal practice and in the market for legal services have both exposed and accentuated these weaknesses. As lawyering roles have become both more differentiated and complex, and as the jobs lawyers do have become increasingly tied to other bodies of knowledge ranging from economics to politics to sociology, it is now clear that in order to be successful in today’s increasingly competitive legal marketplace, lawyers must develop a range of skills and dispositions not taught in law school. Moreover, these same competitive forces have made it much less likely that legal employers, from government law offices and public interest organizations to the country’s most elite law, will provide the training and mentoring that today’s lawyers need to bridge that gap. The result is lawyers who feel both overworked and underprepared and clients who are dissatisfied with the services they receive. The recent downturn in the legal market has only accentuated these trends.

This proposal seeks to address this problem by redrawing the current boundaries underlying the traditional division of labor for educating lawyers, and in the process redrawing the relationship among law schools, practicing lawyers, and the clients they seek to serve. It does so by creating a dialogue among these three stakeholders that will allow each to participate in efforts already underway to re-imagine what it means to “think like a lawyer” and how to become one. It does so in the context of the “corporate hemisphere” of the bar, although for reasons that we will explain at the conference we believe that a similar approach could be taken in other areas as well.
The approach we propose has four interlocking phases: (1) a mandatory course for all law students modeled after Harvard Law School’s new “Problem Solving Workshop” (PSW), which both directly teaches students about different kinds of legal practice and involves both practitioners and clients in that process; (2) professional development in law firms patterned on the Professional Development Initiative at Goodwin Procter that builds on what students learn in law school, formalizes success strategies in firms, and actively counsels young lawyers about outplacement and career development after they leave the firm; (3) client initiatives patterned on the Pfizer Legal Alliance (PLA), in which in-house and firm lawyers work collaboratively across traditional boundaries to teach the lawyers who work for Pfizer how to serve the client’s interests more effectively while also promoting better training and mentoring for associates who may one day leave the firm to join the in-house legal staff of companies like Pfizer; and (4) a comprehensive executive education designed to help lawyers at all levels to continue to develop the leadership skills that they will need to operate effectively throughout their careers.

The next four sections briefly describe Harvard’s Problem Solving Workshop, Goodwin’s Professional Development Program, Pfizer’s Legal Alliance, and the role of executive education in this “cradle to grave” legal training. Part V concludes.

I. Harvard Problem Solving Workshop (PSW)

Instituted less than a year ago, Harvard’s Problem Solving Workshop features the following core objectives: (1) considering legal problems in the way actual lawyers encounter them (i.e., from clients and “from the ground up,” in contrast to an appellate case analysis approach); (2) solving problems in teams rather than individually; and (3) introducing first year students to a full range of legal careers and employment options.

PSW presents legal problems from the very beginning of the process (i.e., as presented by clients, often in amorphous form) and requires students to analyze the relevant issues and develop solutions. As is arguably the case most often in law practice, participants are required to approach client problems in small teams. This approach is designed to highlight the importance of—and develop skills with respect to—teamwork, division of labor, specialties/expertise, respect for other team members (and their opinions), persuasion, and team leadership.

The case studies developed for PSW required students to assume various attorney roles with specific client needs, such as:

- Composing a press release for (and advising a corporate client with respect to) negative publicity resulting from allegations that one of the company’s products may be hazardous;
• Recommending whether to charge a sympathetic individual in a challenging fact pattern while assuming the role of a junior prosecutor;
• Advising a medical device company in a contract dispute involving unforeseen contingencies while assuming the role of in-house counsel;
• Advising a client with respect to a non-compete clause and separation/settlement agreement while serving in the role of a junior associates in a private law firm;
• Confronting several broad ethical questions unique to public interest lawyers while assuming the role of a legal services lawyer;
• Performing sophisticated client interviewing while assuming the role of a small firm lawyer.

Practicing attorneys participated in these exercises with students, substantially improving the case studies’ effectiveness. These practitioners included current or former general counsels, prosecutors, professional development professions, legal services and non-profit attorneys, solo practitioners, law firm associates, partners and managing partners. These practitioners enlivened the discussions and enriched the perspectives presented.

Practitioners not only taught many of these case studies, but they also demonstrated skills for students (such as effective client interviewing), participated in small group discussions, and provided optional sessions (often oversubscribed due to overwhelming student interest) in which the practitioner spoke more generally about their practices and responded to questions. Some of the practitioners were involved in the real-life cases used as the basis for course discussions, and they were therefore able to provide particularly unique insights.

Students provided positive feedback with respect to PSW’s inaugural year, and recommended even greater opportunities for role play problem solving (as opposed to passive observation and lecturing). Students were especially enthusiastic about the engagement of practicing attorneys.¹

II. Goodwin Procter’s Professional Development Program

Goodwin Procter’s Professional Development Initiative aligns, augments and enhances the way a large law firm develops talent. The Initiative counteracts the “sink or swim” environment which emerges as law firms grow larger and accountability for attorney development wanes. As one-on-one apprenticeships become the exception rather than the rule, a new professional development approach is needed beyond simply providing training to meet continuing legal education requirements. Goodwin’s Associate Development Frameworks

¹ For one case study, this engagement extended beyond the classroom, with first year law students in one small section traveling to a Boston law firm to present and defend their recommendations to practicing attorneys.
constitute the core of a new approach, defining the firm’s expectations of associates at different stages of the associate apprenticeship—junior, mid-level and senior-level. Around these defined competencies, the firm aligns associate evaluations and feedback, mentoring and career advising, legal and professional skills training and work assignment systems. Specific examples include:

- Formal evaluations include different review forms for each level of associate. Within the firm-wide attorney review committee, sub-groups of partners specialize in calibrating, evaluating and providing feedback to different levels of associates.
- Partners serving as Advisors to associates are part of an Advisor Network organized by associate level, with partner leaders for each level in each office to ensure accountability and to better tailor feedback and career advice to associates’ career stages.
- Staffing and Professional Development Managers (all former lawyers) manage and facilitate associate work assignments, feedback, crisis management and career counseling. Each Manager is responsible for about 50 associates, and use a tool called iStaff to monitor and assign work to associates in a way that balances client needs with associate professional development needs and interests. Using iStaff, the close-knit team of Managers works across offices and departments to optimize efficient resource allocation, client service and associate professional development. For associates, the Managers are an invaluable problem-solving and career guidance resource. For Partners (and clients), the Managers provide quick and creative staffing solutions to serve clients most effectively.
- Professional skills training programs support the firm’s Associate Development Frameworks at each associate level. For example, as associates progress to senior associate, they each attend an off-site, multi-day Transition to Leadership Program presented by Harvard Business School and Goodwin Procter faculty. The program focuses on people and project leadership, as well as career planning, to help associates as they take on increasingly complex roles at the firm.
- Other professional skills training programs that are tailored to associate career stages include such topics as communication and presentation, business development, negotiations, and giving and receiving feedback and having difficult conversations.

The message to associates in this new approach is that the firm provides them the opportunity to develop in three key areas: legal skills, professional skills and professional network building. This holistic view empowers associates to take charge of their careers and attempts to broaden the dialogue around what possibilities may exist for them, including beyond Goodwin Procter. For example, the firm’s alumni website openly presents job postings available to associates through the firm’s network of alumni, clients and trusted friends. The firm’s alumni support team provides associates leaving the firm with an in depth transition survey, a live transition interview and specifically tailored resources to help attorneys transition to their new roles (e.g., materials on what to expect and how to succeed as an in-house lawyer).
Goodwin Procter’s Professional Development Initiative continues to evolve new tools. Presently, the firm is partnering with a law school to understand potential predictors of attorney success, in order to improve the firm’s hiring and selection process and help the law school adapt its processes (and potentially its curriculum) accordingly. Goodwin Procter is also partnering increasingly with clients to understand how the firm can deliver service more efficiently, to enhance value and improve predictability of legal costs. This effort is leading to increased focus on developing the firm’s attorneys’ project budgeting and management/leadership skills (which skills will prove enormously helpful wherever an attorney’s career may lead).

III. Pfizer Legal Alliance (PLA)

Through its innovative Legal Alliance program, Pfizer is developing precisely the type of programming that integrates numerous stakeholders while encouraging professional development opportunities for the lawyers it engages—whether directly or indirectly. One of PLA’s primary objectives is to more efficiently and effectively match legal resources to legal needs through collaborative relationships among Pfizer in-house lawyers and outside firms. PLA envisions close and consistent interactions with “real-time” communication and feedback so that Pfizer needs and firm performance are constantly assessed and updated.

Beneficiaries of this collaborative approach include, but are not limited to: (1) Pfizer in-house lawyers, who develop managerial skills through routine and meaningful contact with outside firms, all while supported through increased mentorship and specialized training (including group, individual and case study analyses); (2) outside firms and their lawyers, who receive regular client contact, increased direction regarding Pfizer’s needs, and an improved understanding of—and ability to satisfy—client requirements at a lower cost; and (3) multiple other stakeholders, since PLA seeks to share its best practices and constantly incorporate feedback from its own employees, participating law firms, legal and business academics, and industry leaders.

IV. Executive Education

Law school executive education programs are uniquely positioned to integrate input from each of the stakeholders noted above, and to incorporate this dynamic feedback into deeply relevant opportunities for continuing education and professional development. Executive education programs should therefore assume an important role in this “cradle to grave” legal training, strengthening bonds among law schools, legal employers, clients and individual members of the profession as they advance through their careers.
In addition to programming for the various stages of one’s career, executive education should address the breadth of practice opportunities available at any given point along the career path. For example, Harvard currently provides specialized and intensive leadership training not only for attorneys in law firms, but also for corporate counsel. Of course, programming for other sectors (public, nonprofit, etc.) can also be developed. In addition, increasingly targeted and nuanced training opportunities within a given sector can be provided (for example, specialized training for law firm associates or partners, junior or senior prosecutors, legal services organization entrepreneurs or managers, etc.).

Law school executive education programming is especially important for lawyers as they progress through their careers because it provides the context and training uniquely appropriate for attorneys (this is particularly important as many lawyers become increasingly responsible for general management).

V. Conclusion and Endorsements

In the present environment, it is critical that law schools, law firms, and clients collaborate to help lawyers become life-long learners. We recognize that this will be a long and difficult process, but the current conditions make it possible to begin this important endeavor. To this end, we have sought and obtained the endorsements of stakeholders from four key groups, including academic deans, students, professional development specialists, and clients. In the immediate future, we plan to: (1) identify additional institutions and individuals willing to participate at various stages of program delivery; (2) refine program features based upon participant, instructor and practitioner feedback; and (3) design a formal review and evaluation process for participant satisfaction and program effectiveness.

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2 At Harvard, executive education programming currently specializes in providing advanced leadership training where participants examine topics such as: balancing professional responsibilities as lawyers with leadership responsibilities as law firm managers; strategic planning for long-term success; understanding drivers of economic performance in different segments of legal services; motivating professionals; recruiting the “right” professionals and developing them effectively; maintaining effective incentive systems (including compensation and promotion) and leading change in law firms. Harvard’s intensive programming for corporate counsel addresses unique leadership challenges faced by general counsel and chief legal officers.

3 Law school executive education programming is uniquely sensitive to lawyers’ distinctive professional responsibilities, ethical obligations and profiles, and how this may create different tensions and require alternative strategies.