

2009

FOUNDATIONAL COMPETENCIES: INNOVATION IN LEGAL EDUCATION

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Repository Citation

Van Zandt, David E., "FOUNDATIONAL COMPETENCIES: INNOVATION IN LEGAL EDUCATION" (2009). *Faculty Working Papers*. Paper 197.

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FOUNDATIONAL COMPETENCIES: INNOVATION IN LEGAL EDUCATION

*David E. Van Zandt**

Spurred by a rapidly changing legal environment and a desire to differentiate and maximize the success of our graduates, Northwestern Law recently completed a major strategic planning initiative resulting in a revolutionary report entitled *Plan 2008: Preparing Great Leaders for the Changing World*. Plan 2008 is the most recent installment of a long-term process to enhance our student quality and programs. The new initiatives build upon a strategic plan that we have been refining since its implementation in 1998. Under the prior plan, we introduced the evaluative admissions interview and work-experience policy for applicants.¹ We also added a number of programs and initiatives that either introduce our students to or focus on many of the foundational competencies identified in Plan 2008.²

* Dean, Northwestern University School of Law.

1. We are the only major law school that attempts to interview all applicants. This allows us to assess an individual's communication skills, as well as their interpersonal skills and maturity, prior to enrollment. We also strive to enroll students with substantial prior work experience, which adds an extra dimension to classroom discussions as students relate their studies to real-world experiences. Currently, 97% of our students bring at least one year of experience, 83% bring at least two years, and approximately 60% bring at least three years.

2. We have created several new curricular opportunities that cross-train our students in business and instill teamwork, quantitative reasoning, leadership, and strategic understanding abilities.

These opportunities include our innovative three-year J.D.-M.B.A. program with Kellogg (now the largest in the country with almost seventy-five enrolled students); the ability of all of our students to enroll in Kellogg core classes such as accounting, statistics, and finance; our highly-ranked Tax LL.M. program; our award-winning Lawyer as Problem Solver modules for first-year students; and our Professional, Organization, Team Advancement, and Leadership (PORTAL) orientation series. We have expanded our global reach and added opportunities to enhance our students' cross-cultural sensitivity through our unique International Team Project course, which takes students to places like Tanzania, South Africa, India, Argentina, Russia, Cuba, and Vietnam. We have added new exchange relationships that now span more than ten countries; developed a two-year J.D. Program for international attorneys; expanded our residential LL.M. programs; created our LL.M.-Kellogg Program whereby students receive a certificate in management from Kellogg on top of their LL.M. degree; introduced an LL.M. and J.D.-LL.M. in Human Rights degree; and created Executive LL.M. programs in Seoul, Madrid, and Tel Aviv.

Under Plan 2008, a Working Group consisting of faculty, staff, students, and alumni, along with the assistance of Blaqwell, Inc., a legal consulting firm, gathered extensive information on legal education, legal profession trends, developmental frameworks and training programs of law firms and other professional service firms both in the United States and the United Kingdom, and alumni career trajectories, and talked directly to the lawyers affecting the trends. Managing partners, general counsel, and other leaders of top law firms, government, and nonprofits exchanged invaluable, frank perspectives with us in focus groups that took place throughout the United States (New York, Chicago, Los Angeles, and Washington, D.C.) and in London. To our knowledge, no other law school has undertaken such a systematic and market-driven strategic planning approach to date. This article provides a broad summary of our Working Group's research, findings, and recommendations.

I. THE CHANGING LEGAL LANDSCAPE

The legal profession has undergone dramatic change in the past two decades, but our law schools have not kept up. Long before Hollywood and popular fiction portrayed the woes of learning case law in a combative, Socratic setting, legal analysis had been the primary educational focus of law schools. Likewise, until the waning years of the past century, most of our graduates took their sharpened knowledge of case law to the workplace, where they offered their sweat, long hours, and devotion to a single employer in the hope of establishing a lifelong partnership, affirmed by their aspired title.

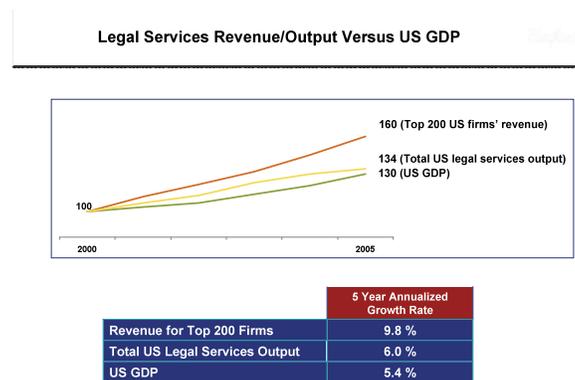
A. *Changes in the Legal Services Industry*

The legal profession, however, has become far more of a competitive business and far less of a traditional guild. Law is a service business and lawyers must be able to provide effective service. This has been driven largely by demands from clients. The consumption of all types of legal services boomed over the past

Additional enhancements have focused on increasing the number of research faculty at the school, as well as expanding clinical and academic opportunities. With more Ph.D.-trained research faculty than any other law school, we now have the most highly-credentialed faculty in the nation. With their social science Ph.D.s, these faculty members bring unique perspectives on how the law interacts with society. We have expanded our Bluhm Legal Clinic and now have eleven centers or programs providing students with experiences in diverse substantive areas. Nearly 90% of our J.D. students participate in clinical work in some capacity during their three years; this includes live-client representation, externships, and simulations. To contribute new scholars to the academy, we enhanced our J.D.-Ph.D. Program so that it is the only fully-funded, integrated program of its kind, and we launched an academic track for J.D. students who wish to embark on academic careers.

decade, with figures prior to the current economic downturn showing annual expenditures of more than \$265 billion. The overall legal services industry grew at a steady pace, even through the recession of the early 2000s, as revenue at the nation's top 200 grossing law firms grew at an annualized rate of 9.8 percent and outpaced the US Gross Domestic Product by almost two to one. The number of attorneys employed by those 200 firms increased substantially and competition among employers from all sectors (private, governmental, and nonprofit) to attract graduates of top law schools increased significantly as law school enrollments remained relatively constant (See Figure 1).

Figure 1³



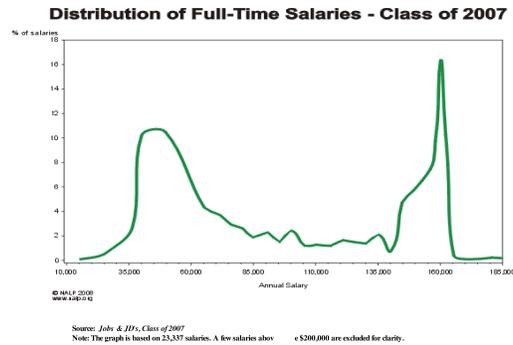
Sources: American Lawyer; US Department of Commerce; World Bank/Equival analysis

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For top law school graduates, this led to rapid growth in law firm starting salaries (until recently \$160,000 plus bonuses for our graduates) and concomitant increases in the expectations placed upon them as newly-hired associates. These new realities have also forced a segmentation of law schools and their graduates along the dimension of the expected starting salaries of their alumni (See Figure 2).

Figure 2⁴

3. NORTHWESTERN LAW, PLAN 2008 3 (2008), <http://www.law.northwestern.edu/difference/NorthwesternLawPlan2008.pdf>.



Obviously, this has been wonderful for the lawyers, at least those who have graduated from the top law schools, but at the same time there is another side. Clients have become more demanding. They expect immediate and business-appropriate responses from all of their attorneys while pushing for alternative billing methods that maximize the value of the service they receive for each dollar they spend.⁵ Reacting to their own economic pressures, general counsel are unwilling to pay for the time a young associate spends learning on the job.⁶

In turn, increased leverage pressures within firms necessitate that their newer associates do, in fact, work with clients and lead teams from the beginning of their tenures. Young lawyers need to be productive from the start if they are to advance. As a result, the traditional training method of associate-partner mentoring gets sacrificed. And in today's complex international village, firms, particularly from the US and UK, have become more global in their reach by competing with, displacing, or acquiring smaller firms in their local international locations.⁷ Consequently, more and more attorneys find themselves dealing with transactions that transcend domestic borders.

The present global economic crisis will only accelerate these trends. While the legal services industry has been relatively

4. NALP: The Ass'n for Legal Career Professionals, *Another Picture Worth 1,000 Words* (July 2008), <http://www.nalp.org/anotherpicture> (last visited Aug. 21, 2009).

5. NORTHWESTERN LAW, *supra* note 3, at 5.

6. David Van Zandt & Michelle Greene, *Stress Core Competencies*, THE NAT'L LAW J., July 7, 2008, <http://www.blaqwell.com/archives/07%2007%2008%20NJL.pdf>.

7. NORTHWESTERN LAW, *supra* note 3, at 5.

insulated during prior recessions, the current downturn is playing out differently, and legal employers are feeling the strain as they attempt to adapt to the current circumstances. Many have announced layoffs, a few have suspended operations, and many are now contacting incoming associates and new hires with the news that their start dates will be delayed anywhere from three months to a year, sometimes conditioned upon short-term employment with a public interest organization.⁸

Since the start of 2008, more than 25,500 attorneys and staff have lost their jobs while legal employers struggle to cull out less profitable areas and performers.⁹ Since the beginning of 2009, more than 14,400 attorneys and staff (including some partners) have been laid off, and some industry analysts are projecting a 10-20 percent decline in profits-per-partner during 2009.¹⁰ Even the largest firms have not been immune, as AmLaw 200 firms have issued pink slips to approximately 3 percent of their associates.¹¹ Yet only a small handful has announced a reduction in starting salaries for their incoming associates.¹² At current salary levels, expectations placed on new associates will only continue to rise, and new associates must be invaluable to their firm and their firm's clients to survive.

B. Multi-Job Careers

The pressures of this competitive environment have driven changes in the traditional career of law. Under the traditional career model, the graduate would leave law school and join a firm (perhaps after a judicial clerkship), work as an associate at the same firm, attain partner status at that firm in which relatively high levels of compensation are effectively assured through a lock-step career, and finally retire with reasonable support from the firm. That is no longer the career pattern. When today's graduates leave the confines of our law schools and enter into this highly competitive world, most embark on a journey through a multi-job career that spans multiple sectors and employers.¹³ Indeed, they continue to contribute their

8. See, e.g., Bloomberg News, *Cravath, a Top Law Firm, to Pay New Hires to Delay Start*, N.Y. TIMES, June 12, 2009, at B2.

9. Ross Todd, *Has Legal Sector Seen Worst of Job Cuts?*, THE AM. LAW DAILY, June 5, 2009, <http://www.amlawdaily.typepad.com/amlawdaily/2009/06/1300-legal-sector-jobs-lost-in-may-.html>.

10. *Id.*

11. American Lawyer.com, *The Layoff List: By the Numbers*, http://www.law.com/jsp/tal/PubArticleTAL.jsp?id=1202430161161&The_Layoff_List_By_the_Numbers_ (last visited Sept. 14, 2009).

12. G.M. Filisko, *How Low Will Pay Go?*, ABA J. (June 2009), http://www.abajournal.com/magazine/how_low_will_pay_go/print.

13. Northwestern Law, *Employment Statistics*, <http://www.law.northwestern.edu/career/statistics/> (last visited Aug. 21, 2009).

technical skill, long hours, and hard work, which remain necessary factors for success, but that is no longer sufficient. More is required.

As part of its research, our Working Group hired Prometheus Research, a professional research organization located in New Haven, Connecticut, to conduct two primary research projects, including a career path study of our 1990 and 1995 J.D. alumni classes and a longitudinal study which correlated admissions inputs and career outcomes for our class of 1998 J.D. alumni. This research confirmed the multi-job career paths of contemporary law school graduates. Figure 3 shows the average time a graduate spends in his or her first job. As you can see, that amount of time has been declining.

Figure 3

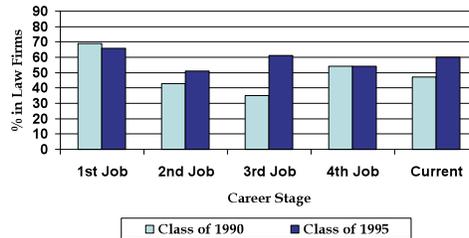
**Average Duration of First Job
(JD and JD-MBA Classes of 1990, 1995, and 1998)**



Consistent with the declining duration is the increased multi-job nature of our graduates as shown in Figure 4. The mobility does not end with leaving the first job.

Figure 4

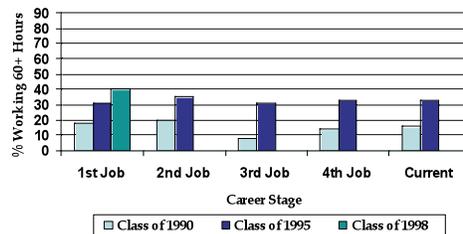
Percentage of Graduates in Law Firms by Career Stage
(JD and JD-MBA Class of 1990 vs. 1995)



Even as our graduates progress through these multi-job careers, the number of hours they work has increased along with the increasing competitiveness of the legal services business (See Figure 5).

Figure 5

Percentage of JD and JD -MBA Graduates Working 60+ Hours/Week by Career Stage (Classes of 1990, 1995, and 1998)



C. Conclusion

With each of these converging realities, it is clear that mastering legal analysis is no longer sufficient. The excellent legal analysis and advocacy skills that are the hallmark of law school programs must remain an essential element of legal education, but today's law students also need a much more sophisticated understanding of what it means to work as well as think like lawyers in their multi-job careers.

At every stage of a legal career, the most successful lawyers—in

firms and beyond—need to understand not only their clients’ legal challenges, but also the business, organizational, and strategic contexts in which they arise. Lawyers also must possess superior communication and leadership skills to work effectively on teams that cross organizational, institutional, and national boundaries. Additionally, no matter which sector a lawyer practices in, the law is no longer for the quantitatively faint of heart.

II. RECENT CHANGES IN LEGAL EDUCATION

Several law schools have announced curricular reforms in recent years.¹⁴ Three perceptions appear to have driven these reforms. The first is the increasing understanding that the principal educational task of training students to “think like lawyers” is accomplished in the first year, leaving the second and third years without a coherent pedagogical focus.¹⁵ The second is the realization that the practice of law is becoming increasingly global, as virtually all large law firms (and many smaller ones) are involved in cross-border transactions and dispute resolutions.¹⁶ The third is the increasing perception that legal education does not prepare future lawyers to understand and serve the needs of their clients.¹⁷

The highly touted 2007 report of the Carnegie Foundation for the Advancement of Teaching, *Educating Lawyers: Preparation for the Profession of Law*, generally made these points and others like them.¹⁸ Another influential but less publicized report, *Best Practices for Legal Education*, from the Clinical Legal Education Association, expressed a statement of best practices to prepare law school graduates for the practice of law as members of a client-centered profession.¹⁹ Among its recommendations was the need for law schools to shift from content-focused instruction to outcome-based preparation—to establish a primary goal of developing competence in

14. These reforms have occurred amidst a growing disenchantment among many law schools with the accreditation process of the American Bar Association (ABA). Many law school deans take issue with the restrictions the ABA places on an institution’s ability to pursue its mission, stating that the organization stifles innovation by enforcing a “one-size-fits-all” model of legal education. Despite this issue, some schools have forged ahead. See W. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 111 (2007) (quoting former Dean of Harvard Law School, Albert M. Sacks, who disapproved of the ABA’s additional requirements for accreditation requiring a more rigorous legal writing program).

15. *Id.* at 3.

16. *Id.* at 1, 112-14.

17. *Id.* at 19, 30.

18. See generally *id.* (detailing the results of The Carnegie Foundation’s study).

19. ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007).

resolving legal problems.²⁰ Both studies assert that what is needed is more clinical training in law schools, training that requires students actually to “practice” law.²¹

Among the law schools that have received the most attention for their reforms, Harvard’s changes focus primarily on the first year and reduce the amount of time devoted to the traditional common law subjects.²² Harvard’s reform also introduces three new required courses to the first year, one each in international and comparative law, legislation and regulation, and problem solving.²³ The new first year course offerings are designed to complement five new programs of study, which the faculty has adopted in order to help second and third year students organize their classroom, clinical, research, and work opportunities.²⁴ These programs of study include law and government; law and business; international and comparative law; law, science, and technology; and law and social reform.²⁵

Stanford’s reforms are focused more on the second and third years and are designed to bring increased coherence to those years with increased attention to interdisciplinary study, team-oriented, problem-solving techniques, and expanded clinical opportunities.²⁶ Stanford has added several joint-degree programs with other university departments, is expanding its clinical offerings, and is allowing law students to participate in a clinical rotation, beginning in 2009, in which they take only a clinic offering in a particular quarter.²⁷

Some notable efforts are also underway at several other law schools. Washington & Lee recently announced changes to its third year curriculum intended to provide students with more technical and clinical training in the practice of law.²⁸ After an initial phase-in period of three to four years, the school will require its students to obtain a Virginia practice certificate by completing at least one live-client experience through traditional clinics, practice simulations,

20. *Id.* at 62-65.

21. *Id.* at 188-97; SULLIVAN ET AL., *supra* note 14, at 7-12, 14.

22. *See, e.g.*, Elaine McArdle, *A Curriculum of New Realities*, HARV. L. BULL., Winter 2008, http://www.law.harvard.edu/news/bulletin/2008/winter/feature_1.php.

23. *Id.*

24. *Id.*

25. *Id.*

26. Stanford Law Sch., A “3D” J.D.: Stanford Law School Announces New Model for Legal Education, Nov. 28, 2006, <http://www.law.stanford.edu/news/pr/47/> (last visited Aug. 21, 2009).

27. *Id.*

28. Rod Smolla, A Message from the Dean: The New Third Year, <http://law.wlu.edu/thirdyear/> (last visited Aug. 21, 2009); W&L Law Sch., *Washington and Lee School of Law Announces Dramatic Third Year Reform* (Mar. 10, 2008), <http://law.wlu.edu/news/storydetail.asp?id=376>.

and externships.²⁹ In one of the more dramatic developments, the University of Dayton has launched a new program whereby its students may earn a J.D. degree in five semesters, over twenty-four months.³⁰ Dayton has also revised its curriculum to highlight problem solving and requires each student to complete coursework in dispute resolution, values and ethics, and a capstone course that combines skills, theory, research, and writing.³¹

III. FOUNDATIONAL COMPETENCIES AND INNOVATION AT NORTHWESTERN LAW

All of these reforms merely tinker with the existing educational formats by adding on various courses or expanding clinical-type activities. These are certainly good things, but no school has addressed the core competencies that it takes to be an effective lawyer in a variety of organizations over a multi-job career. Northwestern Law tries to do just that by taking a different approach, focusing instead on competency development. To that end, our multi-year, comprehensive analysis reported in Plan 2008 determined the foundational competencies that today's law students need to excel in their careers across all sectors and organizational settings for work in the legal services industry.

Based on Plan 2008 and building on our prior 1998 Strategic Plan, Northwestern Law has embarked on a major initiative to recruit for and develop the foundational competencies that are at the heart of our analysis.

A. *Inculcating the Foundational Competencies*

The basic foundational competency of legal education will always be excellent legal analysis and advocacy skills. This focus must remain an essential element of any sound legal education. The research behind Plan 2008 confirmed this and also found that it was a necessary condition for a successful career in law, but not a sufficient one.³² What makes a particular individual stand out in the very large population of highly intelligent and technically competent lawyers is a set of additional competencies identified in Plan 2008.³³

These competencies, along with legal analysis, will be stressed as

29. W&L Law Sch., *supra* note 28.

30. Univ. of Dayton Sch. of Law, Earn a J.D. in Two Years by Starting in May, <http://www.law.udayton.edu/curriculum/earn%20a%20JD%20in%20two%20years%20by%20starting%20in%20may> (last visited Aug. 21, 2009).

31. Univ. of Dayton Sch. of Law, Academics at UDSL, <http://www.law.udayton.edu/NR/EXERES/70F2C933-8D28-476F-8470-54b1317ee6fb.htm> (last visited Aug. 21, 2009).

32. NORTHWESTERN LAW, *supra* note 3, at 12-14.

33. *Id.* at 13-17.

never before within Northwestern Law or any other legal education institution. This effort will affect both our admissions requirements and our educational programs. We will introduce new required components to our admissions process that screen candidates for these abilities and add several innovative initiatives to our educational program. Among them, an accelerated two-year J.D. program targeted at high achievers who already possess enhanced development of these foundational competencies, was launched in May 2009.³⁴ All of these initiatives are designed to position our graduates for the new legal marketplace better than any other law school, regardless of the economic environment. Today, seven Task Forces are working diligently to iron out the implementation details for each of the initiatives.³⁵

B. Teamwork

Universally, our focus groups emphasized the importance of working effectively in teams. This includes working not only on teams consisting entirely of lawyers, but also—and almost more importantly—working on multidisciplinary teams on which the lawyer is the only lawyer. As cases and deals are increasingly large and global, lawyers must work with teams of other lawyers and non-lawyers across practice groups, firms, and geographic areas. Knowing how to lead a team is also a must for junior associates, who often head up teams of paralegals or contract attorneys.

Since 1998, we have slowly added teamwork elements to the pedagogy of regular classes and in various co-curricular activities.³⁶ Teamwork will become an even greater focus because it is how successful lawyers work throughout their careers. We will infuse team projects throughout our curriculum and supplement them with additional required coursework that uncovers the social science research that supports the value of this skill. Moreover, we will provide our faculty with essential training in how to effectively use teamwork and collaboration in their classes.

C. Communication

Plan 2008 identified four discrete competencies that lead to effective communication in legal services. In addition to written and oral legal analysis and advocacy, these competencies consist of basic

34. Olivia Clarke, *Northwestern Offers a Different Type of Program*, CHI. LAW. MAG., Sept. 2008, at 10082.

35. NORTHWESTERN LAW, *supra* note 3, at 19.

36. NORTHWESTERN UNIV. SCH. OF LAW, THE STRATEGIC PLAN FOR NORTHWESTERN UNIVERSITY SCHOOL OF LAW 17 (1998), http://www.law.northwestern.edu/communicate/dean/Strategic_Plan2_01.pdf.

exposition, the ability to communicate in writing, presentations, and verbally in a clear and concise manner (which is a precursor to effective communication whether legal or non-legal); contract drafting, the ability to move from agreed upon terms to a document that anticipates and allocates risks between parties; and business exposition, the ability to provide clear, succinct, and relevant recommendations in any medium to a client from any sector.³⁷ All of these competencies will enable our students to communicate effectively with non-lawyers as well as lawyers.

Our Communication and Legal Reasoning Program, which was restructured several years ago, already emphasizes teamwork and written and verbal communication abilities.³⁸ Our initiative will push that effort forward by focusing on the other communication competencies. In addition, we are developing diagnostics for each of these competencies that will allow our faculty to understand a student's incoming ability and to measure the value we hope to have added at the end of the educational program.

D. Basic Quantitative Abilities

Many lawyers drifted to law school in part because they were "scared" of numbers. That is no longer a tenable approach. The ability of lawyers to understand accounting and basic finance principles, interpret financial statements, and evaluate and apply statistical analyses is important in almost every organization and sector, and certainly in both transactional and litigation work. Particularly interesting to us was the fact that the nonprofit leaders in our focus groups were the most emphatic about the need for young lawyers to have accounting and other financial capabilities. It is not necessary for a lawyer to be able to do an accountant's or statistician's work; what he or she needs is the ability to understand that work and how it impacts the transaction or dispute resolution on which he or she is working.

In the admissions process for our J.D.-M.B.A. and Accelerated J.D. Programs, we already use the GMAT test, which has both verbal reasoning and quantitative parts. And all of our students already have the basic sequence of statistics, accounting, and finance classes that our M.B.A. students take available to them as electives. For all of our programs, we want to ensure that our students graduate with these basic quantitative competencies. We realize that not every student will want or needs to take the full M.B.A. sequence of such courses, but each of our students must have a working knowledge. So

37. NORTHWESTERN LAW, *supra* note 3, at 17-18.

38. Northwestern Law, Communication and Legal Reasoning, <http://www.law.northwestern.edu/academics/clr/> (last visited Aug. 21, 2009).

we have developed a new course that will provide a fundamental understanding of the principles of accounting, finance, and statistics to give the context and understanding that attorneys need in working with business and other clients.

E. Strategic Understanding

Every lawyer must understand the strategies and decision-making processes behind the activities of their clients, and the business or activity of their own organizations. We consistently heard in our focus groups that the most effective lawyers are those who quickly understand their client's business and strategies. A common complaint about lawyers from clients is that they are unable to make a clear decision; they tend to provide equivocal and indefinite advice. What is important is that lawyers understand their clients' (and their own) objectives and are prepared to identify sensible ways to go about achieving those goals. Of course, the lawyer does not replace the decision-maker in an organization, although many lawyers become those decision-makers, but they must be able to solve the business and other problems that organizations have. For several years we have offered an elective course that educates students on basic strategy by using the business school case method. We intend to expand this offering to more, if not all, of our students.

F. Project Management and Leadership

Another very consistent theme from our research was the need for a lawyer to be an effective project manager and leader.³⁹ From the start, new attorneys are asked to take on a project or task, work with or lead others (in various types of hierarchies), obtain the resources needed for the project, and complete the project in a timely manner. As a lawyer progresses, he or she plays a bigger leadership role in larger projects and the organizations in which he or she works. As projects grow larger and more complex, the ability to lead teams of people becomes a premium. In law firms, these skills are also critical to improving client satisfaction and economic success. In order to enhance this ability in our students, our unique admissions interview process seeks to determine how much project management experience an applicant has had. More recently, we have added a required essay that asks the applicant to describe a project that he or she has led.⁴⁰ We have also required our Accelerated J.D. applicants to provide an employer reference form on which the employer is

39. NORTHWESTERN LAW, *supra* note 3, at 15.

40. NORTHWESTERN UNIV. SCH. OF LAW, APPLICATION FOR ADMISSION 5, http://www.law.northwestern.edu/admissions/applying/required/AJD_application_09-10.pdf (last visited Aug. 21, 2009).

asked to rate the applicant on his or her project management ability as well as other competencies.⁴¹ At this point, for our regular three-year J.D. applicants, we require that form if the candidate chooses to provide references at all. In the near future, we will require it for all applicants.

For our enrolled students, we will introduce new requirements carefully adapted to the needs of lawyers that introduce the social science behind issues such as strategic decision-making, psychological biases in decision-making, social networks, teamwork, organizational dynamics, leadership, and project management. Obviously, these admissions requirements and curricular innovations also enhance a student's teamwork and communication (especially business exposition) abilities.

G. Globalization

Plan 2008 found that the key competency that enables a lawyer to be successful in the emerging global environment is neither the substantive knowledge of specific legal systems nor the ability to speak a non-English language, although these can certainly help.⁴² The key needs are the abilities to work cross-culturally and cross-jurisdictionally. With the ever-increasing globalization of business, every lawyer must have an awareness of and respect for non-American systems of law and the ability to operate effectively in a cross-cultural environment.

The idea that there is some discrete substantive knowledge vaguely called "international law" is mistaken. Many law schools try to give themselves more international ability by adding or even requiring "international courses" or importing visiting faculty from abroad.⁴³ There certainly are differences between legal systems, but today's global environment has also created a large degree of convergence on common ways of putting transactions together and resolving disputes, particularly in the business world and in the world of human rights. For better or worse, the convergence is based on Anglo-American modes of practice whether in putting together deals or resolving disputes. Being well-trained in one's home jurisdiction and in US or UK law is an essential first step in developing these globalization competencies. Real success depends on being able to operate effectively in the global environment much more than on having technical knowledge of some body of law. Taking an "international" course does not do it.

41. *Id.* at 7.

42. NORTHWESTERN LAW, *supra* note 3, at 15-16.

43. *See, e.g.*, Columbia Law Sch., Visiting International Faculty, http://www.law.columbia.edu/center_program/intl_progs/faculty_intern/visit (last visited Aug. 21, 2009).

Rather, the key is having experience working with people from other nations and with other legal systems. Already in admissions, we put some weight on whether an applicant has lived abroad (and not in an American oasis) for an extended period of time. Our current student body in the J.D. and J.D.-M.B.A. programs is 11 percent non-US. When we include students in our LL.M. programs, over 20 percent of our student body comes from outside the US.⁴⁴ Once here, we provide multiple opportunities for our students to develop their ability to work cross-culturally. We take advantage of our multi-cultural environment by various means, such as putting students on teams and team projects with non-US students, emphasizing cross-cultural learning outside of the classroom, and providing non-US experiences for as many students as possible. As to the latter and in addition to the traditional semester abroad programs, Northwestern Law already offers multiple sections each year of its unique International Team Project course, which provides our students with intensive research experiences in other countries.⁴⁵

H. Structural Changes in the Delivery of Legal Education

To complement our focus on the basic competencies, we intend to implement two significant structural changes in how we deliver our programs. These are based on the fact that almost all involved in our exhaustive look at legal education agreed that the third year could be used more effectively.

I. Intensive Experiential Semester

One way that we will make this happen is through an intense faculty-supervised experiential semester in which students can work full-time either within the Law School or with an outside organization that is a Northwestern Law partner. In the education processes of many other professions and in order to develop an effective practitioner, such experience is deemed an essential supplement to the substantive knowledge that a classroom course provides. Our colleagues in the medical school have successfully incorporated interaction with actual “clients” into four years of education through clinical rotations. Legal education should be no different. We intend to make this available to all of our students.

At present, approximately 72 percent of our students participate in live-client representation through one of our eleven curricular programs in the Bluhm Legal Clinic or undertake an externship with an outside organization such as a government agency, nonprofit

44. Northwestern Univ. Sch. of Law, Academic Bulletin (Jan. 2008), <http://www.asil.org/ab/200801/northwestern.html>.

45. Northwestern Law, International Team Projects, <http://www.law.northwestern.edu/itp/> (last visited Aug. 21, 2009).

organization, judge's chambers, or corporate general counsel's office.⁴⁶ These are excellent experiences, but they are limited because they constitute only one of the four or five classes a student takes during a given semester. Our students need more intensive and sustained experiences working on teams and projects in an organization and communicating effectively with clients and other lawyers.

Often, clinical education is touted as providing the key technical skills that a lawyer must have, such as how to argue to a judge or jury, how to prepare a complaint, and how generally to find the courthouse, as well as how to work with doctrine in a real context. This, it is said, will prepare the student to come out of law school practice-ready. While that is a good objective in most situations, our students go into a broad range of practice settings and often times the technical skills and substantive understanding derived from a specific clinical setting will not directly relate to their future careers.⁴⁷ We believe that the value of the intensive experiential semester will be in improving the foundational competencies of our students so that no matter what practice setting or type of organization they find themselves in, they will be able to quickly learn and adjust to the specifics of a particular situation and provide added value.

We intend to introduce semester-long, full-time experiences in a variety of institutions and practice areas both within the Law School and with external organizations. Within the Law School, students will be able to work in one of the many centers in our Bluhm Legal Clinic on a full-time basis; for those seeking an academic career, the semester experience can be under the guidance of a research faculty member in our Senior Research Program or in our Academic Scholars Program. Our students will also have the opportunity for full-time externships with non-US law firms, corporate general counsel, judges, NGOs, and international tribunals in the United States or abroad.

J. Accelerated J.D. Program

Another approach to the "problem" of the third year, is to

46. See David E. Van Zandt, *From the Dean*, ENVISION MAG., Spring 2007, <http://www.law.northwestern.edu/alumni/envision/pastissues/spring2007.html> (explaining that 90 percent of students enroll in the clinic program and half enroll in one of the "live client clinical practice sections").

47. Unlike the medical profession with its concept of the teaching hospital, it is difficult for law schools to provide directly relevant experiences in major practice areas that cater to paying clients because such clinics would be competitive with law firms and law firms are unwilling to provide their own resources for such experiences unless there is a recruitment element.

shorten the time period between matriculation and the commencement of a job. As part of Plan 2008, we have established an Accelerated J.D. Program (AJD), in which students will complete the same number of credit hours in a compressed five-semester period.⁴⁸ With a more fixed curriculum, including required coursework in quantitative analysis, strategic decision-making, negotiations, and the dynamics of legal services behavior, this program will serve as a laboratory to test many of the Plan 2008 recommendations.

The AJD's initial class of twenty-seven students matriculated in May of this year for a summer semester, followed by the normal fall and spring semesters.⁴⁹ Students will work during their second summer and then return to the Law School for two final semesters, graduating in May, two calendar years after they began. By requiring at least two years of post-undergraduate work experience along with demonstrated project management abilities, this program attracted an additional group of high quality students who, prior to entry, had already begun to develop many of the competencies we have identified and provide an opportunity-cost benefit for students who wish to accelerate their re-entry into the workforce. Besides their outstanding academic credentials (including more than half who have advanced degrees), individuals enrolled in our first AJD class average more than six years of full-time work experience and several have already successfully launched their own businesses and nonprofits.

III. CONCLUSION

The legal services marketplace has changed dramatically in recent decades, and legal education providers need to adjust to this new landscape.⁵⁰ While several institutions have recently announced reforms to their programs, most of their modifications add specific substantive content or focus on technical and clinical skills. Northwestern Law has taken a different approach. We have concentrated our efforts on developing innovative initiatives that develop a set of foundational competencies in our students. Ultimately, time will judge our model. If we get it right, our graduates will differentiate themselves in the legal marketplace and their success will be maximized throughout their multi-job careers

48. NORTHWESTERN LAW, *supra* note 3, at 22-23.

49. Northwestern Law, Law School Press Releases, <http://www.law.northwestern.edu/news/newsdisplay.cfm?ID=208> (last visited Aug. 21, 2009).

50. The regulation of legal education must also be changed to permit more innovation and more opportunity to provide the education at a lower cost. See *supra* note 14 and accompanying text.

and the inevitable ebbs and flows in the economy that await them.