

White Paper: Hiring partners reveal new attorney readiness for real world practice.



Summary

As the legal profession becomes increasingly competitive, law schools are responding by revising their curriculum to address the demand for more practice-ready graduates.

The legal profession welcomes this response, as 95% of hiring partners and associates in a recent survey believe recently graduated law students lack key practical skills at the time of hiring. Law schools are presented with a great opportunity to improve upon the employment prospects of their graduates by focusing on certain practical skills that law firms most desire. But what are the most desired skills and how can law schools incorporate these skills most effectively? These questions and more are asked and answered in this report.

Newly graduated law students and young associates have mastered basic research skills, however, employers are increasingly seeking specific advanced research and other practical skills that allow the newest members of their firms to participate in client matters more quickly. Attorneys particularly noted that new attorneys' lack of understanding of how a litigation or transactional matter actually happens in real life requires them to review this foundational knowledge to increase associates' immediate value. These skills allow new attorneys to immediately address real-world client matters and to more quickly bridge the gap between legal concepts and doctrines and practical application. In short, they would enter the practice of law armed with the skills they need to be of immediate value to their employers and to their clients.

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Law Schools have the opportunity to revise their curriculum to strengthen the “practice-readiness” of litigation or transactional attorneys. This would increase a law firm’s ability to quickly monetize their new hires, costing less money to hone them into practicing lawyers. This study reveals the most important skills desired by legal employers and will help inform law schools of the specific tasks they can integrate into applicable classes and experiential learning programs pursuant to employer demand and the new ABA standards.

Background

A 2015 survey, conducted by 5 Square Research, Inc., commissioned by LexisNexis®, among 300 hiring partners and senior associates who supervise new attorneys, from litigation and transactional practices in small to large U.S. law firms, sought a current understanding of whether new law school graduates and young lawyers possess particular core skills needed by their employers. The overarching goal was to conduct a quantitative study to determine what specific skills or experience in the area of legal research, writing and transactional work, law firms most desire in new associates.

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Young associates in litigation practice most often conduct legal research, but lack advanced skills in this area

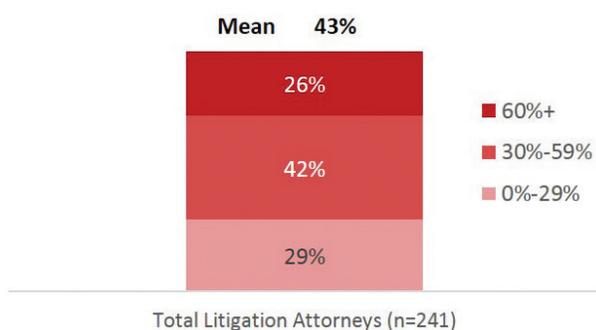
In the litigation area, skills that were lacking primarily consisted of writing and drafting documents, briefs and pleadings, and skills beyond basic legal research. Because basic legal research, which includes pulling and analyzing cases and statutes, finding background information with secondary sources and determining the validity of a case, is a part of most law school curricula.

In fact, 86% of respondents overall believe legal research skills are highly important in young associates. 81% believe advanced legal research skills are also highly important and an even higher percentage, 88% reported that proficiency using paid research services is highly important. Considering most young associates spend between 40% and 60% of their time conducting legal research, proficiency in legal research is paramount.

86%

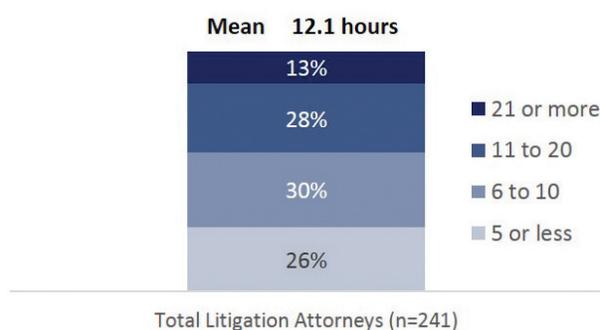
of respondents overall who believe legal research skills are highly important in young associates.

Percent Of Professional Time Conducting Legal Research



Q: Thinking about an associate at your firm with 5 or fewer years of experience, what percent of their professional time on average in a typical week is spent conducting legal research?

Hours Spent Using Paid Online Resources



Q: About how many hours per week do newer associates with 5 or fewer years of experience typically spend conducting legal research using paid online resources such as LexisNexis or Westlaw?

Research competency in case law is most critical, but the ability to research statutes, court rules, citation analysis, jury verdicts, briefs and dockets were also highly important skills for young associates to possess upon hire. Young lawyers often lack advanced legal research skills such as researching more complex legal issues in cases, statutes and regulations, determining strength of validity of primary law, and legislative/administrative intent. The survey demonstrated that, along with drafting pleadings, advanced legal research skills presented the largest gap between the importance of proficiency and the percentage of new associates actually possessing those skills.

Importance Of Legal Research Proficiency Within Content Types (7-10 ratings)

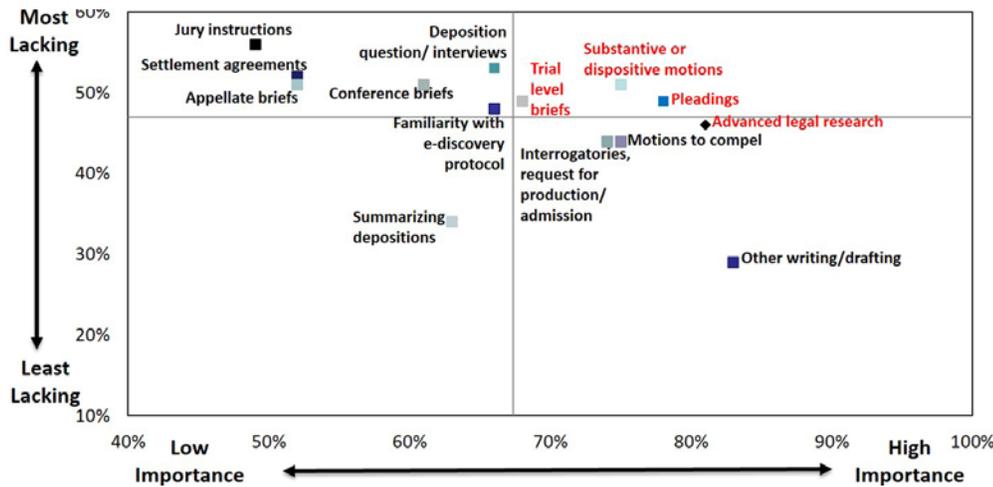


Q: At the time they are hired, how important is it for those same newer associates to be proficient in conducting legal research within the following specific areas. Please use a scale of 1-10 where 1 means "not important at all" and 10 means "critically important".

Litigation writing and drafting skills are highly important with emphasis on pleadings, motions and discovery documents

The map below depicts the litigation skills measured in terms of importance to attorneys for new associates compared to functional deficits of new graduates on these same skills. Drafting pleadings and motions and advanced legal research skills were both highly important skills upon hiring and often lacking. It is also important for new attorneys to be competent drafters of trial level briefs, discovery documents, and deposition questions or summaries; familiarity with e-discovery and conference briefs is also important.

Litigation Skills: Importance vs. Lacking

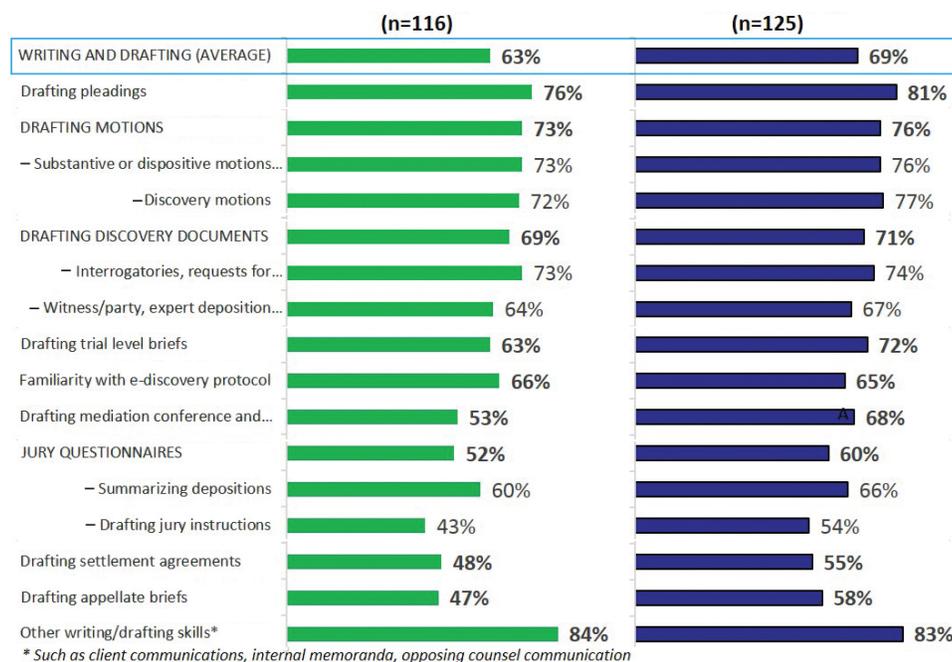


Q: Please indicate how important it is for newer associates to be proficient upon hiring within each of these areas using a scale of 1-10 where 1 means "not important at all" and 10 means "critically important".

Q: Our firm finds that most newly graduated law students most often lack the following practical skills...

Approximately two-thirds of litigation attorneys deem Writing and Drafting Skills to be highly important skills among newer associates, but particularly when it comes to Drafting Pleadings, Motions, and Discovery Documents. More than half of litigation hiring managers indicated that newly graduated law students most often lacked practical experience in drafting of settlement agreements, briefs, dispositive motions, deposition questions and interviews, and jury questionnaires. The most important drafting skills are similar among small and large firms.

Importance of Writing And Drafting Skills (7-10 ratings)



Q: The following are other skills that may be important for newer associates to possess for a Litigation practice. Please indicate how important it is for newer associates to be proficient upon hiring within each of these areas using a scale of 1-10 where 1 means “not important”.

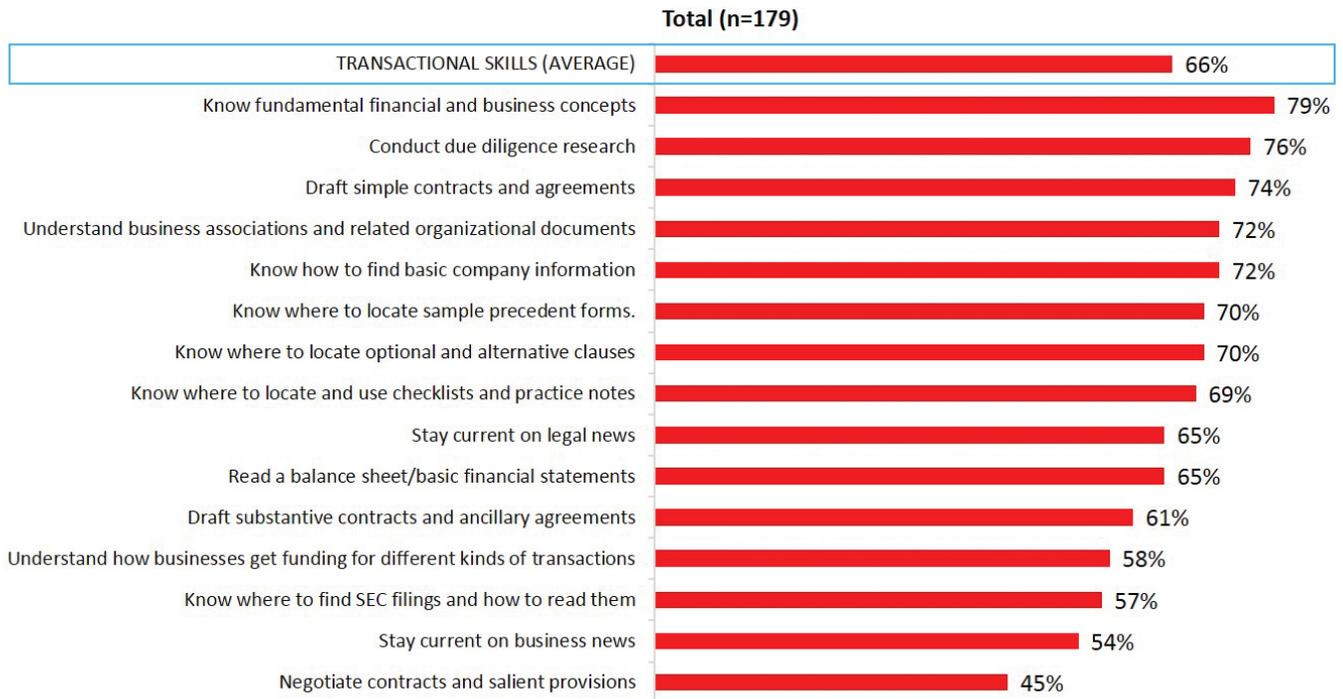
Young transactional attorneys will be more prepared with experience in certain tasks

95% of hiring partners and associates whose practice has a transactional focus believed that new graduates are lacking practical transactional skills. The most important skills for new transactional attorneys are to understand fundamental business and financial concepts, conduct due diligence, find forms/checklists, draft simple contracts and agreements, and locate company information. The transactional skills most lacking in newly graduated law students included drafting substantive contracts and ancillary agreements, locating optional/alternative clauses, negotiating contracts and salient provisions and, among large firms, reading a balance sheet or basic financial statements.

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of litigation attorneys deem Writing and Drafting Skills to be highly important skills among newer associates.

95%
of hiring partners and associates whose practice has a transactional focus believed that new graduates are lacking practical transactional skills.

Importance Of Transactional Skills Upon Hiring (7-10 ratings)



Q: When hiring a newer associate for Transactional law, how important is it for new associates to...? Please use a scale of 1-10 where 1 means "not important at all" and 10 means "critically important".

Transactional attorneys would also like young associates to possess a solid knowledge of the business world and core business principles. This training would add value to a young associate candidate.

The Lack of Practical Skills is a Core Focus for In-House Training Programs

Hiring newly graduated lawyers without practical skills is costly to law firms. In-house training programs, particularly in large firms, are filling the gap in advanced legal research, drafting and transactional skills which are needed in their young associates. Approximately half of all firms have an organized training program for incoming associates. Nearly two-thirds of large firms and one third of small to mid-sized firms have an organized training program for new associates with less than two years of practice experience. Attorneys on average estimated that their firms spend approximately \$19,000 per year to train a new associate.

Training Program Average Annual Cost Per Attorney



Q: Please estimate the annual cost to train one new associate to be competent in the skills discussed in this survey.

Base = firms with organized training programs

Within a litigation practice, in-house training programs most often address advanced legal research skills, drafting pleadings, motions and discovery documents. Small to mid-sized firms place more emphasis on advanced legal research skills, while large law firm training programs place more emphasis on the ability to draft pleadings, motions, interrogatories, requests for production, and requests for admissions.

Transactional skills are less often addressed in in-house training programs, but more than two-fifths of attorneys with a transactional focus in firms with training programs indicated that 7 out of the 15 transactional skills addressed in this study are covered in their training programs.



Q: Does your firm have an organized training program for new associates with less than 2 years of practice experience?

What is the Solution?

Overall, law firm respondents found Litigation Writing and Drafting skills lacking the most, followed by Transactional Skills and Legal Research Skills.

But how do law students and new graduates obtain more practical skills? There was support shown in the survey for certification programs that build upon skills obtained in law school. This would not only raise the bar for young lawyers but help them to more quickly become successful and valuable to their employer. In fact, as shown below, the majority (60+%) agreed that a certification in Research Skills, Writing/Drafting Skills, or Transactional Skills would be valuable on a candidate's resume.

Certification Programs Addressing Desired Skills

	Legal Research Skills	Writing and Drafting Skills	Transactional Skills
	Litigation Attorneys N = 241	Litigation Attorneys N = 241	Transactional Attorneys N = 179
Value Of Certification (% Added value: 6-10 ratings)	60%	65%	62%
Most Lacking Skill (% Selected: category average)	30%	47%	34%

Q: How valuable would the presence of a practical skills certification (e.g. training program that requires successfully completing an assessment) as a part of a candidate's resume for a Transactional law associate position be to your firm? Please rate how valuable on a scale of 1-10 where 1 means "of no added value" and 10 means "adds value".

Q: Our firm finds that most newly graduated law students most often lack the following practical skills...

In addition to certification programs, law schools could examine the gaps identified in this study and consider amending their curricula to address the most in demand practical skills. Litigation and transactional attorneys alike suggested that some skills could be obtained in a classroom setting. For example, courses focused on more pre-trial tasks, with an emphasis on discovery, more advanced legal research integration, or a simulation that exposes students to a typical litigation case from start to finish. Per one respondent, “a class that tracks the life of a litigation case from start to finish including pleadings, discovery, experts, settlement negotiations, and actual trial and evidence rules.” For transactional area of law classes, “law schools could offer a negotiation transactions course where the students determine how to structure a transaction, find sample contracts and precedent deals, draft and negotiate key documents... and provide due diligence materials that create issues to be resolved.” Most attorneys involved with hiring and management of new lawyers agree practical skills can be effectively honed through clinics, internships, clerkships, and experience in actual or simulated application to a case.

Practical skills that could be addressed in a classroom, workshop or clinical environment should offer a different kind of learning experience than they are receiving in law school already. The idea would be to bridge the gap between law school and practice, beginning with the law school experience. Increasingly, law firms are evaluating these skills during the hiring process. Integrating more practical skills instruction and experiences is the best way for law schools to better equip their graduates with the skills their future employers need, making them more marketable and better able to quickly contribute to their profession.

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