A New, Collaborative Model for Lawyer Professional Development

by Scott A. Westfahl

In June, 2017, my colleague David Wilkins and I published an article in the *Stanford Law Review* as a call to action to law schools and the private bar to collaborate more effectively to develop lawyers around a new model that meets the demands of the rapidly changing market for legal services. Our goals were to show how the traditional, “divided” model of lawyer development no longer suffices and to provide a framework that key stakeholders can use to focus their lawyer development efforts more effectively and collectively. The article has been one of the most downloaded SSRN legal scholarly articles of the past year and a number of law schools have circulated the article across their faculties for discussion. My goal here is to offer a condensed version of the article that specifically outlines how law firm professional development leaders can join the effort to transform lawyer development through a new lens that will help us focus our efforts to build the generation of lawyers who will face more change and disruption than any cohort of the past several decades.

As we look at all of the discussion and debate around whether the legal profession is entering a completely new paradigm or will be adapting more gradually to economic and technological shifts, we think frankly that it is too early and that things are too murky to tell. However, we are certain that at least for the next generation of lawyers, the practice of law will remain fundamentally a human capital endeavor. Thus, the legal profession should appropriately prioritize the training and development of lawyers and, we argue, correct significant misalignment by adapting a new professional development model that will prepare future lawyers more effectively to adapt nimbly and meet the challenges that the changing legal market will present.

The Divided Model of Lawyer Development Becomes Misaligned to the Markets for Talent and Clients

I will here very significantly condense our article’s historical discussion in order to focus the balance of this article on outlining a new model for lawyer development and providing specific recommendations for professional development leaders. I will omit footnotes and references, as well, as the much richer discussion belongs in our original article rather than in this piece written for such a different purpose. With those caveats, in a nutshell:

Historically, the private bar adopted what we call a “divided” model of lawyer development. Law schools were charged with teaching law students “how to think like a lawyer” and law firms stepped in to then train new graduates to “be” lawyers.

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Those of us in the professional development world are all now quite familiar with the tensions, arguments, and finger-pointing that this divided model is now causing. Why is that happening? Essentially, the traditional model for lawyer development is significantly misaligned to the markets for clients and talent, and a new solution is needed.

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The historical, divided model of lawyer development, when it was developed in the early decades of the last century, perfectly aligned with the needs of law schools, law firms, and their clients. Law schools could provide the doctrinal and theoretical frameworks and critical legal analysis skills necessary for a law firm to then shape a new graduate into a generalist corporate lawyer. Every law student studied a mix of doctrinal legal subjects to prepare them for the generalist path, and law firms created an apprenticeship model based on one-on-one mentoring and training in corporate legal practice. Clients accepted this model of professional development without objecting that they in large measure would bear the costs of training new lawyers — the apprentices who shadowed experienced lawyers to learn their craft.

Many factors have contributed to the dramatic misalignment of the old, divided model of lawyer development with the current markets for talent and clients of the corporate bar. Dramatic growth in the size of law firms without a corresponding increase in the number of top law school graduates first caused associates’ salaries to skyrocket and lateral “poaching” to significantly increase during the 1980s and 1990s. Resulting economic pressures and growing client demand resulted in tremendous law firm growth and geographic expansion during the same time period. Partner-to-associate ratios correspondingly climbed, so that the divided lawyer development model’s one-on-one apprenticeship structure fell quickly away. While law firms grew larger, they did not invest to develop robust, new systems to develop lawyers in an era of high leverage and rising demand on productivity, i.e., billed hours. During the same time period, accounting and management consulting firms also grew substantially. Realizing that their key asset is human capital, those firms significantly invested in global talent development, academies, online learning management systems, and professionalized, internal learning and development functions. By contrast, law firms experimented lightly with internal training programs for lawyers to meet newly established continuing legal education requirements, but did little else to react to the changing markets for talent and clients.

In the last decade, law firms have slowly been catching up to other professional services firms to develop their talent. The brave pioneers of the legal professional development community, such as the members of the Professional Development Consortium (PDC), have worked very hard to build new structures and systems within law firms for broader training, better mentorship, more support for diversity and inclusion, better alignment of work assignments to development needs, and greater consistency in feedback and evaluations, for example. Yet at the same time, the market for clients has dramatically shifted to a buyer’s market due to three key factors: clients’ ability to force price competition through greater pricing transparency and information; the growth of in-house legal departments as a way to lessen outside legal spend; and emerging technology (e.g., e-discovery, AI) and new models for providing legal services (e.g., legal process outsourcing firms). The resulting pressure on corporate law firms to “run more like a business” — principally by driving down costs of production — have, among other things, affected professional development directors’ ability to move their firms anywhere close to the levels of investment that accounting and consulting firms commit to talent development. Clients with more market power — and more data — use electronic systems to review law firm bills and boldly refuse to pay for junior associate training on many types of matters.
The old, divided model of lawyer development is thus under greater strain than ever before. As clients pressure law firms to become more efficient and provide more for less, law firms and the corporate bar generally are increasingly frustrated with the law schools that do little to develop “practice-ready” graduates. We see some innovation at law schools, but for the most part we find that law school faculties are comfortable with the divided model of lawyer development because it fits best with their view that law schools should focus mostly on legal scholarship rather than serving as trade schools to populate the corporate and public interest bars.

### Giving Credit Where Credit Is Due

Before we introduce our new model for lawyer development, we make clear that we do not want to discount the importance and continued value of what law schools and law firms do well under the old, divided model. Law schools, for example, should continue to train law students to analyze critically and “think like lawyers,” provide civic impact through legal scholarship, help to diversify the profession, maintain independence from corporate interests, and expand clinical offerings that provide “practical” legal skills training. Law firms, for their part, should continue to build the networks of incredibly talented people who improve the way business is done all over the world, solve highly complex legal problems, and serve as trusted advisors and important guardians of compliance as the global regulatory world explodes and businesses struggle to comply with the letter and the spirit of the law. Law firms also should continue to improve upon their intent to function as professional meritocracies to provide broader opportunities for highly intelligent people who seek to have a positive impact.

### Toward a New Model of Lawyer Professional Development

We believe that lawyers of the future will need to be technically capable, professionally nimble, and able to use broad, interdisciplinary networks to solve complex problems, of which law is but a component. Law schools, law firms, and in-house legal departments have a mutual interest, therefore, in collaborating to redefine lawyer development across the arc of lawyers’ careers. This collaboration needs to focus on building three critical capacities: technical legal skills and expertise; professional skills that are adaptable to any professional context; and opportunity-generating networks of relationships that grow consistently over the course of a lawyer’s career. (See Figure 1.)

### Figure 1.

![Figure 1](image-url)
Law School Responsibilities Under the New Model

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Law schools first should acknowledge explicitly that one of the key reasons they exist is to prepare students to practice law. Once schools fully embrace this concept, they should realign curricular and other offerings to support law students’ development of leadership and professional skills such as working in teams, strategic thinking, cross-cultural competence, emotional intelligence and empathy, understanding one’s own working style and strengths, negotiating effectively, building core business and technology skills (from finance to coding), professional presentation skills, mindfulness and resilience, and advanced problem solving through the application of design thinking principles, for example. We also suggest key structural and focus changes that law schools can adopt to significantly improve the way law students think about and develop their professional and personal networks. We consider it a tragedy that, in our experience, most law students develop only a few close, trust-based relationships during law school that will endure long afterward (unlike the much deeper, longer-lasting relationships typically formed at other professional schools such as business and medical schools). With globalization and the continued blurring of the distinctions among professional services providers (e.g., accounting firms building huge legal departments), we agree with experts who predict that strong, interdisciplinary networks will become ever more central to the solving of the business problems encountered by clients of the corporate legal bar. Law school graduates — and the law firms they join — will be at a severe competitive disadvantage if more is not done to enhance their development of such networks.

Law Firm Responsibilities Under the New Model

First, we suggest that law firms partner more closely to help law school faculties adapt to provide especially the kinds of professional skills training and network development support discussed above. Within the law firm professional development community, we see some law firms contributing increasingly to building the necessary bridges between the corporate bar and legal academia. But much more can and should be done. For example, law firms can help law professors develop the kind of interactive, “real-world” cases, simulations, and exercises that will help law students to learn legal doctrine in context. In the same way that law firms “second” associates to clients to learn more about how the clients operate and serve clients more effectively, law firms could second partners and senior associates to law schools to help law students build the professional skills that sophisticated practice will require. Law firms could also partner with law schools to create many more team-based law school experiences, in part to build law students’ team-related skills but also, frankly, to do the same for participating lawyers who have been undertrained in basic team-related skills and processes (in stark contrast to almost every other profession).

Within law firms, we strongly admonish the corporate bar first to secure its foundation by addressing — with real impact — the flight of women and minorities from law firms. We suggest several measures to establish a new culture of respect for all, to improve transparency and the development of important metrics, to foster a new approach relating to teams and team effectiveness, and to replace the crumbled, one-on-one apprenticeship model (now a fantasy in most corners of the corporate bar) with cultures of sponsorship and systems that support such cultures.
Our primary recommendations for law firms’ focus on significantly increasing their investment in building lawyers’ professional skills and networks across the arc of lawyers’ careers follow:

**Leadership Development**

*Law firms should learn from other professions and begin leadership development almost immediately upon the start of a lawyer’s career.*

We begin with leadership development as the most critical of professional skills for law firms to emphasize. Law firms should learn from other professions and begin leadership development almost immediately upon the start of a lawyer’s career. Every year or two, significant off-site leadership programs (intensive, case-based, and experiential) should introduce and train associates in leadership skills such as effective teamwork, understanding leadership styles and developing their own, effectively delegating, giving and receiving feedback, project management, developing strategy, cross-cultural and cross-organizational collaboration, design thinking, and advanced legal problem solving.

Firms should provide at least two stages of leadership training for their partners. For early- to mid-stage partners, training should help them build skills relating to a deeper understanding of their own leadership styles, leadership of small teams, business unit strategy, having difficult conversations, and client leadership. For more senior partners, training should advance their ability to lead a larger practice, department, or office, to serve on the management or executive committee, to chair a key firm committee like the partner election or compensation committee, or to become a managing partner or firm chair. Our HLS Executive Education programs for senior law firm leaders, for example, focus on important areas critical for senior leaders, such as frameworks and tools relating to corporate strategy, organizational alignment, crisis management, motivating professionals, driving innovation, and building collaboration within a firm.

We also recommend that firms apply advanced, structured feedback to develop their leaders, in the way that PD directors have been pushing for very hard for a very long time. While some firms have adopted upward and 360-degree feedback, we see very few who have done so in a way that drives change, since such feedback is rarely linked to a full-fledged, leadership development effort the way that it is in other professional services firms. Also, we suggest strongly that law firms rethink their approach to providing early leadership experiences and opportunities. Many law firms have unintentionally allowed cultures to develop that at best delay associates’ impact to help with institutional development and at worst infantilize associates and drive them away from law firms toward in-house and business roles where they perceive they can have much more impact earlier in their careers (e.g., please note and object when partners call associates “kids,” for example, and strenuously push for their inclusion on key committees and initiatives that aren’t directly tied to compensation and evaluation processes that should be the exclusive province of partners as the owners of the business).

**Adopting a New Approach to Working in Teams**

*We strongly believe that by arming teams with the proper tools up front, and holding them accountable for their process as well as their results, both law firms and clients will reap significant rewards...* 

One of the biggest opportunities for law firms to improve lawyer development lies within the way legal work is performed. Experts who study teams would describe most lawyer teams as “loose working groups” at best because they fail to incorporate even the most basic, proven team processes. Rather than caring only about what results are achieved for a client at the end of
the day, law firms also need to focus attention on how well their lawyers have worked together as a team. To do so, law firms need to ensure that teams have the tools required to collaborate effectively and to assess their performance during the project and afterward. Like other professional services firms, law firms should ensure that lawyer teams on any significant matter implement basic tools for team launch, check-in, and post-project evaluation, for example. We strongly believe that by arming teams with the proper tools up front, and holding them accountable for their process as well as their results, both law firms and clients will reap significant rewards in terms of both team effectiveness and associate and partner job satisfaction — regardless of whether the time can be directly billed to clients.

Currently, we are working with a major law firm to pilot a set of team tools similar to those used by management consulting firms, and preliminary results are promising for both team member engagement and improved client service.

Related Professional Skill Development

We suggest several ideas about how law firms can build the broader professional skills of associates that we reference above, primarily through greater investment and also through partnerships with law schools from which all participants will benefit. One specific suggestion is that law firms develop R&D initiatives, fully funded year to year, through which lawyers (perhaps in conjunction with law students and clients) can build skills and experience relating to innovation, AI, and technology; working in teams to generate creative ideas; and the application of design thinking principles to solving client problems.

Building Networks

We strongly advocate that law firms develop intentional, research-based programming focused on how lawyers build and use networks. Among the skills such training could provide are: a process for lawyers in their organizations to map the breadth and depth of their networks and update them on a regular basis; methods for tracking, measuring, celebrating, and rewarding intra-organization collaboration and collaboration with external partners; and ways to incorporate network training and analysis into related training on leadership and on the power of diverse teams to solve problems, so that lawyers can better understand the critical nature of building diverse networks. The earlier such training begins, the more likely that associates will realize the benefits of their networks across the arc of their careers.

Conclusion

As the corporate legal profession is shaken by disruptive forces in the markets for both talent and clients, it becomes more critical than ever for law schools and law firms to re-examine how lawyers of the future will develop the technical legal skills and expertise, professional skills, and networks they will need to thrive in the years ahead. We have outlined a model for lawyer development far better aligned to the present and future than the old, divided responsibility model, which at this point has been mostly discredited but has lingered for lack of attention and critical analysis. We hope the legal professional development community will welcome our new framework as a tool to launch more discussions and initiatives, and around which a stronger, more holistic lawyer development infrastructure can be built. Our suggestions for particular programs and initiatives are only meant to get things started — let’s start collaborating so that the real revolution begins!

About the Author

Scott A. Westfahl is a Professor of Practice and the Faculty Director of Executive Education at Harvard Law School. He focuses his teaching, writing, and research on leadership, teams, networks, and the application of innovation and design thinking principles to solving legal problems.