



PRESIDENT'S PAGE THOMAS H. BIENERT, JR.

Changes in the Training of Lawyers Brings Opportunity for the OCBA to Assist

As has been well documented (including in an excellent series of *Daily Journal* articles by Don DeBenedictis), much is changing in the hiring and training of lawyers. Law firms are increasingly reluctant to hire rookie lawyers who need training. Large firms, traditionally a major source of employment and training of new attorneys, are hiring far fewer new graduates. This trend prevails through all segments of the profession. Indeed, just half of California's 2013 law school graduates had permanent jobs as of February 2014.

The tough job market makes attending law school a lot less appealing. Soaring tuition costs and heavy student debt are simply unbearable without the prospect of a good job. Not surprisingly, law school applications are down 40% in the last decade.

The need for lawyers, however, continues to be high. Many segments of society remain unrepresented or under-represented. We should better address this need.

Bar associations and law schools are implementing changes for law students. The ABA's accrediting body is developing new standards requiring law schools to focus on "outputs" (what students actually learn) rather than "inputs" (e.g., number of faculty and size of library). A task force of the California Bar is crafting rules to require at least fifteen hours of skills training, and fifty hours of *pro bono* work before admission to the bar. Clinical courses (involving live-client interaction), courses in practical skills, and the folding of skills training into substantive classes will soon be required.

Law schools are also moving in this direction. At Chapman University's Dale E. Fowler School of Law, every student will be required to take courses in transactional skills and litigation skills. Chapman is also revamping its curriculum to blend practical training with its substantive courses. Last semester, my partner Ken Miller taught a practical skills course on pre-trial civil litigation there. The course, which uses the popular Rutter Group *Civil Procedure Before Trial* as a text, requires students to draft pleadings, take and respond to written discovery, take and defend depositions, and argue pretrial motions.

UCI School of Law also emphasizes public service and practical training as part of its curriculum. "Our vision is to prepare students for practice at the highest levels of the profession," says Dean Erwin Chemerinsky, who notes that *pro bono* work and legal practice courses are part of that preparation. UCI requires all students to participate in a clinic where they, under faculty supervision, represent clients and do actual legal work; and to participate in a legal aid or public defender's office, where they conduct intake interviews and learn from experienced lawyers. "Over 90% of our current students have done *pro bono* work while in law school," notes Dean Chemerinsky. UCI also offers a number of new practice-based classes, including next year a

"Transition to Practice" course for third-year students.

Whittier Law School is expanding skills classes and folding skills training into some of its substantive classes. Acting Dean Martin Pritikin explains that law has become more complex, requiring education in more areas. "We should provide a bridge to practice. Our curriculum should not focus just on substantive legal topics, but also should focus students on being entrepreneurial and training them on the economics of legal practice." Noting the problem of access to justice, Dean Pritikin sees an opportunity to help both new lawyers and those needing services. "Young lawyers can get meaningful employment by doing a lower-fee practice to help those in need who currently are priced out of legal services. For years, young doctors have entered the workforce doing residencies at public and teaching hospitals, where they provide invaluable services for those in need who couldn't otherwise get it. Lawyers should consider a similar approach."

The OCBA works toward bridging the transition from law student to practicing lawyer. We have organizational memberships with the four ABA-accredited laws schools in Orange County. Students receive an online subscription to *Orange County Lawyer* magazine and bi-weekly e-newsletters, and receive special pricing for seminars and complimentary invitations to many OCBA meetings and activities. OCBA also has a Law School Task Force dedicated to developing this relationship.

OCBA has other programs that focus on recently admitted attorneys. "Bridging the Gap" is a full-day program put on by the OCBA two times a year designed to transition recent bar admittees to the real world of practicing law in Orange County. The next Bridging the Gap is scheduled for July 19 at Whittier Law School. The OCBA Mentoring Program matches attorneys in their first five years of practice with experienced mentoring attorneys. Our *Pro Bono* Committee, co-chaired by Professor Jeanne Thomas of Whittier Law School, organizes a variety of *pro bono* opportunities, working closely with the Public Law Center. The Young Lawyers Division provides those with less than five years of practice opportunities to interact and develop networking skills through business meetings, social activities, educational programs, and sports (softball team).

As the training of law students and attorneys continues to trend towards practice-based education and public service, the OCBA should consider ways to expand our contribution. Given the State Bar's pending fifty-hour pre-admission *pro bono* requirement, Orange County will soon have about 600 to 800 law students per year needing to fulfill their fifty-hour service commitments. That will make for tens of thousands of *pro bono* hours per year. The OCBA is uniquely situated at the center of all those involved: law schools, students, *pro bono* and legal service providers like Legal Aid Society and PLC, practitioners, and affiliate bars. We should consider whether the OCBA can serve as the hub to bring the various participants together and match law students and recent attorneys with the legal needs and opportunities in the county. Such a process could also enable the OCBA to be a better resource for law firms and practitioners looking to more readily recruit young attorneys with practical experience.

It's a new world in the education and training of those pursuing our profession. The changing times should cause us to consider how we can best change with those times and contribute to our legal community.



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