

PORTRAIT OF A 21ST CENTURY LAWYER

VERSION 3.0



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Portrait of a 21st Century Lawyer, Version 3.0

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Table of contents

Portrait of the 21st Century Lawyer, Version 3.0	4
Part I. Face the Challenges	6
The Billable Hour.....	6
Mental Health Challenges.....	7
Zero Sum Environment	9
The Lack of Diversity and Inclusion Within Law Firms	10
The Justice Gap	14
Part II. Adapt and Build New Skills	17
A. Gain Emotional Intelligence: How can lawyers become savvier in juggling the demands they face every single day?	17
B. Possess an Entrepreneurial Spirit: How does the existing business model of the legal profession (i.e., the billable hour) need to change in order to provide the best incentives for lawyers to (a) innovate, and (b) ensure clients receive and perceive the value in legal work products and services that clients are seeking?.....	20
C. Be Digitally Engaged and Be an Innovation Maven: How will client dissatisfaction and legal technology development and marketing drive the adoption of tech solutions by lawyers?	23
(1) Innovations in Law	23
(2) Expansive Views of Legal Markets – Be a Curator of Evolving Legal Markets.....	25
(3) Platform Revolutionist.	26
(4) Practice Innovation.....	27
D. The Inclusion “Gene”: Make Inclusion Part of Your DNA	30
E. Cultivate a Commitment to Justice and Close the Justice Gap	
Part III. Law School and Legal Education Programming	34
Part IV. Becoming a 21st Century Lawyer	39
Notes	41
About the Authors and Contributors	46

A Note of Dedication

This eBook is dedicated to individuals:

Who display the courage to pose the questions – “Why?” and “Why not?” – even when the answers may not be well received;

Who work to improve upon products, services, processes, ideas, gadgets, etc. that are already cutting edge; and

Who ignite within all of us an insatiable sense of curiosity about how we can make this world a better place for everyone.

Karen M. Suber, Esq.

PORTRAIT OF THE 21ST CENTURY LAWYER, VERSION 3.0

“The first thing we do, let’s kill all the lawyers.” This often-quoted line from Shakespeare’s play Henry VI may be a bit more extreme than necessary to suggest the level of frustration with the slow pace of change in the legal industry. However, it does reflect the very real sentiment that lawyers can be, and often are, barriers to change in the way legal services are delivered to clients and to increased access to justice.

There is no shortage of entreaties for lawyers – of all generations and all practice areas – to acquire the additional skill sets needed to satisfy their obligations to clients and to help address the needs of those who remain underrepresented or without access to legal counsel due to financial or other constraints. Over the course of the last year, both Frontier of the Law and Legal Business World have highlighted many of the skills that lawyers need now and will need in the future. In fact, we are committed to sculpting a portrait of the “21st Century Lawyer” over time through as many iterations as necessary and with input from lawyers and other stakeholders of the legal profession across the globe.

Some clients assert that lawyers need to become more business savvy by moving away from the billable hour and working toward value-based pricing models; some thought leaders claim that lawyers need to enhance the “user experience” and “to reimagine how to deliver legal services, how to serve their customers and how to craft an attractive offer”; cogently, others have made the case that lawyers need to understand how to allocate work among the most cost efficient resources available, not only among varying seniorities of associate lawyers but also among non-lawyer professionals and sophisticated legal tech tools; and still others strongly and persuasively suggest that lawyers need to increase their

emotional intelligence in order to manage the development and deployment of human capital, or personnel, and other resources used to meet client obligations, on the one hand, and client demands, on the other hand.

So, why should the lawyer of the 21st Century be any different from her, his or their counterpart from the 20th Century?

In addressing this question, it is important to acknowledge that our profession is facing high levels of dissatisfaction from all sides – from stakeholders within and outside of the profession including lawyers, clients, prospective clients and individuals who need legal expertise, but cannot afford it. These stakeholders also include law school students who clearly see the need for change and thirst for ways to help transform and modernize our profession. And, last but not least, stakeholders also include lawyers' families who, as the unsung heroes they are, deal with the tough work schedules, emotional fallout and mental health issues that lawyers routinely face.

The Path Forward

Face the challenges

- Billable Hour
- Mental Health
- Zero-Sum Environment
- Lack of Inclusion
- Justice Gap

Adapt and build new skills

- Gain emotional Intelligence
- Possess an Entrepreneurial Sprit
- Be Digitally Engaged
- Make Inclusion Part of your DNA
- Commit to Justice

**To Become a
21st Century
Lawyer**

PART I. FACE THE CHALLENGES

In the discussion that follows, we will address the paths forward for bolstering transformation of the legal profession.

THE BILLABLE HOUR

Generally speaking, the prices of products and services created outside of the legal profession are determined from the "ground up"; that is, business leaders and entrepreneurs ascertain the cost of the resources necessary to produce, generate, manufacture, create and/or deliver a particular good or service, or the "cost of goods or services sold." Then they determine the amount of investment they will need to cover planned or potential improvements in (1) existing goods and services and (2) as-of-yet unconceived new goods and services in furtherance of both sustaining and disruptive innovation, all toward enhancing the client, customer or user experience. Once this all-in cost is established, business leaders and entrepreneurs, subject to demand for their goods and services (vis-à-vis competing and substitute goods and services), determine the level of return to the business leaders, entrepreneurs, shareholders and other investors that the applicable markets will sustain and for how long. Significantly, business leaders and entrepreneurs recognize that, if the all-in costs are greater than the prices that applicable markets will bear, then the subject goods and services will not even be produced or generated and offered into the markets.

Along the way, business leaders and entrepreneurs regularly and continuously ask themselves questions like:

- How can we make the goods and services better?
- How can we design or curate the client, customer or user experience so that the experience itself reinforces the value received and perceived by clients, customers and/or users?

- How can we become more efficient at how we produce, generate, manufacture, create and/or deliver goods and services to help yield savings to clients, customers and users, who also face market demands, while maintaining or enhancing the return necessary to reward entrepreneurs, creators, owners and investors for their ingenuity, risk-taking and value-creating behaviors?

This approach happens every single day in the realm of business, but does not occur frequently within the legal profession or, in particular, within big law firms. Rather, the billable hour remains “king” or “queen” and incentivizes lawyers and law firms to invoice clients the number of hours that is necessary, in the discretion of the lawyers or law firms, to provide the legal service or work product. What is more: lawyers often do this without asking questions about efficiencies that could benefit both lawyers and clients; unless, as is happening more frequently now, the client pushes the lawyers and law firms to do so. Clients will continue to push back as more and more tech tools become available to manage matters and the corresponding legal invoices that follow.

The billable hour model, generally speaking, is burdensome to clients insofar as clients cannot foresee the total cost of a legal solution when a problem arises. When a lawyer is hired under a billable hour arrangement, a risk exists that a client may not be able to absorb the total cost of a legal solution, because there is very little transparency helping the client appreciate the connection between the outcome (and resulting work product(s)) of a matter and the all-in cost of the legal services required to achieve that outcome (and generate the work product(s)). This risk, among others, represents a challenge to individuals and smaller enterprises, in particular, because these types of clients typically face stricter budgetary constraints than larger corporate clients. For this reason, alternative pricing models have emerged in recent years. Alternative pricing models, however, have thus far not become the rule of thumb. The future of the legal profession must usher in greater transparency in legal fees, and alternative pricing models must progressively displace the billable hour model as the go-to pricing arrangements. Advances in the legal-tech sector will play an important role in this transition.

MENTAL HEALTH CHALLENGES

Looking first from the inside out, lawyers face tremendous pressures arising from, among other things, exacting demands from clients and adversarial engagements with

other lawyers (both within and outside of their own firms for those who are in firms). As a result of these multi-faceted and multi-dimensional pressures, lawyers have a relatively high incidence of mental health and substance abuse issues. A study sponsored by the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation (2016 study) [1] "paints the picture of an unsustainable professional culture that's harming too many people." According to Patrick R. Krill, an author of the ABA/Hazelden study [2]:

- 21 to 36 percent of lawyers qualify as problem drinkers
- 28 percent of lawyers are struggling with some level of depression [3]
- 19 percent are struggling with anxiety [4]

Younger lawyers in their first 10 years of practice and those working in private firms experience the highest rates of problem drinking and depression.

While most of the mental health studies of lawyers and the legal profession have been conducted within the United States, there is evidence of similar mental health issues in other jurisdictions throughout the world. For example, in *The Wellness Doctrines* (2015), [5] Jerome Doraisamy, a lawyer from Sydney, Australia, examined the profession and legal education; Doraisamy noted that "one in every three lawyers or law students in Australia battled depression." For examples of works examining these issues in the United Kingdom, see "Depression – The Hidden Hazard," [6] and in India, see, "The Impaired Lawyer: Why We Need To Talk About Mental Health In The Legal Profession." [7] Consider the following heart-breaking stories we have heard about successful lawyers and their untimely deaths. In fact, Joanna Litt, a "survivor" of her husband's suicide, poignantly explained how and why she whole-heartedly believes "big law killed [her] husband." These stories unequivocally make the case for the need to devote significant resources to addressing mental health issues within the legal profession.

- *The Lawyer, the Addict* [8]
- 'Big Law Killed My Husband': An Open Letter From a Sidley Partner's Widow [9]
- *Dechert Associate's Death Ruled Accidental, Caused by Mix of Drugs* [10]

Many of us have friends and colleagues within the profession who have suffered from various types of addictions. In fact, one of the authors and contributors knows a great

practitioner and rainmaker who suffered from unchecked addictions to alcohol and sex for over a decade, and it is only recently that, with the benefit of a supervised recovery program, he has begun to address the root causes of his addictions.

ZERO SUM ENVIRONMENT

"Zero-sum" [11] is an idea in game theory in which one person's gain is equivalent to another's loss making the net change in "wealth" or "benefit" zero. In law school, the lion's share of coursework and other educational programming is aimed at teaching students substantive areas of the law, or "black letter law," if you will. In evaluating whether students are learning, or have learned black letter law, professors evaluate students against one another. One student having the "best" or "A+" answers means that the others do not; so, students readily compete against each other for the "best grade," and this grade competition is zero sum. Significantly, most law schools do not counterbalance this zero-sum dynamic among students with coursework or other educational programming intended to build collaboration or other team-based skills. Students are not taught the skills that can help them as future lawyers create or curate environments in which they, either individually or together with their clients and/or the clients' other professional advisors, can bring about non-zero-sum or synergistic conditions.

Lisa Smith, Deputy Executive Director and Director of Client Relations at Patterson Belknap Webb & Tyler LLP and author of *Girl Walks Out of a Bar* [12] describes the environment of law school [13] that she experienced:

"Instead of being in school with friends, we found ourselves pitted against each other all the time, particularly with the use of the Socratic method," Smith says. "We were constantly being ranked and there was this sense of 'my gain is your loss' that permeated our entire experience. It was a different kind of pressure to succeed and a much more pronounced level of stress than I had previously faced."

Lawyers, then, take the zero-sum skills they pick up in law school, and deploy those skills in their careers. Within law firms, many associates seek to out-do other associates in competition for the coveted partnership title; when associates become partners, the partners compete with their fellow partners to "grab" the most partnership units possible

and, as a result, the largest share of partnership profits possible.

One of the authors and contributors is aware of at least three circumstances in which very successful, sophisticated, big law firm partners engaged in zero-sum behaviors. One example involved a situation in which a corporate partner “stole” the client of another corporate partner so that the first corporate partner would gain “origination credit” for any new matters going forward. Note that both partners were talented lawyers capable of rendering high quality legal advice. In another example, one corporate partner went to a major financial institution with a “compelling” pitch to solicit a certain type of business from the financial institution. In the middle of the pitch, the client’s lead decision-making attorney left the meeting room to call his “relationship attorney” at the firm in order to warn the “relationship attorney” that one of his partners was angling for the relationship attorney’s role and book of business with the financial institution. In yet a third example, a senior partner sought to exclude a junior partner from participating in a matter that the junior partner had solicited (albeit from a client brought to the firm by yet another senior partner years prior to the incident); essentially, the first senior partner and the junior partner were “vying against” each other for “matter credit.”

In a nutshell, again: **my gain is your loss**. Zero-sum situations are problematic, because they do not lead to the creation of additional value; rather, zero-sum situations detract from one’s ability to take part in and devote resources to value generation, including, among many other activities, reimagining the user experience on behalf of clients and building new ways of delivering services and work products.

THE LACK OF DIVERSITY AND INCLUSION WITHIN LAW FIRMS

The tables below from the National Association for Law Placement’s (NALP) 2018 Report on U.S. Law Firms Diversity illustrate the disparate representation of women, minorities and, specifically, minority women in the partnership ranks, particularly when compared to percentages of summer associates going all the way back to 2009. Note that the percentages for “partners” reported in Table 1 include both equity and non-equity partners, while the percentages in Table 2 break-out representation within equity- and non-equity partnerships ranks. Among the more lucrative equity partnership ranks, the percentages illustrate that the underrepresentation of women and minorities is even more acute.

Table 1 | Woman and Minorities at Law Firms | 2009-2018

	Partners			Associates			Total Lawyers			Summer Associates		
	% Women	% Minority	% Minority Women	% Women	% Minority	% Minority Women	% Women	% Minority	% Minority Women	% Women	% Minority	% Minority Women
2009	19.21%	6.05%	1.88%	45.66%	19.67%	11.02%	32.97%	12.59%	6.33%	46.62%	24.04%	12.90%
2010	19.43	6.16	1.95	45.41	19.53	10.90	32.69	12.40	6.20	47.35	26.99	14.92
2011	19.54	6.56	2.04	45.35	19.90	10.96	32.61	12.70	6.23	47.71	27.11	15.19
2012	19.91	6.71	2.16	45.05	20.32	11.08	32.67	12.91	6.32	46.26	29.55	16.26
2013	20.22	7.10	2.26	44.79	20.93	11.29	32.78	13.36	6.49	45.32	29.51	15.78
2014	21.05	7.33	2.45	44.94	21.63	11.51	33.48	13.83	6.74	46.33	30.27	16.63
2015	21.46	7.52	2.55	44.68	22.00	11.78	33.38	13.97	6.81	47.78	31.16	16.99
2016	22.13	8.05	2.76	45.00	22.72	12.42	33.89	14.62	7.23	48.71	32.33	18.05
2017	22.70	8.42	2.90	45.48	23.32	12.86	34.54	15.18	7.54	49.87	32.33	18.23
2018	23.36	9.13	3.19	45.91	24.22	13.52	35.41	16.10	8.08	51.42	35.04	20.83

Source: *The NALP Directory of Legal Employers.*

Table 2 | Distribution of Equity and Non-equity Partners by Gender or Minority Status

	2011	2012	2013
Equity partners	12,396	13,864	13,760
% men	84.4%	84.7%	83.5%
% women	15.6%	15.3%	16.5%
% minority	4.7%	4.8%	5.4%
Non-equity partners	7,842	8,992	9,101
% men	72.3%	72.7%	72.4%
% women	27.7%	27.3%	27.6%
% minority	8.3%	8.4%	9.1%

	2014	2015	2016	2017
Equity partners	13,508	13,078	13,323	12,630
% men	82.9%	82.6%	81.9%	81.3%
% women	17.1%	17.4%	18.1%	18.7%
% minority	5.6%	5.6%	5.8%	6.1%
Non-equity partners	8,968	9,369	9,278	8,720
% men	71.8%	71.2%	70.6%	69.3%
% women	28.2%	28.8%	29.4%	30.7%
% minority	8.9%	9.4%	9.9%	10.4%

The lack of diversity among law firm partners, particularly equity partners, is coupled with a gender-based “pay gap” among partners, which, depending on the organization reporting, appears to range from 27% to 53%. Major, Lindsay & Africa, a global search and recruiting firm, reported that, on average, male partners earn 53% more than female partners within the AmLaw 200. See the Major, Lindsey & Africa 2018 Partner Compensation Survey. [14]

There is also the ubiquitous issue of gender-based harassment within the legal profession, particularly within large law firms. In fact, in its newly-released report, “Us Too?: Bullying and Sexual Harassment [15] in the Legal Profession,” the International Bar Association has completed research that provides “quantitative confirmation that bullying and sexual harassment are endemic in the legal profession” [16] across the globe. One indication of the magnitude of law firm bias here in the United States is the workload of law firm, Sanford Heisler Sharp, LLP. Sanford Heisler has publicly disclosed that it has either commenced legal proceedings against or confidentially sought relief for clients alleging law firm bias in approximately 20 to 30 cases, primarily involving Am Law 100 firms. In May 2018, Sanford Heisler [17] estimated that it had approximately 30 plaintiffs in active litigation against Am Law 200 firms. The Sanford Heisler proceedings, include for example, a \$200 million gender, pregnancy, and maternity discrimination class and collective action in U.S. District Court for the District of Columbia against Jones Day (Tolton et al v. Jones Day, Case No. 1:19-cv-00945 (RDM)), and a \$100 million class and collective action employment discrimination lawsuit against Morrison & Foerster LLP (Jane Doe 1 et al v. Morrison & Foerster, Case No. 18-CV-2542 (JSC)).

We have to work toward the ideals of equality on which our profession is based. If we ourselves do not “practice” equality, how can we expect to hold the rest of the world accountable?

Or, is it: Do as we lawyers say, not as we do?



The Gap

If we do not tackle diversity and inclusion head-on, we will facilitate the continuation of environments that limit human potential within and outside of the legal profession, and we will be limiting opportunities for certain individuals to thrive and create value in our profession and throughout the economy more broadly.

THE JUSTICE GAP

"Ideally, justice is a universal good: the law protects equally the rights of the rich and powerful, the poor and marginal. In reality, the major share of legal services goes to business entities and wealthy people and the prestige and prosperity to the lawyers who serve them." – Robert Gordon [18]

Organizations such as the Task Force on Justice of the World Justice Project [19] and the Legal Services Corporation work diligently to measure and address the "justice gap" throughout the world and the United States, respectively. The "justice gap" includes individuals "who cannot obtain justice for everyday problems, people who are excluded from the opportunity the law provides, and people who live in extreme conditions of injustice." On February 6, 2019, the Task Force reported that an "estimated 5 billion people have unmet justice needs globally." The Legal Services Corporation, in *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans (2017)*, documented that [20], in the year prior to the release of the report:

- "86% of the civil legal problems reported by low-income Americans received inadequate or no legal help."
- "71% of low-income households experienced at least one civil legal problem in the last year, including problems with healthcare, housing conditions, disability access, veterans' benefits, and domestic violence."

Legal systems and the laws through which the systems have been built and maintained, regardless of jurisdiction, serve as the roadmaps for how individuals navigate problems related to employment, housing, education, health, and family life, among many other ordinary course, social and economic issues they face every single day. How well individuals understand, or have access to guidance with respect to, legal systems and laws necessarily affects their abilities to:

- Participate in their respective local, national and global economies and in the communities and societies in which they live;
- Advocate for themselves;
- Enforce their legal, economic, civil, privacy and other rights;
- Defend against, or prosecute, claims of civil, criminal and economic transgressions by or against them; and
- Shape their socioeconomic circumstances, including their ability to participate in economic growth, among many other things.

The Organization for Economic Co-operation and Development (OECD) [21] is right; the "inability to resolve legal problems diminishes access to economic opportunity, reinforces the poverty trap, and undermines human potential and inclusive growth." Not addressing and closing the justice gap will, undoubtedly, affect who benefits from economic growth and, as a result, reinforce the concentration of wealth across the globe.

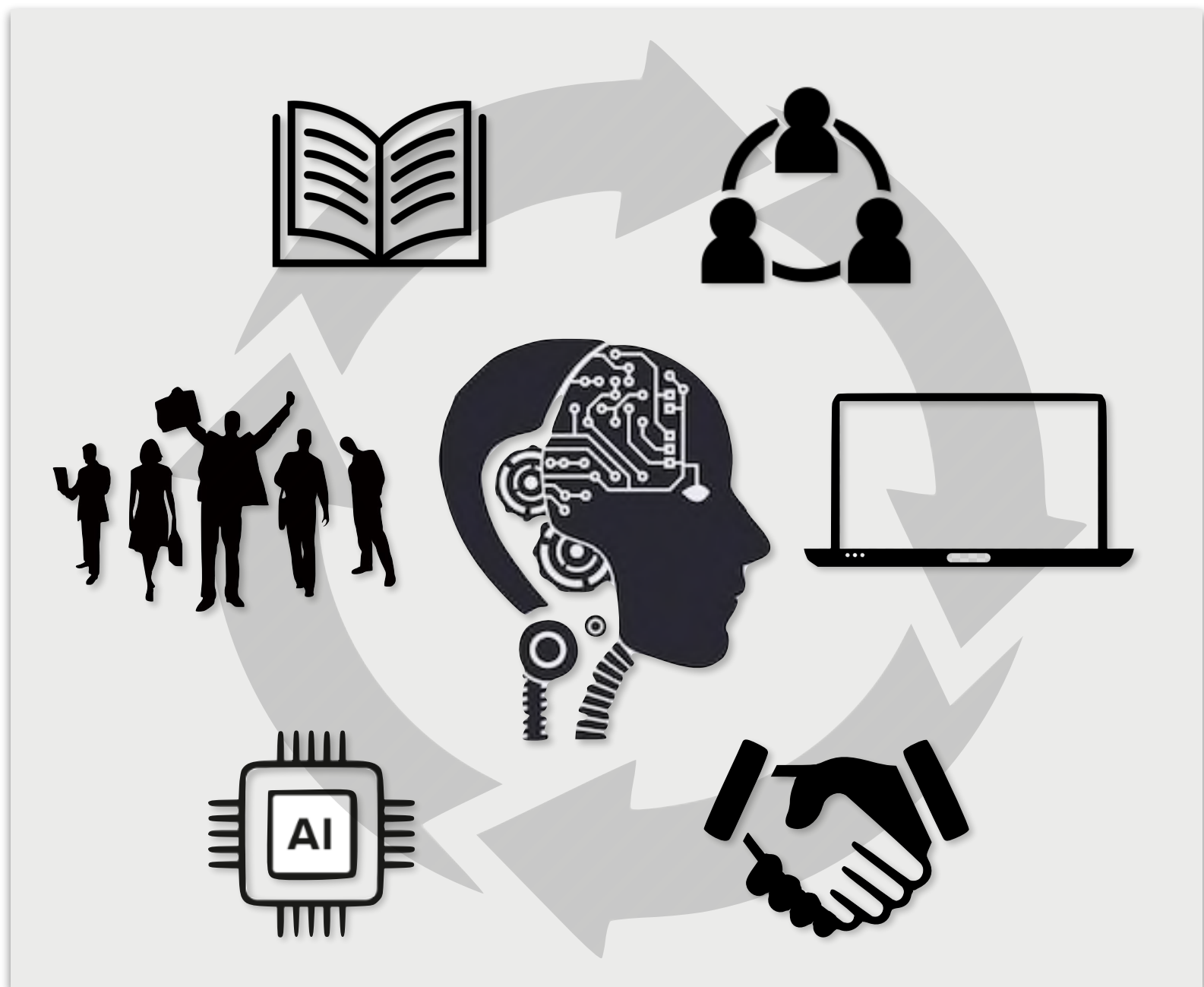
Unquestionably, we cannot, and should not, be satisfied, with the current state of affairs within the legal profession. Given all of our skills and all of our abilities to generate creative solutions to challenging issues and problems, we lawyers, our clients and the broader communities in which we live and work merit more. We, working alongside clients and other stakeholders of the profession, have the ability to create a new vision for a value-based, innovative, inclusive, just and empathetic profession. As we embrace the 21st century, we must also embrace our responsibility and our obligation to create and implement our new vision.

We and the other stakeholders of the legal profession should be motivated by the realization that we have never been better-positioned to foment and sustain ongoing change with all of the resources (tangible and intangible, human and machine, and along with many other tools) available to us. In addition, we as a profession – and as a society – are more connected than ever, whether through LinkedIn, VenMo, Instagram, Twitter or countless other global platforms, and we can use this connectedness to help transform the legal profession.

No profession is perfect or without challenges, and notwithstanding all of the challenges that we have surfaced in this e-book and that others have identified in other articles and academic research, many of us very much appreciate – even love – being lawyers for many

different reasons. It is this appreciation that will help us lawyers collaborate with the other stakeholders of the legal profession to address these and other challenges and, in so doing, build a strong, vibrant future for our profession.

*Which attributes and skills does a lawyer need to embrace the 21st century?
What is a portrait of a 21st century lawyer?*



PART II. ADAPT AND BUILD NEW SKILLS

Answering the questions below serves to push forward the thinking and conversations about the 21st century lawyer – with as much transparency as possible – so that we can constructively and substantively remedy the challenges currently facing lawyers, their clients and other stakeholders of the legal profession. It is this transparent collaboration that will help us understand and continually curate a portrait of the 21st century lawyer.

A. GAIN EMOTIONAL INTELLIGENCE:

How can lawyers become savvier in juggling the demands they face every single day?

As a lawyer, there is a great deal to manage, including fulfilling client demands and expectations, attaining or surpassing revenue and hourly targets for yourself and for the lawyers you need to support your work or your “book of business,” guiding the professional development and careers of lawyers junior to you, endeavoring to distribute assignments among talented associates across demographic characteristics, building relationships within client organizations (whether clients are internal or external clients), trying to assist underserved or unserved groups who do not have ready access to legal services and ensuring the utmost accuracy of your legal advice. And to meet all of these obligations, lawyers are limited to by the finite constraints of 24 hours each day, 672 - 744 hours per month (depending on the month) and 8,760 hours per year (before, of course, accounting for the time necessary to sleep, eat and enjoy other physical and health necessities (or “biobreaks”). Lawyers take-on these obligations recognizing that, in many cases, their personal lives have to take a back seat, with the casualties being missed vacations, missed holidays, missed birthdays and anniversaries and, ultimately, loved ones and personal

mental health. It is easy to see, then, how it is that the legal profession and its stakeholders struggle with mental health issues as outlined above.

Anecdotally, one of the authors and contributors knows of a partner who claimed to bill 4,000 hours in one year, **which is equivalent to 45.7% of his life in that year**. Ultimately, the lawyer’s claim could have been a “tall tale,” but, if not, that is a great deal of one’s life to give to an organization or a firm, particularly considering that while lawyers are, generally speaking, well-remunerated, they are not compensated like chief executive officers such as Citibank’s Michael Corbat (2018 Total Compensation of US\$24 million) or J.P. Morgan Chase’s Jaime Dimon (Total Compensation of US\$31 million).

There is one “composite skill” that, if lawyers possessed it, would help tremendously with their ability to balance all of the competing demands – competing exigencies – that they face; that composite skill is “emotional intelligence” (or, “EQ”). EQ “is the ability to accurately perceive your own and others’ emotions; to understand the signals that emotions send about relationships; and to manage your own and others’ emotions.” [22]

As framed by Daniel Goleman (author and Co-Director of the Consortium for Research on Emotional Intelligence in Organizations at Rutgers University), EQ is comprised of four domains or types of competencies: self-awareness, self-management, social awareness and relationship management. The four domains are comprised of 12 competencies [23], listed in the table below.

Emotional Intelligence Domains and Competencies

SELF-AWARENESS	SELF-MANAGEMENT	SOCIAL AWARENESS	RELATIONSHIP MANAGEMENT
Emotional self-awareness	Emotional self-control	Empathy	Influence
	Adaptability		Coach and mentor
	Achievement orientation	Organizational awareness	Conflict management
	Positive outlook		Teamwork
			Inspirational leadership

Consider this: If individuals began studying the 12 EQ competencies in law school, and then, as lawyers, continued to practice and study these competencies throughout their careers, how adept might lawyers be at dealing with, navigating and adapting to the challenges facing our profession? Adaptability, team work and inspirational leadership competencies could spark innovation and the deployment of technologies to facilitate efficiencies for the benefit of lawyers and clients, and those competencies could also help lawyers create new business models based on the input of lawyers and clients alike. The competencies of organizational awareness and conflict management could help lawyers reframe zero-sum environments by fostering collaboration and win-win outcomes. The competencies of emotional self-control, coaching and mentoring and teamwork could go a long way toward building the transparency we need to fully address diversity and inclusion in the legal profession. And, the competencies of positive outlook and empathy could just help us close the enormous "justice gap" we have in our global society. Below are two of many resources on EQ.

- *"The Rise of AI Makes Emotional Intelligence More Important"* [24]
Megan Beck and Barry Libert (Harvard Business Review, February 15, 2017)
- *"Break the Cycle of Stress and Distraction by Using Your Emotional Intelligence"* [25]
Kandi Wiens (Harvard Business Review, December 21, 2017)

And of the 12 competencies, emotional self-awareness is the bedrock, or cornerstone, of EQ.

***"He who knows the universe and does not know himself knows nothing."
Jean de la Fontaine, 1679***

According to Goleman, self-awareness is centered on knowing one's internal states, preferences, resources, and intuitions, or "the ability to monitor [one's] emotions and thoughts from moment to moment." [26] As such, self-awareness is the "key to understanding [oneself] better, being at peace with who [one is] and proactively managing [one's] thoughts, emotions, and behaviours." [27]

Emotional self-awareness is the competency that "boosts," or facilitates, our ability to practice and ultimately learn the other 11 competencies and helps individuals become

keenly aware of which aspects of a given situation “work” and which aspects “do not work,” and most significantly, which aspects are outside the purview of their control. Emotional self-awareness also helps individuals understand the attributes of themselves that can be adjusted to bring about a constructive environment, and thereby generate an optimal solution, for all concerned in any given situation.

For the foreseeable future, individual humans – not algorithms or expert systems or “robots” – will continue to deliver, or oversee the delivery of, legal services and the creation of legal work products for all types of clients. Just as we invest in individuals' mastery of substantive areas of the law, so too must we invest in individuals themselves and in their capacity to be human (and all the emotional aspects of being human) as they “practice” the law and work with others to build solutions for clients, underserved populations and, more generally, for our justice system.

By teaching and practicing emotional intelligence, we as a profession have the ability to invest in the human resource – the most important resource in generating legal services and creating legal work products. Not to invest in the EQ of lawyers (of any human) is the equivalent of operating an iPhone XS using iOS 10 (released: June 2016) when, in fact, the latest version of iOS is 12.2 (released: March 2019).

B. POSSESS AN ENTREPRENEURIAL SPIRIT:

How does the existing business model of the legal profession (i.e., the billable hour) need to change in order to provide the best incentives for lawyers to (a) innovate, and (b) ensure clients receive and perceive the value in legal work products and services that clients are seeking?

Lawyers are relatively risk averse. Lawyers are also relatively reactive, because their ability to generate revenue, generally speaking, starts with a request from a third-party outside of their organization (be it a law firm or an in-house legal team). And when a client does make a request of a lawyer, the lawyer often only receives the information necessary to deal with the specific legal matter at-hand rather than an understanding of how to help the client more broadly and more efficiently. It is no surprise, then, that the current environment in the legal profession is not entrepreneurial by nature. And because every hour spent on non-billable activities (such as marketing or working on legal tech) carries

the opportunity cost of forgone revenue, lawyers themselves have little or no incentive to proactively approach clients with matters that are not likely to lead to billable hours or revenue generation.

Think about what all of the incentives of the billable hour really could be – some of which are untenable. In fact, one of the authors and contributors is aware of a mid-level associate in a law firm who asked his senior associate whether he could “bill” for the time he spent in the restroom, because he thought about the deal during his time there.

So, how can an entrepreneurial spirit be stoked within the legal profession? There are a number of initiatives that can be undertaken, and chief among them, is the elimination of the billable hour in favor of value-based pricing, which would combine a fixed fee and a variable fee for any given matter. The fixed fee represents the price charged for a set of defined services that covers all costs of the firm providing the legal services and work product for a particular matter, while the variable fee is an amount based upon the outcome of the matter, such as a success, completion or contingency fee.

Fixed Fee

In order to offer a client a fixed fee for a particular matter, a partner, or lead lawyer, must be able to break-out the matter into its constituent parts and “price or cost out” each part of the matter. For example, consider a matter in which a client intends to submit a bid in a very competitive auction to acquire a private company. Assume that preparing an auction draft of a stock purchase agreement and completing the related preliminary due diligence will take one law firm partner, one senior associate and two junior associates, collectively, 60 hours. Making certain assumptions about the time spent by each type of lawyer and the billing rate applicable to each, the cost of the submission-ready auction draft agreement could be in the range of \$40,000 to \$60,000 (excluding any third-party expenses). This assumes, of course, no further involvement of the external (law firm) legal team, including post-submission revisions to the draft agreement based on negotiations and further diligence. Realistically, though, each stage of the auction of a company (private or public) from diligence through the initial market-up of a bid draft to closing of the acquisition can and should be priced, within a reasonable range, in advance of beginning the matter. Then, the client and the legal team must:

- Manage the matter to the pricing given;
- Be able to understand and explain any variances that may arise; and
- Allocate the risk of those variances as between client and lawyer (law firm).

- Fixed fees necessitate lawyers understanding their costs structures, how to manage costs and how to be efficient in the use of resources to ensure that actual costs incurred do not exceed the costs quoted to the client.

Variable Fee

Then, depending on the outcome of the auction and whether the underlying transaction is actually consummated, the client and lead lawyer could negotiate a fee that is triggered on the consummation and/or based on the value of the consummated deal to the client (e.g., measured in accordance with financial metrics commonly used by the client – whatever those metrics may be).

According to Ken Callendar, Managing Principal at Value Strategies LLC, *“The four qualities that tend to drive most clients’ hiring and retention decisions are efficiency, predictability, value and results.”* [28] Pricing strategies based on a combination of fixed and variable fees support the qualities above that are valued most by clients. Significantly, these pricing strategies also support innovation in the legal industry, because these strategies convey how important it is for lawyers to be efficient in the use of their time through whatever means necessary, including legal tech in its various incarnations, involving automation, natural language processing and other tech-based solutions, among other resources.

Implementing any such pricing strategy will necessarily involve open communication with clients about the value that the client needs and that lawyers and law firm can deliver; open communication is intended to foster transparency in the lawyer-client relationship. “Value communication” is at the heart of any client relationship building, and value communication can be framed in a number of ways, including with a conversation initiated by a lawyer or law firm with, for example, the following:

- Here are the services and work products that we’re delivering and here is how we are delivering those services and products to you and your team.
- Also, here’s how we’re continually working to make those services and products better, more efficient and cost effective for you as a valued client.
- And, here’s how we believe we can further tailor the services and products to meet your needs, given your strategies, objectives and budget constraints.
- What are your thoughts?

The significance of value communication cannot be underestimated. According to Callendar, there is a tension between lawyers and clients that often arises when a client receives an invoice for legal services, because in some cases, "*clients don't intrinsically understand the value they receive from their counsel.*" [29] As a result, clients may underestimate that value and, as a result, be less likely to pay for the work or the value of the lawyer-client relationship may be eroded.

Clearly, there is a path forward to enhancing the communication between lawyers and their clients (whether it is value-based or other communication), which will positively affect how clients perceive the value they receive from their legal advisors.

C. BE DIGITALLY ENGAGED AND BE AN INNOVATION MAVEN:

How will client dissatisfaction and legal technology development and marketing drive the adoption of tech solutions by lawyers?

(1) Innovations in Law

The current slow pace of implementation of legal technology is the legacy of a strictly regulated field. Law firms have demonstrated interest in technology but are reluctant to invest in untried systems. Fear of committing an ethical violation or malpractice exacerbates the problem, and legal technology companies cite a "fear of being first to adopt" as a significant hurdle that they must overcome. Beyond the fear of early adoption, lawyers are not easy customers. The practice of law has for generations been ruled by the billable hour, and products and services that promise efficiency threaten that model. CLOC, the Corporate Legal Operations Consortium, asserts that "legal is totally out of step," and "[o]ur industry has been frozen in time, slow to change."

But, change is on the horizon; technology will undoubtedly infiltrate law practice. Client demands and the pace of technological advancements applicable to legal services will likely force change. The lawyers of today and of the future cannot afford to merely be good at their craft; lawyers must also equip themselves with the technological skills to provide cutting-edge services to their clients.

Some firms are leading the way, and the legal profession is watching with eyes wide open. Firms such as Allen & Overy LLP and Mishcon de Reya LLP are on the leading edge

of innovation, keeping pace with some of the best tech companies. Allen & Overy launched Fuse in September 2017. Fuse is an incubator program in which “technology companies, lawyers, technologists and clients can collaborate to explore, develop and test legal, regulatory and deal-related solutions.” Participants in Fuse have included, among other start-ups, Bloomsbury AI, Kira Systems and Neota Logic. In fact, two months after Bloomsbury AI joined Fuse, Facebook acquired Bloomsbury for US\$23 million. [30] Fuse is led by A&O partner Shruti Ajitsaria. [31]

In February 2017, Mishcon de Reya launched MDR Lab, an incubator program in which legal tech start-ups have the “opportunity to work within their target market[s] to pilot and improve their products and to gain a better understanding of how legal services are provided and where lawyers – and their clients – would benefit from new technologies.” MDR Lab has also partnered with Microsoft for Startups, Amazon Web Services and HubSpot for Startups to make available product and service offerings that are essential to the sustaining the growth of start-up ventures. [32] MDR Lab participants have included DealWIP, Digitory Legal and synergist.io, among others. The MDR Lab is led by MDR Chief Technology Officer Nick West.

And other firms such as Baker McKenzie are beginning to build teams that focus on changing the way legal services are delivered. For example, by hiring David Cambria, Casey Flaherty and Jae Um, Baker McKenzie is poised to make good on their goal of re-engineering the delivery of services. [33]

Additionally, clients are pushing change. Take financial giant Barclays Bank plc, for example. Two years ago, Barclays adopted a “relationship management model” with their top 30 global law firms. In what could be described as similar to a mentoring relationship, Barclays lays out expectations and requirements to its top firms. Barclays shares lessons learned with participating law firms, and thereby both sides benefit. The new model includes tools such as strategic plans facilitating focused development for some firms, performance improvement plans for other firms failing to meet expectations) and relationship teams for each of Barclays and the law firms. Ultimately, the relationship management model lays a strong foundation for Barclays and law firm teams to work together. Chris Grant is the Director and Head of Relationship Management for Barclays, and he is also the Head of Eagle Lab LawTech, another legal tech incubator program.

Law firms, individual lawyers, clients and other stakeholders of the legal profession should definitely take note of the ground-breaking work in which these organizations are investing. It would be straightforward to take a page from the playbooks of Allen & Overy, Mishcon de Reya, Barclays or other legal profession pioneers. Imitation is, after all, one of the best and more sincere forms of flattery.

(2) Expansive Views of Legal Markets – Be a Curator of Evolving Legal Markets.

In the context of generating solutions for the global justice gap, Gillian K. Hadfield cogently suggests:

“The key to all of this is opening up markets for innovation of new ways to deliver what people and businesses need: timely, reliable, and useful help navigating a complex legal world.” – Gillian K. Hadfield [34]

Yet, opening up markets for innovation is key – regardless of whether one is working to eliminate the justice gap, improve the value proposition of legal services to clients, increase access to reasonably-priced or pro bono services or address the many other improvements needed in the market for legal services.

“Allowing legal services to be developed and delivered by entities with full access to the economic tools and business models used throughout the economy would foster the development of cost-reducing innovations in law.” – Gillian K. Hadfield [35]

A key to opening up legal markets is, first, to appreciate the vast array of resources available to provide, and to meet the demand for, legal services and work products. The resources include technologies (long-accepted, nascent and even budding technologies), platforms (e.g., websites and chat rooms) and human resources of all demographic characteristics and of all professional disciplines (whether legal or otherwise). The considerable demand for legal services is straight-forward to describe, with the demand ranging from:

- I. a relatively small quantity of services demanded at \$2,000 per hour [36] (Think, for example: [Kim Koopersmith](#) of Akin Gump Strauss Hauer & Feld LLP or [Morgan Chu](#) of Irell & Manella LLP), to
- II. a relatively large quantity of services demanded at rates that are reasonably affordable (Think: The supervising attorneys at the [DC Affordable Law Firm](#)), to

III. an even larger quantity of services demanded at “pro bono rates” (Think: The Legal Services Corporation).

The questions, then, become:

- How can the vast array of resources used to supply legal services be marshaled to meet the aggregate demand for legal services and work products at each price range in a manner that ensures value is received (and perceived) by clients?
- How can legal services and work products be provided in a “cost effective” manner to all types of clients, all-the-while recognizing that, for a client, what is “cost effective” varies over time and is based on the nature of the subject matter of the matters undertaken (and legal services and products delivered)?

The answers to the questions above lead to the conclusion that some of the resources employed or deployed to meet the demand for legal services need not necessarily be lawyers. For example, bar associations or other authorities should realize that it is time to recognize another type of legal professional such as a “lawyer’s assistant” or “LA,” which would be analogous to a “physician’s assistant,” who would hold educational and professional qualifications somewhere between a lawyer and a paralegal (or “legal assistant”). Indeed, the state of Washington has already done so with their Limited License Legal Technician program. [37]

Further disrupting the legal ecosystem are companies such as LegalZoom that offer affordable legal services without the need for a traditional lawyer-client relationship. Although, over the years, LegalZoom has, over the years, faced significant push back from all sides, including bar associations that regard LegalZoom as facilitating the unauthorized practice of law **and** individual lawyers seeking to adopt the “LegalZoom model” in order to remain competitive in their practice areas. [38]

(3) Platform Revolutionist.

AirBnB, Facebook, Pinterest, Uber, Upwork and YouTube, among many others, are online marketplaces that have transformed the exchange of value in the hospitality, social media, transportation and entertainment industries. Each of the above is a platform business, or an open, participative infrastructure that:

- uses technology to connect people, organizations and resources in an interactive ecosystem in which value (goods, services, content or “social currency”) is created and exchanged by all the participants in the platform;
- derives the lion share of its value from the communities served by the platform; and is characterized by “network effects,” i.e., the impact – positive or negative – that the number of users of a platform has on the value created for each user.

Just as AirBnB, Facebook, Pinterest, Uber, Upwork and YouTube have transformed their respective industries, so can platform-based business models can be used to transform the delivery of legal services. Forthcoming platforms like Enloya (www.enloya.com) have been designed to make it easier for clients to find legal solutions with transparent processes and pricing. Digital marketplaces impact consumer and supplier behaviors. Law firms and lawyers of the 21st century must, therefore, embrace online marketplaces to expand their client base and implement alternative fee arrangements.

The book, Platform Revolution, by Geoffrey G. Parker, Marshall W. Van Alstyne and Sangeet Paul Choudary, provides detailed insights into platform business models and how such models can revolutionize and alter the dynamics between suppliers, clients and other stakeholders of the platform.

(4) Practice Innovation.

The options for innovation in and transformation of the legal profession are limitless, and there are many ways for lawyers and other stakeholders of the profession to be part of the transformation. And, for any lawyer interested in adopting technology, she, he or they need no special skills other than a willingness to try new ways of getting things done.

Practicing innovation and building an innovative environment could, for example, start with a small “brainstorming” session involving law firm lawyers and business and legal teams from a large private equity client with the goal being to identify ways to streamline the diligence and bid submission process the private equity client uses to bid on potential acquisitions. The brainstorming session could even become a full-on hackathon in the spirit of hackathons sponsored by Legal Hackers, which has the audacious goal of morphing and evolving the law.

Practicing innovation could also involve, among many other activities:

- Attending a LegalGeek Conference or Corporate Legal Operations Consortium (CLOC) Institute.

- Signing up to be part of the Legal Creatives community at <https://www.legalcreatives.com/> or reaching out to its founder, Tessa Manuello.
 - Legal Creatives works diligently to “reinvent the way law is practiced and to deliver an attractive, engaging and outstanding experience to users of legal services and products.” Organizing a team and participating in the Global Legal Hackathon.

- Participating in the weekly legal innovation calls sponsored by [Stanford Law School's Codex](#) (Stanford's Center for Legal Informatics), which is championed by legal tech evangelist, [Roland Vogl](#).

- Brainstorming how you can take one step toward supporting a collaboration with a student or professional skilled in a discipline other than law.

- Getting together with fellow students and/or alumni and organizing a hackathon at your law school.

- Taking 18 minutes (or 0.3 of an hour, for law firm lawyers) each day to think about one or two ways you can collaborate with a client in a way that helps you better understand the client and the client's needs and/or help the client be more efficient in the work she, he or they perform as part of an in-house law department.

- If you are on the associate committee of a law firm, organizing quarterly brainstorming sessions involving teams of lawyers, legal assistants and other professionals to answer questions such as:
 - Based on the matters on which I worked this quarter:
 - Here's what worked really well ...
 - Here's what could have worked better or more efficiently ...
 - Here are the tech solutions that could improve how we work within the firm and with our clients ...



INCLUSION

- If you are on the summer associate committee of a law firm or if you are in charge of your organization's internship program, bring together teams of "legal hackers" as an end of summer celebration.
- Facilitating a collaboration between a law firm and a legal tech start-up.

There are no bounds on the types of activities that can lead to innovation and transformation in the legal profession, and everyone is capable of practicing innovation, regardless of seniority or role in the firm or law department.

D. THE INCLUSION "GENE":

Make Inclusion Part of Your DNA

Addressing diversity and inclusion within corporate and other organizations across the globe, including law firms, has already cost billions of dollars over the last several decades. Yet, across the board, addressing diversity and inclusion still poses a significant conundrum for governments, corporations, educational institutions and law firms, among other types of organizations. The approach suggested in this e-book is a mere starting point, because diversity and inclusion represent a multifaceted and multidimensional set of issues and challenges that will require a varied set of solutions. And, constructively addressing diversity and inclusion must become a practice that evolves over time as we evolve together as a global society and profession.

People often extol the virtues of, or make excuses for, the purportedly inherent personal qualities they possess by quipping, "It's in my DNA." None of the authors and contributors is a medical doctor or a neuropsychologist who can speak to which qualities of a person, if any, have been unequivocally linked to one's DNA. However, none of us are fatalists, and we believe wholeheartedly that we are who we choose to be, and we possess and display the personal characteristics that we choose to possess and display. Moreover, we believe that each person possesses the ability to grow and change into the person she, he or they want to be, particularly if she, he or they possess a growth mindset (as described by [Carol Dweck, Ph.D.](#)) and grit (as described by [Angela Duckworth, Ph.D.](#)). Similarly, we, as individual lawyers collectively, possesses the ability to evolve into the ideal of the profession we envision.

So, without mincing words, each and every lawyer — and law school student — must cultivate and develop an “inclusion gene,” which refers to the ability to allow her, him or them to view each individual (1) without regard to any preconceived notion about a demographic or other personal characteristic or any bias at all, and (2) as a powerfully equipped resource capable of great things and generating value. To do anything else is to destroy human potential and, as a result, valuable resources to help address the issues we face within the legal profession and, more broadly, society-at-large.

Cultivating and developing an “inclusion gene” is not something one can or should do in isolation. Rather, “inclusion” and “inclusiveness,” [39] along with EQ, should be part of all accredited legal education programming throughout the world. In addition, we as lawyers should commit to “inclusion” and “inclusiveness” as part of professional development over the course of our careers.

We must work to ensure that **ALL** lawyers - of all demographic and personal characteristics - belong and **feel as if they belong within our profession**, and we must endeavor to close the justice gap so that clients of all demographic, socioeconomic and personal characteristics have meaningful access to legal services.

E. CULTIVATE A COMMITMENT TO JUSTICE AND CLOSE THE JUSTICE GAP

Unquestionably, the justice gap is vast, and closing the gap and increasing access to justice will require a set of interdisciplinary solutions, collaboration among lawyers and social services professionals and the marshalling of different types of resources. Because the type and nature of the justice gap varies by jurisdiction; so too will the measures required to close the gap vary by jurisdiction.

Twenty-first century lawyers are uniquely positioned to address the unmet needs for legal services faced by citizens globally, because today, more than ever, lawyers have access to technologies that allow them to reach more clients, to generate legal services in more efficient ways and to marshal resources to address more of the problems that clients face.

Keys to closing the justice gap include:

- **Marshalling Legal Services Professionals.** Throughout the globe, there are legal services professionals of all stripes who are underutilized and could be used more effectively to assist clients who fall within, and are victims of, the justice gap. Those professionals include: lawyers and legal assistants (or paralegals) at law firms and within corporations, law school students and retiree-lawyers. For example, the American Bar Association, the International Bar Association or another non-profit organization could bring together, or facilitate the organization of, these underutilized professionals.
- **The Pro Bono Partnership.** Consider, for example, [the Pro Bono Partnership](#), an initiative founded in 1997 by GE, IBM, Pepsi, and other corporations in Fairfield County, Connecticut, and Westchester County, New York. The concept was to use corporate funds to hire independent staff lawyers experienced in working with the underrepresented. These attorneys would learn the critical legal issues facing nonprofit social-service agencies in those jurisdictions and find lawyers with requisite expertise inside the participating corporations to provide pro bono services to address the issues.
- **Establish Affordable Law Firms.** The justice gap impacts indigent and near-indigent individuals especially acutely. Federal, state and/or local governments and private foundations should consider incentivizing formation of non-profit organizations like [D.C. Affordable Law](#), whose mission is to serve individuals who need legal services and can only afford to pay a modest amount for those services.

"In the future, ... affordable law firms might serve as one platform for the wave of baby boomer lawyers who will be retiring, and will seek ways of using their skills to continue contributing to society." – Sheldon Krantz, Co-Founder of DCALF [40]

- **Integrated Services Delivery.** Indigent and near-indigent individuals often face legal matters that touch upon basic necessities and economic survival, including matters relating to housing, employment, disability eligibility, discrimination or consumer-debt problems, among others. Community leaders throughout the world – lawyers and non-lawyers alike – have to realize that while legal services can help remedy a particular matter

in the short-term, other socioeconomic and psychosocial issues underlie the core problem(s) that often lead to conditions of poverty and near-poverty. So, lawyers must collaborate with community organizations to address the underlying problems facing indigent and near-indigent individuals. These community organizations, in turn, can create a corps of "justice actors" and be part of a larger strategy of collective empowerment by educating members of underserved communities about the potential, as well as the limits, of the legal system to serve their needs. [41]

- Participatory Design. A "participatory design" system or process should be employed by bar associations, legal aid associations, law schools, affordable law firms and "justice actors" to design solutions for closing the justice gap. Participatory design is a process that involves bringing "end users and other stakeholders into the design process to help decide what problems need to be solved and how." [42] In other words, "participatory design" involves asking clients about the types of legal, socioeconomic and other assistance they need and how the assistance can be designed to ensure that the assistance is accessible and useful. According to [Professor Margaret Hagan](#), Director of the Legal Design Lab at Stanford Law School and a Lecturer at Stanford Institute of Design, "participatory design models lead to more effective innovation and greater community engagement with courts and the legal system." [43]

Twenty-first century lawyers have the opportunity to collaborate with professionals across disciplines, including technologists, to create tools like chatrooms, mobile apps, enterprise-level knowledge management, and multi-site videoconferencing, or other automated systems to facilitate all of the potential solutions mentioned here. We have the ability to, and we must, address and close the justice gap.

PART III. LAW SCHOOL AND LEGAL EDUCATION PROGRAMMING

As do many alumni of professional schools, alumni of law schools often have a love-hate relationship with their alma maters. On the “love” side is the intellectual stimulation of law school classes, and on the “hate” side is the competitive or “zero sum” dynamic that often defines one’s time as a “1L,” if not beyond that first year. We could go on analyzing each entry in each of the “love” and “hate” columns to see how the net “love-hate” calculation shakes out, but one “truth” has become increasingly clear: Not all law schools are preparing to train students to be 21st century lawyers.

Jay Mandal is a fellow at Stanford Law School’s Codex, and he has laid one framework for considering the next generation of legal education: “Law School 2.0 - An Education to Prepare 21st Century Lawyers.” In laying out why “Law School 2.0” is so vital, Mandal highlights some of the current deficiencies with legal education. Specifically, Mandal notes that law schools currently:

- **Do** Teach a “fundamental but outdated subject matter”;
- **Do not** provide business or computer science instruction; and
- **Do not** develop critical thinking skills to understand new technologies or developments.

As a result, Mandal points out that, for now, *“graduating lawyers are ill-equipped to immediately help organizations make key decisions.”*

Other thought leaders, too, have compiled quite the list of grievances about how law school students could benefit from an updated, more interdisciplinary education. One such

INNOVATION
CYBER SECURITY
BUSINESS DEVELOPMENT
PERSONAL GROWTH
LEGAL TECH
E-DISCOVERY
MARKET INTELLIGENCE
ARTIFICIAL INTELLIGENCE
COMMUNICATION
CHANGE MANAGEMENT
EFFICIENCY
PRICING
CLIENT



thought leader is Gillian K. Hadfield (also mentioned before). Her view on the need for improvement in legal education is unequivocal:

"The result [of a law school education] is an insulated and out-of-touch conveyor-belt profession that has become too complex, too expensive, and too disconnected from the realities people and businesses face. Law is increasingly not getting the job done, let alone addressing the long-term crisis in access to justice and modern challenges such as automation, artificial intelligence, cybersecurity, climate change, and safety and fairness in global supply chains." [44]

Lawyers, clients and other stakeholders of the legal profession have a vested interest in updating legal education, and there is no shortage of views on how legal education can and should be updated to reflect the skill sets that a 21st century lawyer needs now and should anticipate needing in the future. A 21st century curriculum, or "Law School 2.0" to use Mandal's moniker, should include:

- Interdisciplinary coursework and elective specializations (for example, artificial intelligence, "computational law," etc.);
- Experiential education within and outside of law firms and legal roles;
- Innovation or legal tech labs that allow students to pursue coursework that can help them prepare to think not only about practicing law in the present but also how they can help make the practice of law more efficient in the future; and
- Emotional intelligence, "growth mindset" and "grit" coursework, not only to prepare lawyers for demanding jobs but also to instil within them the skills to work with others and collaborate to achieve outcomes.

Some law schools [45] are rising to the challenge and are working to update their programming. Consider, for example, the initiatives of the Research Laboratory for Law, Logic and Technology (LLT Lab) of Hofstra's Maurice A. Deane School of Law, among other pioneering law schools helping to forge a path to progress and innovation. The LLT Lab was founded by Professor Vern R. Walker, who now serves as Professor Emeritus of Law and Director of the Lab. The mission of Hofstra's LLT Lab is forward-thinking, indeed:

"to conduct empirical research on legal reasoning in substantive areas of law, using linguistic analysis, a logic-based analytic framework, and state-of-the-art technology – in order to create knowledge, skills and tools that enhance legal practice and legal education."

As the Dean of Hofstra Law School, Judge Gail Prudenti recognizes that *“the practice of law is going through changing times. It will once again flourish — but in a different way.”*

In recognition and support of the changing times for the legal profession, visionary Judge Prudenti has taken initiatives to establish interdisciplinary programming through the creation of institutes and centers at Hofstra such as the Gitenstein Institute for Health Law and Policy, which was, among other objectives, designed to address the need for education and training of attorneys and instruction for health care professionals who are encountering increasingly complicated laws affecting the delivery of health care.

Dean Hari Osofsky of Penn State Law School (University Park) is another pioneer in legal education, and Dean Osofsky works diligently to create and sustain opportunities for students to participate in interdisciplinary programming across a vast array of fields of study, including business, science and engineering, education, information services and technology, agriculture and medicine, among others. In its 2015-2020 Strategic Plan, released in April 2015, Penn State expressly recognized the totality of the skills law school students must acquire:

“Law students must enter the legal marketplace with a strong foundational knowledge of the law as well as highly developed critical thinking, communication, and legal practice skills. In an increasingly competitive marketplace, however, graduates who augment these fundamental abilities with a sophisticated understanding of the underlying non-legal issues and structures in which their clients operate will have an obvious and marketable advantage as lawyers.”

Also, the Law Lab of the Chicago-Kent College of Law, led by Daniel M. Katz, Alexander Rabanal and Michael Bommarito, sets the standard for incorporating technology into a law school curriculum. The Law Lab is an interdisciplinary teaching and research center focused on legal innovation and technology, with a primary objective of showing and helping students explore how technological advancements are shaping the practice of law. At the Lab Law, courses include artificial intelligence and law; blockchain, cryptocurrency and law; transactional automation; and legal tech / innovation externship, among other courses. Director Daniel Katz is also an evangelist extraordinaire for the 21st century lawyer. Katz travels the globe tirelessly sharing his vision for the legal profession and the fruits of his research, which make clear to everyone within earshot just how very feasible it is to

introduce technological advancements throughout most, if not all, aspects of the legal profession. This is, of course, all in addition to Katz's role as the co-founder of Lex Predict, which was sold to Elevate in November 2018. [46]

It is clear that continued effort must be made to meet and address the challenges lawyers and our profession face by transforming how lawyers are educated in law school and throughout their careers. Judge Prudenti, Dean Osofsky and Daniel Katz and many other pioneering legal educators are showing us ways forward; they offer tangible proof that there is a better way to practice law and to educate and develop new lawyers ... and, perhaps most importantly, **that there will always be a better way.**

Yet, for all of the progress that has been made toward making innovation and technology mainstream and a foundational component of legal education, there are still two areas in which little progress has been made. Law schools have yet to make significant strides toward introducing either emotional intelligence or diversity and inclusion programming into their curricula. Until these issues are addressed, lawyers will not be truly well-rounded or fully prepared to address the issues that our profession faces now and will face in the future

PART IV. BECOMING A 21ST CENTURY LAWYER

Twenty-First Century lawyers will need to possess and continually cultivate a varied set of attributes and innovative strategies to thrive and be successful; so, how should lawyers, individually and collectively, attain and develop those attributes and strategies?

"After a long time of practicing, our work will become natural, skilful, swift, and steady."

— Bruce Lee

The legal profession is a practice, and we lawyers know all-too-well that skill, mastery and excellence come from active, committed and continual engagement with all that we seek to learn. Mastering the skills and attributes of a 21st century lawyer should begin where we lawyers all begin, i.e., law school, and should continue through professional development over the course of our careers. In addition, legal associations throughout the globe, including the American Bar Association and the International Bar Association, should come together to create, with the input of clients, law school students and other stakeholders of our profession (including the "justice actors" discussed above), one or more visions of what a 21st century lawyer is and should aspire to be, with **the vision or visions evolving over time**. The Sine qua non element of any vision will be learning to ask continually how we lawyers will need to adapt in order to meet the ever-evolving needs of our clients and the justice system.

The challenges we face as a profession are significant, and change is on the horizon. Yet, we should feel spirited and excited that we have so many tools (tangible and intangible; human and machine-based, among other types) to use in framing, leading and championing the transformation of the legal profession. There are countless ways for us to

use the tools we have to address the challenges, and we are limited only by our creativity and engaged problem-solving. We need only begin to practice using these tools.

Among the other thought-provoking ideas we have shared with you, we would like to leave you with one challenge, in particular: To brainstorm responses to the following question

***How can you contribute to the transformation of
the legal profession in the 21st Century?***

And, we welcome the sharing of your responses in any forum or medium you wish, whether through, for example, through a post on www.frontierofthelaw.com or via an email to Karen Suber at karen.suber@attunecapitalgroup.com. If you do share your responses in another medium, please send us a link. We love new ideas and the potential that the future holds for all of us!

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This eBook is dedicated to individuals:

Who display the courage to pose the questions - "Why?" and "Why not?" - even when the answers may not be well received;

Who work to improve upon products, services, processes, ideas, gadgets, etc. that are already cutting edge; and

Who ignite within all of us an insatiable sense of curiosity about how we can make this world a better place for everyone.

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