

# Professional Development for the Future Law Firm

by Jordan Furlong

*As lawyers apply their time, energy, and talent to different, higher-value activities in the near future, what are the implications for PD professionals in law firms and law schools?*

## Introduction

Lawyers will work differently in tomorrow's law firms than they do in today's.

Many law firm lawyers still spend much of their time conducting research, answering questions, reviewing documents or drafting agreements, and billing clients for their hourly labor on this work. Very soon, however, many if not most of these tasks will be diverted to “non-lawyer” technical and professional workers, outsourced to flex-lawyer agencies and managed legal service providers, or converted into technology-powered automated processes. Law firms will put their lawyers to higher, better uses — or the lawyers will have to find other platforms on which to deploy their talents.

This turn of events has enormous implications for the field of lawyer professional development. Lawyers' time, energy, and talent will be applied to different, more productive, and higher-value activities than traditionally has been the case in most law firms. Accordingly, lawyers will require new portfolios of skills, knowledge, and personal qualities in order to fill these new roles. They will need help to adapt to these new expectations, to evolve a different and more valuable array of modern, marketable, and client-focused characteristics.

In this article, I hope to sketch out some of the professional development needs of the near-future lawyer. After opening with a brief summary and explanation of the changes underway

in the legal market, I will outline ways in which professional development personnel in both law schools and law firms can respond to what lawyers will require. In particular, I will suggest a new law school course concentration to help prepare graduates for productive careers in law firms and recommend a new approach to hiring and training junior lawyers within these firms. I will close with a glimpse of what the future of lawyer professional development itself might look like.

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Common themes that will recur throughout this article will include the necessity of collaborative work habits for lawyers and the multi-disciplinary future of legal services provision. Tomorrow's lawyers will work with each other, and with colleagues in adjacent professional spheres, far more often than has been the case up until now. Lawyer professional development must be ready to help lawyers meet these new expectations.

## Legal Market Change

Most law firms will not follow the foregoing path by choice or preference. They'll be forced to make these adjustments to their lawyers' daily activities by market conditions beyond anyone's control.

The legal services sector is turning into a buyer's market.<sup>1</sup> After several decades of enjoying a virtual monopoly on legal services provision, lawyers and law firms are now facing a sudden outbreak of competition and a steep uptick in the power and aggressiveness of clients. Ten years ago, the notion that computers could someday carry out tasks that only lawyers could do was still largely the realm of fiction. Today, machines really can perform “lawyer work” in areas such as electronic discovery, document review, contract analysis, and legal research — and every indication is that the scope of what legal technology can accomplish is going to rapidly expand in the coming years.

In addition to creating alternatives to lawyers for the performance of legal tasks, technology has also enabled the development of alternatives to law firms as aggregating platforms of legal services providers. Real-time connectivity and collaboration has made possible the growth of flex-time lawyer agencies that make attorneys available for either short-term contract work or for “outsourced in-house counsel” engagements. The legal process improvement movement has made possible both the legal process outsourcing (LPO) company and the managed legal services provider, each of which excels at carrying out chains of routine but still important parts of larger, more complex legal activities.

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As if that weren't enough, the buyers of legal services themselves are becoming better informed and equipped, more discerning and demanding. Although this article will not address the market for consumer and small-business legal services, we've already seen a significant power shift towards buyers in this sector, thanks to services like LegalZoom, Rocket Lawyer,

and Avvo. Once somebody develops a truly reliable and accessible chatbot for everyday legal questions (and that shouldn't be too much longer), this process is going to rapidly accelerate.

But corporate and institutional legal buyers are becoming, in some ways, even more formidable. Most corporate law departments have been “insourcing” relatively straightforward legal tasks for a couple of years now — withdrawing this work from law firms or simply keeping it to be performed by in-house lawyers at considerable cost savings. Some such tasks are also being outsourced to less expensive third parties or fed into increasingly intelligent software applications.

Law departments are also benefitting from the twin rise of two powerful supporting players within the corporate ecosystem: procurement specialists, who advise on pricing strategies and drive down outside counsel spending, and legal operations (Legal Ops) experts, who apply processes and technology to streamline and standardize legal issues before they ever reach the law department (let alone the outside law firm). This combined front of corporate purchasing power is presenting law firms with challenges in how they work and how much they bill that they've never had to deal with before.

It's becoming clear to many law firms that the methods by which they've historically created, priced, and delivered their services to clients aren't going to work nearly as well, if at all, in the future. But recognizing that reality is one thing; committing to and undertaking the extensive changes to their operations, infrastructure, and corporate culture required by this new reality is entirely another. Most law firms simply aren't in a position to make these adjustments right now, not least because their lawyer workforce has been raised and trained to succeed exclusively in the old legal order, not the new one. Firms lack the skills and knowledge within their lawyer ranks required to understand, accept, join, and lead this change process.

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<sup>1</sup> I wrote much more extensively on this topic in my book *Law Is A Buyer's Market: Building A Client-First Law Firm*, 2017, Law21 Press, [law21.ca/books](http://law21.ca/books).

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But the future of law firms involves much more than lawyers alone. There will be other professionals in the building, more technical experts on the job, to build products for and help deliver services to clients. Lawyers will be the majority of law firm workers, in most cases, for the foreseeable future, but they will not be the entirety of the workforce. This means that law firms will have to train and develop people who aren't lawyers in skills that are not strictly "legal," and will have to train and develop lawyers to work well with these individuals and collaborate effectively with them on client projects — something that does not come naturally or easily to the legal profession.

Lawyer and law firm professional development must step into this breach with solutions. A new legal market requires a new generation of lawyers to take on its challenges and reap its rewards. In the next two sections, I will outline some ways in which professional development personnel — first in law schools, then in law firms — can play critical roles in ensuring and accelerating the legal profession's ability to remain competitive, if not continue to dominate, in this new market.

## Professional Development in Law School

It's trite to observe that law schools need to adjust their curricula to upgrade the nature and improve the quality of the education that they provide to their students. It's to the credit of many law schools throughout the United States and Canada that they've responded to this pressing need and introduced a wide range of new offerings and innovations over the past several years.<sup>2</sup>

From expanding the availability of clinical legal education opportunities to creating "teaching law school" pilot projects, from launching legal innovation institutes to offering myriad courses in business development, marketing, and client relations, many legal educators have stepped up and delivered the resources sorely needed by students attempting to find sustainable work in a rapidly shifting market. More law schools should follow their lead.

But as admirably as many law schools have responded to demands for practical courses on succeeding as a law firm lawyer, the parameters for law firm lawyer success are about to change again. It's not that burgeoning lawyers no longer need to learn about practice profitability and client relationships — these remain important, if not invaluable. It's that these offerings now need to be complemented by those that reflect what law firms (and clients) of the 2020s and 2030s will require of their lawyers.

Not every law student wishes to become a law firm lawyer, of course; and not every student who wishes to work in a law firm will find that dream fulfilled. But many students will check both boxes, and the reality of the six-figure law degree is that most law schools price their tuition on that basis.

So I think law schools need to give serious consideration to creating a package of upper-year courses that serves as a "law firm specialization" track within the law degree, or at the very least, as a certification opportunity parallel to it. The idea is not to replace the traditional law degree, but to complement and improve it by providing students intent on pursuing a law firm career with the knowledge and skills they'll need to accomplish their goal.

Retain the foundational first year, of course, adjusted and updated as needed to reflect the evolving professional needs of all lawyers. Continue to offer practice-specific course offerings in areas such as family law, corporate law, immigration, advocacy,

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<sup>2</sup> For a comprehensive list of American law schools that have responded to these demands and created innovative new programs, see "[Legal Education in the 21st Century](#)," by Andrew Perlman, Dean of Suffolk University Law School, *Prawfsblawg*, February 21, 2017.

and so forth, as well as courses on jurisprudence, equality, legal ethics, and access to justice. But schools should also carve out 10 or 15 credits' worth of forward-thinking, law firm-specific offerings, taught by skilled professionals or professors from other faculties, and make this package available to the students who want it.

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There are as many possible topics for a “law firm specialization” package as there are people interested in the issue. But if you are in charge of your law school’s professional development and you want to pursue this idea, you’ll want to commit to the basics at the start. Consult with the law firms that most frequently recruit and hire your school’s graduates, as well as with local bar associations and regulatory authorities. Meet with the architects of your university’s MBA and Executive MBA offerings to find out what they teach and how they teach it. Then set out to design a specialized package of courses intended to prepare and qualify a JD candidate to succeed in, and eventually lead, law firms throughout the next two decades.

Based on what I believe law firms are going to need from their lawyers, as well as on what other leading faculties of higher education are providing to their professional graduates, here are five courses that I think should be foundational for any law firm specialization offering.

**1. Cross-Disciplinary Collaboration.** There are already many “non-lawyers” in law firms, but most of them occupy supporting or subordinate roles to lawyers, and the lawyers treat them

in exactly that fashion. Soon enough, law firms will be truly multi-disciplinary workplaces, with many allied professionals and technicians functioning as colleagues (or even supervisors!) to lawyers. Members of the legal profession infamously do not play well with others, preferring their own company or that of other lawyers, but this elitism will not fly in multi-professional future law firms. Business schools have long understood the importance of placing students into groups to work on cases, yet law schools still encourage the solitary pursuit of outcomes in law students. Change that. Educate students in the principles of collaborative work and give them ample opportunity to practice by working together on projects and deliverables, with both those who are lawyers and those who are not.

**2. Empathy and Client Relations.** Lawyers are going to spend a lot less time hunched over papers or tapping away on keyboards, and much more time communicating with, relating to, and engaging with their clients. This is incontrovertibly a good thing, because the personal talents, insights, and expertise of lawyers is what clients are really paying for. But lawyers receive hardly any training in connecting with clients and empathizing with their positions, and many of us come to law school as introverts with low levels of sociability<sup>3</sup> in the first place. It takes practice to develop the skill of emotional imagination, but this skill will be invaluable — not just when relating directly with clients, but also when anticipating the impact of your words and actions on clients, their families, and their businesses. Your law school should encourage empathy and strive to help students develop good interpersonal and client relations skills.

**3. Leadership and Organizational Behavior.** The Harvard School of Business teaches its students “how managers become effective leaders by addressing the human side of enterprise,”<sup>4</sup> and offers a certification to “gain insight into strategies and

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<sup>3</sup> For more on the lawyer personality and the workplace challenges it creates, see “[Herding Cats: The Lawyer Personality Revealed](#),” by Dr. Larry Richard, *Altman Weil Report to Legal Management*, August 2002.

<sup>4</sup> “[Organizational Behavior](#),” Harvard Business School.

methods that cultivate and strengthen group performance, resource management, and organizational dynamics.”<sup>5</sup> Lawyers must manage people and projects, too — they need to understand how people work best in organizations and how organizations can most productively function. Law firms, in turn, are constantly seeking to discover true leadership abilities within their junior lawyer ranks, since traditional law firm culture discourages leadership by penalizing lawyers who give up billable time to manage the firm’s affairs. Law schools can fill this gap in lawyers’ and law firms’ expertise by instructing law students in leadership and organizational behavior.

**4. Negotiation and Strategy.** Despite its name, this course is not about advocacy, or at least not just about that. Every lawyer negotiates, every day, with an endless array of people: colleagues, clients, court clerks, bureaucrats, corporate representatives, and so forth. Negotiating situations with human beings in ways that help you to achieve your goals, while also maintaining or even enhancing the associated personal relationships, is a critical business skill. And “strategy” is not just about litigation tactics: the ability to strategically assess a situation and choose the best available course of action is essential to high-level, high-value, client advisory work. Law schools should teach students about game theory, should instruct them on the use and dynamics of power, and should equip them to walk into every situation confident in their ability to accomplish their goals in a constructive, professional manner.

**5. Technology and Operations Management.** It will be competitively impossible for law firms of the future to function without significant investments in technology and a significant overhaul of the methods by which the firm’s work is done. Yet law firms are almost entirely bereft of people with the skill to identify the most appropriate technology and operational upgrades law firms need, and to oversee the process by which these upgrades are implemented. Law schools should offer legal operations courses, with a particular emphasis on how legal process improvement and legal technology can reinvent the ways in which law firms generate their products and services.

Future law firms will be fully integrated enterprises, relying both on top-grade human capital and state-of-the-art infrastructure. Lawyers will be called upon to manage and lead these enterprises, and they’ll need both theoretical and practical know-how to do so.

Finally, here is one last point for law school professional development leaders to ponder. It is quite possible, although not imminent, that law schools will begin to admit and educate people who wish to work in law firms, but who are not lawyers and will not earn a JD. These are the “related professionals and technicians” that law firms are going to need and with whom lawyers will have to learn to collaborate. At the moment, other institutions such as vocational colleges and technology institutes, as well as other university faculties, are likelier to educate and train these individuals than law schools are.

But most law schools are already dealing with a noticeable if not significant decline in the number of applicants they receive, as well as a corresponding drop in either the size or the quality of each year’s cohort of first-year law students. It might soon become operationally necessary for law schools to “expand their mandate” beyond the issuance of law degrees, and to begin offering education and training to “related legal professionals” — the people formerly known as “non-lawyers.”

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A “law firm specialization” package such as the one outlined above could easily be adapted to accommodate the allied legal professionals whom law firms will shortly be hiring. There is no obvious reason why law schools should not leverage their brand and educational quality, not to mention their existing relationships with law firms, to refashion themselves not simply

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<sup>5</sup> “[Organizational Behavior Certificate](#),” Harvard Extension.

as “lawyer educators” but as “lawyer and legal professional educators.” A law school that took this step would open up entirely new horizons for its professional development personnel.

## Professional Development in Law Firms

In my ideal world, law schools would start today to build and offer a “law school specialization” package along the lines of what is proposed above. But my ideal world shares only a passing resemblance to the one we all live in. In this world, law firms must continue to accept many graduating lawyers equipped with only a rudimentary understanding of current business realities, let alone those to come in the next decade or so.

Accordingly, law firms’ professional development leaders will have to take matters into their own hands and start adapting their training efforts to the firm of tomorrow as much as to the firm of today. Here are four adjustments that law firm PD professionals can start to undertake now — as well as one major adjustment that, while not easily accomplished in the current environment, is probably inevitable and should be mapped out sooner than later.

*Law firm professional development is already miles ahead of where it was even ten years ago; but there is still much new ground to explore, and this could be where to begin.*

**1. Adopt the specialization track.** Don’t wait for law schools to offer their students what they’ll need for the future law firm; develop these courses internally now. Especially focus on training your lawyers in leadership and organizational behavior and technology and operations management. In addition to the benefits outlined above, this kind of instruction would be invaluable as a tool for both recruitment (tantalizing potential hires with sophisticated MBA-style training in-house) and retention (lawyers trained in the firm’s business and operational fundamentals will

have built up firm-specific capital best spent where they earned it). Law firm professional development is already miles ahead of where it was even ten years ago; but there is still much new ground to explore, and this could be where to begin.<sup>6</sup>

**2. Teach complementary legal basics.** One of the questions law students most commonly ask these days is, “Should I learn how to code?” Given the enormous importance of technology to law firms’ future profitability, some people strongly support this idea. I personally think it’s enough for lawyers to know what code does, what it looks like, and how it accomplishes legal goals. Lawyers’ primary concern in this area should be instructing and overseeing technicians trained in this specialty. The same reasoning applies in varying degrees to other law firm skills such as legal research, legal analytics, and legal process mapping. A law firm lawyer might not carry out these tasks personally, but he or she should know enough about how they’re done well to ensure the quality of the information and processes upon which the lawyer’s work rests.

**3. Prepare for the collaborative future.** Well before law firms become truly multi-disciplinary entities, the ability of lawyers to successfully collaborate to achieve a goal or outcome will be essential to law firm success. Train lawyers now to problem-solve in groups, and encourage partners to assign some tasks not to individual lawyers but to teams of professionals who are jointly responsible for the outcome. (Millennials should, as a general rule, adapt better to this approach than did preceding generations.) And help lawyers prepare for the multi-disciplinary future by drilling out of them now the pointless class distinctions between “lawyers” and “non-lawyers,” replacing both terms with “colleagues” and “professionals.” It’s easier to work well with someone when the language you use doesn’t talk down to them.

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<sup>6</sup> For just one example of what such a program could look like, see the “[Coaching The Coaches](#)” program at Bryan Cave LLP.

**4. Strengthen lawyers’ “enterprise” identity.** Lawyers have been taught from law school onwards to work in isolation from each other, a tendency probably rooted in many lawyers’ introverted personalities. This pattern of behavior laid the groundwork for today’s “siloed” law firm, which often functions as a collection of individual lawyers’ practices gathered under a single roof (the “hotel for lawyers”). Tomorrow’s law firm will instead require lawyers who think of the firm primarily as a single commercial enterprise, a “legal solutions” firm rather than a “law” firm. Strengthen this notion from lawyers’ first days on the job with training sessions on the firm’s finances, client base, market position, brand, and other features of the law firm as an enterprise, independent of the lawyers who happen to work there at any given time. Change how your lawyers envision your firm, away from the individual and towards the collective.

Now, these four suggestions, if adopted and implemented, would go a long way towards upgrading and professionalizing your firm’s lawyer workforce. But it’s also true that doing so would consume not just a considerable amount of PD resources (requiring a significant yet entirely justifiable increase in the firm’s professional development budget), but would also consume many lawyer hours that would otherwise be billable to clients. And there’s the rub. The skills that law firm lawyers need to acquire are numerous and sophisticated, but the reality intruding on these plans is that professional development personnel are given relatively little of lawyers’ time in which to professionally develop them.

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That leads me to my fifth suggestion, one that PD personnel cannot implement alone but that I believe ought to be advanced as a recommendation to law firm leadership. It is this: Re-envision the role of the associate, de-emphasizing the importance of billing and re-emphasizing instead the primacy of training. Re-orient the firm’s associate lawyer priorities to training first and revenue second.

What I’m suggesting here is *the revenue-neutral associate*. For a designated period of time, encompassing up to a lawyer’s first two years in the firm and extending as many as three or four years into the lawyer’s tenure, make the development of skills, knowledge, and experience the lawyer’s primary responsibility. Give new lawyers ample skill development and client contact opportunities from Day One, rather than waiting until Year Five. Bill the lawyer’s time when those efforts are truly of merit and value, to help the firm to recoup some or all of the lawyer’s salary, benefits, overhead, and associated support costs, but not otherwise. Remove billable hour targets from them altogether.

Essentially, reconstruct the first two years in the firm as a kind of “fourth and fifth year of law school,” but with a heavy emphasis on practical legal knowledge, implementable skill development, firm-specific know-how, and opportunities to observe senior practitioners in action. Repeat in subsequent years as warranted and desired.<sup>7</sup>

The goal should be that at the end of the designated period, the lawyer has been rigorously and professionally educated, mentored, trained, and skilled to such an extent that he or she can deliver substantial, if not extraordinary, value to the firm and its clients — much more than a typical junior associate at other firms can provide — and that in doing so, the lawyer has undertaken enough billable work to cover much or even all of his or her training costs for that period. A lawyer developed in this fashion will be equipped to provide much more valuable

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<sup>7</sup> For more on associates as investments rather than revenue generators, see “[The Profitability of An Associate \(Or should it be Investment?\)](#)” by Toby Brown, *3 Geeks and a Law Blog*, July 9, 2012.

and expensive services than will a typical third- or fourth-year associate who has had to learn the ropes under tremendous billing pressures — if the associate has even stuck around that long.

It's perhaps an understatement to say that this would be a radical change in how law firms view and use their associate lawyers. But I also think it's a necessary, and in fact an inevitable one.

All those market-changing forces described earlier in this article — technology, process improvements, outsourcing, insourcing, alternative service providers — have arisen for one reason: to provide a less costly and more effective alternative to the highly expensive labor of low-skilled junior associates. These alternatives are gaining momentum and sophistication. Clients are making clear that they can find equal or better options elsewhere for “associate work” at a superior price. The writing is on the wall, and law firms would be wise to read it.

Would this approach be sustainable for a \$180,000 first-year associate? Probably not — but then, the \$180,000 associate is a market abnormality for which there is no real justification. A “revenue-neutral” associate in a typical law firm would have to be paid less than in a firm that still clings to the idea that its youngest lawyers have market value, in order to strengthen the business case for the adoption of this approach.

There is precedent for this. Law firms such as Frost Brown Todd, Drinker Biddle, Ford & Harrison, and the late Howrey LLP all experimented in the previous decade with “apprenticeship models,” by which new associates were paid less but received extensive training and mentoring.<sup>8</sup> This was a good idea ahead of its time — with the financial crisis still very much in play, new lawyers had every reason to prefer job opportunities with high starting salaries to lower-salaried positions that offered “training opportunities.”

It's a very different world now. Graduating lawyers understand that in the medium- to long-term, they need marketable skills and know-how in order to have sustainable legal careers. Law firms that can offer a path to that future will have a competitive recruitment advantage.

And what's to stop these associates from taking their extensive skills training and leaving their firms after their mentoring period has ended? A simple step to avoid that outcome would be to elicit a pledge from the associate to stay with the firm for at least one year past the conclusion of his or her training period before seeking other options, similar to that required by programs that forgive student debt if a graduate practices in a remote location for a designated period of time. But considering that firms will be able to compensate lawyers who've gained these skills at a much higher rate than their contemporaries, and that the lawyers will be able to engage in higher-level client consultation work much earlier in their careers, why would they leave?

*As “associate work” continues to be disaggregated and commoditized, law firms will have to find a solution to their associate profitability challenges at some point.*

Think about the possibilities of a “revenue-neutral” approach to associate hiring and training, and how it could change the nature of much professional development work in law firms for the better. As “associate work” continues to be disaggregated and commoditized, law firms will have to find a solution to their associate profitability challenges at some point. The sooner this option is considered, the sooner a solution could be found. — and law firms' professional development personnel can lead the way.

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<sup>8</sup> See “[Will Practice Make Perfect Lawyers?](#)” by Carolyn Elefant, *Legal Blog Watch*, June 30, 2009.

## The Future of Professional Development

I think it's fair to say that the legal profession has not historically taken professional development as seriously as it could have or should have. The fact that many CLEs today, including those mandated for ongoing licensure, consist of practitioners reading out PowerPoint slides to a lecture hall filled with other lawyers half-listening while they catch up on their email, illustrates this somewhat lackadaisical approach to the foundational issue of ensuring ongoing lawyer excellence.

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All of this, happily, is changing, especially with the rise of highly skilled and extensively trained education professionals within law firms and state bars. But the pace of change needs to accelerate, given the increasingly demanding nature of clients and the growing competitiveness of the legal services market. Legal professional development will face new demands in the coming years and will have to make further adaptations. In particular:

- Legal professional development will no longer be exclusively lawyer-based. Affiliated legal professionals, technicians, para-professionals, and other skilled individuals will enter law firms and the legal services market to meet client needs with their own offerings. They will need the services of PD just as much as lawyers do. Education and training approaches developed for lawyers will have to be adapted or replaced altogether for service suppliers from outside the legal profession.
- As lawyers in law firms become fewer in number and more highly skilled and valuable than ever, their professional development needs will become increasingly specialized and even unique. At this point, the concept of customized or “bespoke” PD will emerge, with the development and delivery of PD programs designed for each particular lawyer.

Firms that deliver customized PD to their lawyers could increase their retention of these valuable assets tenfold.

- Professional development personnel should share in their lawyers' client contact opportunities. How better to understand lawyers' PD needs than by seeing lawyers in action with their paying customers? How better to understand the needs of the ultimate end users of lawyers' services than by seeing and hearing from them in person? Placing professional development people (at no charge to the client, of course) as keen observers on site with lawyers sends a positive message to all concerned, especially to the client.

Professional development and talent management professionals, in both law firms and law schools, should be encouraged to play an active role in lawyers' and law firms' responses to a changing market environment. Everyone will benefit from integrating PD even further into the legal profession's challenging but ultimately rewarding process of market adaptation.

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## About the Author



Jordan Furlong is a consultant, author, and legal market analyst who forecasts the impact of changing market conditions on lawyers and law firms. He has given dozens of presentations to audiences in the US, Canada, Europe, and Australia over the past several years, including to law firms, state bars, courts, and many legal associations. Formerly an award-winning editor of three major Canadian legal periodicals, Jordan is also a Fellow of the College of Law Practice Management and a member of the Advisory Board of the American Bar Association's Center for Innovation. He is the author, most recently, of *Law Is A Buyer's Market: Building A Client-First Law Firm*, and he writes regularly about the changing legal market at his website, [law21.ca](http://law21.ca).