Future Law Works: Reports and Next Steps
No. 2: *The 2019 Law's Futures Roundtable, Chicago, IL*

Topics and possible projects that emerged from this roundtable:

1. Who participates?

Students. What is the demand for legal education?
- *A project:* build data-driven models of who is coming and why, what people are doing after law school and why, and who is not coming to law school and why not.
- *A project:* strategize how to build different kinds of diversity (cognitive, demographic, professional, other) into law to improve the impact of law on society.

Professionals. What are companies, law firms, and other providers doing in law teaching and training spaces, and why? What should they be doing?
- *A project:* produce a law scan, which maps the ecology of legal services and legal information needs to the ecology of institutional providers.
- *A project:* advance regulatory reform (addressing licensure, among other things) to expand the population of people who are trained and competent to provide law-related services and information where those are needed, and to eliminate regulatory structures based on prestige- and reputation-models of law and lawyers.

Educational institutions. How should law schools be organized, programmatically, to train and support effective new professionals in a changed environment? How would unbundling and otherwise re-arranging institutional arrangements for delivering legal education affect outcomes?
- *A project:* examine how offering undergraduate law degrees affects other aspects of the higher education ecology, affects the legal services ecology, and affects society as a whole; compare the US experience with experiences in countries where law is a first degree.
- *A project:* collect and study strategies for combining multiple university schools and disciplines in collaborative degrees and other training relating to law; examine "polytechnic" legal study in non-US universities; examine how law can contribute to other fields (even serve as a kind of "hub" for law-related study) in addition to how law can borrow from other fields.

- *A project:* map the modalities for delivering legal information and services (via a trained lawyer, via technology, in some combination or otherwise) to the types of education and training needed to make each modality effective.

Reformers. Legal education reform is siloed (poorly integrated with the rest of the legal profession, and with higher education), populated by a collection of "usual suspects," usually drawn from institutional leadership, and not diverse.
- *A project:* identify and organize institutional support for "positive deviants" throughout the ecology of the legal industry; build institutions for collaboration, activism, and experimentation.
- *A project*: build a light structure to link multiple institutions and innovations into a loose "movement."
- *A project*: for future gatherings and activities, be purposeful about diversifying the collective and about holding people accountable for diversity-related outcomes.

Clients and communities. How should they participate in education reform conversations and projects? These could include specific companies and other organizations; professional associations; NGOs; legaltech entrepreneurs and investors; and government organizations, among others.

2. What should legal education "be"?

Outcomes – individuals.
- Teach "critical thinking" in law as part of "critical thinking" throughout education, including undergraduate education.
- Move explicitly beyond teaching "thinking like a lawyer" to embrace understanding complex systems, including but not limited to law.
- Move beyond a conventional "toolbox" approach to teaching; legal rules and principles are tools, but new graduates must also understand system- and society-level values and practices, including the changing roles of law and lawyers in society.
- Leadership education is critical for graduates. Other key competency areas, beyond knowledge acquisition, include: change management, project (and resource) management, technology literacy, and engaging in controversial conversations.
- New graduates need to understand the difference between the traditional "counselor" mindset of "avoid that risk" and the contemporary, client-based mindset of "how do we accomplish that goal?"

- Competency inventories for professionals are important and useful but can be overwhelming as guides to curriculum design. Programs and curricula need to be organized strategically.
- Legal education should be pluralistic in terms of competencies, subject matter domains, and degrees and other certifications, so that effective training is matched to graduate success and social impact in multiple forms.

Outcomes – institutions.
- Legal education should be boundary-spanning both within universities and across universities. Collaborating with other law schools (like collaborating with other schools generally) is difficult but rewarding.

Outcomes – assessment.
- Legal education needs to develop the habit and power to assess outcomes that matter; today, law schools lack good techniques even for assessing learning outcomes that law schools have traditionally prioritized – i.e., "thinking like a lawyer."
- Assessments at the individual level can be keyed to reformed regulatory frameworks; assessments at the institutional level can be keyed to broader social goals. Access to justice. Climate change. Effective assessments should target what the community needs, rather than what lawyers traditionally have been experts in.

Pedagogy and program.
- Students should spend less time in traditional classrooms and more time on applications: via work (clinics, externships), via writing, via simulation and lab work, and in other environments, including gamification.
- Pedagogy should be structured around identifying baselines, understanding interventions, and assessing the interventions.

3. How are we going to get there?

Strategies/tactics for law schools.
- Accelerate the adaptation process.
- Just do it. Build and test pilots, using regulatory flexibilities. E.g., IFLP, LWOW, Ryerson in Canada.
- Accept that scaling successful pilots is difficult; money for public goods is scarce.
- Leverage online resources. Imagine the Khan Academy for the bar exam.

- Lay down our swords. Collaborate across law schools; collaborate with the community in building labs, incubators, etc.
- Accept failure, but be rigorous about conducting post-mortems.
- Where possible, within frameworks for institutional finance, move away from tuition discounting and toward direct aid to students.
- Locate pathways to exercise power within complex ecology of the legal industry and higher education. Focus on the role of undergraduate education? Diversifying the number and types of certifications and degrees conferred by a law school? Leverage calls to change the JD curriculum? Work with financial constraints? Focus on transformations on the functions and social roles of trained lawyers? Address licensure?

Strategies/tactics for this group.

- What is the role of this group, and how do we activate and mobilize its energy, along with others?
- Learn from Christensen: it is easier and faster to innovate "from the outside" rather than trying to reform "from the inside."
- We can and should bring focus to an uncoordinated conversation about the future of law and legal education.
- Attract interest from higher-order, higher-level participants as endorsers, sponsors, partners.
- Rely on project-based strategies, and build on concrete successes toward a broader vision.
- Include collectively-oriented approaches and move beyond information sharing; collective action problems are enormous but need to be addressed. From the outset, a light structure is important so that the efforts of this group are directed toward aligning what we do with achieving needed improvements in the world.
- The effort should leverage publicness and publicity.
- Be explicit about building and relying on new incentives, new metrics, and new financial models. E.g., what if law schools were measured by social mobility achieved by their graduates?

One conceptual model of collaborative innovation.

The Law University (a loosely organized confederation of clusters, with shared aims and goals), in which each member of the group is an informal "fellow," defined roughly by the following nodes (working groups, goals, projects, responsibilities):
- Law Works – to support innovation labs & experiments in legal education.

- Law Learn – to support curriculum & pedagogy.
- Law Leadership – to connect with formal organizations, such as AALS.
- Law Impact – to focus on assessment and data.
- Law Ventures – to study and build new models for clinics, law labs, and incubators.
- Law Undergrad – to design new pathways into law.
- Law Advocate – to focus on regulatory environments.
- Law Governance – to address identifying and overcoming institutional barriers inside and outside law schools and universities.
- Law Dividend – to conduct and update law scans; to identify gaps between service and need; and to bring services to where they are needed.
- Managed chaos – the rest.

Outcomes - Institutional design.
- Turf matters. Looking at the ecology of law, legal services, the legal industry, and education, faculty governance in the law school setting is a clear barrier to institutional adaptation, evidenced by the fact that corporations, law firms, and other organizations are moving ahead quickly with their own education/training models.
- Within law schools and universities, economic incentives need to be aligned with institutional goals.
- Law schools are too dependent financially on training students to complete a single credential – the JD. Other fields, such as health care/medicine, are more diverse.

4. What are our next steps?
- Define leadership and relationships with other institutional players, disruptors, and reform activities, avoiding hierarchy in order to maximize nimbleness and pace. We need structure.
- Build a track record and demonstrate results. We need tasks and measurables.
- Work online as much as possible, in terms of provocations and conversations, facilitating and energizing work groups, and community building.
- Be disruptive and nimble.
- Avoid more elaborate workshops and presentation-heavy formats. Quick show-and-tell formats – or give-and-take formats – may be more effective.

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