



Critical Issues Summit

*Equipping Our Lawyers:
Law School Education, Continuing Legal Education,
and Legal Practice in the 21st Century*

Welcome from the Executive Chair

Being a "lawyer" in the opening decades of the 21st century is rather like being a "scientist." We know that lawyers and scientists have to be smart and have to complete a difficult educational journey, but with no more to go on than the single word, we can have no idea what a scientist or a lawyer really does. Are you a big-bang cosmologist or a global-warming chemist or an endocrinologist studying bacteria at the bottom of the sea? In degrees of dissimilarity, these are no more extreme than an M&A lawyer, an appellate judge and, say, a lawyer who defends DWIs for a living.

Educators and administrators planning how to support a legal profession made up of such widely varying players, going in so many directions, underwritten by diverse and sometimes jittery economic models, have a problem. Our tools are many decades old. The Platonic ruminations of the Langdell-style law school and the traditional CLE organization with its leisurely talking-head seminars and tidy handbooks have carried us a long way. Under the glare of global economic efficiency and instant communication, however, they are showing some wrinkles. The present recession has exposed economic weaknesses in CLE, with many organizations struggling to cover their expenses through cutbacks and layoffs.

Accordingly, this Critical Issues Summit is badly needed. It's been 22 years since the Arden House III Conference on "CLE and the Lawyer's Responsibilities in an Evolving Profession" was organized by ALI-ABA. Then the big issues relating to CLE were thought to be underserved lawyers, ethical and professional responsibility, lawyer competence, CLE quality, CLE structure and finance, and the senior lawyer as mentor and role model. Some of these are still lively topics, of course, but the profession is grappling with competitive, social, and even political forces that are pulling at its seams. The level of threat in various areas of practice has risen to orange and, as

always, may go higher without notice. The lawyer workday is metered in shorter and shorter increments to try to extract every dime of value to the enterprise. In this whirlwind, where is the time for learning and reflection? Now that you mention it, who really needs time for reflection when the answer is always a few keystrokes or an online tutorial away? Just-in-time learning is becoming the lawyer's equivalent of just-in-time inventory, which has made commerce so much more efficient--and so much more vulnerable to disruptions in systems outside one's control.

To make the Summit more complicated, the variety of lawyers today is not quite equaled by the variety of law schools and CLE organizations. But it's getting close. Many law schools are changing curricula in response to the Carnegie Report and other critiques. Commercial entities of many stripes are major players in the continuing legal education market. In-house programs have multiplied exponentially. Reaching conclusions that apply to the variety of stakeholders will be a challenge. The planning committee has therefore proposed issues that span the key institutions and demographic groups that comprise the profession, knowing that any effective approach to educating lawyers will need to consider the full spectrum of their experience over their professional lives. We common-law lawyers, with our need to continually re-hit the books, invented *life-long* learning after all. The Summit will look hard at the transition from law school to practice, admission to the bar, generational differences in learning, the robust in-house training movement, new models for CLE organizations and presentations, and evolving modes and standards for regulation of CLE and their potential impact on creating CLE that best meets lawyer needs. In plenary sessions planned for live webcast, we will also examine an overall view of the future of the legal profession, and how technology (both as tool and as subject) fits into the professional development of today's lawyers.

We are very grateful that ALI-ABA Continuing Professional Education and the Association for Continuing Legal Education had the foresight to organize this Summit, that a distinguished planning committee worked on the agenda for more than a year, and that many organizations and individuals believed enough in this project to contribute the money that has made it possible.

If you are interested in the future of the legal profession, I hope that you will join us in this exciting conversation. Please contribute to our discussion groups on this website, watch the planned webcast of the plenary sessions on October 15, 2009, and check in regularly to see the latest postings.

Pat Nester
Executive Chair of the Summit
Director, Texasbar CLE