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Preparing Law Students for the Future of Work, Technology, and Globalization

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Abstract

This paper aims to assist lecturers, universities, and their administrators in improving their law degrees. This is in the context of the future of work. This paper will reflect on how to tailor a law degree to improve the employability of students with this degree. This piece emerged as a viewpoint to identify best practices to prepare a law student for better employability. Significant benefits and opportunities can be unlocked if educators apply and incorporate the findings from this piece. Educators should rethink how they deliver law degrees, keeping in mind the emerging trends in their respective job markets. This paper offers insight into how to tailor an exciting law programme for the future of work.

Keywords: Law, Undergraduate, Graduate, Employability, Future, Skills, Best practices, Higher education

Introduction

Every law school has two dominant communal aims. The first is to prepare their law students to pass the bar, which is critical for the second aim, which is to prepare them for the future of legal work, some as lawyers. It is important to note that though some students of law take on other careers within and outside their field of study, for the purpose of this paper, the issue concerning how universities should prepare their law students for the future of work as lawyers will be discussed.

It is predicted that the future holds some major changes in the vocational domain, which may affect the pursuits of many careerist-oriented students within universities. It is believed that the law students who aspire to be future lawyers are among those students. The law degrees must evolve to leverage from technological advancement.

The advancement in technology and Artificial Intelligence is on the rise. It has been predicted that technology will have certain implications on some roles within the job sector. Machines will be programmed to perform particular duties that would have been otherwise carried out by skilled employees who are trained within that particular field. This means that the purpose of such persons will become less relevant and valuable on the job market. Retail and manufacturing are two prime examples of work fields that are already becoming highly modernised through technology. It is believed that lawyers too will be affected by technology; technologies will improve them in doing their current jobs, and maybe the role of lawyers will also change as technologies would facilitate some tasks.

“Technology will not only revolutionise how legal work is done in the future it will alter the structure of the law firms themselves;” [1] maybe we have reached the cusp of that revolution now. However, technology does not pose a direct threat to the careers of future lawyers. Studies show that only 3.5% of lawyers will lose their

jobs to robots in the next twenty years. This means that it is very unlikely that robotics will replace lawyers as legal practitioners and representatives in court.

Lawyers, however, will have to develop a stronger and more collaborative relationship as technology advances, as it will help to significantly shape their work in the legal field. The latest research posits that though the technology is more receivable on the ends of a personal basis, many legal practitioners, especially the older ones, are reticent about using it as a professional tool. On the contrary, for paralegals, however, studies show that a massive 94% will lose their jobs to robotics in the next two decades, while judges have a 40% chance of replacement. Algorithms will be incorporated into the processes of making good judgement and decision making. In the case of paralegals, their delegated duties of organizing files and conducting research will be carried out by machines.

Over the past few decades, the job market for lawyers has become an exceedingly large one, with a glut in persons practising this profession. In the United States alone, there are 202 accredited law schools, while studies reveal that there are forty thousand law students in Turkey alone. Based on simple capitalistic notions of supply and demand, when there is a glut within the market, the demand for it inherently decreases, and so does its value. Dolin reiterated that there is an overflooding of lawyers in the legal market because there are far too many lawyers and far too many law schools [2]. This was substantiated by the point that in 2000 each lawyer in the United States of America had only 264 Americans per capita. It is expected that by the year 2050, this number will drastically decrease to 100 Americans per capita.

Notwithstanding that, not all of these law students desire to become lawyers, but the vast majority probably have aspirations towards that pursuit. This means that the already competitive market will become even more competitive within the future. The competitiveness of the market is not only linked to the glut of lawyers but also on the global unpreparedness of law students for the future of work. The onus is universities to find innovative ways to increase the employability and competence of their students on the job market.

Deficiencies in Legal Education

Innovation in legal education is particularly problematic for educators because of the inability to accurately predict what the future will look like. Reynolds asserts that universities, however, should seek to make these predictions as close as possible so they can adequately prepare their students for the future of work. He pointed out that one of the daunting deficiencies of current law students is related to problem-solving. [3] This is a critical skill for law students who will serve as future problem solvers in the service of their clients. A solution offered was for university professors and instructors to use the classroom as a legal court to assess and solve legal problems. The individual participation of students should be

encouraged through group and peer discussions and other interesting and interactive ways of learning.

Lande points out that universities globally should not seek to create a universal curriculum in preparing their students of law for the future of work. He substantiated his perception by stating that innovation in legal education should not adhere to this 'one size fits all' notion. [4] This is because the aims, objectives, values, and challenges faced by universities and students in preparing for the world of work may be somewhat similar in some cases but not always exactly the same. An example of this is where the faculty of law within a particular university is adversely affected by financial constraints, which stall proceeds for preparing students, while for another, this may not be the case. The essential obligation of that university would then be to overcome those financial problems so it can provide the facilities to prepare its students.

The current legal curriculums used by universities have not sufficiently prepared law students for the future of work. Some other issues or deficiencies of law students include the lack of training to diagnose legal issues and draft corresponding solutions, gather facts, create and process legal documents, and manage clients. In affiliation with the alumni and employers of graduates of the Dayton University, Professor Lisa Kloopenburg found that another incisive problem with laws students is evident in their writing and negotiation skills. She found that there is a need for substantial improvement. The American Bar Association Section of Legal Education and Admissions to the Bar have responded to this demand by requiring universities to take the necessary measure to improve the writing and negotiation skills of their students through coursework.

Based on a recent survey, it was revealed that of 222 law students that participated in an externship program at two unnamed universities, 55% had no experience working in a legal office, while 15% had no experience in working within a professional setting. Due to this lack of experience, the students' performances in this program was poor. Fifty percent of the respondents to the survey revealed that, as it relates to their writing; the major problem for law students was that they showed little attention to detail. As it relates to non-academic skills 41% of respondents thought that students lacked self-confidence and 31% of respondents thought that students ought to have been more self-reliant and independent. Students' research skills were also very poor, as many students found it difficult to source research materials within a reasonable amount of time.

Challenge with traditional vis-à-vis new pedagogies

Innovation in legal education may be challenging for various reasons. This is because many universities, professors, and legal instructors are resistant to change. Old legal pedagogies might not remain relevant in the future. Nevertheless, it is not advisable that universities completely purge their curriculum of all the traditional teaching models because some may still be relevant to train law students. Their

degree of relevance will be measured based on their value and practicality for students in their preparation for the future of legal work. Some of these traditional modes of teaching, which may remain relevant, are hosting lecturers in large theatres to relay valuable information to students in the form of lecture-student conversations. Given the growing population of students within the law faculties of universities, it is highly unlikely that this will be outmoded anytime soon.

The use of technological hardware such as a projector or software such as PowerPoint may still be required in these classroom settings. It is, however, essential for universities to update these gadgets and applications whenever necessary. This way, students' interaction with the latest technologies will be up-to-date. These traditional modes of teaching law may work cohesively alongside more modernised approaches adopted by universities to train their law students in the best ways possible.

Morality and ethical considerations

Some authors express the necessity of teaching law students about morality and ethics. Ethics and morals can be conceptualised on the basis of simply what is held to be right as opposed to what is considered to be wrong. Of course, these principles are subjected to social norms and values. Morality and ethics are equivalent to one's level of integrity. Ethics is not just a social value or attribute, but it is deemed a professional obligation within all fields, including the legal profession. This means that ethics and morality are intrinsically tied to all duties, roles, and responsibilities aligned to the legal profession. Bieliauskaite posits that there is a correlation between integrity and performance in the legal field. [5] This means that one's level of integrity determines how well they will perform. Universities have the responsibility to develop the basic values of lawyers' moral codes and ethical standards; this will have a direct implication on their behaviour in the courtroom and their performances within the legal field.

Similarly, Rogers indicated that ethics affects the quality of teamwork. [6] It is necessary to prepare future lawyers for that just cause. Morality and ethics are under recognised attributes for the practise despite their relevance. Since most lawyers will work in collaborative groups, it is necessary for them to be trained in this capacity, as they influence the development and maintenance of morality within their respective social groups and teams.

Clinical Experience

The pedagogy of legal education designed by Christopher Columbus Langell is still being used up to the present day. This modality of teaching has deemed to be unhealthy for students. Studies have shown that it has psycho-emotional implications for students' health, which is prolonged in their behaviours even after completing their studies.

This pedagogy of legal education has remained unchanged and consistent within universities and law schools throughout the years. It is important for the bar and bench to recognise their potentially significant roles to bring and initiate substantial changes in the modalities of legal education. [7] Of course, change, as usual, will be met with some resistance, but through will-power and sustained efforts, the possibilities for law students are limitless.

Radvany explains that through clinical and experiential learning law students can gain litigation skills. He states that these have become exceedingly important on the legal job market for many valuable reasons. This will aid law students to work more effectively and independently. Additionally, clinical and experiential learning provide practical ways for preparing law students for the world of work rather than utilising a dominant theoretically based approach. Lastly, law students who are skilfully developed are more attractive for government and private organisations that do not wish to spend valuable resources of time and money to train their young recruits. [8]

The practical skills of law students can be developed by staging moot court competitions, legal camps, simulations, and debates. These are events held annually in some law schools, as a part of their curriculum. Das highlights the importance of these activities through the fact that they allow students to engage and communicate on a one-on-one basis with lawyers, judges, and other legal personnel. These activities coupled with internships will grant students the opportunity to sufficiently advance on their practical skills that are needed for the legal workforce. [9]

Kennedy et al. are of the view that offering law students clinical experience within communities of universities is significant. [10] This may help students gain some exposure in the field. This is also great for networking and establishing good interpersonal relationships, critical for law practice. Additionally, through real-life experiences, students may gain practical skills that will be beneficial to them in the future. It should be noted that the classroom setting is not effective to pass on these skills to students because they are so many in number and beyond the typical few that instructors may teach. Hands-on experience will also help students to understand, assess, and learn to deal with certain challenges related to the field. Clinical experience can be achieved by adopting a new curriculum that engages students on a one-on-one basis with their communities through a variety of activities.

Traditional pedagogical modes of law ought to be transformed, and establishing international networks and relationships among universities is critical. These can be established with institutions within and outside one's country. This will increase understanding of different legal systems on a much broader and diverse scale.

Students should be introduced to the rules and norms that govern professional conduct through experiential learning. This can be done by creating relevant simulations that students can relate to and through assigned roles in class. Assessment is critical after this because it allows students to reflect upon their role-playing performances within the ethical context.

Evans posits that sensitising students about the implications the law has on the lives of people is critical for the development and preparation of future lawyers. [11] Arguably, it is assumed that through their rigorous theoretically based knowledge curriculum, students would have already been well aware of the relevance of their degree on the legal job market. Rather than reiterate the already known facts, it is important to address the things unknown to students.

Universities are challenged with the issue of how to improve the level of employability of their students effectively. Through experiential learning, students are engaged in a variety of ways that will foster a more in-depth understanding of certain issues that are unique to the context of the legal world. Additionally, the plethora of ethical and hands-on skills garnered by law students may help facilitate in-depth research that is useful for the development of public policy.

Beckman and Tremblay are of the shared perception that universities should build a network between students and clients through a practical curriculum. This will grant students and future lawyers the opportunity to have first-hand experience within the legal field. The role of clinical legal education is a priority to facilitate this cause. Through hands-on learning, students will get exposed to different situations, circumstances, risks, and ethical values associated with their practice. [12]

Reading of Cases

Another issue that was identified as a deficiency of current law students was related to the reading of cases. Law students lack know-how in reading legal texts and materials. Arffin referred to this issue as a ‘transitional problem.’ [13] This means that students find the reading cases challenging despite their proficiencies in the English Language. This is because some may use and rely on the tools associated with the English language to carry out reading cases and other legal materials without recognising that the legal language and English are two different disciplines. The skill of reading, therefore, needs to be more developed in this area.

Law and Social Work Collaboration

A joint collaboration between law and social work students is widely encouraged by some universities. This is because the roles and responsibilities of social workers and lawyers in practice have a lot in common. [14] Some of these similarities are visible through their moral and ethical responsibility to the people they serve. Another similarity is that they both enjoy the value of professional autonomy and decision making. Additionally, both aim to bring about social justice to their clients,

in their roles as advocates and representatives. Though these two professions share some similarities, as with many other professions, it is questionable whether these similarities provide substantial value for collaboration between the two disciplines. The striking differences between social workers and lawyers ought to be noted in this regard. Social workers are resource providers to which lawyers themselves may be a resource. This means their significance and timing of services in terms of when clients require them is an issue. Social workers are also posed with different types of challenges and situations vis-à-vis lawyers.

Law and Therapy Collaboration

Another necessary way to prepare law students for the future of work was by teaching them the fundamental values of counselling. By engaging students in this way, they will be able to develop counselling skills. These skills will inherently help to develop their moral and ethical values. Law students who are highly developed in this way are less likely to be charged or accused of malpractice or mishandling cases. This is because their behaviours and performances will be subjected to morality and ethical values.

Technological skills

The structure of legal education rarely changes. Cases, precedents, laws, and other legal materials are repeated tools used by professors in the pedagogical setting. However, legal firms might be compelled to improve their modes of doing in order to keep abreast with the constantly changing demands of their clients. It is then necessary for legal education to follow the pursuit to prepare their students who will fill legal roles within these firms.

Connection with the Academic World and the Working World

Universities are challenged with the issue of developing the skills and attributes of law students in preparation for the world of work. This issue poses in forms of many different questions such as, *what will the future look like for the legal world? What are the relevant skills for future lawyers? What pedagogies should universities adopt to transfer these skills to their students effectively?* Fung (2017) asserts that a solution to these emerging and potentially posed questions for universities is to explicitly connect students' academic learning with what is needed within the workplace. The issue with this perception is that exclusively preparing students and matching them to a particular profession will rob them of their potential to be developed as flexible and innovative careerists. Aforementioned, given the glut of lawyers on the job market, many future lawyers may have to settle in other areas of work within and even outside of their field of study or maybe do other jobs in addition to practising law. It would then be a huge risk to prepare law students using an exclusive skill set. Therefore as new skills are being taught, students should be taught how they can be transferable for non-legal jobs.

Student-Staff Interactions

Fung puts forward that there is a correlation between students' skill development and student-staff interactions. Students who engage in one-on-one discussions with their professors and instructors are given more personal advice rather than the general guidance offered within the classroom setting on how to prepare for the world of work. [15] This is significant because the issues of students' GPA, career goals, financial circumstances and obligations are unique to each student. Some universities have facilitated student-staff engagement by establishing a centralised office or department that helps students by specifically addressing these concerns, which otherwise are unfeasible within the classroom.

Peace-Making Skills

Zeidel et al. postulate that building the peace-making skills of future lawyers is critical to the world of work. [16] Undeniably, oftentimes universities over emphasise and centralise their focus on academic skills and neglect those which are not relevant to academia. It is important to recognise that the services of a lawyer is not fundamentally limited to their work within the courtroom, but lawyers do have the responsibility of dissolving conflicts and building peace among their clients, which is a challenge. They put forward that it is important for lawyers to have the basic understanding and skills in psychology, counselling, and other non-legal disciplines. It is suggested that some collaborative work is done to bring together different services from different professions and demonstrate the transferability of learned skills.

Connection with the Working World

Some universities are preparing their law students for the world of work by making connections with work organisations. [17] This makes the time demanding task of job hunting far less tedious for law students after graduation. Students can gain access to work a lot easier through these connections. Additionally, the transition from school to work would be a lot smoother for them provided that universities prepare them to work within these organizations.

Conclusion

Universities are faced with the issue of preparing law students for the future of work. Though the future is unknown, it is necessary for universities to make their predictions based on the assessment of contemporary issues and values to prepare their students in the most optimal ways. Undoubtedly the legal job market will only become more competitive. It is important for universities to create a well-balanced approach using relevant traditional and new teaching models to adequately prepare their law students for the future. It may not be necessary for legal education within universities to adhere to a rigid global curriculum but rather a more flexible design given the unique challenges, values, and objectives of each university and their students; the ideas shared in this paper will help.

Notes

1. Matasar, R. A (1995). Electronic law students: Repercussions on legal education. *Valposcholar*, 29, 909. <https://scholar.valpo.edu/vulr/vol29/iss2/7/>
2. Dolin, J. (2007). Opportunity lost: How law school disappoints law students, the public, and the legal profession. *California Western Law Review*, 44, 219-255. <https://scholarlycommons.law.cwsl.edu/cwlr/vol44/iss1/6/>
3. Reynolds, W. L. (2011). Back to the future in law schools. *Maryland Law Review*, 70, 451-464 Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol70/iss2/11>
4. Lande, J. (2013). Reforming legal education to prepare law students optimally for real world practices. *Journal of Dispute Resolution*, 2013, 1-17. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214989
5. Bieliauskaite, J. (2014). On the way to professionalism - the promotion of law students' academic integrity. *Procedia-Social and Behavioral Science*, 116, 4229-4234. <https://doi.org/10.1016/j.sbspro.2014.01.922>
6. Rogers, J. (2017). Since lawyers work in teams, we must focus on team ethics. R. Levy, M. O'Brien, S. Rice (Eds.), *Essays in contemporary law reform*, (pages 483-493). Australia: ANU Press.
7. Dolin, J. (2007). Opportunity lost: How law school disappoints law students, the public, and the legal profession. *California Western Law Review*, 44, 219-255 <https://scholarlycommons.law.cwsl.edu/cwlr/vol44/iss1/6/>
8. Radvany, P. (2014) Preparing Law Students to Become Litigators in the New Legal Landscape, *The Review of Litigation*, 33, 881-903 (2014) Available at: http://ir.lawnet.fordham.edu/faculty_scholarship/594
9. Das, H. (2018). Decoding the law. *India Today*, pages 1-11. (<https://www.indiatoday.in/magazine/supplement/story/20180827-decoding-the-law-1316927-2018-08-17>)
10. Kennedy, A., Smith-Ruig, T., Coverdale, R., Hart, C., Mortensen, R., Macken, C., Mundy, T. and Nielsen, J. (2013). Preparing law graduates for rural and regional practice: A new curriculum-based approach. *Procedia-Social and Behavioral Science*, 93, 317-321 <https://doi.org/10.1016/j.sbspro.2014.01.922>
11. Evans, A. (2017). Australian clinical legal education. Australia: ANU Press.
12. Beckman, S. L., & Tremblay, P. R. (2012). FOREWORD: THE WAY TO CARNEGIE. *Boston College Journal of Law & Social Justice*, 32(2), 215-230. <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1007&context=jlsj>

13. Arffin, A. (2014). The reading of legal cases by law undergraduates: Some problems and suggestions. *Procedia-Social and Behavioral Science*, 134, 109-118. <https://doi.org/10.1016/j.sbspro.2014.04.228>
14. Orji, I. E. (2016). *Towards collaboration between lawyers and social workers: A content analysis of joint degree programs* (Order No. 10017970). Available from ProQuest Dissertations & Theses Global. (1767788748). <https://www.semanticscholar.org/paper/Towards-collaboration-between-lawyers-and-social-A-Orji/df76d035f815c2e5b98ebd1872d2ab45cfb25736>
15. Fung, D. (2017). Connecting academic learning with workplace learning. *Connected curriculum for higher education*. United Kingdom: UCL Press.
16. Zeidel M., Yu S., & Zerehi S. (2015). Learning to be a peace-making lawyer: Law student perspectives on building peace-making into law school curricula, building paths to practice for new lawyers, and interdisciplinary training. *Family Court Review*, 53, 526-544. <https://doi.org/10.1111/fcre.12182>
17. Das, H. (2018). Decoding the law. *India Today*, pages 1-11. (<https://www.indiatoday.in/magazine/supplement/story/20180827-decoding-the-law-1316927-2018-08-17>)

References

- Arffin, A. (2014). The reading of legal cases by law undergraduates: Some problems and suggestions. *Procedia-Social and Behavioral Science*, 134, 109-118. <https://doi.org/10.1016/j.sbspro.2014.04.228>
- Beckman, S. L., & Tremblay, P. R. (2012). FOREWORD: THE WAY TO CARNEGIE. *Boston College Journal of Law & Social Justice*, 32(2), 215-230. <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1007&context=jlsj>
- Bieliauskaite, J. (2014). On the way to professionalism - the promotion of law students' academic integrity. *Procedia-Social and Behavioral Science*, 116, 4229-4234. <https://doi.org/10.1016/j.sbspro.2014.01.922>
- Das, H. (2018). Decoding the law. *India Today*, pages 1-11. (<https://www.indiatoday.in/magazine/supplement/story/20180827-decoding-the-law-1316927-2018-08-17>)
- Dolin, J. (2007). Opportunity lost: How law school disappoints law students, the public, and the legal profession. *California Western Law Review*, 44, 219-255. <https://scholarlycommons.law.cwsl.edu/cwlr/vol44/iss1/6/>
- Evans, A. (2017). *Australian clinical legal education*. Australia: ANU Press.
- Fung, D. (2017). Connecting academic learning with workplace learning. *Connected curriculum for higher education*. United Kingdom: UCL Press.

Kennedy, A., Smith-Ruig, T., Coverdale, R., Hart, C., Mortensen, R., Macken, C., Mundy, T. and Nielsen, J. (2013). Preparing law graduates for rural and regional practice: A new curriculum-based approach. *Procedia-Social and Behavioral Science*, 93, 317-321 <https://doi.org/10.1016/j.sbspro.2014.01.922>

Lande, J. (2013). Reforming legal education to prepare law students optimally for real world practices. *Journal of Dispute Resolution*, 2013, 1-17. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214989

Matasar, R. A. (1995). Electronic law students: Repercussions on legal education. *Valposcholar*, 29, 909-933. <https://scholar.valpo.edu/vulr/vol29/iss2/7/>

Orji, I. E. (2016). *Towards collaboration between lawyers and social workers: A content analysis of joint degree programs* (Order No. 10017970). Available from ProQuest Dissertations & Theses Global. (1767788748). <https://www.semanticscholar.org/paper/Towards-collaboration-between-lawyers-and-social-A-Orji/df76d035f815c2e5b98ebd1872d2ab45cfb25736>

Radvany, P. (2014) Preparing Law Students to Become Litigators in the New Legal Landscape, *The Review of Litigation*, 33, 881-903 (2014) Available at: http://ir.lawnet.fordham.edu/faculty_scholarship/594

Reynolds, W. L. (2011). Back to the future in law schools. *Maryland Law Review*, 70, 451-464 Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol70/iss2/11>

Rogers, J. (2017). Since lawyers work in teams, we must focus on team ethics. R. Levy, M. O'Brien, S. Rice (Eds.), *Essays in contemporary law reform*, (pages 483-493). Australia: ANU Press.

Young, C. R. & Blanco, B. A. (2007). What students don't know will hurt them: A frank view from the field on how to better prepare our clinic and externship students. *Clinical Law Review*, 14, 105-106. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1028871

Zeidel M., Yu S., & Zerehi S. (2015). Learning to be a peace-making lawyer: Law student perspectives on building peace-making into law school curricula, building paths to practice for new lawyers, and interdisciplinary training. *Family Court Review*, 53, 526-544. <https://doi.org/10.1111/fcre.12182>