

2011

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Recommended Citation

Cardozo, Michael A. (2011) "The Future of the Legal Profession: The New York City Corporation Counsel's Perspective on the Challenges and Opportunities Ahead," *Hofstra Law Review*. Vol. 39: Iss. 4, Article 2. Available at: <https://scholarlycommons.law.hofstra.edu/hlr/vol39/iss4/2>

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THE FUTURE OF THE LEGAL PROFESSION: THE NEW YORK CITY CORPORATION COUNSEL'S PERSPECTIVE ON THE CHALLENGES AND OPPORTUNITIES AHEAD

*Michael A. Cardozo**

I. INTRODUCTION**

The legal profession is going through a profound change, one which will significantly alter both current and future lawyers' careers, and one which the profession as a whole has yet to fully understand or address. As the number of law school graduates in this country continues to rise, together with their increasing amounts of debt, the effect of the recent recession can be seen in the low number of jobs and uncertain career prospects for young lawyers. Society as a whole is also still reeling from the downturn, with many people in dire need of legal services that they cannot afford.

Many describe this situation as a crisis; I believe it is an opportunity not to be wasted. Though the economic downturn has altered the legal job market drastically, a large portion of what it did was accelerate the pace of certain, necessary changes.¹

The state of the legal profession has been far from ideal for a long time: law students are not receiving a legal education that adequately

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** This paper is adapted from a speech delivered by the author at Hofstra University School of Law on January 24, 2011.

1. *See, e.g.*, N.Y. STATE BAR ASS'N, REPORT OF THE TASK FORCE ON THE FUTURE OF THE LEGAL PROFESSION 2 (2011), available at <http://www.nysba.org/Content/NavigationMenu68/TaskForceontheFutureoftheLegalProfessionHome/TaskForceReport.pdf> (recommending long-term restructuring for law firms and a rethinking of the legal education model as part of the changes the New York State Bar Association sees as necessary for the legal profession).

prepares them for the demands of the legal workplace; young lawyers who are fortunate enough to be employed are no longer getting in-depth on-the-job training and high level experience, making it difficult for them to fully develop as professionals until much later in their careers; and the profession's lack of focus on public service has left many portions of the public under-served and in need of help. This abundance of fresh, eager young lawyers in need of professional training and experience, along with a rising public need for legal skills, presents opportunities that the profession has ignored for far too long.

In this paper, I will draw upon my own experience as a lawyer to help identify the major problems facing the legal field today, as well as potential solutions to these problems. My perspective as a lawyer who has worked in both the public and private sector and has benefitted immensely from high levels of responsibility and in-depth professional training early on in my career allows me to see opportunities that have been left on the table, as well as ways to turn this crisis into a force for positive change in the legal profession.

II. PERSONAL JOURNEY

To explain my perspective on the current situation I will first trace my career, from law school graduation to my present job as Corporation Counsel of the City of New York. Approximately forty-five years ago, after my graduation from law school and a one-year clerkship with a federal judge, I joined what was then one of the larger firms in New York City with a grand total of approximately sixty lawyers. The mentoring experience of a clerkship, which was essentially a one-year tutorial, and then working at the firm with senior lawyers where I was given very substantial responsibility, proved to be an unparalleled learning experience.

My life as a young associate was extremely exciting and challenging. I had the opportunity to take depositions, write briefs, and both argue and try major cases. For example, my law firm represented what was then a small basketball league known as the National Basketball Association ("NBA"). I was working with another associate at the firm, a classmate of mine named David Stern. Together with a senior partner, we were given the task of defending the NBA in a major antitrust class action. It was Stern and I, not the senior partner, who took depositions across the country and argued major motions in court. Stern went on to a distinguished career, although not as a lawyer, but as Commissioner of the NBA. Working on that case, as well as many

others with such a high level of responsibility, provided us with extraordinary legal training.

I doubt very much that my experience as a young lawyer could be replicated today. The growth of law firms, the economic challenges they face, and the nature of law firm practice would make such an experience virtually impossible.

The senior partners at the law firm not only taught me to be a lawyer, they gave meaning to something I had learned in law school that I hope is still taught today—the importance of public service. As the N.Y. Rules of Professional Conduct remind us,² being a lawyer is not only about what the legal situation is in our society, but it is also about what it *should* be. After all, we are supposed to work with and for our communities in an effort to promote justice.

A story from my own experience illustrates this point. As a young associate, I was asked to serve as counsel to a judicial reform task force by its chair, a senior lawyer in another firm named Cyrus Vance, who went on to become U.S. Secretary of State. Two other young lawyers were on that task force, one of whom was an assistant professor from Columbia, and the other a lawyer who had a small practice in Brooklyn. In my role as counsel to that task force, I had the opportunity to work with and get to know Vance and the two young lawyers, whose names were Ruth Bader Ginsburg and Mario Cuomo. It is my sincere belief that had I not accepted appointment as counsel to the task force, I would not be Corporation Counsel today.

My work in private practice brought the opportunity to participate in other public service activities as well. For example, in the late 1990s I served two years as president of the New York City Bar Association. Experiences with public service provided me with the sense that while private practice offers numerous benefits, there were very interesting and rewarding opportunities in the public sector as well. Therefore, when then Mayor-Elect Michael Bloomberg asked me to serve as New York City Corporation Counsel shortly after September 11th, I jumped at the opportunity. That is a decision I have never regretted, as I have an interesting, challenging, and exciting job, which is also incredibly rewarding.

There are two main reasons for this. First, as I learned for the first time after becoming one, government lawyers are just as good as, if not better than, those in private practice. Second, while service in the

2. N.Y. RULES OF PROF'L CONDUCT R. 6.1 (2009), available at <http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/NYRulesofProfessionalConduct4109.pdf>.

government will not make you rich economically, it offers unparalleled satisfaction in terms of the results you can achieve. A government lawyer is truly the way that you can make a difference in this world.

A clear illustration of this is the work of the New York City Law Department (the “Department”). The 650 lawyers working in the Corporation Counsel’s Office have done many incredible things during my tenure, and I will highlight just a few of these accomplishments. They drafted the landmark legislation that eliminated smoking in all public places in New York City;³ legislation that has literally been copied by cities around the world.⁴ They also drafted the legislation giving the Mayor control of the New York City school system and have participated in the countless number of lawsuits stemming from that legislation.⁵

Department lawyers have also helped to implement the Mayor’s environmental initiatives, including winning a \$104 million verdict against Exxon for allowing oil to seep into wells in Queens.⁶ They have brought groundbreaking lawsuits to prevent both illegal handguns and untaxed cigarettes from coming into New York City.⁷ They helped negotiate the settlement of the 10,600 World Trade Center cases brought against the City and others by workers claiming to be injured by the air at Ground Zero.⁸ Additionally, the Department has negotiated and handled the resulting litigation from numerous economic development projects including Yankee Stadium,⁹ Citi Field,¹⁰ Brooklyn Bridge Park,¹¹ and the redevelopment of the World Trade Center site.¹²

3. N.Y. PUB. HEALTH LAW § 1399-o (McKinney 2002).

4. See, e.g., George P. Smith II, *Cigarette Smoking as a Public Health Hazard: Crafting Common Law and Legislative Strategies for Abatement*, 11 MICH. ST. U. J. MED. & L. 251, 266 (2007) (addressing the movement of countries throughout the European Union toward smoke free public indoor facilities).

5. Michael A. Cardozo: *New York Corporation Counsel*, N.Y. CITY L. DEP’T, 1 (Apr. 2011), <http://www.nyc.gov/html/law/downloads/pdf/MichaelCardozoBio.pdf>. See, e.g., *Price v. N.Y.C. Bd. of Educ.*, 855 N.Y.S.2d 530, 532-33 & n.2 (App. Div. 2008); *Ocasio ex rel. Perez v. City of New York*, 816 N.Y.S.2d 671, 672 (Sup. Ct. 2006); *Perez ex rel. Torres v. City of New York*, 804 N.Y.S.2d 632, 633-34 (Sup. Ct. 2005).

6. N.Y.C. LAW DEP’T, 2009 ANNUAL REPORT 15 (Connie Pankratz & Elizabeth Thomas eds. 2009), available at <http://www.nyc.gov/html/law/downloads/pdf/AR09.pdf> [hereinafter 2009 ANNUAL REPORT].

7. N.Y.C. LAW DEP’T, 2008 ANNUAL REPORT 10 (Connie Pankratz ed. 2008), available at <http://www.nyc.gov/html/law/downloads/pdf/AR08%20web.pdf> [hereinafter 2008 ANNUAL REPORT].

8. N.Y.C. LAW DEP’T, 2010 ANNUAL REPORT 38 (Elizabeth Thomas ed. 2010), available at <http://www.nyc.gov/html/law/downloads/pdf/2010AR.pdf>; Mark Hamblett, *World Trade Center Settlement Gets Backing Needed to Take Effect*, 244 N.Y. L.J. 99 (2010).

9. 2009 ANNUAL REPORT, *supra* note 6, at 14; 2008 ANNUAL REPORT, *supra* note 7, at 18.

10. 2008 ANNUAL REPORT, *supra* note 7, at 16, 18.

11. Press Release, N.Y.C. Law Dep’t, Office of the Corp. Counsel, Supreme Court Judge

And in the last nine years, lawyers in the Office of the Corporation Counsel have argued five separate cases in the U.S. Supreme Court,¹³ an indication of the significance of the legal issues dealt with by government lawyers. All of these examples illustrate my point: government lawyers have enormous opportunities to improve society and realize tremendous satisfaction in doing so.

One of the most important lessons I have learned as Corporation Counsel is directly relevant to my theme today: serving as a government lawyer provides junior attorneys with the training, experience, and responsibility that private firms unfortunately can no longer offer them on a comparable scale. Working for the government involves taking depositions, arguing motions, and even trying cases very early in your career. Because of these opportunities, the Corporation Counsel's Office is able to attract volunteer lawyers from the private sector to work, some for a year as deferred associates, others for four months to try cases, and many for a few days to take depositions. These young lawyers come to the Law Department on a pro bono basis in part because a government law office offers them the experience and responsibility that, given the nature of today's private practice, the private law firm cannot provide.

III. THE PROFESSION

As illustrated above, the legal profession has been changing over time, sometimes for the better, other times for the worse.

Going back a few decades, many would-be lawyers did not go to law school at all—they read the law, studied, and worked under experienced attorneys in order to gain the skills necessary to enter the profession. Benjamin Nathan Cardozo, a distant cousin of mine, never graduated from law school and yet went on to have an incredibly successful legal career.

Later, as law school became virtually the only method of entering the profession in the United States, law schools taught students legal theory far more than practical skills. To learn how to actually practice law newly accredited attorneys in effect served first in something akin to an apprenticeship. They learned while on the job. After they became

Rejects Challenge to Brooklyn Bridge Park Dev. Project Slated for the Brooklyn Waterfront (Nov. 28, 2006), <http://www.nyc.gov/html/law/downloads/pdf/pr112806.pdf>.

12. N.Y.C. LAW DEP'T, 2006 ANNUAL REPORT 11, available at http://www.nyc.gov/html/law/downloads/pdf/annual_report-2006.pdf.

13. *Hemi Grp., LLC v. City of New York*, 130 S. Ct. 983, 986 (2010); *United States ex rel. Eisenstein v. City of New York*, 129 S. Ct. 2230, 2232 (2009); *Bd. of Educ. of City of New York v. Tom F. ex rel. Gilbert F.*, 552 U.S. 1, 1 (2007); *Permanent Mission of India to the U.N. v. City of New York*, 551 U.S. 193, 195 (2007); *Mass. v. EPA*, 549 U.S. 497, 502 (2006).

lawyers, people often practiced in small law firms or had solo practices. There were fewer large law firms—certainly not the mega firms of 500 or more attorneys that exist today—and overall far fewer jobs having a Wall Street oriented practice.

As a result, young lawyers received substantial experience early in their careers. Whether through an apprenticeship or working in a small practice, they were given significant responsibility. They had experiences similar to mine as a young attorney; they were trusted to take depositions, had the chance to learn by working closely with partners, and were given the opportunity to argue important cases.

Over time the number of law schools, and the number of lawyers, skyrocketed.¹⁴ In fact, the number of law schools in this country have increased more than a third since I graduated more than four decades ago.¹⁵

While the profession has continued to evolve, private practice is obviously where most young lawyers begin their careers. By the year 2000, almost eighty-three percent of lawyers under the age of forty were in private practice.¹⁶ But the law firms of recent years, both large and small, are very different from what they used to be.

Globalization, together with the resulting increased size of major firms, and the technological advancements of the past decades, have made competition in the legal market increase exponentially. There were approximately 44,000 law school graduates in this country in 2009,¹⁷ compared to just under 30,000 in 1976.¹⁸ Unfortunately, few of them can look forward to the kind of one-on-one training, high level of responsibility, and public service encouragement that I was lucky enough to have had when I was a young attorney at a law firm.

Instead, new hires are often given discrete tasks and are placed on large teams, giving them little insight into the overall impact of what they are working on, and thus providing on the job training in a much more limited way. Billable hour requirements at firms keep rising,

14. See generally *Enrollment and Degrees Awarded: 1963-2010 Academic Years*, A.B.A., http://americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/stats_1.pdf (last visited Nov. 11, 2011) [hereinafter *Enrollment and Degrees Awarded*]; *National Lawyer Population by State*, A.B.A. (2009), http://www.americanbar.org/content/dam/aba/administrative/market_research/2011_national_lawyer_by_state.pdf.

15. *Enrollment and Degrees Awarded*, *supra* note 14.

16. CLARA N. CARSON, *THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN 2000*, at 28 (2000), available at http://new.abanet.org/marketresearch/PublicDocuments/lawyer_statistical_report_2000.pdf.

17. *Class of 2009 National Summary Report*, NAT'L ASS'N FOR LAW PLACEMENT (2010), <http://www.nalp.org/uploads/NatlSummaryChartClassof09.pdf>.

18. *Enrollment and Degrees Awarded*, *supra* note 14.

increasing nine percent since 2004,¹⁹ and the pressure to just get the job done and move on to the next assignment is immense, to the substantial detriment of potential volunteer opportunities. As a result, the message of giving and getting the most from public service efforts has become substantially diluted. In short, the broad legal training and experience young attorneys used to receive; together with involvement in outside activities—which enabled them to grow into accomplished lawyers in their own right—is becoming a relic of the past. It is at least in part because of this that job dissatisfaction among young attorneys has skyrocketed.²⁰

In sum, we now have more lawyers, fewer jobs, substantial job dissatisfaction, and yet greater expectations from employers and clients of knowledge and experience. Fewer and fewer clients are willing to be charged by the infamous billable hour, and even fewer are willing to pay for the time and training of recent law school graduates. Clearly, lawyers must learn new skills and find new ways to obtain the training and experience they need to succeed.

IV. WHAT THIS MEANS FOR LAW SCHOOLS

The changes outlined above must be understood and addressed by the greater legal community. A renewed focus on practical legal training early on in a lawyer's career is critical.²¹ Law schools must carefully examine how they are preparing students for the profession they are about to enter. This involves more than educating them about theory and teaching them to “think like a lawyer.” Law schools must give their students the practical skills they need to actually do their jobs.

Over the years, however, the law schools' teaching mission has dominated over the goal of how to put that teaching to practical use. Unlike most other professional schools, law schools do not focus on training professionals, but rather on developing exceptional students of the law. As a report by the Carnegie Foundation recently found, this

19. *A Look at Associate Hours and at Law Firm Pro Bono Programs*, NAT'L ASS'N FOR LAW PLACEMENT (Apr. 2010), <http://www.nalp.org/july2009hoursandprobono>.

20. See JEAN STEFANCIC & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS* 51 (2005); Olivia Collings, *Dissatisfaction Rife in Large Law: Survey*, THE NEW LAWYER (Sept. 11, 2009), <http://www.thenewlawyer.com.au/article/Dissatisfaction-rife-in-large-law-survey/497978.aspx>; Elie Mystal, *Biglaw Firm Warns Associates They'll Be 'Disappointed' with Comp*, ABOVE THE LAW (Apr. 13, 2011, 1:35 PM), <http://abovethelaw.com/2011/04/biglaw-firm-warns-associates-theyll-be-disappointed-with-compensation/>; *Cruel Summer*, ROSE COLORED GLASSES JD BLOG (June 25, 2010, 7:59 AM), <http://rosecoloredglassesjd.blogspot.com/2010/06/cruel-summer.html>.

21. See N.Y. STATE BAR ASS'N, *supra* note 1, at 48-49 (discussing the need for an emphasis on practical skills in legal education).

educational approach leads to law graduates being “more like competitive scholars than attorneys engaged with the problems of clients.”²² Now is the time for this to change—for legal educators to focus on *fully* preparing their students for their legal careers.

Of course, not all schools are guilty of this, and many have already started to change their curricula in response to the gradual decrease in experience and on-the-job training young attorneys receive when they begin practice.²³ One of the best and most effective ways of incorporating more practical legal education into law schools’ curricula is through clinical programs. These programs provide invaluable exposure to the real world for law students. Future lawyers have the opportunity to work with real clients, in a real legal setting, with real consequences. In combination with instruction provided by clinical directors and professors, this resembles the one-on-one training and hands on experience lawyers used to receive at the start of their legal careers.

However, many law schools still do not make this practical training component a high priority, and are thus depriving their students of the opportunity to fully compete for jobs with graduates from more forward-thinking schools. Rigidly sticking to the traditional advocacy model of teaching, which over-focuses on individual learning and is not in-tune with the realities of the profession, is a disservice to students. As experts have long noted, this model is no longer “broad enough to deal with the varied roles that lawyers must fill in the New Economy.”²⁴

V. WHAT THIS MEANS FOR LAW STUDENTS AND LAW GRADUATES

Law students have increasingly expressed dissatisfaction with the current law school curriculum. Many feel the third year can be a near-waste, citing few if any required courses, and a lack of interesting and useful seminars. This can make the last year feel like a mere excuse to plunge law students further into debt, which today reaches \$120,000 for almost one-third of law school graduates.²⁵

22. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 188 (2007).

23. ROBERT W. CULLEN, *THE LEADING LAWYER: A GUIDE TO PRACTICING LAW AND LEADERSHIP* 43-44 (2009) (discussing the curriculum changes made at New York University and City University of New York).

24. *Id.* at 3.

25. Debra Cassens Weiss, *Almost 1/3 of Law Students Expect to Graduate with \$120K Debt*, A.B.A. J. (Jan. 6, 2010, 9:23 AM), http://www.abajournal.com/news/article/almost_1_3_of_law_students_expect_to_graduate_with_120k_in_debt/.

Meanwhile, there are many individuals and groups in need of legal assistance, especially in this economy. Much of the help they need does not require someone with a J.D., as they would benefit greatly from the advice of law students.

Law school upperclassmen could be doing something useful for both themselves and their communities. By their third year, these students have two years of legal education and likely two summers of legal or quasi-legal employment behind them. They have the skills, the time, and the desire to put what they have learned to use. Rather than taking a random assortment of courses, students could be developing and honing practical skills through experiential learning. The lack of a coherent, practical curriculum for the third year of law school, and sometimes even for the second year, is a huge waste of opportunity for the students, for the profession, and for society.

As far as post-employment opportunities are concerned, the combination of the lack of readily available private sector jobs upon graduation with the growing need for legal services in the public sector, offers another challenge and another opportunity. Law school graduates can work for the government, for organizations providing legal services for the poor, or other non-profit entities, and receive invaluable training and experience, together with exposure to a wide array of interesting legal issues that the private sector can no longer offer junior attorneys. Importantly, they will do all of this while benefiting their communities.

Certainly, there is a need for this legal help. The recession has affected everybody and the need for lawyers' skills, in particular for the government and the poor, has been on the rise. The government has expanded its efforts in many areas in recent years, and there is a growing need for lawyers in areas like security, immigration, white-collar crime, and bankruptcy.

Today, the need for lawyers' services is all the more urgent, and although the quantity of jobs is still very limited by funding constraints, some parts of government seem to be reacting to the public's growing need for legal services. For example, New York State Chief Judge Jonathan Lippman has called for \$25 million in new funding in the judiciary budget for civil legal services for the poor.²⁶

At the same time, the economy has forced many recent graduates to change their plans and go into the public sector. This is not a detour on the graduate's career path, but rather an exciting potential new path or a

26. Press Release, N.Y. State Unified Court Sys., Court Leaders Submit Reduced Operating Budget for Fiscal Year 2011-2012 (Dec. 1, 2010), http://www.courts.state.ny.us/press/pr2010_16.shtml.

stepping stone to where he or she wants to be later on in life. Taking a job with the government or with a legal services organization will help these young lawyers see what else is out there, perhaps preparing them to develop a whole new niche for themselves. Certainly, they will gain the opportunity to improve their lawyering skills. In addition, as suggested earlier, working in the public sector allows people to really make a difference—in cleaning up the environment, in protecting public safety, in defending an immigrant threatened with deportation, or a parent in a custody dispute.

The experience attorneys get while working with these clients, the contacts they make while calling someone on their behalf, and the satisfaction they derive from winning or losing their cases will make them better people, more capable lawyers, and more attractive job applicants.

VI. WHAT THIS MEANS FOR THE LEGAL PROFESSION

As evidenced above, there are major problems in the structure of the legal profession: huge numbers of law graduates, many saddled with large debts, fewer job opportunities in the private sector, inadequate training for those relatively few graduates who are hired, and discontent among many junior lawyers who are lucky enough to have found a job. However, there is a growing need for lawyers in the public sector. Where given the chance, young attorneys will find unparalleled opportunities for career development and job satisfaction.

The question remains: what *really* needs to happen, in order for things to change? What should the leaders of the legal profession—for example, U.S. Attorney General Eric Holder, N.Y. Attorney General Eric Schneiderman, the president of the American Bar Association, and the chairs of the large law firms—do to solve this dilemma? Because at this point, we have a situation where young, bright lawyers are doing anything from babysitting to hiding from creditors' calls as they drown in debt,²⁷ while the country is full of people who are in desperate need of the legal assistance these lawyers could provide.

Part of the answer of course is money. A recent study found that law school debt prevented sixty-six percent of its respondents from considering public service jobs.²⁸ The fact is that because of a lack of

27. See David Segal, *Is Law School a Losing Game?*, N.Y. TIMES, Jan. 9, 2011, at BU7 (discussing the non-legal jobs law graduates take to repay their tremendous debts).

28. AM. BAR ASS'N COMM'N ON LOAN REPAYMENT & FORGIVENESS, LIFTING THE BURDEN: LAW STUDENT DEBT AS A BARRIER TO PUBLIC SERVICE 9 (2003), available at <http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/lrap/lrapfinalreport.pdf>.

money, public service and government employers have had a very difficult time employing and retaining law school graduates in the face of an increasing need for legal services.²⁹

However, expecting the government to write a massive check to solve the problem is not only completely unrealistic, it is simply not the right solution. Rather, the legal profession must address this problem directly. The private bar, in particular, must recognize it has both a responsibility and a self interest to devise a solution whereby law graduates enter public service right out of law school, thereby helping to fulfill the need for legal services for the government and the poor. This would give law graduates the public sector experience that will make them far better lawyers upon entering private practice.

The bar has an obligation—a very real obligation—to solve this dilemma because of its unique role in society. Lawyers enjoy a virtually unregulated monopoly on who may practice law. They set the standards on who may enter the profession and who must leave it, and they have the right to refuse, unlike anyone else in society, to divulge what others have told them in confidence. With this status comes a responsibility—to help those unable to help themselves, and more broadly speaking, to improve society. This is why the N.Y. Rules of Professional Conduct say that “[l]awyers are strongly encouraged to provide pro bono legal services to benefit poor persons.”³⁰ When this obligation is coupled with the undeniable fact that today there is an increased number of graduating law students without private sector opportunities, and with those graduates having an increased need for training and experience, the response the profession should make seems obvious. It must help to devise a way for more lawyers to take on work for the government and the poor.

It is in the bar’s self interest to devise a solution to the problem outlined above because when the law graduate who goes into the public sector later joins a private firm, that lawyer will have the skills and training that private practice no longer supplies. This means that the lawyer who joins the firm with this public sector experience will be ready to take on the responsibility of dealing with major matters, and avoid the boredom that leads to the discontent of so many junior lawyers today.

Employers in the private sector can no longer afford to simply hire the brightest, the best test takers, or the graduates of certain law schools.

29. *Id.* at 10.

30. N.Y. RULES OF PROF’L CONDUCT R. 6.1 (2009), available at <http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/NYRulesofProfessionalConduct4109.pdf> (encouraging lawyers to provide pro bono legal services to the poor).

They must focus more on the qualities clients are demanding from their lawyers: communication skills, giving and receiving constructive feedback, and focusing on the positive rather than only the negative—a general level of social intelligence that we lawyers have not always been famous for having. Clients do not want to hear why they cannot do what they want, they want to hear what they must change in order to achieve their goals. Lawyers have traditionally had a hard time with this, since law school and the first few years of work typically train them to be critical and to look for potential problems. However, as clients' needs change and competition among lawyers increases, those employers who adapt their hiring practices to address client needs will be the ones to succeed.

VII. CONCLUSION

The void in our legal education and training that I have outlined must be filled—beginning with a change in law school curricula and a shift in the expected and desired career paths of young attorneys. The profession must help young lawyers to work in the public sector, where they will have the opportunity to truly blossom as legal professionals, enjoy the rewards that public service offers, develop skills and qualities critical to their success in this new economy, and provide services that are desperately needed in our society. I can only say that, in many ways, graduates cannot afford not to do this.

I hope to have provided a different, and more encouraging, perspective on what the current climate means for law students about to enter this profession. These students are presented with an enormous challenge upon graduation, but also with the opportunity to work with people, and in situations, that they did not expect. Charles Darwin once said that “in the long history of humankind those who learned to collaborate and improvise most effectively have prevailed.” I have no doubt today's graduates will do just that.