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Ahead of the Curve: A 'Legal Upheaval' for Law Schools?

By [Karen Sloan \(/author/profile/Karen Sloan/\)](/author/profile/Karen Sloan/) | August 13, 2018 at 07:30 AM

f Welcome back to **Ahead of the Curve**. I'm **Karen Sloan**, legal education editor at *Law.com*, and I'll be your host for this weekly look at innovation and notable developments in legal education.

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Karen Sloan

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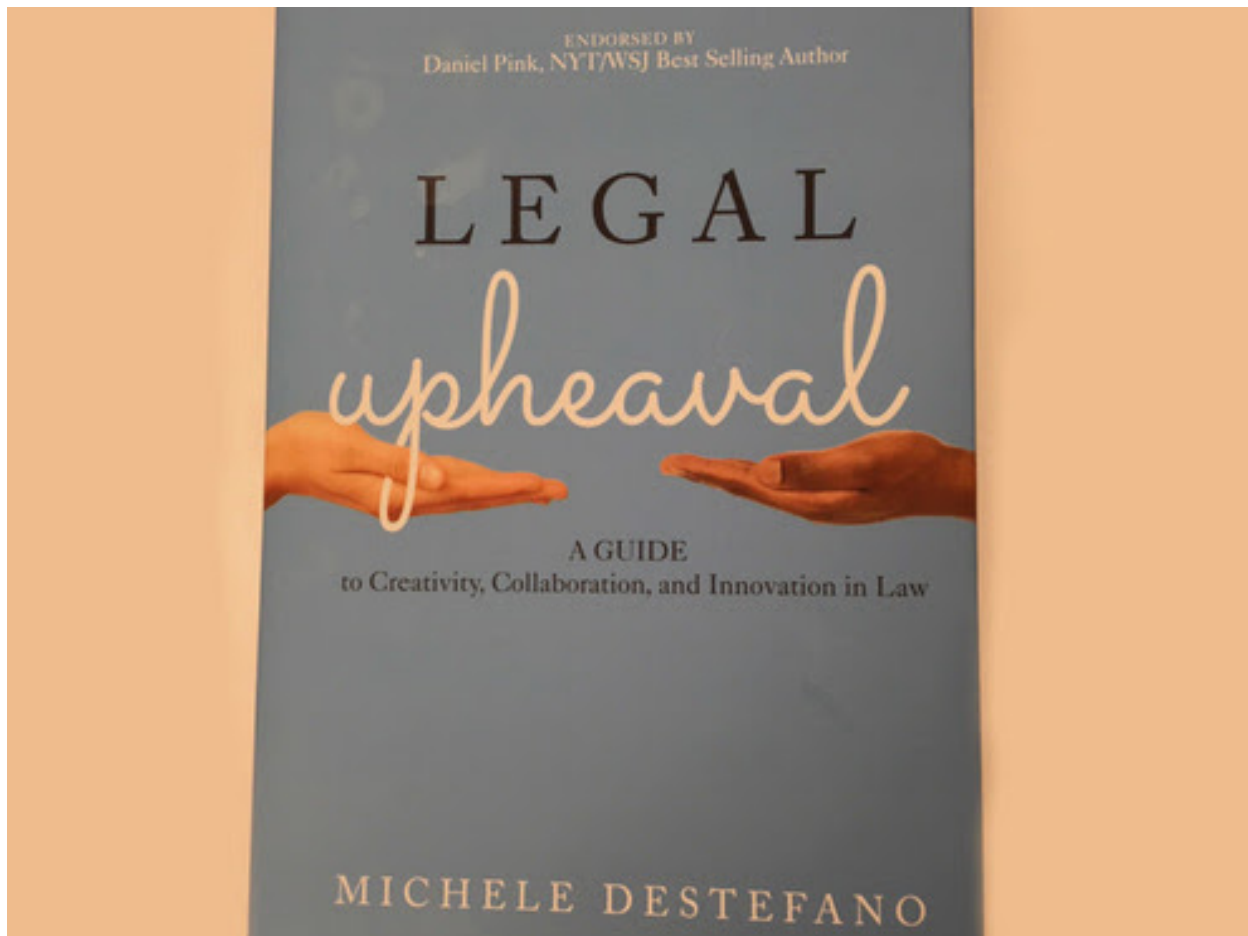
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This week, I'm catching up with University of Miami law professor Michele DeStefano to discuss her new book "Legal Upheaval," and what skills today's law students need in order to thrive in tomorrow's legal profession. I'm also checking in on a conference on racism that the University of Virginia School of Law is holding to mark the anniversary of the notorious "Unite the Right" rally.

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Do Law Schools Need a “Legal Upheaval”?

Are law schools teaching students the skills they need to be successful lawyers in the 21st century?

I posed that question to University of Miami law professor Michele DeStefano recently after meeting up for a coffee near my Manhattan office to discuss her new book “Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in the Law.”

Her answer: By and large, no. “The legal landscape is changing and the skills that are required of a lawyer today are completely different than what they were 20 years ago,

and law schools are still teaching the skills that were required 20 years ago.” By way of background, DeStefano in 2010 created LawWithoutWalls, a groundbreaking program in which students from more than 35 law schools around the globe form teams with law and business leaders to find solutions to a real-world problem assigned by a law firm, corporate legal department, or legal company. The teams work together virtually and in person. Given her experience, I value DeStefano’s opinion when it comes to innovation (or lack thereof) within legal education.

“Legal Upheaval” is DeStefano’s stab at encapsulating what she has learned about training the lawyers of the future over the course of eight years with LawWithoutWalls and through interviews with more than 100 corporate GCs and law firms partners. She uses a pyramid to describe the ideal lawyer, with legal expertise providing the foundation. The good news for law schools is that DeStefano gives them high marks for imparting that necessary legal knowledge and teaching students to “think like a lawyer” and solve complex problems.

Moving up from the base of the pyramid is what DeStefano calls COST, for Concrete Organizational, Service and Tech skills. These are essentially what we think of as business skills, and include things like mentoring, giving feedback, and of course, tech know how. This tier of the pyramid is where law schools begin to fall short, according to DeStefano.

Next up is a smaller tier for creative and collaborative problem solving, which can be tough for law students and young lawyers who would prefer to go solve the problem alone in a closed off room, rather than work with others. This tier includes empathy, humility, cultural competencies, and self awareness.

At the peak of DeStefano’s lawyer pyramid is innovation, though she cautioned that the “I” word doesn’t have to mean radical change. Incremental changes that add value for clients is enough to keep them coming back, she said.

This is all fine and great, but I wanted to know what law students and young lawyers should do if their schools aren't or didn't teach the skills at the top three levels of her pyramid. She has some interesting suggestions, most of which don't involve the law at all. Here's my favorite:

“If you're a lawyer and you haven't ever worked in the service industry—like at a restaurant, a Starbucks, or a bar—go do it,” DeStefano said. “You learn what it means to not be seen to be the most educated in the room, or the person that has all the answers. You learn what it feels like to be treated badly. You learn the idiosyncrasies about yourself and your tone. You learn it by the tips you do or do not get. If you bring the basic ideas of service into law, you'll please your clients.”

Some other ideas:

Participate in a community hackathon where you'll need to rely on your expertise—law or otherwise—to work with others and solve a problem.

Take every free course on networking that you can and forge connections.

Read outside of the law, be it science fiction or classic literature. Keep up the passions you had before launching your legal career, which will make you a more interesting person.

My thoughts: Look, I realize that plenty of books are already out there focused on lawyer innovation and the changing practice of law, but I like that DeStefano has taken a less wonky approach to this topic. Her book feels relatable and is dotted with personal anecdotes. (The Chicago ad agency she worked for right out of college sent its employees to an improv class at the famed Second City, where the rule in scene creation was that everyone must always say “yes” to the premise, however crazy.) And she ends each chapter with reflection points intended to help readers figure out how

her message relates to their own experiences. There's plenty of food for thought for legal educators in terms of what and how they teach.



Unite the Right, One Year Later

The University of Virginia School of Law is holding a two-day conference on racism to mark the one-year anniversary of the “Unite the Right” rally that roiled Charlottesville and left one woman dead.

The Virginia Law Review, the school’s Center for the Study of Race and Law, and the Carter G. Woodson Institute are co-sponsoring the Sept. 28-27 conference, called “One Year After Charlottesville: Replacing the Resurgence of Racism with Reconciliation.” The event will “explore the nation’s history of racism, racial violence and white supremacy, and where it stands today through the lens of empirical critical race theory,” according to the school.

And organizers have some heavy hitters lined up, including Yale Law Professor James Foreman Jr., whose book “Locking Up Our Own: Crime and Punishment in Black America,” won the 2018 Pulitzer Prize for general nonfiction.

“We’re trying to take back the discourse so it’s no longer about giving a voice to white supremacy and nationalism,” said professor Dayna Bowen Matthew, who is among the event’s organizers. “We’re trying to speak for and with people who have been harmed and silenced by hate in all its manifestations.”

The Unite the Right rally is a somewhat sensitive subject for the law school, not only because it happened in the school’s backyard, but because rally organizer and white Supremacist Jason Kessler showed up at its law library on several occasions this spring to conduct research for his legal case. Each time protestors gathered, and the law school even held a town hall with students to address the matter.