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The Unfulfilled Promise of Law Schools to Prepare Students for the Practice of Law: An Empirical Study Demonstrating the Effectiveness of General Law School Curriculum in Preparing Lawyers for the Practice of Law

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**THE UNFULFILLED PROMISE OF LAW SCHOOLS TO
PREPARE STUDENTS FOR THE PRACTICE OF LAW:
AN EMPIRICAL STUDY DEMONSTRATING THE
EFFECTIVENESS OF GENERAL LAW SCHOOL
CURRICULUM IN PREPARING LAWYERS FOR THE
PRACTICE OF LAW***

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with
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I. INTRODUCTION.....	18
II. SUMMARY FINDINGS	24
III. LEGAL PRACTICE SKILLS	26
A. <i>Importance of Legal Practice Skills</i>	26
B. <i>Perception of Preparedness in Legal Practice Skills</i>	28
C. <i>Whether Legal Practice Skills Can Be Learned in Law School</i>	29

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18 WILLIAM MITCHELL LAW REVIEW *SUA SPONTE* [Vol. 40

D. Importance of Law Practice Management Skills 32

E. Perceptions of Preparedness in Law Practice Management Skills 32

F. Whether Law Practice Management Skills Can Be Learned in Law School..... 33

IV. SUMMARY OF THE SOURCES OF LEGAL PRACTICE SKILLS TRAINING 35

V. LEGAL PRACTICE SKILLS: IDENTIFIED SOURCES OF LEGAL PRACTICE SKILLS TRAINING OF MINNESOTA LAWYERS 35

VI. SUMMARY OF THE SOURCES OF LAW PRACTICE MANAGEMENT SKILLS 42

VII. LAW PRACTICE MANAGEMENT SKILLS: IDENTIFIED SOURCES OF LAW PRACTICE MANAGEMENT SKILLS OF MINNESOTA LAWYERS 43

APPENDIX A: IDENTIFIED SOURCES OF LEGAL PRACTICE SKILLS TRAINING—FULL TABLES SHOWING RESULTS OF THE 1997–99 AND 2013 SURVEYS 48

APPENDIX B: IDENTIFIED SOURCES OF LAW PRACTICE MANAGEMENT SKILLS TRAINING—FULL TABLES SHOWING RESULTS OF THE 1997–99 AND 2013 SURVEYS 57

APPENDIX C: SURVEY INSTRUMENT..... 62

A. Letter to Minnesota Lawyers 62

B. Link to Survey 62

I. INTRODUCTION

Four studies conducted over thirty-eight years demonstrate that lawyers perceive themselves as increasingly more prepared to effectively practice law upon graduation from law school. However, two Minnesota studies—one in 1997–99 and the other in 2013—demonstrate that law schools provide only a small portion of the preparation necessary for lawyers to practice law. Law schools do not offer a curriculum that trains law students to effectively use their law degrees for the practice in the current legal practice system, in non-law professions, or for the changing future of legal practices. Before the advent of the United States’ law schools in the late 1800s, attorneys learned their trade through their own experience, often as apprentices or through work-related experience. An analysis of the sources of legal training based on the 1997–99 and 2013 Minnesota Studies show that, in spite of the enormous amount of money and effort spent on formal legal

education, two sources of a lawyer's training—a lawyer's law-related work while in law school and the lawyer's own experience—remain by far the most significant.

Following the publication of the results of the first Minnesota study in 2000,¹ along with all of the criticism of legal education and suggestions for reform,² we naively assumed that there would be significant change and improvement in legal education. The evidence seemed obvious, and the criticisms of legal education were substantial. The MacCrate Report in 1992 set the tone. The Carnegie Report in 2007 added support for change. However, the results of the 2013 Minnesota study demonstrate that systemic changes in the delivery of legal education have not occurred.

The study of law is becoming increasingly expensive.³ Law graduates have substantial debt from law school and undergraduate loans.⁴ The number of jobs available in law practice is decreasing and most law graduates practice in a solo practitioner or in a small firm.⁵ Law schools are recruiting students from a diverse, yet shrinking pool of applicants.⁶ The wide variety of learning styles possessed by this diverse group makes it difficult for professors to reach a significant proportion of law students.⁷

The legal education system has not made systemic improvement to make a legal education more relevant. That law schools are not doing what is necessary to prepare students to

1. See John Sonsteng with David Camarotto, *Minnesota Lawyers Evaluate Law Schools, Training and Job Satisfaction*, 26 WM. MITCHELL L. REV. 327 (2000).

2. See, e.g., JOHN SONSTENG WITH DONNA WARD ET AL., *A LEGAL EDUCATION RENAISSANCE: A PRACTICAL APPROACH FOR THE TWENTY-FIRST CENTURY* (2008).

3. *Tuition Three Times Faster than Inflation, but Some Schools Buck the Trend*, NAT'L JURIST (Feb. 22, 2012), <http://www.nationaljurist.com/content/tuition-three-times-faster-inflation-some-schools-buck-trend>.

4. *Which Law School Graduates Have the Most Debt?*, U.S. NEWS & WORLD REP., <http://www.usnews.com/education/best-graduate-schools/the-short-list-grad-school/articles/2012/03/22/10-law-schools-that-lead-to-the-most-debt> (last visited May 21, 2014).

5. *Why Attending Law School Is the Worst Career Decision You'll Ever Make*, FORBES (June 26, 2012), <http://www.forbes.com/sites/jmaureenhenderson/2012/06/26/why-attending-law-school-is-the-worst-career-decision-youll-ever-make>.

6. See, e.g., *Statistics*, A.B.A., http://www.americanbar.org/groups/legal_education/resources/statistics.html (last visited May 21, 2014).

7. Harold Pashler et al., *Learning Styles: Concepts and Evidence*, 9 PSYCHOL. SCI. PUB. INT. 105, 105 (2008).

practice law leaves it up to each lawyer obtain their own training just like they always have.

From 1975 to 2013, four studies have analyzed the effectiveness of a general law school curriculum in preparing students to practice effectively in the legal profession.

1975–76: Zemans and Rosenblum. Frances Kahn Zemans and Victor G. Rosenblum conducted a study from 1975 to 1976 on the legal profession that was published in 1981 by the American Bar Foundation.⁸ Zemans and Rosenblum sought a better understanding of how law school education affects the professional development of lawyers.⁹ The survey asked lawyers about the relative importance of selected skills and areas of knowledge important to the practice of law;¹⁰ the law school's contribution to these skills and areas of knowledge, showing how prepared the lawyers were after law school;¹¹ and the effectiveness of teaching the skills and areas of knowledge in law school.¹² The importance score was the mean response on a five-point scale with one being the most important and five of the lowest importance.¹³

1991–92 Garth and Martin. Fifteen years later, from 1991 to 1992, Bryant G. Garth and Joanne Martin conducted a series of four surveys.¹⁴ First, Garth and Martin sought to compare their

8. See FRANCES KAHN ZEMANS & VICTOR G. ROSENBLUM, *THE MAKING OF A PUBLIC PROFESSION* (1981).

9. *Id.* at xiii.

10. The 1975–76 Zemans and Rosenblum study surveyed the “importance” of lawyering skills, similar to the skills in both the survey of Minnesota lawyers and the 1991–92 Garth and Martin survey, including: ability to understand and interpret opinions, regulations, and statutes; drafting legal documents; knowledge of substantive law; legal research; fact gathering; effective oral expression; letter writing; instilling others’ confidence in you; negotiating; and knowledge of procedural law. Each score of “importance” was based on the mean of the responses. The responses rated each skill on a five-point scale; 1 for highest importance to 5 for lowest importance. See *id.* at 123–28.

11. See *id.* at 135–50.

12. See *id.* at 140–50.

13. See *id.* at 125 tbl.6.1.

14. The Garth & Martin study consisted of four surveys and sample groups. See Bryant G. Garth & Joanne Martin, *Law Schools and the Construction of Competence*, 43 J. LEGAL EDUC. 469, 471–72 (1993). The first survey, which was conducted by telephone, targeted hiring partners in all firms in Chicago that had a minimum of five partners. *Id.* at 471. The second survey was aimed at practicing lawyers in Chicago who had been admitted to the bar between 1986 and 1991; the “young Chicago lawyers.” *Id.* Surveys were mailed to a random sample of 1500 attorneys

survey to the earlier Zemans and Rosenblum survey and to measure any of the changes that had occurred since the late 1970s.¹⁵ Thus, this study repeated portions of the Zemans and Rosenblum study to survey many of the same skills.¹⁶ The survey of “young Chicago lawyers”¹⁷ by Garth and Martin asked the lawyers to rank the “importance” of seventeen legal skills and areas of knowledge.¹⁸ The Garth and Martin survey, like the Zemans and Rosenblum survey, was based on a five-point scale with 1 being “extremely important” and 5 being “not important at all.”¹⁹ Second, Garth and Martin sought to update the list of surveyed legal skills by including parts of the MacCrate Report list.²⁰ Third, Garth and Martin sought to probe the lawyers about their ability to obtain and keep clients.²¹

1997–99 and 2013 Minnesota Studies—Sonsteng. In 1997–99 and 2013, the Minnesota Studies undertook to determine to what extent law schools provided Minnesota lawyers consistent training in important legal practice and law practice management skill areas.²² The legal practice skills surveyed are the same seventeen that were used in the Garth and Martin survey,²³ which Garth and Martin had expanded upon from the MacCrate Report.²⁴ The list of practice management skills was taken from the Lawyer’s Handbook.²⁵

Minnesota lawyers were surveyed between October 17, 1997 and August 12, 1998 and again between August 10, 1999 and

and over fifty percent of the attorneys responded. *Id.* The final two surveys were outside the large urban context and were sent to two samples in Missouri. *Id.* at 472. These two surveys were similar to the survey of the “young Chicago lawyers.” *Id.*

15. *Id.* at 471.

16. *Id.*

17. “Young Chicago lawyers” was defined as lawyers who were admitted to the bar between 1986 and 1991. *Id.* at 471; *see also id.* at 473 tbl.1.

18. *See id.* at 473 tbl.1. These same skills were used in the Minnesota Studies.

19. *Id.* at 472.

20. *See id.* at 471.

21. *See id.*

22. *See infra* Appendix C (survey instrument).

23. *See* AM. BAR ASS’N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 138–40 (1992) [hereinafter MACCRATE REPORT].

24. *See id.* at 138–40.

25. *See generally* THE LAWYER’S HANDBOOK: HOW TO EFFECTIVELY, EFFICIENTLY AND PROFITABLY MANAGE YOUR LAW FIRM (Austin G. Anderson et. al. eds., 3d ed. 1992) [hereinafter THE LAWYER’S HANDBOOK].

September 30, 1999.²⁶ The most recent survey was conducted between May 29, 2013 and August 9, 2013.²⁷ The Minnesota survey instrument was designed to study how well prepared Minnesota lawyers felt after law school in seventeen legal practice skills and nine management skills.²⁸ The lawyers were also asked to what extent Minnesota lawyers perceived those skills to be important and from what sources they received those skills.²⁹

The 1992 MacCrate Report³⁰ identified ten fundamental lawyering skills:

- (1) Problem Solving
- (2) Legal Analysis and Reasoning
- (3) Legal Research
- (4) Factual Investigation
- (5) Communication
- (6) Counseling

26. Of the 726 Minnesota attorneys in the 1999 survey, 288 respondents (39.7%) attended William Mitchell College of Law, 165 respondents (22.7%) attended the University of Minnesota Law School, 96 respondents attended Hamline University College of Law (13.2%), and 177 respondents (24.4%) attended other law schools. Of the 1042 respondents who completed the 1997–98 survey, 354 (41.4%) graduated from William Mitchell, 264 (30.9%) graduated from the University of Minnesota, and 50 (5.9%) graduated from Hamline University and the remainder attended law schools throughout the country.

27. Of the 1108 Minnesota attorneys who responded to the 2013 survey, 503 respondents (45.4%) attended William Mitchell, 131 respondents (11.8%) attended the University of Minnesota, 166 respondents attended Hamline University (15.0%), 83 respondents (7.5%) attended University of Saint Thomas Law School, and 190 respondents (17.1%) attended law schools outside of Minnesota. Thirty-five respondents (3.2%) did not respond.

607 respondents (54.8%) were women, 501 respondents (45.2%) were men.

The 2013 survey was sent to Minnesota attorneys who passed the Minnesota bar in the past 10 years. 96 respondents (8.7%) were admitted in 2012, 100 respondents (9.0%) in 2011, 118 respondents (10.6%) in 2010, 110 respondents (9.9%) in 2009, 120 respondents (10.8%) in 2008, 129 respondents (11.6%) in 2007, 111 respondents (10%) in 2006, 87 respondents (7.9%) in 2006, 87 respondents (7.9%) in 2005, 95 respondents (8.6%) in 2004, 94 respondents (8.5%) in 2003, 9 respondents (.8%) in 2002, 3 respondents (.3%) in 2001, 4 respondents (0.4%) in 2000, 20 respondents (1.8%) from earlier than 2000, and 11 respondents (1%) did not enter a legible response.

28. See *infra* Appendix C (survey instrument).

29. There were no significant differences among the law schools identified in the two Minnesota surveys.

30. See MACCRATE REPORT, *supra* note 23.

- (7) Negotiation
- (8) Litigation and Alternative Dispute Resolution Procedures
- (9) Organization and Management of Legal Work
- (10) Recognizing and Resolving Ethical Dilemmas³¹

The Minnesota Studies follow the Garth and Martin surveys, which expanded the number of lawyering skills set out in the MacCrate Report and surveyed the following seventeen areas:

- (1) Ability to diagnose and plan solutions for legal problems
- (2) Ability in legal analysis and reasoning
- (3) Knowledge of substantive law
- (4) Knowledge of procedural law
- (5) Library legal research
- (6) Computer legal research
- (7) Factual gathering
- (8) Oral communication
- (9) Written communication
- (10) Counseling
- (11) Instilling others' confidence in you
- (12) Ability to obtain and keep clients
- (13) Negotiation
- (14) Understanding and conducting litigation
- (15) Organization and management of legal work
- (16) Sensitivity to professional ethical concerns
- (17) Drafting legal documents³²

All surveys from 1975–2013 asked the respondents:

- (1) To rank the importance of each legal practice skill
- (2) To rank the extent they perceived they were prepared for the practice of law in each legal skill³³

31. *Id.* at 138–40.

32. *See* Garth & Martin, *supra* note 14, at 472–73. Garth and Martin surveyed practicing lawyers in Chicago, Illinois. *See id.* at 471. The sample of the survey consisted of all firms in Chicago that had a minimum of five partners. *Id.*

33. None of the surveys asked participants to respond to the question: “To what extent did your legal education prepare you to use your law degree in non-law related fields?”

The 1997–99, and 2013 Minnesota Studies also asked respondents:

- (1) Which of the practice skills could be learned in law school?
- (2) What was the source of training in each of the skills?

The 1997–99 and 2013 Minnesota Studies analyzed nine additional law practice management skills:

- (1) Fee arrangements, pricing, billing
- (2) Human resources, hiring, support staff
- (3) Capitalization, investment
- (4) Project and time management, efficiency
- (5) Planning, resource allocation, budgeting
- (6) Market, client development
- (7) Technology, computers, communications
- (8) Governance, decision-making, long-range strategic planning
- (9) Interpersonal communications, staff relations³⁴

Respondents were asked to rank the importance and their perceptions of preparedness for each management skill, as well as whether they believed those skills could be learned in law school. Respondents were asked to name their top three sources of training for each legal practice skill and each management skill.

Survey participants were asked to rank the three main sources of their training from a list of fifteen sources.

II. SUMMARY FINDINGS³⁵

The survey results demonstrate gaps in legal education and why law schools should revise their missions, curriculum, and teaching and learning methods to meet the needs of the law school and the profession to provide sufficient training and learning opportunities and become relevant for the present and future.

- (1) The 2013 respondents perceived themselves to be better prepared than earlier respondents in legal practice skills³⁶ and

34. See generally THE LAWYER'S HANDBOOK, *supra* note 25 (providing additional information on the relevant management skills).

35. The summary findings are based on an analysis of the tables found in Appendix A.

36. See *infra* Tables 2, 4.

in law practice management skills³⁷ than the respondents in the earlier survey.

- (2) Nearly all of the legal practice and law practice management skills were perceived as important.³⁸
- (3) The legal practice and law practice management skills could be learned in law school.³⁹
- (4) Only five sources of training in the legal practice skills and were ranked as one of the top three sources of training in both the 1997–99 and 2013 surveys. For both legal practice skills and law practice management skills, respondents were asked to choose the top three sources of their training from the following list of fifteen sources:

Top Five Sources

- General law school curriculum
- Law related work experience in summers or during academic year
- Own experience
- Observation of other lawyers
- Advice from other lawyers

Other Sources

- Moot court/other competitions
- Continuing legal education courses
- Training by another school
- Legal practice simulations in law school
- Law review experience
- Client contacts through law school clinics
- Observation of nonlawyers
- Advice from nonlawyers
- Training by product or service vendors
- Other⁴⁰

37. See *infra* Tables 6, 8.

38. See *infra* Tables 1, 3, 5, 8.

39. See *infra* Tables 3, 4, 7, 8.

40. See *infra* Tables 10A–Q.

- (5) The same sources were named as the “top five” sources of legal practice and law practice management skills in the 1997–99 and 2013 survey.⁴¹
- (6) Law school legal practice simulations and law school clinics play a small but increasing role in legal education.⁴²
- (7) All seventeen legal practice skills and all nine law practice management skills were perceived by attorneys as important to their practice of the law and a significant number of attorneys believe these subjects could be taught successfully in law school.⁴³

III. LEGAL PRACTICE SKILLS

A. *Importance of Legal Practice Skills*

Minnesota attorneys were asked to rate the importance of the legal practice skills on a scale of one (not at all important) to seven (very important). A skill was considered “important” if it received a score of five, six, or seven.⁴⁴ More than 69% of the respondents perceive the seventeen legal practice skills as important to the practice of law. However, in the 2013 survey only 28.5% of the respondents perceived library legal research to be important.

41. See *infra* Tables 12A–I.

42. See *infra* Tables 10A–Q, 12A–I.

43. See *infra* Tables 3, 4, 7, 8.

44. For the purposes of this comparison, the “percentage important” includes the responses of “extremely important” and “important,” i.e., the responses of one and two on a five-point scale of importance for the Zemans & Rosenblum study and the Garth & Martin survey. The “percentage important” in the survey of Minnesota lawyers consisted of the rankings of five through seven, the rankings of “important” to “very important.”

Table 1: Legal Practice Skills: Changes in Perceptions of Importance over Time

Legal Practice Skills	<i>Zemans-Rosenblum 1975–76</i> ⁴⁵	<i>Garth-Martin 1986–91</i> ⁴⁶	<i>Minnesota Lawyers 1997–99</i>	<i>Minnesota Lawyers 2013</i>
Ability to diagnose and plan for legal problems	*	81.5	97.9	96.1
Ability in legal analysis and legal reasoning	86.6	90.9	97.5	96.8
Written communication	*	96.3	97.2	97.4
Oral communication	87.4	97.6	96.8	96.0
Instilling others' confidence in you	88.6	90.5	92.0	89.0
Negotiation	78.9	73.4	90.0	86.2
Sensitivity to professional and ethical concerns	*	68.9	86.4	85.4
Fact gathering	93.0	71.6	85.9	86.6
Drafting legal documents	74.2	84.9	85.8	91.0
Organization and management of legal work	*	75.4	85.0	85.2
Counseling	*	62.0	82.6	86.4
Ability to obtain and keep clients	*	54.0	80.2	80.4
Knowledge of procedural law	62.9	67.8	79.6	80.2
Knowledge of the substantive law	90.1	83.0	79.1	79.4
Computer legal research	*	34.9	76.6	87.1
Library legal research	80.6	59.8	69.1	28.5
Understanding and conducting litigation	*	62.2	69.0	71.5

45. See ZEMANS & ROSENBLUM, *supra* note 8, at 125 tbl.6.1. Legal skills not specifically surveyed by the 1975–76 Zemans-Rosenblum study are noted by a *.

46. See Garth & Martin, *supra* note 14, at 473 tbl.1.

B. Perception of Preparedness in Legal Practice Skills

The 1975–76 Zemans and Rosenblum study asked respondents whether they learned specific lawyering skills and areas of knowledge.⁴⁷ The responses were tallied in a “Yes” or “No” format.⁴⁸ The 1991–92 survey of young Chicago lawyers by Garth and Martin also asked their respondent lawyers the same question, whether the seventeen skills or areas of knowledge were “learned essentially through law school,”⁴⁹ in the same format. The Minnesota surveys asked the same question, asking “how prepared” the lawyer was immediately after law school.⁵⁰

A comparison of all the 1975–2013 surveys demonstrates the changes in how prepared lawyers perceived themselves to be in the seventeen legal practice skills immediately after law school.

In both the 1999 and 2013 Minnesota Studies, attorneys were asked to rate on a scale of one to seven how well they thought law school prepared them in that skill. As table 4 shows, most of the 1999 and 2013 survey respondents felt most prepared immediately after law school for “legal analysis and legal reasoning” (1999: 85%, 2013: 84.3%). Respondents perceived themselves to be least prepared immediately after law school for the “ability to obtain and keep clients” (1999: 13.2%, 2013: 10%). In nine of the seventeen legal practice skills, less than 50% of 1999 and 2013 survey respondents felt that they were well prepared immediately after law school.

47. See ZEMANS & ROSENBLUM, *supra* note 8, at 135–50.

48. See *id.* at 222 app.1.

49. See Garth & Martin, *supra* note 14, at 479 tbl.4.

50. For the purposes of this analysis, the percentage of “Yes’s” from the Zemans & Rosenblum and the Garth & Martin surveys were compared to the rankings of five through seven in the study of Minnesota lawyers (“prepared” to “very well prepared”).

Table 2: Legal Practice Skills: Changes in Perceptions of Preparedness over Time

Legal Practice Skills	<i>Zemans-Rosenblum 1975-76</i>	<i>Garth-Martin 1986-91</i>	<i>Minnesota Lawyers 1997-99</i>	<i>Minnesota Lawyers 2013</i>
Ability to diagnose and plan for legal problems	*	33.0	54.9	58.3
Ability in legal analysis and legal reasoning	77.0	71.0	85.0	84.3
Drafting legal documents	11.0	18.0	33.2	45.0
Knowledge of the substantive law	79.0	81.0	61.9	57.1
Library legal research	75.0	83.0	83.7	59.1
Computer legal research	*	66.0	76.0	81.7
Fact gathering	16.0	10.0	37.5	49.8
Oral communication	15.0	6.0	69.3	72.7
Written communication	*	27.0	81.1	78.6
Counseling	*	1.0	28.6	39.1
Instilling others' confidence in you	4.0	4.0	37.7	42.0
Negotiation	2.0	9.0	29.9	43.6
Knowledge of procedural law	50.0	53.0	49.0	45.6
Understanding and conducting litigation	*	11.0	25.7	28.7
Organization and management of legal work	*	4.0	20.5	30.7
Ability to obtain and keep clients	*	2.0	13.2	10.0
Sensitivity to professional and ethical concerns	*	74.0	68.2	50.0

C. Whether Legal Practice Skills Can Be Learned in Law School

Minnesota lawyers were asked whether they believed the identified legal skills could be learned in law school. Respondents answered "Yes" or "No."

In both the 1999 and 2013 studies, respondents believed that a majority of the legal practice skills could be learned in law school. Seventy percent or more of the respondents believed that fourteen of the seventeen legal practice skills could be learned in law school. The three skills that less than 70% of respondents believed could be learned in law school were:

- Instilling others' confidence in you (1999: 54.7%, 2013: 35%)
- Organization and management of legal work (1999: 65.1%, 2013: 58.7%)
- Ability to obtain and keep clients

Table 3: Legal Practice Skills: Importance, Preparedness and Ability to Learn in Law School

Legal Practice Skills	Percent Perceiving:					
	Importance		Preparedness		Skill can be learned in law school	
	1997	2013	1997	2013	1997	2013
Ability to diagnose and plan solutions for legal problems	97.9	96.1	54.9	58.3	90.5	90.7
Ability in legal analysis and legal reasoning	97.9	96.8	85.0	84.3	97.7	99.4
Written communication	97.2	97.4	81.1	78.6	95.0	96.4
Oral communication	96.8	96.0	69.3	72.7	85.6	88.9
Instilling others' confidence in you	92.0	89.0	37.7	54.7	35.0	54.7
Negotiation	90.0	86.2	29.9	43.6	85.2	86.8
Sensitivity to professional and ethical concerns	86.4	85.4	68.2	50.0	95.9	95.8
Fact gathering	85.9	86.6	37.5	49.8	78.7	80.9
Drafting legal documents	85.8	91.0	33.2	45.0	94.1	96.2
Organization and management of legal work	85.0	85.2	20.5	30.7	58.7	65.7
Counseling	82.5	86.4	28.6	39.1	70.0	74.7

Legal Practice Skills	Percent Perceiving:					
	Importance		Preparedness		Skill can be learned in law school	
Ability to obtain and keep clients	80.2	80.4	13.2	10.0	32.7	47.4
Knowledge of procedural law	79.6	80.2	49.0	45.5	97.5	96.4
Knowledge of substantive law	79.1	79.4	61.9	51.7	95.3	95.2
Computer legal research	76.6	87.1	76.0	81.7	99.7	99.6
Library legal research	69.1	29.5	83.7	59.1	100	99.3
Understanding and conducting litigation	69.0	71.5	25.7	28.7	81.4	81.1

Table 4: Legal Practice Skills: Whether Skills Can Be Learned in School

Legal Practice Skills	Skill can be learned in law school	
	1997-99	2013
Ability to diagnose and plan solutions for legal problems	90.5	90.7
Ability in legal analysis and legal reasoning	97.7	99.4
Written communication	95.0	96.4
Oral communication	85.6	88.9
Instilling others' confidence in you	35.0	54.7
Negotiation	85.2	86.8
Sensitivity to professional and ethical concerns	95.9	95.8
Fact gathering	78.7	80.9
Drafting legal documents	94.1	96.2
Organization and management of legal work	58.7	68.7
Counseling	70.0	74.7
Ability to obtain and keep clients	32.7	47.4
Knowledge of procedural law	97.5	96.4
Knowledge of the substantive law	95.3	95.2
Computer legal research	99.7	99.6
Library legal research	100	99.3
Understanding and conducting litigation	81.3	81.9

D. Importance of Law Practice Management Skills

The 1997–99 and 2013 surveys of Minnesota attorneys in practice ten years or less also asked about respondents' perceptions of the importance to their practice of a number of management skills. The management skills were:

- (1) Project and time management, efficiency
- (2) Interpersonal communications, staff relations
- (3) Technology, computers, communications
- (4) Market, client development
- (5) Governance, decision-making, long-range strategic planning
- (6) Planning, resource allocation, budgeting
- (7) Fee arrangements, pricing, billing
- (8) Human resources, hiring, support staff
- (9) Capitalization, investment⁵¹

Table 5 Law Practice Management Skills: Importance

Law Practice Management Skills	Importance	
	1997–99	2013
Project and time management, efficiency	91.9	91.0
Interpersonal communications, staff relations	91.6	81.5
Technology, computers, communications	81.9	80.4
Marketing, client development	69.7	67.9
Governance, decision-making, long range strategic planning	61.9	62.7
Planning, resource allocation, budgeting	61.2	67.5
Fee arrangements, pricing, billing	59.2	64.0
Human resources, hiring, support staff	57.8	49.0
Capitalization, investment	29.9	32.7

E. Perceptions of Preparedness in Law Practice Management Skills

Respondents were asked how well prepared they perceived themselves to be upon graduation from law school to practice management skills.

51. See generally THE LAWYER'S HANDBOOK, *supra* note 25 (providing additional information on the relevant management skills).

Table 6: Law Practice Management Skills: Perceived Preparedness

Law Practice Management Skills	Preparedness	
	1997-99	2013
Project and time management, efficiency	31.9	40.3
Interpersonal communications, staff relations	42.1	39.6
Technology, computers, communications	50.3	53.4
Marketing, client development	7.9	10.2
Governance, decision-making, long range strategic planning	13.3	13.4
Planning, resource allocation, budgeting	12.8	13.7
Fee arrangements, pricing, billing	6.3	9.0
Human resources, hiring, support staff	10.2	8.9
Capitalization, investment	3.1	4.0

F. Whether Law Practice Management Skills Can Be Learned in Law School

Table 7: Law Practice Management Skills: Whether Skills Can Be Learned in Schools

Law Practice Management Skills	This skill can be learned in law school	
	1997-99	2013
Project and time management, efficiency	77.3	81.8
Interpersonal communications, staff relations	51.9	58.6
Technology, computers, communications	94.0	88.2
Marketing, client development	67.7	72.1
Governance, decision-making, long range strategic planning	57.5	62.2
Planning, resource allocation, budgeting	64.6	70.4
Fee arrangements, pricing, billing	73.0	76.0
Human resources, hiring, support staff	49.0	54.7
Capitalization, investment	53.7	56.7

Table 8: Law Practice Management Skills: Importance, Preparedness and Ability to Learn in Law School

Law Practice Management Skills	Percent Perceiving					
	Importance		Preparedness		Skill can be learned in law school	
	1997-99	2013	1997-99	2013	1997-99	2013
Project and time management, efficiency	91.1	91.9	31.9	40.3	77.3	81.8
Interpersonal communications, staff relations	91.6	81.5	42.1	39.6	51.9	58.6
Technology, computers, communications	81.9	80.4	50.3	52.4	94.0	88.2
Marketing, client development	69.7	67.9	7.9	10.2	67.7	72.1
Governance, decision-making, long-range strategic planning	61.9	62.7	13.3	13.4	57.5	62.2
Planning, resource allocation, budgeting	61.2	67.5	12.8	13.7	64.6	70.4
Fee arrangements, pricing, billing	59.2	64.0	6.3	9.0	73.0	76.0
Human resources, hiring, support staff	57.8	49.0	10.2	8.9	49.0	54.7
Capitalization, investment	29.9	32.7	3.1	4.0	53.7	56.7

IV. SUMMARY OF THE SOURCES OF LEGAL PRACTICE SKILLS TRAINING

In the 1997–99 and 2013 Minnesota surveys, attorneys were asked to select up to three sources that most led to their development in each of the seventeen legal practice skills.⁵² The goal of these surveys was to determine the extent to which law schools provided training in these skill areas, and to what extent lawyers received their training from other sources.⁵³

Table 9: Rank of Sources for Legal Practice Skills Training

Source of Training	Rank		
	First	Second	Third
Law School Curriculum	6 times	1 time	4 times
Own Experience	6 times	2 times	7 times
Law Related Work while in School	3 times	6 times	2 times
Observing other Lawyers	1 time	5 times	3 times
Advice from others	1 time	2 times	

V. LEGAL PRACTICE SKILLS: IDENTIFIED SOURCES OF LEGAL PRACTICE SKILLS TRAINING OF MINNESOTA LAWYERS⁵⁴

In the 1997–99 and 2013 Minnesota surveys, attorneys were asked to identify the three most important sources of training for each of the seventeen legal practice skills.⁵⁵ The following tables identify the top three sources of training for each skill, along with the percentage of survey participants who selected them. The tables also include selection percentages for the five law-school-specific sources of training: law school curriculum, legal practice simulations, law school clinics, law review, and moot court/competitions.

52. See *infra* Appendix A.

53. See *supra* text accompanying note 40 for a full list of the fifteen sources of training.

54. See *infra* Appendix A for complete tables.

55. See *supra* text accompanying note 32.

Table 10A: Ability to Diagnose and Plan for Legal Problems

Top 3			
1997-99	%	2013	%
1. Law Related Work Experience	53.5	1. Law Related Work Experience	63.7
2. Own Experience	52.2	2. Own Experience	46.0
3. Law School Curriculum	51.2	3. Law School Curriculum	44.3
Law-School-Related Sources of Training			
1997-99		2013	
Law School Curriculum	51.2	Law School Curriculum	44.3
Legal Practice Simulations	20.2	Legal Practice Simulations	26.6
Law School Clinics	8.5	Law School Clinics	16.9
Law Review	1.0	Law Review	1.0
Moot Court/Competitions	9.8	Moot Court/Competitions	7.7

Table 10B: Ability in Legal Analysis and Legal Reasoning

Top 3			
1997-99		2013	
1. Law school curriculum	88.2	1. Law school curriculum	88.3
2. Law related work experience	54.0	2. Law related work experience	57.5
3. Own experience	38.3	3. Own experience	30.2
Law-School-Related Sources of Training			
1997-99		2013	
Law School Curriculum	88.2	Law School Curriculum	88.3
Legal Practice Simulations	14.5	Legal Practice Simulations	20.4
Law School Clinics	3.8	Law School Clinics	8.2
Law Review	9.4	Law Review	9.3
Moot Court/Competitions	17.6	Moot Court/Competitions	16.5

Table 10C: Drafting Legal Documents

Top 3			
1997-99		2013	
1. Law related work experience	59.8	1. Law related work experience	60.3
2. Own experience	41.0	2. Law school curriculum	43.5
3. Law school curriculum	39.4	3. Own experience	36.7

Law-School-Related Sources of Training			
1997-99		2013	
Law School Curriculum	39.4	Law School Curriculum	43.5
Legal Practice Simulations	18.5	Legal Practice Simulations	24.6
Law School Clinics	5.4	Law School Clinics	8.7
Law Review	4.0	Law Review	3.9
Moot Court/Competitions	9.5	Moot Court/Competitions	12.0

Table 10D: Knowledge of the Substantive Law

Top 3			
1997-99		2013	
1. Law school curriculum	91.8	1. Law school curriculum	84.7
2. Law related work experience	51.5	2. Law related work experience	52.4
3. Own experience	35.1	3. Own experience	33.2
Law-School-Related Sources of Training			
2013		1997-99	
Law School Curriculum	84.7	Law School Curriculum	91.8
Legal Practice Simulations	9.2	Legal Practice Simulations	5.3
Law School Clinics	5.9	Law School Clinics	2.9
Law Review	4.0	Law Review	4.6
Moot Court/Competitions	5.2	Moot Court/Competitions	7.3

Table 10E: Library Legal Research

Top 3			
1997-99		2013	
1. Law School Curriculum	93.7	1. Law School Curriculum	93.4
2. Law Related Work Experience	52.1	2. Law Related Work Experience	22.2
3. Own Experience	34.4	3. Own Experience	20.2
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	93.7	Law school curriculum	93.4
Legal practice simulations	8.5	Legal practice simulations	13.8
Law school clinics	1.2	Law school clinics	0.5
Law review	16.5	Law review	17.9
Moot court/competitions	15.4	Moot court/competitions	9.0

Table 10F: Computer Legal Research

Top 3			
1997-99		2013	
1. Law School Curriculum	84.4	1. Law School Curriculum	84.6
2. Law related work	43.6	2. Law Related Work	45.0
3. Own Experience	40.4	3. Own Experience	36.3
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	84.4	Law school curriculum	84.6
Legal practice simulations	6.6	Legal practice simulations	11.4
Law school clinics	0.8	Law school clinics	1.3
Law review	15.3	Law review	17.4
Moot court/competitions	10.8	Moot court/competitions	11.1

Table 10G: Fact Gathering

Top 3			
1997-99		2013	
1. Own Experience	63.0	1. Own Experience	55.7
2. Law related work experience	44.6	2. Law related work experience	53.2
3. Observe other lawyers	34.7	3. Observe other lawyers	36.3
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	25.9	Law school curriculum	28.2
Legal practice simulations	12.9	Legal practice simulations	15.8
Law school clinics	8.8	Law school clinics	15.4
Law review	2.0	Law review	0.7
Moot court/competitions	5.3	Moot court/competitions	6.6

Table 10H: Oral Communication

Top 3			
1997-99		2013	
1. Own Experience	69.7	1. Own Experience	58.8
2. Law school curriculum	36.9	2. Observe other lawyers	39.3
3. Observe other lawyers	32.7	3. Law School Curriculum	34.2

Law-School-Related Sources of Training			
1997–99		2013	
Law school curriculum	36.9	Law school curriculum	34.2
Legal practice simulations	17.3	Legal practice simulations	25.3
Law school clinics	4.9	Law school clinics	12.6
Law review	1.2	Law review	0.8
Moot court/competitions	25.6	Moot court/competitions	27.8

Table 10I: Written Communication

Top 3			
1997–99		2013	
1. Law school curriculum	65.8	1. Law school curriculum	66.0
2. Own Experience	56.9	2. Law related work experience	49.4
3. Law related work experience	42.9	3. Own Experience	44.5
Law-School-Related Sources of Training			
1997–99		2013	
Law school curriculum	65.8	Law school curriculum	66.0
Legal practice simulations	9.8	Legal practice simulations	19.9
Law school clinics	3.3	Law school clinics	7.1
Law review	14.6	Law review	14.4
Moot court/competitions	17.2	Moot court/competitions	16.6

Table 10J: Counseling

Top 3			
1997–99		2013	
1. Own Experience	63.1	1. Own Experience	52.8
2. Observe other lawyers	46.6	2. Observe Other Lawyers	49.6
3. Advice from other lawyers	31.6	3. Law related work experience	36.0
Law-School-Related Sources of Training			
1997–99		2013	
Law school curriculum	17.2	Law school curriculum	19.7
Legal practice simulations	13.2	Legal practice simulations	16.6
Law school clinics	10.0	Law school clinics	19.5
Law review	0.8	Law review	0.1
Moot court/competitions	3.9	Moot court/competitions	2.9

Table 10K: Instilling Others' Confidence in You

Top 3			
1997-99		2013	
1. Own experience	80.4	1. Own Experience	69.7
2. Observe other lawyers	40.1	2. Observe other Lawyers	43.4
3. Advice from other lawyers	27.4	3. Advice from other Lawyers	33.9
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	7.8	Law school curriculum	6.8
Legal practice simulations	4.3	Legal practice simulations	7.5
Law school clinics	6.1	Law school clinics	13.4
Law review	2.0	Law review	1.4
Moot court/competitions	2.7	Moot court/competitions	4.5

Table 10L: Negotiation

Top 3			
1997-99		2013	
1. Own experience	65.5	1. Own experience	50.5
2. Observe other lawyers	47.6	2. Observe other lawyers	45.6
3. Advice from other lawyers	28.5	3. Law school curriculum	34.4
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	26.3	Law school curriculum	34.4
Legal practice simulations	15.7	Legal practice simulations	24.0
Law school clinics	4.9	Law school clinics	6.8
Law review	0.8	Law review	0.0
Moot court/competitions	4.5	Moot court/competitions	6.1

Table 10M: Knowledge of Procedural Law

Top 3			
1997-99		2013	
1. Law school curriculum	82.5	1. Law school curriculum	78.1
2. Law related work experience	44.9	2. Law related work experience	50.5
3. Own experience	36.6	3. Own experience	32.6

Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	82.5	Law school curriculum	78.1
Legal practice simulations	8.6	Legal practice simulations	14.1
Law school clinics	3.8	Law school clinics	6.9
Law review	1.2	Law review	0.5
Moot court/competitions	5.5	Moot court/competitions	5.8

Table 10N: Understanding and Conducting Litigation

Top 3			
1997-99		2013	
1. Law related work experience	44.2	1. Law related work experience	47.1
2. Observe other lawyers	43.7	2. Observe other lawyers	44.7
3. Law school curriculum	39.8	3. Law school curriculum	36.1
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	39.8	Law school curriculum	36.1
Legal practice simulations	18.6	Legal practice simulations	23.2
Law school clinics	4.9	Law school clinics	7.6
Law review	0.5	Law review	0.0
Moot court/competitions	6.1	Moot court/competitions	7.6

Table 10O: Organization and Management of Legal Work

Top 3			
1997-99		2013	
1. Own experience	63.1	1. Own experience	60.2
2. Observe other lawyers	46.1	2. Law related work experience	46.0
3. Advice from other lawyers	41.2	3. Observe other lawyers	45.5
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	11.1	Law school curriculum	12.1
Legal practice simulations	7.4	Legal practice simulations	9.3
Law school clinics	5.3	Law school clinics	8.5
Law review	0.7	Law review	1.2
Moot court/competitions	2.0	Moot court/competitions	1.4

Table 10P: Ability to Obtain and Keep Clients

Top 3			
1997-99		2013	
1. Own experience	60.3	1. Observe other lawyers	55.7
2. Observe other lawyers	55.7	2. Advice from other lawyers	55.1
3. Advice from other lawyers	50.9	3. Own experience	53.9
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	6.1	Law school curriculum	3.9
Legal practice simulations	3.2	Legal practice simulations	3.2
Law school clinics	3.9	Law school clinics	5.8
Law review	0.4	Law review	0.0
Moot court/competitions	0.0	Moot court/competitions	0.0

Table 10Q: Sensitivity to Professional Ethical Concerns

Top 3			
1997-99		2013	
1. Law school curriculum	84.5	1. Law school curriculum	86.8
2. Own experience	39.0	2. Advice from other lawyers	34.2
3. Advice from other lawyers	31.0	3. Own experience	32.2
Law-School-Related Sources of Training			
1997-99		2013	
Law school curriculum	84.5	Law school curriculum	86.8
Legal practice simulations	4.1	Legal practice simulations	6.1
Law school clinics	1.1	Law school clinics	4.9
Law review	0.6	Law review	0.5
Moot court/competitions	1.4	Moot court/competitions	0.8

VI. SUMMARY OF THE SOURCES OF LAW PRACTICE MANAGEMENT SKILLS

The 1997-99 and 2013 Minnesota surveys asked the respondents to identify up to three sources that most led to their development of each of the fourteen Law Practice Management skills. The goal of the surveys was to determine the extent to which

law schools provided training in these skill areas and the extent to which lawyers received their training from other sources. Only five out of fifteen sources were identified as sources of training.⁵⁶

Table 11: Rank of Sources for Law Practice Management Training

Source of Training	Rank		
	First	Second	Third
Law school curriculum		1 time	
Own experience	8 times	1 time	
Law related work while in school			2 times
Observing other lawyers		2 times	5 times
Advice from others	1 time	times	2 times

VII. LAW PRACTICE MANAGEMENT SKILLS: IDENTIFIED SOURCES OF LAW PRACTICE MANAGEMENT SKILLS OF MINNESOTA LAWYERS⁵⁷

In the 1997–99 and 2013 Minnesota surveys, attorneys were asked to identify the three most important sources of training for each of the fourteen Legal Management Skills.⁵⁸ The following tables identify the top three sources of training for each skill, along with the percentage of survey participants who selected them. The tables also include selection percentages for the five law-school-specific sources of training: law school curriculum, legal practice simulations, law school clinics, law review, and moot court/competitions.

Table 12A: Fee Arrangements, Pricing, Billing

Top 3			
1997–99		2013	
1. Advice from other lawyers	61.5	1. Advice from other lawyers	55.0
2. Own experience	55.1	2. Own experience	51.4
3. Observe other lawyers	52.1	3. Observe other lawyers	49.5

56. See *supra* text accompanying note 40 for a full list of the fifteen sources of training.

57. See *infra* Appendix A for complete tables.

58. See *supra* text accompanying note 32.

Law School Training			
1997-99		2013	
Law school curriculum	4.3	Law school curriculum	7.9
Legal practice simulations	3.9	Legal practice simulations	5.3
Law school clinics	1.2	Law school clinics	2.0
Law review	0.4	Law review	0.0
Moot court/competitions	0.3	Moot court/competitions	0.3

Table 12B: Human Resources, Hiring, Support Staff

Top 3			
1997-99		2013	
1. Own experience	74.7	1. Own experience	64.3
2. Observe other lawyers	42.4	2. Observe other lawyers	41.9
3. Advice from other lawyers	37.9	3. Advice from other lawyers	40.0
Law School Training			
1997-99		2013	
Law school curriculum	0.6	Law school curriculum	1.8
Legal practice simulations	0.0	Legal practice simulations	0.7
Law school clinics	1.1	Law school clinics	0.9
Law review	0.0	Law review	0.0
Moot court/competitions	0.3	Moot court/competitions	0.1

Table 12C: Capitalization, Investment

Top 3			
1997-99		2013	
1. Own experience	64.7	1. Own experience	60.0
2. Advice from other lawyers	41.9	2. Advice from other lawyers	43.7
3. Observe other lawyers	33.2	3. Observe other lawyers	36.6
Law School Training			
1997-99		2013	
Law school curriculum	1.2	Law school curriculum	2.3
Legal practice simulations	0.9	Legal practice simulations	1.0
Law school clinics	0.7	Law school clinics	.3
Law review	0.0	Law review	0.0
Moot court/competitions	0.0	Moot court/competitions	.2

Table 12D: Project and Time Management, Efficiency

Top 3			
1997-99		2013	
1. Own experience	78.5	1. Own experience	69.5
2. Observe other lawyers	37.4	2. Law related work experience	36.2
3. Advice from other lawyers	36.7	3. Advice from other lawyers	34.5
Law School Training			
1997-99		2013	
Law school curriculum	16.9	Law school curriculum	23.0
Legal practice simulations	4.5	Legal practice simulations	9.5
Law school clinics	2.6	Law school clinics	5.0
Law review	3.1	Law review	4.6
Moot court/competitions	2.4	Moot court/competitions	3.1

Table 12E: Planning, Resource Allocation, Budgeting

Top 3			
1997-99		2013	
1. Own experience	72.7	1. Own experience	68.3
2. Advice from other lawyers	42.5	2. Advice from other lawyers	41.3
3. Observe other lawyers	37.3	3. Observe other lawyers	39.0
Law School Training			
1997-99		2013	
Law school curriculum	6.25	Law school curriculum	7.1
Legal practice simulations	2.1	Legal practice simulations	3.5
Law school clinics	1.7	Law school clinics	1.7
Law review	1.4	Law review	1.2
Moot court/competitions	1.1	Moot court/competitions	1.3

Table 12F: Marketing, Client Development

Top 3			
1997-99		2013	
1. Own experience	62.0	1. Own experience	58.8
2. Advice from other lawyers	58.8	2. Advice from other lawyers	54.6
3. Observe other lawyers	57.6	3. Observe other lawyers	53.1
Law School Training			
1997-99		2013	
Law school curriculum	2.0	Law school curriculum	3.9
Legal practice simulations	0.8	Legal practice simulations	1.0
Law school clinics	1.0	Law school clinics	1.0
Law review	0.4	Law review	0.1
Moot court/competitions	0.4	Moot court/competitions	0.0

Table 12G: Technology, Computers, Communications

Top 3			
1997-99		2013	
1. Own experience	69.3	1. Own experience	74.1
2. Law school curriculum	49.8	2. Law school curriculum	41.0
3. Law related work experience	28.1	3. Law related work experience	30.2
Law School Training			
1997-99		2013	
Law school curriculum	49.8	Law school curriculum	41.0
Legal practice simulations	3.8	Legal practice simulations	6.0
Law school clinics	2.3	Law school clinics	1.5
Law review	4.5	Law review	3.3
Moot court/competitions	2.7	Moot court/competitions	1.7

Table 12H: Governance, Decision-Making, Long Range Strategic Planning

Top 3			
1997-99		2013	
1. Own experience	69.3	1. Own experience	74.1
2. Advice from other lawyers	43.1	2. Advice from other lawyers	41.0
3. Observe other lawyers	40.7	3. Observe other lawyers	30.2
Law School Training			
1997-99		2013	
Law school curriculum	3.9	Law school curriculum	41.0
Legal practice simulations	0.8	Legal practice simulations	6.0
Law school clinics	0.9	Law school clinics	1.5
Law review	1.4	Law review	3.3
Moot court/competitions	0.4	Moot court/competitions	1.7

Table 12I: Interpersonal Communications, Staff Relations

Top 3			
1997-99		2013	
1. Own experience	86.8	1. Own experience	81.7
2. Observe other lawyers	39.2	2. Observe other lawyers	40.8
3. Advice from other lawyers	27.6	3. Advice from other lawyers	27.4
Law School Training			
1997-99		2013	
Law school curriculum	4.3	Law school curriculum	5.0
Legal practice simulations	1.5	Legal practice simulations	2.4
Law school clinics	4	Law school clinics	3.9
Law review	2.8	Law review	1.2
Moot court/competitions	1.5	Moot court/competitions	1.5

APPENDIX A: IDENTIFIED SOURCES OF LEGAL PRACTICE
SKILLS TRAINING—FULL TABLES SHOWING RESULTS OF THE
1997–99 AND 2013 SURVEYS

Table 13A: Ability to Diagnose and Plan for Legal Problems

	1997–99	2013
Source of Skill: Law School Training:		
Law school curriculum	51.15	44.3
Legal practice simulations	20.15	26.6
Law school clinics	8.5	16.9
Law review	1.0	1.0
Moot court/competitions	9.8	7.7
Source of Skill: Non-Law School Training:		
Own experience	52.2	46.0
Law related work experience	53.5	63.7
Advice from other lawyers	34.3	34.8
Observe other lawyers	34.8	37.3
CLE courses	10.3	6.7
Advice from nonlawyers	1.6	0.2
Observe nonlawyers	1.7	1.0
Training at other school	1.2	0.5
Training by vendors	0.0	0.2
Other	2.0	2.5

Table 13B: Ability in Legal Analysis and Legal Reasoning

	1997–99	2013
Source of Skill: Law School Training:		
Law school curriculum	88.2	88.3
Legal practice simulations	14.5	20.4
Law school clinics	3.8	8.2
Law review	9.4	9.3
Moot court/competitions	17.6	16.5
Source of Skill: Non-Law School Training:		
Own experience	38.3	30.2
Law related work experience	54.0	57.5
Advice from other lawyers	20.5	20.6
Observe other lawyers	19.5	22.6
CLE courses	7.0	4.1
Advice from nonlawyers	0.5	0.1

Observe nonlawyers	0.3	0.3
Training at other school	2.3	0.7
Training by vendors	0.0	0.1
Other	1.7	2.0

Table 13C: Drafting Legal Documents

	1997–99	2013
Source of Skill: Law School Training:		
Law school curriculum	39.4	43.5
Legal practice simulations	18.5	24.6
Law school clinics	5.4	8.7
Law review	4	3.9
Moot court/competitions	9.5	12.0
Source of Skill: Non-Law School Training:		
Own experience	41.0	36.7
Law related work experience	59.8	60.3
Advice from other lawyers	36.3	33.2
Observe other lawyers	29.9	29.2
CLE courses	15.6	9.4
Advice from nonlawyers	1.3	.5
Observe nonlawyers	0.6	.6
Training at other school	0.5	.7
Training by vendors	0.3	1.1
Other	3.7	2.8

Table 13D: Knowledge of the Substantive Law

	1997–99	2013
Source of Skill: Law School Training:		
Law school curriculum	91.8	84.7
Legal practice simulations	5.3	9.2
Law school clinics	2.9	5.9
Law review	4.6	4.0
Moot court/competitions	7.3	5.2
Source of Skill: Non-Law School Training:		
Own experience	35.1	33.2
Law related work experience	51.5	52.4
Advice from other lawyers	21.9	21.0
Observe other lawyers	8.9	13.5

CLE courses	38.3	28.9
Advice from nonlawyers	0.0	0.0
Observe nonlawyers	0.5	0.1
Training at other school	0.8	0.7
Training by vendors	0.7	1.7
Other	3.3	3.3

Table 13E: Library Legal Research

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	93.7	93.4
Legal practice simulations	8.5	13.8
Law school clinics	1.2	0.5
Law review	16.5	17.9
Moot court/competitions	15.4	9
Source of Skill: Non-Law School Training:		
Own experience	34.4	20.2
Law related work experience	52.1	22.2
Advice from other lawyers	7.6	3.5
Observe other lawyers	2.6	1.3
CLE courses	2.1	1.7
Advice from nonlawyers	2.6	1.3
Observe nonlawyers	0.7	0.8
Training at other school	1.3	1.5
Training by vendors	5.5	5.8
Other	2.3	2.8

Table 13F: Computer Legal Research

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	84.4	84.6
Legal practice simulations	6.6	11.4
Law school clinics	0.8	1.3
Law review	15.3	17.4
Moot court/competitions	10.8	11.1
Source of Skill: Non-Law School Training:		
Own experience	40.4	36.3
Law related work experience	43.6	45.0

Advice from other lawyers	5.9	5.7
Observe other lawyers	2.7	2.7
CLE courses	6.0	2.8
Advice from nonlawyers	3.0	1.0
Observe nonlawyers	0.8	0.1
Training at other school	0.8	1.5
Training by vendors	26.8	25.9
Other	2.2	3.3

Table 13G: Fact Gathering

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	25.9	28.2
Legal practice simulations	12.9	15.8
Law school clinics	8.8	15.4
Law review	2.0	0.7
Moot court/competitions	5.3	6.6
Source of Skill: Non-Law School Training:		
Own experience	63.0	55.7
Law related work experience	44.6	53.2
Advice from other lawyers	30.8	29.7
Observe other lawyers	34.7	36.3
CLE courses	4.4	2.4
Advice from nonlawyers	2.9	2.4
Observe nonlawyers	3.3	3.7
Training at other school	1.6	0.8
Training by vendors	0.0	0.4
Other	2.1	2.0

Table 13H: Oral Communication

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	36.9	34.2
Legal practice simulations	17.3	25.3
Law school clinics	4.9	12.6
Law review	1.2	0.8

Moot court/competitions	25.6	27.8
Source of Skill: Non-Law School Training:		
Own experience	69.7	58.8
Law related work experience	30.4	33.8
Advice from other lawyers	14.8	14.2
Observe other lawyers	32.7	39.3
CLE courses	2.35	1.3
Advice from nonlawyers	3.75	2.5
Observe nonlawyers	3.35	5.5
Training at other school	8.6	5.0
Training by vendors	0.2	0.4
Other	1.65	2.2

Table 13I: Written Communication

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	65.8	66.0
Legal practice simulations	9.8	19.9
Law school clinics	3.3	7.1
Law review	14.6	14.4
Moot court/competitions	17.2	16.6
Source of Skill: Non-Law School Training:		
Own experience	56.9	44.5
Law related work experience	42.9	49.4
Advice from other lawyers	19.0	23.2
Observe other lawyers	20.4	24.0
CLE courses	3.6	1.7
Advice from nonlawyers	1.6	1.5
Observe nonlawyers	1.3	2.3
Training at other school	11.1	5.0
Training by vendors	0.2	0.5
Other	2.0	2.8

Table 13J: Counseling

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	17.2	19.7
Legal practice simulations	13.2	16.6
Law school clinics	10.0	19.5
Law review	0.7	0.1
Moot court/competitions	3.9	2.9
Source of Skill: Non-Law School Training:		
Own experience	63.1	52.8
Law related work experience	28.5	36.0
Advice from other lawyers	31.6	31.5
Observe other lawyers	46.6	49.6
CLE courses	3.6	2.1
Advice from nonlawyers	3.3	2.7
Observe nonlawyers	6.3	6.1
Training at other school	2.6	1.4
Training by vendors	0.4	0.1
Other	1.8	1.7

Table 13K: Instilling Others' Confidence in You

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	7.8	6.8
Legal practice simulations	4.3	7.5
Law school clinics	6.1	13.4
Law review	2.0	1.4
Moot court/competitions	2.7	4.5
Source of Skill: Non-Law School Training:		
Own experience	80.4	69.7
Law related work experience	25.3	31.5
Advice from other lawyers	27.4	33.9
Observe other lawyers	40.1	43.4
CLE courses	2.3	2.3
Advice from nonlawyers	5.2	7.4
Observe nonlawyers	6.5	8.9
Training at other school	2.8	1.6
Training by vendors	0.4	0.1
Other	2.0	2.5

Table 13L: Negotiation

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	26.25	34.4
Legal practice simulations	15.7	24.0
Law school clinics	4.9	6.8
Law review	0.8	0.0
Moot court/competitions	4.5	6.1
Source of Skill: Non-Law School Training:		
Own experience	65.45	50.5
Law related work experience	24.45	30.3
Advice from other lawyers	28.5	27.7
Observe other lawyers	47.6	45.6
CLE courses	9.55	5.3
Advice from nonlawyers	1.9	2.4
Observe nonlawyers	7.05	6.7
Training at other school	3.2	2.2
Training by vendors	0.5	0.4
Other	2.15	1.9

Table 13M: Knowledge of Procedural Law

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	82.5	78.1
Legal practice simulations	8.6	14.1
Law school clinics	3.8	6.9
Law review	1.2	.5
Moot court/competitions	5.5	5.8
Source of Skill: Non-Law School Training:		
Own experience	36.6	32.6
Law related work experience	44.9	50.5
Advice from other lawyers	25.6	25.4
Observe other lawyers	18.0	19.2
CLE courses	14.2	11.9
Advice from nonlawyers	1.2	.5
Observe nonlawyers	0.6	.5
Training at other school	0.6	.6
Training by vendors	0.7	.7
Other	3.0	2.1

Table 13N: Understanding and Conducting Litigation

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	39.8	36.1
Legal practice simulations	18.6	23.2
Law school clinics	4.9	7.6
Law review	0.5	0.0
Moot court/competitions	6.1	7.6
Source of Skill: Non-Law School Training:		
Own experience	38.1	32.2
Law related work experience	44.2	47.1
Advice from other lawyers	37.3	33.1
Observe other lawyers	43.7	44.7
CLE courses	10.0	7.5
Advice from nonlawyers	0.7	0.6
Observe nonlawyers	0.7	1.1
Training at other school	0.9	0.7
Training by vendors	0.3	0.4
Other	1.6	2.3

Table 13O: Organization and Management of Legal Work

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	11.1	12.1
Legal practice simulations	7.4	9.3
Law school clinics	5.3	8.5
Law review	0.7	1.2
Moot court/competitions	2.0	1.4
Source of Skill: Non-Law School Training:		
Own experience	63.1	60.2
Law related work experience	38.0	46.0
Advice from other lawyers	41.2	41.1
Observe other lawyers	46.1	45.5
CLE courses	4.6	4.9
Advice from nonlawyers	3.0	2.2
Observe nonlawyers	2.2	2.8
Training at other school	1.0	1.3
Training by vendors	0.9	1.0
Other	2.7	2.2

Table 13P: Ability to Obtain and Keep Clients

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	6.1	3.9
Legal practice simulations	3.2	3.2
Law school clinics	3.9	5.8
Law review	0.4	0.0
Moot court/competitions	0.0	0.0
Source of Skill: Non-Law School Training:		
Own experience	60.3	53.9
Law related work experience	20.4	26.4
Advice from other lawyers	50.9	55.1
Observe other lawyers	55.7	55.7
CLE courses	3.2	5.7
Advice from nonlawyers	4.6	6.9
Observe nonlawyers	4.1	4.7
Training at other school	0.9	0.4
Training by vendors	0.7	0.8
Other	1.7	4.4

Table 13Q: Sensitivity to Professional Ethical Concerns

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	84.5	86.8
Legal practice simulations	4.1	6.1
Law school clinics	1.1	4.9
Law review	0.6	0.5
Moot court/competitions	1.4	0.8
Source of Skill: Non-Law School Training:		
Own experience	39.0	32.2
Law related work experience	24.7	26.5
Advice from other lawyers	31.0	34.2
Observe other lawyers	25.0	22.6
CLE courses	24.0	21.3
Advice from nonlawyers	0.9	0.7
Observe nonlawyers	1.6	0.5
Training at other school	1.1	0.7
Training by vendors	0.0	0.9
Other	1.7	1.0

APPENDIX B: IDENTIFIED SOURCES OF LAW PRACTICE MANAGEMENT
SKILLS TRAINING—FULL TABLES SHOWING RESULTS OF THE
1997–99 AND 2013 SURVEYS

Table 14A: Fee Arrangements, Pricing, Billing

	1997–99	2013
Source of Skill: Law School Training		
Law school curriculum	4.3	7.9
Legal practice simulations	3.9	5.3
Law school clinics	1.2	2.0
Law review	0.4	0.0
Moot court/competitions	0.3	0.3
Source of Skill: Non-Law School Training:		
Own experience	55.1	51.4
Law related work experience	29.0	28.8
Advice from other lawyers	61.5	55.0
Observe other lawyers	52.1	49.5
CLE courses	5.2	8.3
Advice from nonlawyers	4.3	3.2
Observe nonlawyers	2.8	2.0
Training at other school	0.7	0.3
Training by vendors	1.1	1.0
Other	1.6	6.1

Table 14B: Human Resources, Hiring, Support Staff

	1997–99	2013
Source of Skill: Law School Training:		
Law school curriculum	0.6	1.8
Legal practice simulations	0.0	0.7
Law school clinics	1.1	0.9
Law review	0.0	0.0
Moot court/competitions	0.3	0.1
Source of Skill: Non-Law School Training:		
Own experience	74.7	64.3
Law related work experience	20.3	23.9
Advice from other lawyers	37.9	40.0
Observe other lawyers	42.4	41.9
CLE courses	2.4	3.0
Advice from nonlawyers	15.3	11.1

Observe nonlawyers	9.3	11.8
Training at other school	4.55	1.5
Training by vendors	0.8	0.6
Other	2.0	5.3

Table 14C: Capitalization, Investment, Budgeting

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	1.2	2.3
Legal practice simulations	0.9	1.0
Law school clinics	0.7	0.3
Law review	0.0	0.0
Moot court/competitions	0.0	0.2
Source of Skill: Non-Law School Training:		
Own experience	64.7	60.0
Law related work experience	12.0	15.5
Advice from other lawyers	41.9	43.7
Observe other lawyers	33.2	36.6
CLE courses	2.5	4.4
Advice from nonlawyers	17.1	15.2
Observe nonlawyers	6.2	7.4
Training at other school	4.7	1.8
Training by vendors	1.8	0.8
Other	1.3	9.0

Table 14D: Project and Time Management, Efficiency

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	16.9	23.0
Legal practice simulations	4.5	9.5
Law school clinics	2.6	5.0
Law review	3.1	4.6
Moot court/competitions	2.4	3.1
Source of Skill: Non-Law School Training:		
Own experience	78.5	69.5
Law related work experience	30.5	36.2
Advice from other lawyers	36.7	34.5
Observe other lawyers	37.4	33.2

CLE courses	4.7	4.8
Advice from nonlawyers	4.2	7.1
Observe nonlawyers	4.2	5.9
Training at other school	4.0	2.1
Training by vendors	1.2	1.5
Other	1.0	2.8

Table 14E: Planning, Resource Allocation, Budgeting

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	6.3	7.1
Legal practice simulations	2.1	3.5
Law school clinics	1.7	1.7
Law review	1.4	1.2
Moot court/competitions	1.1	1.3
Source of Skill: Non-Law School Training:		
Own experience	72.7	68.3
Law related work experience	18.8	23.3
Advice from other lawyers	42.5	41.3
Observe other lawyers	37.3	39.0
CLE courses	2.8	3.2
Advice from nonlawyers	9.6	9.9
Observe nonlawyers	7.3	5.4
Training at other school	3.8	1.0
Training by vendors	1.9	0.6
Other	1.5	3.5

Table 14F: Marketing, Client Development

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	2.0	3.9
Legal practice simulations	0.8	1.0
Law school clinics	1.0	1.0
Law review	0.4	0.1
Moot court/competitions	0.4	0.0
Source of Skill: Non-Law School Training:		
Own experience	62.0	58.8
Law related work experience	15.9	21.0

Advice from other lawyers	58.8	54.6
Observe other lawyers	57.6	53.1
CLE courses	5.1	8.8
Advice from nonlawyers	11.9	11.9
Observe nonlawyers	7.6	7.5
Training at other school	3.7	1.5
Training by vendors	1.1	1.6
Other	1.1	5.3

Table 14G: Technology, Computers, Communications

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	49.8	41.0
Legal practice simulations	3.8	6.0
Law school clinics	2.3	1.5
Law review	4.5	3.3
Moot court/competitions	2.7	1.7
Source of Skill: Non-Law School Training:		
Own experience	69.3	74.1
Law related work experience	28.1	30.2
Advice from other lawyers	11.4	16.7
Observe other lawyers	12.1	11.3
CLE courses	7.8	6.5
Advice from nonlawyers	12	11.9
Observe nonlawyers	4.2	4.3
Training at other school	6.8	3.3
Training by vendors	24.5	15.6
Other	1.8	2.1

Table 14H: Governance, Decision-Making, Long-Range Strategic Planning

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	3.9	7.2
Legal practice simulations	0.8	2.2
Law school clinics	0.9	0.9
Law review	1.4	0.3
Moot court/competitions	0.4	0.6

Source of Skill: Non-Law School Training:		
Own experience	69.3	65.7
Law related work experience	14.2	19.1
Advice from other lawyers	43.1	44.6
Observe other lawyers	40.7	40.1
CLE courses	1.8	4.0
Advice from nonlawyers	11.9	12.5
Observe nonlawyers	8.3	8.2
Training at other school	4.5	1.8
Training by vendors	1.2	0.7
Other	2.2	5.7

Table 14I: Interpersonal Communications, Staff Relations

	1997-99	2013
Source of Skill: Law School Training:		
Law school curriculum	4.3	5.0
Legal practice simulations	1.5	2.4
Law school clinics	4.0	3.9
Law review	2.8	1.2
Moot court/competitions	1.5	1.5
Source of Skill: Non-Law School Training:		
Own experience	86.8	81.7
Law related work experience	22.0	26.6
Advice from other lawyers	27.6	27.4
Observe other lawyers	39.2	40.8
CLE courses	2.0	1.9
Advice from nonlawyers	11.8	10.1
Observe nonlawyers	11.7	14.5
Training at other school	5.5	3.1
Training by vendors	0.4	0.5
Other	1.7	2.7

APPENDIX C: SURVEY INSTRUMENT

A. *Letter to Minnesota Lawyers*

Dear Colleague:

William Mitchell College of Law is conducting a survey to help the school identify additions and improvements to its curriculum that best meet the needs of its students and the practicing bar. This survey, a follow-up to the original 1999/2000 study, focuses on attorneys listed with the Minnesota State Bar Association that have been in practice since 2000. We would appreciate your participation in this 10-minute survey. In order that the results truly represent the thinking and attitudes of this segment of Minnesota lawyers, it is important that each questionnaire be completed.

Here is a link to the survey: http://www.surveymonkey.com/s.aspx?sm=XEqJM1nFmBPCEkdIBkRfsQ_3d_3d.

Please note. This link is uniquely tied to this survey and your email address. Please do not forward this message.

We can assure you complete confidentiality. The questionnaire has an identification number for statistical purposes only. Your name will never be placed on the questionnaire or identified with any results.

You may receive a summary of our results by emailing me with a request.

We would be glad to answer any questions you might have. Please contact me at john.sonsteng@wmitchell.edu or at (651) 290-6324. You may also contact my assistant, Jennifer Miller, at jennifer.miller@wmitchell.edu or at (651) 290-6314.

Thank you for your participation.

Sincerely,

Professor John Sonsteng
Project Director

B. *Link to Survey*

http://www.surveymonkey.com/s.aspx?sm=XEqJM1nFmBPCEkdIBkRfsQ_3d_3d