

Principles for Law School Curricula in Light of Future Developments in the Market for Legal Services: The Case for a Client-Centered Focus & Broad Competencies

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Task: Write a 2-page paper on “Design principles for law school curricula in the light of future developments in the market for legal services.”¹

Introduction: Until I received Sabrina Weiss’ March 22, 2019 email, I had not realized that as a moderator, I should write a 2-page paper for the Conference. When I dug out and (re)read her earlier email, I misread the call of the question as asking us to apply “design *thinking*” principles to the issue of law school curricula. My error might have been due to two facts: design thinking seems consistent with the approach of many of those attending this Conference and LawWithoutWalls and design thinking is something that I have been intrigued by but have never consciously implemented. Because my prior exposure to design thinking consisted of touring the D-School lab at Stanford, reading Stanford D-school course descriptions, and casually perusing various articles and websites, I decided that before writing a paper about “design thinking” for law school curricula, I needed to do a deeper dive into design thinking. I therefore spent several hours reviewing design thinking material, most of which was on Stanford’s D-School webpage. When I surfaced and felt ready to start writing this paper, I realized that I had misread the call of the question. I decided, however, that there might be some value if I nevertheless proceeded as I originally intended.

Design Thinking Principles I’m Applying: As noted above, I am at best a dabbler in design thinking. But since one of the key ethos of design thinking is to release one’s fear and create, I am jumping right in. To paraphrase what Michele DeStefano has repeatedly said about LawWithoutWalls, if we waited for things to be perfect, nothing would happen. Stanford’s webpage contains different iterations of the premises of, and steps involved in, design thinking. (This is not surprising since a core component of design thinking is to test and revise). Stanford currently describes design thinking as involving five steps: *empathize, define, ideate, prototype, test*. I think it is helpful to supplement this list with the list of “5 stages of design thinking” that were cited in a November 2018 American Lawyer article (*discover, synthesize, build, test, evolve*) because the “evolve” step makes it clear that design thinking is intended to be an iterative process that uses feedback in order to improve. In addition to the stages of design thinking, Stanford’s materials emphasize design thinking mindsets, which include *bias towards action, collaborate across boundaries, focus on human values, be mindful of process, prototype toward a solution, and show don’t tell*. Stanford provides some concrete examples that go through a 10 or 11 step process that includes gaining empathy for the user for whom you are designing, reframing the problem, generating alternatives to test, building [a prototype] and testing it (i.e., soliciting feedback), and reflecting on the work for the next iteration/solution.

Showing How One Law School Changed Its Curriculum in Light of Future Developments in the Market for Legal Services: In keeping with the “show don’t tell” and the “bias towards action” design thinking principles, I decided that to answer the Conference prompt, I would show how my law school changed its curriculum to better address current and future developments in the market for legal services. (I recognize that there are more radical approaches one might take to address this prompt.)

¹ Your paper should not exceed ...two pages. It could contain a thesis and identify relevant research questions on the basis of the thesis or define similar projects such as an action plan or recommendations for action. Your paper is intended to serve to the audience as an inspiration for further elaboration of the idea within the scope of the [Conference on the Future of Legal Services.]

Gaining Empathy for the User Perspective: Designing legal education curricula is trickier than designing a tangible object for a single user since the future is uncertain and legal education “users” and stakeholders include clients, students, lawyers, employers, courts, the public, and regulators. Our curricular changes were based on conversations we had with various legal education stakeholders. LWOW and my global work has had a profound influence on my views.

Reframing the Problem: I can’t speak for all of my law school colleagues, but I mentally reframed the problem as the law school needs to deliver a curriculum that will help lawyers better serve their clients since law is a service industry, and helping students learn to become excellent problem-solvers for clients should ultimately benefit all legal education stakeholders.

Ideate – Generating Alternatives to Test: When Penn State split the two campuses of its single law school into two separate law schools, my law school – Penn State’s Dickinson Law – took advantage of the opportunity to remake our curriculum from the ground up.² The faculty voted to require 12 credits of experiential education, 6 of which had to be in a “real” practice setting, and adopted several new required courses. I volunteered to teach some of the new courses and spent more than a year talking to a wide variety of individuals in the U.S. and elsewhere. I collected ideas about the “competencies” we should teach if we wanted to educate client-centered lawyers who were prepared for future developments in the legal services market.

Build and Test: During Fall 2015, we began teaching the first group of students to attend the separately accredited Penn State’s Dickinson Law. In the first iteration of our new curriculum, we had three new required courses, in addition to our 12-credit experiential education requirement: *Problem-Solving I* in the Fall 1L year and *Practicing Law in a Global World: Contexts & Competencies I and II* in the Spring of the 1L and 2L years, respectively. (You can read about these courses by selecting “Penn State’s Dickinson Law” from the “Jump to Category” drop down menu at https://works.bepress.com/laurel_terry/#.)³ Our curriculum has evolved (see below), but we continue to envision it as an integrated whole, designed to prepare students for future practice.

Reflect and Evolve: Consistent with design-thinking principles, we have consistently sought feedback about our curricular changes, and our legal education curriculum has continued to evolve. For example, for a variety of reasons, we eliminated the *Practicing Law in a Global World: Contexts & Competencies II* course and have embedded elsewhere in the curriculum most of the 14 “competencies” that were covered in that course.⁴ Using feedback from multiple stakeholders, I’ve continued to tweak the *Practicing Law in a Global World: Contexts & Competencies I* course in each of the four years that I have taught it. I plan to spend part of my AY 2019-2020 sabbatical writing about the competencies we are teaching (and perhaps publishing curricular materials).

In sum, this paper describes the principles Penn State’s Dickinson Law used and steps we took to adapt our curriculum to current and expected future developments in the market for legal services.⁵

² For information about the campus split and curricular changes (and a tribute to my law school), see Laurel S. Terry, *Foreword: Why “Tradition, Innovation, and New Beginnings: Celebrating the History of the Dickinson Law Review” is an Appropriate Title for Volume 122(1)*, 122 Dickinson L. Rev. 5, 10-11, 19-21, (2017), available at https://works.bepress.com/laurel_terry/81/.

³ This webpage includes a “one-pager” description of the 2018 Contexts & Competencies course prepared for NALP’s annual meeting; a description of the 2017 course prepared for an ABA Section of International Law conference; presentation slides and a recording prepared for IAALS’ 2015 Educating Tomorrow’s Lawyers conference; and a 2017 Jotwell Legal Profession post.

⁴ Please email me at LTerry@psu.edu if you would like to know more about the content of the 14-week “Competencies” course, how I came up with the 14 “competencies” I covered, where they are currently embedded, and why we dropped the separate course.

⁵ To respond to the original request, my thesis is that: 1) legal education curricula should – at heart – be client-centric; and 2) future lawyers need to be life-long learners and need to have competencies beyond those traditionally taught at law schools. One research question is whether the curriculum I’ve described helps accomplish those goals and whether these changes are scalable.