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Message from the President

By Alan J. Lefebvre, Esq., President, State Bar of Nevada



LAWYERS WITHOUT WORK. CLIENTS WITHOUT LAWYERS.

“The economic crisis will pass, but the profession and models of traditional practice have been shattered – likely forever.”

What an incredible market failure!

Clients go begging for representation, and the legal profession has done nothing to protect and rescue our lineage from despair, debt, unemployment and a dismal outlook for the future. How did we get here? (Hint: read my September and October columns.)

What does the future hold for this profession we cherish?

The economic crisis will pass, but the profession and models of traditional practice have been shattered – likely forever. When this economic malaise passes, there will be no return. Corporate clients have enjoyed beating down rates and outlawing the use of recent graduates in substantive work, as a training exercise for a fee. The result has been to cut down the starting salaries of those fortunate enough to find positions in firms and to drive new graduates into solo practice in alarming numbers. Without the experience of practicing alongside seasoned attorneys, these new solo practitioners are at increased risk of making mistakes that may necessitate attorney discipline.

Are there solutions?

Lots of discussion can be found in law professors' blogs but, as usual, there is no action and few proposals (<http://www.legalethicsforum.com/blog/2013/11/hadfields-cost-of-law-and-our-pre-industrial-approach-to-producing-legal-services.html>). The law schools partially caused this conundrum, helping to create a perfect storm, but the rescue boats have not been launched from the warmth of the ivory towers. (Happily, Boyd's Dean Dan Hamilton is not among the complacent). Senselessly inflated tuition, leading to exacerbated debt at graduation, cuffs the newly-admitted into indenture. Those with a conscience in faculty lounges should roll back their compensation and lead the drive to restore tuition to a reasonable rate.

If the organized bar does not act, nobody will! How can the new reality be addressed by those whose profession it is to solve problems?

The law schools need to make some adjustments – and not just talk about them and then let the bar follow.

- Legal technology must become a mainstay in law school curriculum. Fortunately, newly minted lawyers are smarter and better thinkers than they were when this writer entered the profession. My own firm's less-than-five-year lawyers are more savvy, more practical and more directed to problem-solving than any other entering segment I have observed. The truly educated graduate must become totally stand-alone, without the need for secretaries and word processing. Our law teachers and administrators need to kick it up and face that their futures are dependent upon turning out lawyers who are prepared for economic adversity and ready to practice. Legacy expenses for larger law firms are on the way out, and perhaps good riddance. Technology courses by practitioners-as-adjuncts will aid in shaping the curriculum of the future. The profession can't be standoffish with law schools, and schools need to embrace those who have earned their skills of efficiency.
- Apprenticeship needs to start in the middle of the second year, in the form of paid, part-time clerkships. My clerks learn more about civil procedure in three months than in all their civil pro classes combined. The private sector does know about teaching and the faculties need to wise up to that fact. Law schools frown on the use of paid clerks in practice, due to the snobbery of silk-stocking accrediting agencies. Part-time programs have been wiped out by the snobs: a sure route to the extinction of lesser-tier schools.

Enter the Bar

- The bar must ramp-up the mentorship program that started out as fashionable and quaint. The mentors need further assistance with streamlining a concrete regimen in order to ensure uniformity of experience by the mentee. This bar's mentorship program is being recalibrated under the watchful eye of our Supreme Court. At its recent public ADKT hearing on making the new program a fixture, the Justices made it abundantly clear that they expect the program to offer meaningful and relevant education to participants. The program will be enhanced and improved, and participating mentors will be taxed to perform.
- This bar's Board of Governors needs to enter the fray and provide practice aids like those employed by the Missouri and the Iowa bars, with the latter's IOWADOCS program supplying forms married to substantive law.

I am happy to report that Nevada's law school and your bar are united and determined to provide improved training to its solo and small firm practitioners, if the board of governors consent. The program is gelling and I am optimistic a program rollout will take place. In the meantime, visit IOWADOCS for a tutorial. ■

Questions? Comments?

Nevada Lawyer welcomes feedback from our readers! Contact us at nvlawyer@nvbar.org.