

Education & Practice

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Chair's Message



by **B. Keith Faulkner**
Dean, Appalachian School of Law

This year of the Education of Lawyers Section of the Virginia State Bar has been an exciting and challenging year. Legal education never stands still, particularly after being plunged into the chaos of a worldwide health crisis. New technologies have since been introduced into the practice and study of law. Older technologies were thrust from positions of relative novelty and placed directly in the center of operational strategies across professional sectors, especially our own. The concomitant isolation, online legal education, online bar examinations, confusion, and remote work for students and associates is not yet fully understood — their impact not yet appreciated. The future of legal education will be indelibly altered by the pandemic now behind us, but it is evolving, too, due to significant priority and paradigm shifts on the horizon.

This year, the Section renewed discussion of lawyer mentorship. As we develop the next generation of post-pandemic law students and Virginia lawyers, it is crucial to understand how the art of apprenticeship that formed lawyers throughout history can be revived to cultivate competent servant-lawyers today. Our president, Jay Myerson, engaged regularly with the Section, and he brought many great ideas to the table about mentoring young lawyers. As a result, VSB staff greatly advanced our mentorship conversation by crafting a page on the VSB website for mentorship programs in local and specialty bars and Inns of Court across the Commonwealth.

The Section also focused on the increasingly salient role of mental health and wellness in legal practice and education. This emphasis will be reinforced in this year's CLE entitled, "Maximizing Performance and Minimizing Pitfalls," which will be delivered at the VSB Annual Meeting, and is designed to look at lawyer wellness through a different lens. At this meeting, former VSB President, Len Heath, will update the Bar on the work done by the Special Committee on Lawyer Well-Being in 2021-22. Following that presentation, a distinguished panel will conduct an exploration of the Committee's findings as well as provide their insights on lawyer wellness.

I am blessed to have a job that affords me many opportunities to get a close look into the development and future of the legal profession. It is a bright and challenging future. As many of us know, the Uniform Bar Exam has been adopted in 41 jurisdictions to date, but the sun is setting on the UBE. A new bar exam, “The NextGen Bar Exam” is under development and is scheduled to be administered in applicable jurisdictions for the first time in 2026. This new bar exam will make possible or necessitate curricular development, posing the challenge to some law schools to react thoroughly in a timely manner. Institutional development will also affect the future of law school. Recent changes to the ABA Standards that require law schools to focus on professional identity formation and diversity, equity, and inclusion, and these recent changes are set to be measured by the ABA in short order.

The ongoing and upcoming changes to the bar exam nationally, new regulatory standards for law schools, mentorship needs, wellness issues, and more, will impact the education of lawyers in profound ways in the years to come. It is my sincere hope that the practicing bar and law schools can work together with a productive intimacy that has not been realized in generations to educate lawyers at the law school level and beyond. By partnering, the citizenry of the Commonwealth and our great Nation will receive the best legal representation possible from the most prepared, competent, and healthiest lawyers for decades to come.



Happening at this year's Annual Meeting in Virginia Beach:

Thursday, June 16 from 2:15 – 3:15p.m.

Maximizing Performance and Avoiding Pitfalls in Practice and in Life

Co-sponsored by your Section on the Education of Lawyers and Special Committee on Lawyer Wellness

This program is designed to assist lawyers in exploring ways to maximize their professional and personal performance without compromising their mental health and engaging in high-risk and addictive behaviors. Even the healthiest and most productive lawyers need to seek balance and explore ways to work not only hard – but smart. This session will be a panel discussion of tactics for lawyers to achieve a high level of accomplishment while recognizing that our highly demanding profession is littered with “weak spots” for lawyers to avoid.

Plus:

- **Receptions**
- **Family-Friendly Activities and Athletic Events**
- **8.0 hours , including 1.0 Ethics MCLE credits available**

**View Registration
Options**

Why You Should Hire a Law Student Intern – Some Practical Thoughts

We are all familiar with law school – the 8:00 a.m. classes, the curriculum, the student organizations, final examinations, etc. However, we all know that the education of future lawyers involves much more. Experience in the “real world” is key to the education of future lawyers, and equally as important as contracts, torts, and the Rule Against Perpetuities. That’s where all Virginia lawyers can help. Though you may not be involved in academia, each of you can provide educational opportunities to law students, in the form of internships.

Law students and recent graduates, like everyone else worldwide, have taken a hit since March 2020. Employment rates are down. Bar pass rates are down. Mental health and wellbeing have only gotten worse since the start of remote learning, social distancing, and a global pandemic. I’m not going to list all the effects of the last few years or try to solve them all. There are far too many and there are far better people to write about those issues. However, one solution I do have to assist our future colleagues is to host them as interns in your offices. Serving as an intern can reinvigorate the law students and help them remember why they chose law school in the first place.

Law school career officers often hear attorneys say “But I don’t have enough time/enough interesting work/enough entertainment” for an intern. Honestly, I said it myself multiple times. The truth is that I was wrong, and you do! Law students want to see what you do every day and how you do it, and to “practice” those skills with your guidance. You don’t need to have a structured program, and you don’t need to “entertain” the interns during the summer (though we won’t object if you choose to do so!) You also don’t have to pay high hourly or weekly rates to obtain the services of an intern (though, again, we won’t object if you choose to do so!)

How Can Interns Help You?

Let the interns do what they do best, and what you don’t have enough time to do – RESEARCH! Law

students have access to Westlaw and Lexis/Nexis, and have spent a great deal of time during their law school careers learning to use those resources. Beyond legal research, the law students can put those skills to use researching industry trends, the background of lay and expert witnesses and parties, medical issues in personal injury and malpractice cases, and scientific and technical issues and concepts.

Interns can also assist with discovery – drafting discovery requests and responses, gathering documents and reviewing and organizing documents produced in discovery. Interns can take notes during client meetings, witness meetings, and depositions, and assist you with documents and exhibits during these activities. Interns can search real estate title records and court files (with some instruction). Interns can summarize medical records and depositions. And, last but certainly not least, interns can write. They can draft memoranda to the file, legal briefs and memoranda, letters to clients and witnesses, contracts – the possibilities are endless. Of course, you will have to review the drafts, but that often takes much less time than writing these documents.

How Can You Help Interns?

Let them observe your daily routine. Take them to bar association meetings. Take them to CLEs. Introduce them to other attorneys. Let them observe your meetings with clients, witnesses, and opposing counsel (with consent, of course). Let them observe depositions, hearings, mediations, arbitrations, docket calls, traffic court dockets, agency hearings, and any other proceeding. Talk to them after these meetings and hearings; explain the “unwritten rules” of how things are done, which is information they don’t always learn in law school, or don’t understand out of context.

I often had depositions of expert witnesses scheduled over the period of several weeks each summer. I thought that, with all of my preparation for those depositions, and the inability to allow the interns to fly to the experts’ locations for the depositions, the intern would be bored while I was locked in my office amongst stacks of medical records or out of the office travelling. What I should have done is given the intern access to the medical records, given them information about the experts and the issues,

and asked them to draft an outline of the deposition as if they were taking the deposition. Now that many expert depositions are being conducted by Zoom or other online platforms, let the intern observe the actual deposition. If you attend the deposition in person and they cannot accompany you, let them read the transcript and watch the video later. Then, meet with the intern. Let them ask questions – why you asked certain questions and not others, why you objected to certain questions and testimony. Let them tell you what questions they would have asked, and explain the pros and cons of their proposed questions.

If the interns have some “down time” or you are on vacation, no worries. The interns would appreciate some time off.

How Can You Find Interns?

It’s so much easier than you may think. Contact the law school career services offices and ask to post a position or whether they know of any interns interested in your practice areas and geographical location. Law school career services offices can help you draft position descriptions. We can gather résumés, cover letters and writing samples from interested students. We can arrange for and schedule in-person or remote interviews with the students. We can do almost all of the work for you, and you can focus on the enjoyable part of the hiring process – interviews.

You can also review and respond to those emails that you receive from law students that you don’t know, seeking to connect with you or serve as an intern. You can connect with students on LinkedIn. You can arrange to speak to law students in person or remotely, or just meet with students for in-person or remote lunches with informal question and answer sessions – law school career services offices can coordinate everything. You can serve as a judge for moot court competitions. All of these activities can lead to connections with law students, and internships that benefit you and the law students.

Hire interns with all different types of backgrounds, interests, grades, and experience. Yes, there are students at the top of their classes, on law review or winning moot court and trial competition teams, and they will make great interns. But there are so many law students with so much to offer; they all took the

same classes, and they make great interns too. Look for their potential and willingness to learn.

I was fortunate to have served as an intern in two small law firms and a judges’ chambers during college, and in two large law firms during law school. My experiences were broad and varied, and so valuable. I should have repaid those kindnesses by hosting interns more often. We are fortunate in our profession to be self-regulating. Virginia lawyers are accomplished and professional and congenial. Show the law students how proud we are of our profession, and what it is actually like to practice law in Virginia. Giving back to current students strengthens the legal profession. Trust me – the law students will be grateful and will learn so much, and you will not regret the experience.

Submitted by:

Liberty University School of Law

Join VLRS and Get VSB Section Memberships for FREE!

Starting in August of this year, the VSB will be offering Virginia Lawyer Referral Service panel members up to two FREE section memberships per year! Choose from more than 20 sections for an added value of up to \$55 per year. Sections help member attorneys bolster their competency and build professional connections through...

- CLE and other educational seminars
- Newsletters on topics of interest to your legal specialty
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- Opportunities to engage in bar service

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VA Lawyer Referral Service

For more information on applying to become a VLRS panelist, please contact Toni Dunson at VLRS@vsb.org.

Professional Identity Formation at Richmond Law

The University of Richmond School of Law’s new program on Professional Identity Formation launched in Fall 2021 under the leadership of new program director and faculty member Janice Craft. The program complements the intellectual rigor of the existing doctrinal and skills-based curricula by inviting students to reflect on the social, ethical, and moral aspects of legal practice and consider the role one’s personal values play in understanding one’s responsibilities as a legal professional. The program’s goal is to facilitate students’ development of a professional identity, that is, an understanding of their role as a lawyer relative to the professional responsibilities, norms, and aspirational values of legal practice.

A required yearlong course for first-year students serves as the curricular foundation for the identity formation program. The Professional Identity Formation course uses a combination of structured reflection, discussion, and feedback to facilitate students’ development of a robust professional identity. Current student Marley Manjarrez notes that “PIF provides me an opportunity to consider who I want to be as a lawyer through both learning existing practices and questioning them with my peers.” “Potentially high-stakes ethical or social conflicts can materialize abruptly” in legal practice, says Michael Ellinor, another 1L student. “We cannot afford to wait until we find ourselves at a crossroads to figure out who we are and what we stand for as lawyers.”

While the first-year course lays the foundation for the program, “it’s critical that students continue to thoughtfully and intentionally develop a professional identity throughout their law school careers,” Craft said. That means offering upper-level specialty courses, too, on topics such as leadership, well-being and resilience, cross-cultural representation, and trauma-informed lawyering. Ben Rigby, an upper-level student who has worked with Craft, notes that her work highlights “the various obligations of a lawyer as a professional beyond just legal work.”

In some ways, professional identity formation is already at work in the classroom setting. “Even if we

did nothing explicitly to inform students about what it’s like to be a professional, implicitly we are always telling students — by modeling behaviors, by talking about choices that legal professionals make,” said Laura Webb, the school’s Associate Dean for Strategic Initiatives. However, an intentional and explicit pursuit of a professional identity creates a stronger student and, eventually, a better lawyer. Janet Hutchinson, the school’s Associate Dean for Career Development, put it this way: “Students who come to work having the skills that they’re learning in a professional development course are going to be better off because they’re going to make better choices about the kinds of employment that are a good fit for them.”

This spring, the ABA revised its legal education standards to require that all law schools provide students with “substantial opportunities” to develop professional identity. Richmond’s new program ensures that its students have such opportunities.

Submitted by:

University of Richmond School of Law

Would you like to contribute to the next newsletter?

Education Section leaders seek content that will inform Virginia lawyers and connect section members across the state:

- Topical articles that you have written
- Articles that you have read and think bear reprinting
- Cases that you would like to discuss
- CLE ideas or programs of interest
- Law School happenings



Direct submissions to the newsletter editor, Leslie Haley, at lath@parkhaley.com



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