Managing Your Message – Making the Most of Every Day of Your Presidency

Moderator:
- John G. Locallo, Past President, Illinois State Bar Association

Presenters:
- James Dimos, Past President, Indiana State Bar Association
- Barry L. Kolar, Associate Director, Tennessee Bar Association
- John E. Thies, Past President, Illinois State Bar Association
- Kathleen Wilkinson, Past Chancellor, Philadelphia Bar Association
Managing Your Message:
Developing a Plan which Spreads Areas of Presidential Emphasis Across the Entire Year – Using Available Resources to Maintain Consistent and Scheduled Messaging

Presenter:
John E. Thies
Past President, Illinois State Bar Association
Managing Your Message:
I. Vision, Planning and Organization
Operational Plan and Calendar for Presidential Year
(template)

A. Action Items

1. xxx
2. xx
3. xxx

[**examples, “finish June President’s Page”; “Complete speech for XYZ Bar Association”; “Complete agenda for September Board Meeting”; “Identify targeted speaking engagements to coincide with roll out of themes”; “Draft submission for YLD Newsletter”...**]

B. Themes/Special Committees

** Overall Leadership Vision Statement:

[**example: Through the wise use of available resources, we want to improve the image of lawyers and judges, and address at least some of the critical issues facing the profession. In so doing, we want to keep our Association strong, with members who feel connected, and a staff that feels empowered and professionally fulfilled**]

** Summary of Special Committees:

(1) **Special Committee on ________.** This group will look at

[**example (for a committee working on the law student debt crisis); “This group will look at the long term impact on the delivery of legal services of the current trajectory in the cost of legal education (and resulting debt load for the typical law school graduate to which this has led)”**]
Managing Your Message:

II. Example of Managing an Issue from Start to Finish – The Law Student Debt Crisis
Lawyers and Law School Reform

Page 414

ALSO IN THIS ISSUE:

- Affordable Care Act — Page 418
- You Need a Website — Page 424

430 Wage and Hour Class Litigation
434 Property Tax Assessment Appeals
President’s Page
The Bar’s Role in Legal Education Reform
By John E. Thies

It is essential that those on the front lines of delivering legal service and administering justice have a voice in the education-reform discussion.

Much has been written about the recent challenges faced by new lawyers and the law schools that gave them their diplomas. It is distressing to read that, in a recent study, little more than half of the 2011 law graduates had full-time, long-term legal jobs; that the average law school debt now exceeds $100,000 (and these debt levels clearly do not match well with typical salaries); and that the law schools continue in their (unhealthy) race to maximize their respective U.S. News & World Report ranking, sometimes with terrible (and predictable) consequences.

Lately, it seems as though a week does not go by without a new story on this subject from the legal or mainstream media, including the piece contributed by Professors Andrew P. Morriss and William D. Henderson in this month’s Illinois Bar Journal. Along with many ISBA members, the public is clearly watching.

It now appears inevitable that changes in the way we train lawyers are on the horizon and that is a good thing. Among others, these changes will likely target lowering the cost of a legal education, ensuring that we continue to have bright students interested in obtaining their JDS, and getting the law schools to produce more “practice ready” lawyers, as they were urged to do by the American Bar Association House of Delegates last summer.

There is an important role for the bar associations to play in the process of determining what reforms are appropriate. Those with the best understanding of the delivery of legal service, new lawyer employment opportunities, and our court system - practicing lawyers and judges - must participate in these discussions, providing their unique perspectives. Simply put, legal education reform should not be left just to the legal educators (directly or indirectly).

To date, precious little attention has been given to what will happen to our profession’s ability to meet legal needs if the right kind of legal education reforms are not enacted. As a result, I have appointed a special committee chaired by second district appellate Justice Ann B. Jorgensen and Granite City attorney Dennis J. Orsey - and in the coming months, this committee will hold hearings around the state inviting solo and small firm lawyers, judges, legal aid lawyers, law students, experts in legal ethics and others (including academics) to provide input about what reforms would be most helpful and also, about the consequences of inaction.
Lawyers and Law School Reform

Too many law students emerge with staggering debt and grim job prospects. The authors say it’s time for bar associations and the legal academy to respond by doing something we haven’t done enough in recent decades – working together to strengthen the profession.

Andrew P. Morriss
and William D. Henderson

More than 2,000 students received JDS from Illinois’ nine law schools in 2012. Hundreds more entered the legal market from the 14 law schools in contiguous states. Some will join the more than tens of thousands of holders of JD degrees that American Bar Association (ABA) figures show as not currently working in jobs that require JDs – for the class of 2011, only 54.9 percent of graduates had such a job nine months after graduation. Many will have staggering debt loads. The average educational debt for graduates of private law schools last year was $125,000; for public schools the level was $75,700.

Are these problems? Yes and no. A large educational debt is not a problem if it opens the door to a career with an income adequate to pay off the loans. However, it is a problem if it does not. Getting a JD and then deciding to be a businessperson or social worker is not a problem if that career makes you happy. Getting a JD and becoming a waiter or cab driver is a problem if your career goal is being an attorney. Unfortunately, the data suggest that, for many law graduates, the opportunities are not in line with the costs – and this has the potential to affect the delivery of legal services across the country.

What, if anything, can state bars do to help find a solution? Some argue that the solution is to shrink law schools, either by curtailing class sizes or by closing law schools. Many law schools have already begun to reduce entering class sizes. Others seek to change the content of legal education by promoting skills training or advancing some similar reform.

There is merit to each of these approaches, but, in considering the
Special Committee on Law School Debt to hold statewide hearings

The Illinois State Bar Association’s Special Committee on Law School Debt, formed by President John E. Thies, will hold five open hearings throughout the state. ISBA members are encouraged to attend these meetings to discuss how increasing law school debt is impacting the delivery of legal services.

The Committee is particularly interested in hearing about the impact of law school debt in the following situations:

1. Recruitment and retention of new lawyers in small- and medium-size firms
2. Decisions by lawyers to open practices in small communities
3. Recruitment and retention of new lawyers working for legal aid organizations
4. Financial ability of new lawyers to open solo practices (and possible liability and ethical consequences resulting there from);
5. Availability of lawyers being willing to perform pro bono services;
6. Opportunity for new lawyers to advance from entry level positions in the profession.

Hearing Schedule

The hearings will be held from 2 to 4 p.m. at the following locations:

- Tuesday, Oct. 23 at DuPage County Court House, Wheaton
- Wednesday, Oct. 24 at Four Points by Sheraton, Peoria
- Thursday, Nov. 15 at Four Points by Sheraton, Fairview Heights
- Friday, Nov. 16 at Hilton Garden Inn & Suites, Champaign
- Wednesday, Dec. 12 at the ISBA Chicago Regional Office

Please contact Kim Weaver at kweaver@isba.org or (800) 252-8908 FREE (800) 252-8908 if you would like to appear before the Committee. Please note which hearing you will be attending and which of the above topics you will address.

President Thies and the committee are extremely interested in the insight and experience of all ISBA members and strongly encourage written comments from those who cannot attend. Send comments to kweaver@isba.org

Posted on Oct 08, 2012 by Chris Bonjean | Comments (1)
Filed under Chicago Area, Practice News, Northern Illinois, Central Illinois, Southern Illinois, ISBA News

Topics:
Special Committee on Law School Debt
1st hearings on law school debt held in Wheaton, Peoria | Illinois Lawyer Now

The first open hearing on law school debt was held in Wheaton on Tuesday. The Illinois State Bar Association’s Special Committee on Law School Debt, formed by President John E. Thies, hosted its first two meetings this week in Wheaton and Peoria (remaining schedule below). ISBA members are encouraged to attend these meetings to discuss how increasing law school debt is impacting the delivery of legal services.

The Committee is particularly interested in hearing about the impact of law school debt in the following situations:

1. Recruitment and retention of new lawyers in small- and medium-size firms
2. Decisions by lawyers to open practices in small communities
3. Recruitment and retention of new lawyers working for legal aid organizations
4. Financial ability of new lawyers to open solo practices (and possible liability and ethical consequences resulting there from);
5. Availability of lawyers being willing to perform pro bono services;
6. Opportunity for new lawyers to advance from entry level positions in the profession.

Hearing Schedule

The hearings will be held from 2 to 4 p.m. at the following locations:
- Thursday, Nov. 15 at Four Points by Sheraton, Fairview Heights
- Friday, Nov. 16 at Hilton Garden Inn & Suites, Champaign
- Wednesday, Dec. 12 at the ISBA Chicago Regional Office

Please contact Kim Weaver at kweaver@isba.org or (800) 252-8908 if you would like to appear before the Committee. Please note which hearing you will be attending and which of the above topics you will address.

President Thies and the committee are extremely interested in the insight and experience of all ISBA members and strongly encourage written comments from those who cannot attend. Send comments to kweaver@isba.org

Posted on Oct 23, 2012 by Chris Bonjean | Comments (0)
Filed under Chicago Area, Events, ISBA News

http://iln.isba.org/blog/2012/10/23/1st-hearing-law-school-debt-be-held-today-wheaton-2...

10/25/2012
Bar group gets fearful on debt

Lawyer tells ISBA committee that U.S. should put limits on law student loans

BY JERRY CHIMMINS
Law Bulletin staff writer

To deal with a catastrophe created by law student debts, rising tuition and unaffordable debt for thousands of law school graduates, a lawyer told the Illinois State Bar Association that law student loans need to be capped.

Attorney Edward X. Clinton Jr. told the ISBA Special Committee on Law School Debt Wednesday that caps are needed on the amount of payments any single law school can accept in a year through student loans.

Alternatively, Clinton said, caps should be placed on the amount of student loans that students at any one school can pay out in a year.

The debt loan debts also need to be made dischargeable in bankruptcy, Clinton told the committee, so lenders will think twice about the student loans they hand out.

The numbers of jobless law school graduates, Clinton said law schools should graduate each year only the number of lawyers needed — not twice as many.

Clinton sued three Chicago law schools in Cook County Circuit Court for publishing allegedly false and misleading statistics, on jobs obtained by graduates.

The suits were dismissed this year; Clinton promised not to appeal the dismissals. He then described to the committee that law schools are far too easy to acquire. They do not require much money to build them. They placed a demand on the number of law school students.

Lawyer Robert H. Alvino (left) of Alvino & Alvino in Moline and John J. Horeled of the law office of John J. Horeled in Crystal Lake sat on a panel Wednesday during the final hearing of the Illinois State Bar Association’s Special Committee on Law School Debt.

"It's awful," she said.

The chairwoman of the ISBA Young Lawyers Division, Meghan N. O'Brien, told the committee that a Young Lawyer of the Year winner for a solo practitioner with $50,000 in student loan debt.

Another member of the Young Lawyers Division is a $50,000 in debt and can't find a law job.

O'Brien said she started ITT Chicago Kent College of Law at age 21 and "signed on the dotted line. I didn't know how to balance a checkbook."

After her last exam in 2006, the school explained to her what her student debt meant, she said. She is $100,000 in debt.

Committee Co-chairman Dennis J. O'Reily of Grandia City said other lawyers debase by the same thing. With accrued interest, she owes $150,000 in student loan debt.

"Still, you're going to have a lot of troubles," she said.

"You can't imagine the numbers of young lawyers in trouble," said Nancy Mackelevich, director of Legal Launch L.L.C., a firm that matches lawyers with jobs.

"It's a profession that is broken. Your committee is shining a light for so many people."

The hearing at the ISBA Chicago office was the committee's fifth and last hearing. ISBA President John E. Tihans formed the committee that is also co-chaired by Illinois Attorney General M. J. Frosh.

The committee is expected to deliver a report in June on what the committee believes is the best way to solve the problem of law student debt.
Thies shares preliminary findings of ISBA’s law school debt committee

By BETHANY KRAELIS

The number of new lawyers entering solo practice has jumped from 2.8 percent to 6 percent between 2007 and 2011, according to findings of a special bar group committee.

The Illinois State Bar Association’s Committee on Law School Debt also found that about a quarter of attorneys working in private practice in Illinois who graduated in 2011 made less than $50,000 in their first year out of school.

Unable to properly finance a new law practice, the committee’s findings show that many of these new attorneys consider leaving the practice of law and are more likely to commit ethics violations and face malpractice suits.

Although the committee has not yet finished its final report and recommendations, ISBA President John Thies shared some of its findings and preliminary conclusions earlier this month at a hearing of the American Bar Association’s Task Force on the Future of Legal Education.

Thies provided The Record with his remarks from the ABA hearing, which took place in conjunction with the group’s Midyear Meeting in Dallas.

Created earlier this year, the ISBA special committee hosted hearings throughout the state this fall and heard from dozens of witnesses, including attorneys from firms of various sizes, legal aid attorneys, law students, judges and educators.

The committee’s final recommendations will be presented to the ISBA Board of Governors on March 8, Thies said, adding that he believes the ABA task force hopes to complete its own recommendations by August.

“Throughout the state, and certainly in my state, there is great concern about what our current system combined with certain economic realities — some of which may change, and some of which may not — is having on law students, young lawyers, law firms and law schools,” Thies said at the ABA hearing.

“Chief among these is the crisis in law school-related debt. Most importantly, we are concerned about the impact this is having and will continue to have on the delivery of legal services.”

Thies said the debt burden of new attorneys, combined with their lack of readiness for practice upon graduation and a difficult job market, is detrimental to the public’s ability to access quality legal services.

In addition to its effects on new lawyers, the committee found that law school debt has affected other sectors of the legal profession.

One effect of law school debt, according to Thies, is that small law firms run into problems when it comes to hiring and retaining competent attorneys.

“Many small firms are unable to pay the salaries new attorneys need to manage their debt,” Thies said. “As a result, turnover at such firms is high, forcing those firms to spend additional time and resources training new attorneys.”

The committee, Thies said, also found that law school debt has prevented more lawyers from working in public interest law, an area that has been in high demand in the tough economy.

“Attorneys with excessive debt are less able to take legal aid or government jobs which, in Illinois, have starting salaries between $40,000 and $50,000 per year,” he said.

ILLINOIS STATE BAR ASSOCIATION

President: Law-school debt ‘unsustainable’

Urbana attorney has created task force to examine its effect on legal services in state

By DON DODSON

CHAMPAIGN — Today’s law-school students, on average, face a debt load of about $100,000 for legal education, the president of the Illinois State Bar Association said.

That figure, John Thies said, doesn’t include debt they may have incurred as a result of undergraduate education.

Speaking at the University of Illinois College of Law on Tuesday, Thies told students that their counterparts over the next 10 to 15 years will probably face similar challenges.

But over the long term, that kind of debt for legal education is “unsustainable,” given salaries in the profession.

Jobs that pay enough to retire the debt aren’t forthcoming, he said.

“I don’t see salaries changing,” Thies said. “What’s got to change is cost.”

Thies, a shareholder in the Urbana law firm of Webber & Thies, said he didn’t think law school could very well be cut from three years to two years.

But he suggested “significant changes” could be made to the third year to help make students “practice-ready.”

Upon becoming president of the state bar association, Thies created a task force to report on what effect law-school debt is having on the delivery of legal services in Illinois.

For example, small law firms — those with fewer than 10 employees — may not be able to afford people who have to pay off high law-school debt.

The task force scheduled five hearings around the state and heard testimony from 50 witnesses, he said. Now it’s drafting a report on what can be done, both short and long term, to make a difference.

One student in the audience reported hearing a story of someone still paying off law-school debt from 1993.

Thies said he didn’t doubt that. He said some have described law-school debt as “the mortgage for a house I can’t live in” and “the debt I’ll die with.”

One student asked why, if law-school costs are so high, aren’t fewer students applying to law school.

Thies said applications to law schools have dropped substantially the last two years.

He said the nation “may have too many law schools.” But he dismissed any notion that there are too many lawyers or law students, saying there’s “a tremendous need” for legal services.

When asked what reforms law schools should make, Thies said he didn’t want to pre-empt the task force’s recommendations. But he said arrangements could be made to match law-school students with “aging baby boomers” in private practice so the young lawyers can eventually take over the practice.

He also said law schools could do a better job facilitating internships and externships for students, recognizing that many students can’t afford to serve unpaid.

Separately, Thies said the bar association has launched a two-week food and fundraising campaign for eight regional food banks in Illinois, with the goal of providing 1 million meals for the hungry.

As of Tuesday, the “Lawyers Feeding Illinois” campaign had raised enough for 352,000 meals.
“Law School Debt and the Illinois State Bar Association”

FEATURING:

John Thies, ‘88
President, Illinois State Bar Association
Shareholder, Webber & Thies, P.C.

Tuesday, February 19
12 – 1 p.m.
Max L. Rowe Auditorium

Food will be provided for attendees.

SPONSORED BY:
Christian Law Society and the College of Law

IN CONJUNCTION WITH:
American Bar Association – Student Division
Shorter? Sooner? Cheaper?
Task force collects ideas on legal education reform

DUKE UNIVERSITY LAW PROFESSOR Paul Carrington recalls overseeing a study on legal education reform in 1970 funded by the Ford Foundation.

The conclusion: The third year of legal education is a waste of time that raises the cost of legal services. Better to cut the third year, according to the study, and admit students who have completed only three years of college. That way, only five years of higher education would be needed to become a lawyer.

"I still think those are pretty good ideas," Carrington said at a public hearing sponsored by the ABA Task Force on the Future of Legal Education. The task force heard from more than a dozen speakers during the ABA Midyear Meeting in Dallas in February.

The task force was created in August 2012 by the ABA Board of Governors to look at a variety of issues that relate to the general direction of legal education in the United States.

The task force is not looking directly at the accreditation process, which is the province of the Section of Legal Education and Admissions to the Bar. Its aim is to issue a report by fall and bring its recommendations to the ABA House of Delegates in February 2014.

Soon after his study was completed, Carrington said, he had a chance encounter with Daniel Patrick Moynihan, then an adviser in the Nixon White House. Moynihan observed that the guaranteed student loan program was "a national disaster" that would drive tuition through the roof, causing higher education to get drunk on borrowed student money.

PRELIMINARY CONCLUSIONS, SUGGESTED SOLUTIONS
Today, high law student debt is a burden for new lawyers, even as they face a difficult job market and a lack of readiness for law practice, according to Illinois State Bar Association President John Thies. He told the task force the ISBA held public hearings around the state and came to some preliminary conclusions: New lawyers have too much debt to work in public interest positions, to make a living providing affordable legal services, or to work in rural areas or small law firms.

Just how much do new law grads need to earn? Jim Chen, a professor and former dean at the University of Louisville’s Louis D. Brandeis School of Law, has crunched the numbers. Law graduates need an annual salary equal to two-thirds of their law school debt to make law school viable, he said. The problem could be solved, he said, by eliminating the third year of school or by requiring law professors to take a one-third pay cut or give up job security. But change won't happen without outside pressure, he said.

Chen suggested that state supreme courts, either alone or in concert with bar examiners, should reduce the number of subjects tested on the bar exam so that only two years of legal education would suffice. He also suggested following the lead of the medical profession by creating the legal equivalent of a nurse practitioner. Law schools could still offer a third year of education, he said, perhaps by offering clinical experience, subject matter specialties, or a BigLaw and academic track.

—D.C.W.
Illinois State Bar Association

Special Committee on the Impact of Law School Debt on the Delivery of Legal Services

Final Report & Recommendations

March 8, 2013

This Final Report, including the Recommendations, was accepted by the ISBA Board of Governors on March 8, 2013, with the Board voting to recommend its adoption by the ISBA Assembly in June.
For Immediate Release

Illinois State Bar Association Board Accepts Report
Calling for Law School Reform

SPRINGFIELD, IL, March 12, 2013 – The Illinois State Bar Association (ISBA) today released a 53-page report, supported with research and testimony from statewide hearings, that calls for dramatic changes in the way law schools deliver education.

“The current system of educating law students is unsustainable,” said ISBA President John E. Thies, of Urbana, IL. “The debt burden of new attorneys, combined with the difficult job market, is having a detrimental effect on the public’s ability to access quality legal services.”

In June 2012, Thies appointed a Special Committee on the Impact of Law School Debt on the Delivery of Legal Services, co-chaired by Illinois Appellate Court Justice Ann B. Jorgensen of Wheaton and attorney Dennis J. Orsey of Granite City. Their report and recommendations were accepted on Friday, March 8, at a meeting of the ISBA Board of Governors in Urbana, and the Board recommended that the ISBA’s policy-making Assembly approve the report at its next meeting in June.

The Special Committee conducted a series of five hearings around the state receiving testimony from private attorneys, government attorneys, public defenders, legal aid lawyers, law students, judges, law professors and law school deans. Testimony centered on their “front line” experiences with the burden of school debt as new graduates begin their practices. Based on the testimony and other research, the Special Committee concluded that the law school debt crisis is seriously and negatively impacting the quality and availability of legal services that the legal profession provides in Illinois.

According to the report, “The average student graduates from law school today with over
Illinois State Bar Association Board Accepts Report Calling for Law School Reform

By Illinois State Bar Association
Published: Tuesday, Mar. 12, 2013 - 9:53 am
Last Modified: Tuesday, Mar. 12, 2013 - 10:03 am

SPRINGFIELD, Ill., March 12, 2013 -- PRNewswire -- The Illinois State Bar Association (ISBA) today released a 53-page report, supported with research and testimony from statewide hearings, that calls for dramatic changes in the way law schools deliver education.

"The current system of educating law students is unsustainable," said ISBA President John E. Thies, of Urbana, IL. "The debt burden of new attorneys, combined with the difficult job market, is having a detrimental effect on the public's ability to access quality legal services."

In June 2012, Thies appointed a Special Committee on the Impact of Law School Debt on the Delivery of Legal Services, co-chaired by Illinois Appellate Court justice Ann B. Jorgensen of Wheaton and attorney Dennis J. Orsey of Granite City. Their report and recommendations were accepted on Friday, March 8, at a meeting of the ISBA Board of Governors in Urbana, and the Board recommended that the ISBA's policy-making Assembly approve the report at its next meeting in June.

The Special Committee conducted a series of five hearings around the state receiving testimony from private attorneys, government attorneys, public defenders, legal aid lawyers, law students, judges, law professors and law school deans. Testimony centered on their "front line" experiences with the burden of school debt as new graduates begin their practices. Based on the testimony and other research, the Special Committee concluded that the law school debt crisis is seriously and negatively impacting the quality and availability of legal services that the legal profession provides in Illinois.

According to the report, "The average student graduates from law school today with over $100,000 of law school debt. After adding accrued interest, undergraduate debt, and bar study loans, the debt burden of new attorneys frequently increases to $150,000 to $200,000, levels of debt that impose a crushing burden..."
Bar group puts heat on schools

ISBA committee says law school isn’t worth cost

BY JERRY CRIMMINS
Law Bulletin staff writer

The state’s largest bar group issued a report Tuesday that says “the training that law students receive in law school today is increasingly not worth its high cost.”

The 88-page report also suggests that the federal government “should place reasonable limits” on the amount of federal money that law students can borrow and that student loans should qualify for discharge in bankruptcy.

Furthermore, law schools should control costs by “avoiding excessive payments to universities hoping to profit from their law school,” the report says.

“The current system of educational law students is unworkable,”

John E. Thies, Fiske Education with some similar recommendations.

And the dean of Northwestern University School of Law, Daniel H. Rodriguez, said this week the school is cutting the number of students to be admitted in the next school year by 10 percent. The school will also reduce tuition hikes to respond to “destabilizing forces that the legal industry is facing.”

The ISBA group, known as the Special Committee on the Impact
Ditch the bar exam? Bar report on 'crushing burden' of student debt says idea should be considered

Posted Mar 13, 2013 8:47 AM CDT
By Debra Cassens Weiss

State supreme courts should consider allowing qualified law school graduates to become lawyers without taking the bar exam, according to a report on the "crushing burden" of student debt by a committee of the Illinois State Bar Association.

In the alternative, supreme courts could allow qualified students to take the bar exam in February of their third year, reducing costs of studying after graduation and cutting the delay to obtain a license, according to the report (PDF) released on Tuesday. The state bar’s Board of Governors is recommending approval by the ISBA’s policy-making assembly, according to a press release.

The Special Committee on the Impact of Law School Debt, appointed in June 2012, held five public hearings throughout Illinois to learn about the burden of law school debt and issued its recommendations.

The average student graduates from law school with more than $100,000 in law school debt. "After adding accrued interest, undergraduate debt, and bar study loans, the debt burden of new attorneys frequently increases to $150,000 to $200,000, levels of debt that impose a crushing burden," according to the special committee's report.

"The debt burden is an inexorable force that ruins the credit scores of many young attorneys trapped in an endless cycle of forbearances, deferrals, refinancings, and struggles to make even the minimum monthly payment," the report says. "The financial plight of many young attorneys forces them to delay important life milestones, such as marriage, starting a family, or buying a house. In the worst cases, some young lawyers must leave the profession before their careers have even begun, either because their debt prevents them from joining the bar, or because they simply cannot find a way to make their monthly debt payments without taking a job outside the law. In short, the consequences for young lawyers are devastating."

Many small firms can’t pay salaries needed by new lawyers with high debt, resulting in high turnover after the lawyers receive training and then look for higher-paying positions, the report says. A lack of jobs or underemployment is also spurring a jump in new graduates entering solo practice, from 2.8 percent in 2007 to 6 percent in 2011.

"The special committee heard much anecdotal evidence suggesting that attorneys with heavy debt loads may be more likely to commit ethics violations," the report says. "The greatest pressures are on solo practitioners, who may take work beyond their level of competency, face financial pressures to prolong litigation, or terminate a representation inappropriately if a client has difficulty paying. Evidence from the Attorney Registration and Disciplinary Commission does not yet show an increase in ethics violations among lawyers with heavy debt loads. Nonetheless, this data may be a lagging indicator of a problem that is already developing."

The report’s recommendations include:

• Congress should restrict federal loan eligibility to schools whose graduates meet certain standards for employment and debt repayment. This would put pressure on law schools to train lawyers for practice at an affordable price.

• Congress and the Department of Education should place reasonable limits on the amount that law students can borrow from the federal government. Student loans should also be made dischargeable in bankruptcy so private lenders have the incentive to properly screen loan applicants based on the chance that their law schools will prepare them for a successful job search. "That way, law schools will have an incentive to restrain costs to the level that students can borrow," the report says. "If a school fails to do so, most students will not be able to afford to attend, and the school will close."

• Law schools should emphasize practice-oriented courses, and should cut down on the amount of scholarship needed for hiring and tenure. "The inadequate 'practice ready' skills of new graduates has apparently contributed to the reality that only 58 percent of the law school class of 2011 had full time, permanent jobs that required a JD nine months after graduation," the report says. Schools should also teach a bar review course at no extra cost, and cut
ISBA report criticizing law schools sparks debate

March 15, 2013

By Jerry Crimmins — jcrimmins@lbpc.com
Law Bulletin staff writer

An attorney who sued three Chicago law schools, a professor and a dean offered different reactions this week to a report that severely criticized law schools.

"The report demonstrates surprising disrespect for faculty expertise," Brian Leiter, a professor at the University of Chicago Law School, said in an e-mail.

Leiter said this disrespect was "of a kind that no law professor would ever show with regard to skilled practitioners and judges."

An Illinois State Bar Association committee report, summarized Wednesday in the Daily Law Bulletin, says "the training that law students receive in law school today is increasingly not worth its high cost."

It says law professors are "paid more" and "teach less" than in the past, and tenure requirements favor law faculty who "lack experience" in the real practice of law.

It also says too much emphasis is placed on professors writing law review articles — an activity students pay for via tuition.

The resulting debt burden that law students incur contributes "to the unavailability of affordable legal services for the public," the report says.

Dean Jennifer L. Rosato of the Northern Illinois University College of Law suggested caution "about generalizing or overstating the failures in legal education."

Her e-mail statement continued:

"Teaching and mentoring students, producing scholarship and service to our communities are
President’s Page
It’s Time for Serious Legal Education Reform
By John E. Thies

An ISBA report shows that high law-school debt hurts the profession and the public.

Throughout the country, there is great concern about how our system of legal education combined with economic realities is affecting law students, young lawyers, law firms, and law schools. Chief among the problems new lawyers face is excessive law school debt. We are especially concerned about the effect of this debt on the delivery of legal services.

The ISBA has taken serious steps this year to help address this crisis, recognizing that we are just one state and this is a national problem. This has included the hearings held around the state by our Special Committee on the Impact of Law School Debt on the Delivery of Legal Service, led by Justice Ann Jorgensen and Dennis Orsey.

The committee heard from a range of speakers, including private attorneys in small, medium, and large firms, government attorneys, public defenders, legal aid lawyers, law students, judges, law professors, and law school deans. Committee members heard testimony from the Illinois Attorney Registration and Disciplinary Commission, the Illinois Board of Admissions to the Bar, and the Lawyers’ Assistance Program, and engaged in other fact-gathering.

Our committee has completed its report, which is available at http://www.isba.org/committees/impactoflawschooldebtondeliveryofle. The report has been accepted by the ISBA Board of Governors and is now headed for consideration by our 203-member Assembly in June. Let me share some of the committee’s findings and conclusions.

In short, the debt burden of new attorneys, combined with a difficult job market, undermines the public’s ability to access quality legal services.

Small firms struggle to hire and retain competent attorneys. Many small law firms are unable to pay the salaries new attorneys need to manage their debt. As a result, turnover is high, forcing firms to spend more time and resources training many new attorneys, a problem compounded by new graduates’ inadequate readiness for practice. Some small firms expect associates to supplement their salaries by taking additional work in the public defender’s or state’s attorney’s office or in non-legal jobs.
The Illinois State Bar Association’s Special Committee on the Impact of Law School Debt has issued a final Report with a striking set of recommendations. The Bar Association’s Board of Governors endorsed the Report and Recommendations on March 8; the Association’s full assembly will vote on them in June.

The full Report deserves study by all legal educators, as well as practitioners who care about the future of the profession and legal education. The committee compellingly describes the plight of graduates burdened with high debt, as well as the challenges that debt causes for employers and clients. The Report then explores the companion problem, that graduates are poorly prepared for the jobs available to them. Here are just a few of the committee’s many recommendations:

1. The federal government should cap loans available to law students.
2. The government should also impose outcome-based requirements for schools to maintain loan eligibility. A school, for example, would lose its loan eligibility if more than 35% of its graduates failed to reduce their loan principal by at least $1 during a given period.
3. Congress should make private educational loans dischargeable in bankruptcy, using the pre-2005 definition of "financial hardship."
4. The ABA should modify accreditation standards to expand the credits that students may earn through distance education.
5. The ABA should require schools to gather and report more information about job outcomes, including outcomes over the course of their graduates’ legal careers. The latter requirement would not involve tracking all graduates, but could rely upon sampling.
6. Law schools should focus on practice-oriented courses and teach fewer “exotic" courses. They should also teach law office management.
7. Law schools should include judges and practitioners on faculty hiring and tenure committees. “Practicing judges and lawyers,” the Report suggests, “can provide unique insight into the candidate’s skills as a practitioner and will ensure that the law school hires faculty who are best able to educate law students for practice.”
8. State supreme courts should find ways to reduce the cost of gaining bar admission. Courts should consider allowing third-year law students to take the bar exam, as Arizona has done. They should also consider Wisconsin’s model of granting a “diploma privilege” to graduates of in-state schools who obtain a specified GPA and complete designated courses.
9. Bar Association members should assist pre-law advisers in giving debt and
Assembly approves reports on law school debt, court funding, collaborative law

Document:

The Illinois State Bar Association Assembly, the organization's 203-person policy making body, approved several reports during the 137th Annual Meeting in Lake Geneva, Wis.

The Assembly unanimously approved the 53-page report and recommendations of the Special Committee on the Impact of Law School Debt on the Delivery of Legal Services. The report was supported with research and testimony from statewide hearings that call for dramatic changes in the way law schools deliver education. The Assembly also moved to adopt the report as coming from ISBA and not just the special committee and sending the report to the deans of all Illinois law schools, newspapers editors and Supreme Court justices. U.S. Senator Dick Durbin (D-IL) has written to the ABA Task Force on the Future of Legal Education recommending the findings in the ISBA report.

The Assembly also approved the report and recommendations of the Special Committee on Fair and Impartial Courts.

ISBA Past President John Locallo presented the report and recommendations of the Special Committee on Collaborative Law, which opposed legislative passage of the "Uniform Collaborative Law Act" as a violation of separation of powers. The Assembly approved that report as well.

In a contested election for Outside Cook seats on the Assembly Agenda and Program Committee, Dennis Orsey (Granite City) and Dion Davi (Warrenville) were elected to 2-year terms.

Posted on Jun 24, 2013 by Chris Bonjean | Comments (0)
June 21, 2013

Hon. Randall T. Shepard
Chair
American Bar Association Task Force on the Future of Legal Education

Dear Chief Justice Shepard:

I commend the American Bar Association’s Task Force on the Future of Legal Education for its efforts to study the key challenges facing our legal education system and the delivery of legal services to Americans. You have undertaken an important mission, and I look forward to reviewing the Task Force’s recommendations when you have completed your work.

As the Task Force conducts its review, I recommend to you the March 8, 2013, report issued by the Illinois State Bar Association’s Special Committee on the Impact of Law School Debt on the Delivery of Legal Services. This well-researched report assesses the troubling impact of law school debt on the quality and availability of legal services in Illinois, and it makes a number of insightful recommendations for reform. I believe the report will prove valuable in assisting the Task Force in its work. The report can be found online at http://www.isba.org/sites/default/files/committees/Law%20School%20Debt%20Report%20-%203-8-13.pdf.

Thank you for your service and for your commitment to improving our nation’s legal system. Please feel free to contact my counsel, Dan Swanson, at 202-224-2152 or daniel_swanson@judiciary-dom.senate.gov if you have any questions or would like to discuss this matter further.

Sincerely,

[Signature]

Richard J. Durbin
United States Senator

Cc: Members of the American Bar Association Task Force on the Future of Legal Education
CARRYING A HEAVY LOAD—
The Impact of Educational Debt

Leslie A. Gordon

Working four days a week as a supervising attorney at the Low Income Taxpayer Clinic of the Justice & Diversity Center (JDC) of The Bar Association of San Francisco (BASP), Sarah Drinkwater effectively has $45 a month left over. Considering daycare costs, commuting expenses, a $25/month 401(k) contribution, and, last but not least, student loan payments, running the numbers in her head keeps her up at night. “Clearly, I’m on my way to wealth and fortune,” quips Drinkwater, who graduated in 2009 from the University of Pittsburgh School of Law with $65,000 in student loan debt.

Yet with respect to those hefty student loans, Drinkwater actually considers herself lucky. Married during law school, her working spouse covered their living expenses, so $65,000 was a lot less than many of her fellow students borrowed, a notion supported by statistics. In 2011–2012, the average amount borrowed for public law school was $84,600 and for private law school was $122,158 (considerably up from $46,499 and $70,147, respectively, in 2001–2002), according to the American Bar Association (ABA) Section of Legal Education and Admissions to the Bar.

Drinkwater, who always wanted to do public interest work, “took the first job I could get my hands on,” a small-firm associate position. She also consolidated her loans, spreading the repayments over twenty-five years. “It was painful,” she says. “If I paid the minimum every month, I was looking at being sixty before it was paid off.”

With her small-firm salary and a gift from her grandfather, she was able to pay more than the minimum for a time. But when her dream job at the Justice & Diversity Center came along, she couldn’t pass it up. Continuing to repay her loans means contributions toward saving for retirement and going on vacation are limited. “I have two little kids and I wonder how I’m going to pay for their education when I’m still paying off mine,” says Drinkwater, who may be eligible for loan forgiveness if she keeps her nonprofit job for ten years. Still, she wouldn’t change anything, particularly her job, which she loves. “[Without the loans,] maybe I wouldn’t have graduated in 2009,” she says.
“We have a debt-based system of access to higher education. Only the very wealthy can attend law school without student loans,” says Jarvis, who spoke at BASF last year and will serve (alongside California Supreme Court Associate Justice Goodwin Liu) on a new ABA Task Force on the Financing of Legal Education. “Debt increases the stress of professionals who are already in a high-stress job. It can be distracting and overwhelming and doesn’t promote their ability to thrive. The system as it’s operating is not sustainable.”

John Thies, the 2012-2013 president of the 32,000-member Illinois State Bar Association (ISBA), notes that the commonly heard statistic about lawyers graduating with more than $100,000 in debt doesn’t even include undergraduate debt. “With law graduates having a hard time finding jobs, they’re not paying down their debt right away so interest is accruing and that debt rapidly reaches $200,000,” explains Thies, who graduated from law school twenty-five years ago with $6,000 in law school debt and undergraduate debt. “My debt is the mortgage for the house that I can never afford to live in and I will die with this debt.”

The student loan crisis was a focal point of Thies’s tenure. He formed the ISBA’s Special Committee on the Impact of Law School Debt, which invited lawyers, law professors, and judges to testify about the impact of debt on the delivery of legal services. “After hearing front-line experiences, we learned that student debt was impacting several areas,” explains Thies, a partner at Webber & Thies in Urbana, Illinois. “It affects life decisions such as whether to get married, have a family, or buy a house. Because lawyers burdened with debt don’t have the luxury to provide free legal aid, pro bono services suffered. It’s also affecting the ability of new lawyers to practice in smaller firms, which historically serve middle-class individuals and the poor. Debt forgiveness programs are far from perfect because public interest jobs are grant driven and tend to be unstable. Meanwhile, borrowers’ interest continues to accrue. It was undeniable — this is a crisis that needs to be addressed. It’s not improving.”

The ISBA’s Special Committee on the Impact of Law School Debt’s report included several practical recommendations. For example, it suggested that the federal government cap loans available to law students and that law schools lose loan eligibility if too many of their graduates don’t land jobs or if more than 35 percent of graduates fail to reduce their loan principal during a given period.

Bar associations, Thies insists, can be “right in the middle” of the solution. “They’re among the most familiar with what’s needed regarding debt reform,” he says. For instance, bar associations can assist prelaw students with debt and career counseling and work with law schools to develop apprenticeship programs to make new graduates more employable. ISBA’s report also recommended that bar associations provide debt resources for solo practitioners and small-firm lawyers, and partner with schools, government, economic
NATIONAL CONFERENCE OF BAR PRESIDENTS
2015 MID-YEAR MEETING

Managing Your Message:
THANK YOU