

THE REQUIREMENT OF INTERPERSONAL SKILLS IN EARLY CAREER CANADIAN LAW PRACTICES AND LAWYERS' PERCEPTIONS REGARDING THE ADEQUACY OF THE DEVELOPMENT OF THESE SKILLS IN LAW SCHOOLS

Kelly VanBuskirk, Q.C., PhD, C. Arb, with assistance from Navjeevan Gupta

University of New Brunswick, Saint John

Abstract

The debate continues concerning the extent to which law school education should include skills training for the practice of law versus education in academic theory. While professional regulators have encouraged increased efforts by law faculties to develop students' aptitude for client service, enthusiasm for this preference has not been universal. This paper seeks to examine questions regarding the extent to which Canadian law schools require and succeed in the development of interpersonal skills utilized by early-career law practitioners. It reviews the attitudes of recent law school graduates primarily working in Atlantic Canada regarding the requirement to take courses that train practice-oriented interpersonal skills and, also, the sufficiency of that training. The results suggest that additional interpersonal skills training in law school would be beneficial to early-career lawyers.

Introduction

Existing literature suggests that many North American lawyers are introverts whose interpersonal skills do not maximize effective communication with their clients.¹ Practicing lawyers have described interpersonal skills as being fundamental to their work, yet law schools have lagged-behind medical schools and other professional schools in training their students for communication with clients and other stakeholders in the system. The issues being considered in this study are the frequency and quality of communications between early career Canadian lawyers and their clients and how the lawyers perceive the sufficiency of their law school education in developing interpersonal skills. Recognizing that the practice of law is evolving, lawyers of the future will require advanced communication skills in order to satisfy the needs of their clients.² Because legal education encourages thinking grounded in rules, rights and logic and appears to suppress students' interest in emotional intelligence in favour of isolation and competitiveness,³ it is argued that recommendations for client-centric interpersonal skills adjustments to law school curricula deserve immediate and careful attention.

¹ Susan Daicoff. Lawyer, Know Thyself: a review of empirical research on attorney attributes bearing on professionalism. *American University Law Review*. 46.5 (1997):1337-1428; also, Heather M. McLean and Rudolf Kalin. Congruence Between Self-Image and Occupational Stereotypes in Students Entering Gender-Dominated Occupations. *Canadian Journal of Behavioural Science*. 26.142 (1994): 155-57.

² Canadian Bar Association. *Futures: Transforming the Delivery of Legal Services in Canada*. (2014).

³ Stephanie K. Boys and others. Social work and law interdisciplinary service learning: Increasing future lawyers' interpersonal skills. *Journal of Teaching in Social Work*. 35 (2015): 410-424

How and why the demand for interpersonal skills development in legal education is changing

In its *Futures* report,⁴ the Canadian Bar Association identifies sixteen drivers of change that are motivating innovation in the practice of law. Amongst these are "...a growing disconnect between how lawyers and clients value the services provided by lawyers", access to justice concerns and unmet legal services needs, inefficient lawyer-client communications, increased competition from paralegals and online service providers, and client cost sensitivities that are impacting not only professional practice but the manner in which lawyers are trained to practice. Regarding the issue of communication, it has been found that clients are demanding a completely different relationship with their lawyers, marked by more and better communication, a higher level of involvement in processes and decision-making and a less authoritarian structure.⁵ In the face of this "unprecedented change", the Canadian Bar Association suggests that "The challenge for the profession will be to concentrate its efforts on building ways to better serve clients."⁶

Amongst the interpersonal communication skills that lawyers require are listening to and comprehending detailed fact summaries, receiving feedback, managing relationships in stressful conditions, communicating complex concepts and also unpleasant messages and working collaboratively.⁷ As is the case with many social workers, lawyers often work with people who are under significant stress, and it is their job to elicit and understand not only the information that those individuals have but, also, their emotional responses.⁸ In that regard, empathic capacity is required, as is the ability to identify and effectively communicate reasonable courses of action for clients.⁹ Further, interpersonal communication skills are nuanced and in some cases regionally and even individually influenced. Penfold observes, as an example, that communication consists of body language and other non-linguistic behaviours, making the need for understanding of human behaviour important.¹⁰ In this regard, the cultural practices of the South Pacific island of Melanesia are such that silence is a demonstration of respect but could be experienced by a person from a different culture as disinterest or even disrespect.¹¹

A study of Australian dental school clinical supervisors offers insight into the impact of communication skills in that profession.¹² It suggests, as might be expected, that building good rapport between the dental professional and the patient is useful in obtaining information from,

⁴ Note 2, pp.28-29.

*Kelly VanBuskirk is a practicing lawyer in New Brunswick and an adjunct professor in the Faculty of Business at the University of New Brunswick Saint John (the "Faculty"); Navjeevan Gupta is a graduate student in the Faculty's MBA programme and a lawyer in India.

⁵ Canadian Bar Association. *The Clients' Perspective*. (online: Canadian Bar Association, 2013)

⁶ See Note 2, p. 66.

⁷ Canadian Bar Association, Legal Futures Initiative. *Do Law Differently: Futures For Young Lawyers*. (online: Canadian Bar Association, 2016)

⁸ Boys et al., see Note 3

⁹ P. Galowitz. Collaboration between lawyers and social workers. Re-examining the nature and potential of the relationship. *Fordham Law Review*. 67(1999): 2123-2154.

¹⁰ Carolyn Penfold, "Developing Legal Communication Skills in a South Pacific Context," *Legal Education Review*. 24 (2014): 117-142.

¹¹ *Ibid.*, p. 125

¹² Rodrigo Mariño, R., A. Ghanim, M. Morgan, and S. Barrow. 2017. "Cultural competency and communication skills of dental students: clinical supervisors' perceptions". *European Journal of Dental Education*. 21 (4): e101-e108

communicating treatment options to and generally caring for the patient.¹³ Similarly, a positive relationship has been identified between physicians' communication skills and the degree of their patients' satisfaction with services.¹⁴ The provision of valuable services to clients demands comprehension of the issues and legal principles as well as sufficient explanation of the same and, additionally, sensitivity to the pressures often felt by clients and other participants in legal processes.

Responsibility for training lawyers: law schools or law societies?

For more than a century, the legal profession has been challenged by the dichotomous purpose of legal education, which is marked by its "main tent" of theoretical teaching and a "sideshow" of practice-based instruction.¹⁵ The debate regarding the purpose, or perhaps the primary purpose, of legal education has been exacerbated in Canada by the tradition of articling, which supports proponents of legal theory-based law school teaching in laying responsibility for preparing future law practitioners at the feet of their regulating bodies. In essence, the articling process has clouded the determination of whose responsibility it is, law schools or law societies, to teach lawyering skills. While this argument continues to attract interest, its relevance appears to be waning, as the training impact of articling has declined and it is predicted that the system will cease to exist in the future.¹⁶ As a consequence of this expectation coupled with the evolution of the profession, legal education requires reform that invites a departure from traditional theory-focused teaching:

When creating new delivery models for education and training, attention must be paid to the expertise and mission of those providing them. In addition, new models for education and training should offer new opportunities for collaboration – just as lawyers will need to work more closely with other professionals in the practice of law, so too should the stakeholders educating and training legal professionals.¹⁷

The case for law school curriculum reform

¹³ *Ibid.*, p. e103.

¹⁴ S.C. Trumble, M. L. O'Brien, M. O'Brien, & B. Hartwig. Communication skills training for doctors increases patient satisfaction. *Clinical Governance*. 11.4 (2006): 299-307.

¹⁵ Mark Spiegel. Theory and Practice in Legal Education: An Essay on Clinical Legal Education. *UCLA Law Review*. 34 (1987): 577-610

¹⁶ See Note 2, p. 61.

¹⁷ *Ibid.*, p. 57. See also The Report and Recommendations of the American Bar Association Task Force on the Future of Legal Education (2014), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf

The effectiveness of law school education as preparation for the practice of law has been questioned and criticized since the 1800s.¹⁸ In response, it has been frequently argued that the reliance of law schools on the case method and Socratic teaching has developed students' strengths in analytical reasoning,¹⁹ albeit reasoning founded in legal precedents rather than in principles. Learning through the case method encourages students to conceive conflict in an abstract setting and, as such, they are encouraged to "separate their personal sense of fairness and justice from their understanding of legal rules and principles."²⁰ A resulting criticism of the case method is that it fails to adequately teach its students how to act "with ethical substance"²¹ and to "relate to and counsel clients"²² in the professional circumstances for which they are being prepared. As a means of addressing this perceived gap, North American law schools have been increasing their use of experiential education methods.²³

Even in the late twentieth century it was observed that the struggle to fully adapt the ancient profession of law to modern social ideology had not ended in Canada and United States.²⁴ Law school curricula and teaching methods have been repeatedly criticized for their focus on the development of analytical skills at the expense of interpersonal competency²⁵ and emphasis on extrinsic over intrinsic values, potentially causing diminished future well-being and life satisfaction for students destined to practice law.²⁶ The outcome drawn from the literature is that North American law schools have for some years recognized a need to reform their curricula for improved instruction in professionalism and ethics.²⁷

It has been suggested that many lawyers think and act in accordance with a standard philosophical map²⁸ which encourages evaluative thinking but is challenged by an "under-cultivation of emotional faculties."²⁹ Further, research suggests that a majority of lawyers are introverted and prefer thinking over feeling.³⁰ There is also evidence that students in law schools are less interested in people and interpersonal concerns than are students in some other

¹⁸ William P. LaPiana. *Logic and Experience: The origin of modern American Legal Education*. New York: Oxford University Press, 1994

¹⁹ William Sullivan and others. *Educating Lawyers: Preparation for the Profession of Law*. San Francisco: Jossey-Bass/Wiley, 2007 (the "Carnegie Report").

²⁰ M. Yates. The Carnegie effect: Elevating practical training over liberal education in curricular reform. *The Journal of Legal Writing Institute*. 17 (2011): 233-254.

²¹ See Note 2.

²² Ibid.

²³ L. Sossin. Experience the future of legal education. *Alberta Law Review*. 51.4 (2014): 849-870.

²⁴ Robert MacCrate. *Legal Education and Professional Development: An Educational Continuum*. (1992). American Bar Association.

²⁵ G. Andrew H. Benjamin and others. The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers. *American Bar Foundation Research Journal*, vol. 11, no. 2, 1986, pp. 225–252.

²⁶ Lawrence S. Krieger, and M. Sheldon Kannon. Does Law School Change Law Students? Values, Motives, and Well-Being in a First Year Class (unpublished manuscript, 2001), as referenced in Susan S. Daicoff. *Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses*. Washington, D.C: American Psychological Association, 2004.

²⁷ Alice Woolley. Legal Education reform and the good lawyer. *Alberta Law Review* 51.4 (2014): 801.

²⁸ Leonard L. Riskin. Mediation and lawyers. *Ohio State Law Journal*. 43. 1 (1982): 29-60.

²⁹ Chris Guthrie. The lawyer's philosophical map and the disputant's philosophical map: Impediments to facilitative mediation and lawyering. *Harvard Negotiation Law Review*. 6 (2001):145-189.

³⁰ Ibid.

professional schools.³¹ In fact, it has been suggested that humanistic and people-oriented students do not fare as well in law school as do those who emphasize rights, rules and logic.³² During their formative years in law school, students' cynicism, competitiveness and aggressiveness were found to have increased while their interest in emotion decreased³³, arguably contributing to the conclusion that lawyers are unlikely to be optimally situated for empathizing with their clients and understanding their clients' desired disputing outcomes.³⁴

What do law schools seek to accomplish?

The purpose of law school education has been debated since at least the 1870s, after Harvard Law School Dean Christopher Columbus Langdell established law schools as “the transmitters of legal culture”³⁵ with the case method as their preeminent teaching method.³⁶ Langdell famously offered insight into the purpose of the Harvard method of legal education when commenting on the capacities of the instructors that teach students:

What qualifies a person to teach law is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of causes – not experience, in short, in using law, but experience in learning law....³⁷

It has been suggested that the purpose of law schools is not to teach students how to practice law but, instead, how to learn the law and how to think like lawyers.³⁸ Law schools struggle with their purposes, however, in this way: achieving an effective balance between teaching doctrinal law and how to think like a practicing lawyer can pose challenges, particularly if the teaching faculty is not suitably staffed with practicing lawyers and legal academics.³⁹ Although this has been described as a “false dichotomy”,⁴⁰ it is clear from the mission statements of a number of Canadian law schools that preparation for the practice of law is not the universal primary purpose.⁴¹

³¹ See Note 1.

³² See Note 8.

³³ A.J. Schwartz. Law, lawyers and law school: *Journal of legal education*. 30.4/5 (1979-1980): 437-469.

³⁴ See Note 22.

³⁵ Robert Granfield. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. (New York, 1992) at p. 27; see also Robert B. Stevens. *Law School: Legal Education in America from the 1850s to the 1980s*. (Chapel Hill, 1983).

³⁶ Russell L. Weaver. Langdell's Legacy: Living with the Case Method. *Vill. L. Rev.* 36(1991): 517

³⁷ Jerome Frank. Why not a clinical lawyer-school? *University of Pennsylvania Law Review* 81:8 (1933): 907 at 908.

³⁸ Bethany R. Henderson. Asking the Lost Question: What Is the Purpose of Law School? *Journal of Legal Education*. 53.1 (2003): 48-79.

³⁹ *Ibid.*, p. 76.

⁴⁰ Ian Holloway. A Canadian Law School Curriculum for This Age. *Alberta Law Review* 51.4 (2014): 787-800.

⁴¹ See, as examples, statements made by the University of Ottawa (<https://commonlaw.uottawa.ca/en/students/programs>), the Université de Moncton (<http://www.umoncton.ca/umcm-droit/node/3>) and the University of New Brunswick (<http://www.unb.ca/fredericton/law/about.html>) to the effects that educating practitioners is only one of several outcome objectives.

The purpose of legal education

Identifying the appropriate purpose of legal education is crucial because it informs and shapes the curricula and teaching practices within law schools which, in turn, shape lawyers and ultimately the law. Justice Felix Frankfurter wrote “In the last analysis, the law is what the lawyers are. And the law and the lawyers are what the law schools make them.”⁴² A study of the purposes of American law schools found that, in spite of an American Bar Association requirement that each school must state its purpose, not all do so.⁴³ Further, many law school mission statements lack clarity and, in any event, some schools do not demonstrate commitment to their purposes.⁴⁴ Similarly, it can be argued that the fundamental purpose of at least some Canadian law schools is unclear and is not to teach students how to practice law. As a result, law students are often not adequately educated in, or even introduced to, key skills and knowledge that practicing lawyers require, including interpersonal skills.⁴⁵

Stakeholders in law school education, including students and legal services consumers, should be made aware of the purpose of each school’s offering so that its intended objectives can be critically assessed against the stakeholders’ expectations and requirements. If a stakeholder’s required knowledge and skills are not developed in a particular school, the stakeholder (either a direct or indirect consumer of legal education) will have to assess means of filling the resulting gap.

The importance of professional skills development in legal education

Amongst the concerns that have been voiced regarding law school education outcomes is the suggestion that graduates are not adequately taught to communicate with clients. Gerry Spence, a famous and controversial American litigator who is renowned for his undeniable successes in American courtrooms over six decades of law practice, has underscored that apprehension:

I would rather have a nurse as a trial assistant than a lawyer fresh out of law school. The nurse has gone into her profession because she cares about people, not because she wants to gouge money from them. She has been trained to listen. ...Not so the young lawyer who has never been trained to listen, to care, or to administer to his client.⁴⁶

⁴² Letter from Felix Frankfurter to Mr. Rosenwald III (May 13th, 1927), as *quoted* in Henderson (see Note 20, p. 79) and Jack Rand and Dana Crowley. *Moral Vision and Professional Decisions: The Changing Values of Women and Men Lawyers* (Cambridge, MA, 1989).

⁴³ Gordon T. Butler. “The law school mission statement: A survival guide for the twenty-first century.” *Journal of Legal Education*. 50.2 (2000): 240-272.

⁴⁴ *Ibid.*, at 266. See also Note 8, The American Bar Association Task Force Report and Recommendations on the Future of Legal Education, p. 14.

⁴⁵

⁴⁶ Gerry Spence. *Give Me Liberty! Freeing Ourselves in the Twenty-First Century*. New York: St. Martin’s Griffin (1999).

Spence's critique of Langdellian legal education is not unique.⁴⁷ It has been written, for example, that law school curricula often demands "a rigor of thought that divorces law students from their feelings and morality..."⁴⁸ and that, as much as it attends to analytical thought, it undervalues emotion.⁴⁹ In fact, a decade ago the Carnegie Report noted two significant limitations of case method-based law school teaching: a) inadequate teaching in respect of how to apply legal thinking to the complex problems of actual legal practice; and b) insufficient development of students' ethical and social skills.⁵⁰

Perhaps there should be no surprise that the case method has been viewed as less than sufficient in the development of social skills, since its founder, Langdell, led a life that was "...unusually secluded and free from show."⁵¹ The modern Canadian legal profession requires a change from traditional legal education, according to the Canadian Bar Association:

An integrated, practical approach, including multidisciplinary skills training, should be incorporated into substantive curricula to provide "translational knowledge" – the ability to turn critical knowledge of legal concepts, regulatory processes, and legal culture into actual problem-solving ability in practice.⁵²

The report and recommendations of the American Bar Association's Task Force on the Future of Legal Education offers an explanation as to why practice-based training in law schools is necessary: "A given law school can have multiple purposes. But the core purpose common to all law schools is to prepare individuals to provide legal and related services in a professionally responsible fashion. This elementary fact is often minimized."⁵³

A challenge for law students who intend to enter professional practice is that both law school curricula and articling programs sometimes fall short in developing the problem-solving and interpersonal skills required to navigate the escalating complexities of their future career. The Canadian Bar Association's *Futures* report⁵⁴, the American Bar Association's Report and Recommendations of the Task Force on the Future of Legal Education⁵⁵ and the American

⁴⁷ William P. LaPiana. *Logic and Experience: The Origin of Modern American Legal Education*. New York: Oxford University Press, 1994 at 132 et seq.; see also Rebecca Sandefur and Jeffrey Selbin. The clinic effect. *Clinical Law Review*. 16.1 (2009): 57-107 and Mark Yates. The Carnegie Effect: Elevating practical training over liberal education in curricular reform. *The Journal of Legal Writing Institute*. 17 (2011): 233-254 at 237; Also Sullivan, Note 2 at 57.

⁴⁸ See Note 2, at p. 414, citing J.H. Aiken and S. Wizner. Law as social work. *Washington University Journal of Law and Policy*. 11 (2003):63-82.

⁴⁹ Ibid., citing T.L. Shaffer. Lawyers, counselors, and counselors at law. *American Bar Association Journal*. 61 (1975): 854-856 and R. Voyvodic and M. Medcalf. Advancing social justice through an interdisciplinary approach to clinical legal education: The case of legal assistance of Windsor. *Washington University Journal of Law and Policy*. 14 (2004):101-132.

⁵⁰ Sullivan et al., Note 28, p. 6.

⁵¹ William Schofield. *Christopher Columbus Langdell*. Philadelphia: University of Pennsylvania, Dept. of Law, 1907 at 292.

⁵² See Note 2.

⁵³ See Note 8, p. 3

⁵⁴ See Note 2.

⁵⁵ See Note 8.

Carnegie Report⁵⁶ have, as late as 2014 and as early as 2007, encouraged law schools to enhance their teaching of practice-based interpersonal skills in order to improve the capacity of students to provide legal services to prospective clients. The purpose of law school education remains in question, however, and as such the role that Canadian law schools will actually play in the development of practice-based competencies such as interpersonal skills is still uncertain.

Research design and study participants

This research was designed to collect data from early career Canadian lawyers who joined the legal profession at the time of and after the publication of the 2014 *Futures* report.⁵⁷ In Canada, practicing lawyers must be admitted to a law society, which is a statutory body that regulates the profession. Each of the fourteen Canadian provinces and territories has its own law society, and each society is a member of the Federation of Law Societies of Canada (the “FLSC”).⁵⁸ The FLSC’s member societies govern 117,000 lawyers across Canada, as well as 4,500 notaries in the Province of Quebec and 8,000 paralegals in Ontario.⁵⁹ While law society membership in Canada is mandatory, membership in the Canadian Bar Association (the “CBA”), a professional organization that advocates for lawyers and the justice system, is voluntary except in the Province of New Brunswick. The CBA represents 36,000 of the lawyers who are members of Canadian law societies.⁶⁰ The CBA maintains the Law for the Future Fund, which provides support for research projects of national interest that benefit the general public⁶¹ and which has provided funding for this research project.

Measurement tool A 21-item electronic questionnaire was constructed, consisting of multiple choice, Likert Scale and short answer questions. Generally, the purpose of the questionnaire was to determine the degree to which early career lawyers perceive interpersonal skills as important in their work and how useful law school education is in the development of those skills. The data sought in the questionnaire includes: confirmation of consent to participate; graduation from a Canadian law school and identity of the school; the year of admission or pending admission to a Canadian law society and identity of the society; a general characterization of professional work arrangement (for example, small firm private practice, large firm private practice, government); the extent of interpersonal communications with clients; general client responses to interpersonal communications; importance of interpersonal skills in law practice; the extent to

⁵⁶ See Note 9.

⁵⁷ See Note 2.

⁵⁸ Federation of Law Societies of Canada. “What is the Federation of Law Societies of Canada?” <http://flsc.ca/about-us/what-is-the-federation-of-law-societies-of-canada/>

⁵⁹ Ibid.

⁶⁰ The Canadian Bar Association. “About Us.” <http://www.cba.org/Who-We-Are/About-us>

⁶¹ The Canadian Bar Association. “Law for the Future Fund.” <http://www.cba.org/Who-We-Are/Partners/LFFF>

which law school education developed interpersonal skills; and the adequacy of interpersonal skills training in law school.

Amongst the limitations of this study is its failure to examine respondents' interpersonal skills training and development outside the law school context. Clearly, each law student brings to their formal legal education a degree of social intelligence based on their individual frame of reference that would impact their communications with clients. While this study has focused on the opinions of early career lawyers regarding the sufficiency of interpersonal skills training, future research should be conducted to examine the incremental effects of law school interpersonal skills training on students, taking into consideration pre-law experiences.

Another limitation of the study is that it assumes that the questionnaire respondents graduated from law school immediately before pursuing membership in a law society. While this is likely the case, it should have been confirmed in the data collection and was not.

Data collection

The study was approved by the University of New Brunswick Research Ethics Board. It involved requests for anonymous completion of the electronic questionnaire by lawyers admitted to law societies across Canada during the years 2014, 2015, 2016 and 2017. In order to collect the data, an explanation of the study was sent to thirteen law societies with an accompanying invitation to participate and a link to the electronic questionnaire. Because the prospective respondents' contact data is not in all cases public, it was requested that the law societies circulate the invitation and link to their appropriate members. It should be noted that the Law Society of New Brunswick had the questionnaire translated into French to facilitate the participation of its Francophone members. Data collection continued during the period between April 20, 2017 and November 1, 2017. Responses to the invitation to participate were strong in some law societies but not at all in others. At the conclusion of the data collection process, it was determined that the response rates from the members of the Nova Scotia Barristers' Society, the Newfoundland Law Society, the Law Society of Prince Edward Island and the Law Society of New Brunswick are significant and that the resulting data invited exploration as a result (see Table 1).

Table 1: Response rates from early career lawyers in Atlantic Canada

Law Society	Lawyers admitted 2014-2017	Respondents	% Participation
New Brunswick	246	19	07.7%
Nova Scotia	213	59	27.7%
Newfoundland	109	23	21.1%
Prince Edward Island	18	13	72.2%
TOTAL	586	114	19.45%

Respondents

The respondents to the questionnaire represent a variety of professional work environments including small, medium and large private practice firms, government, judicial clerkships and corporate in-house counsel positions (see Table 2). Their admission to their governing law societies varies, as well: 20% in 2014; 29.60% in 2015; 29.60% in 2016; 16% in 2017 and the remainder (4.80%) expected to be admitted in 2017 or 2018. The respondents graduated from a variety of Canadian law schools:

- Dalhousie University, 60 graduates (47.62%)
- University of New Brunswick, 41 graduates (32.54%)
- Universite de Moncton, 11 graduates (8.73%)
- University of Ottawa, 5 graduates (4.96)%
- Osgoode Hall, 2 graduates 1.59%
- McGill University, Queen's University, University of Calgary, University of Victoria and University of Windsor, 1 graduate each (00.79%)

Additionally, two respondents graduated from law schools in the United Kingdom.

In addition to representing a number of different law schools, the respondents also work in a wide spectrum of practice environments including small, medium and large private firms, governments and corporations. Since the majority of respondents practice in the four Atlantic Provinces, the data provided by these individuals is the focus of this analysis. Table 2 illustrates by province the distribution of respondents amongst practice settings and offers reference for the nature of the work environments that have influenced the respondents' data.

Table 2: Respondents' categorizing data

Law Society	0-5 firm	5-15 firm	16-25 firm	26-50 firm	51+ firm	Gov't	Other
New Brunswick	26.32%	31.58%	05.26%	00.00%	26.32%	10.53 %	00.00%
Nova Scotia	20.34%	28.81%	05.08%	08.47%	20.34%	06.78 %	10.17%
Newfoundland	21.74%	21.74%	13.04%	17.39%	08.70%	17.39 %	00.00%
Prince Edward Island	15.38%	30.77%	46.15%	00.00%	00.00%	07.69 %	00.00%
TOTAL	20.63%	25.40%	10.32%	07.14%	15.87%	12.70 %	07.94%

Results

At least in the Atlantic Canadian context, analysis of the collected data supports the hypotheses that early career lawyers view interpersonal communication skills as critically important in their work, that the vast majority believe that their law school educations did not sufficiently assist them in their development of these skills and that their law school educations provided them with “hardly any of the interpersonal communication skills training and development that [they] need for the practice of law.” The data also offer insights into opportunities for enhancement of Canadian law school education in ways that are relevant to and supportive of graduates who subsequently enter into the legal profession.

The extent to which early career lawyers have been engaged in interpersonal communications with clients is significant across bar admission years, as demonstrated in Table 3. As was expected, client interaction generally increases with years of admission. However, the data suggest that many early career lawyers experience a substantial volume of client communications from the outset of their work in the profession. It should also be noted that high volumes of client communications were described across work environments, including large firm and government settings (see Table 4), where it was expected that early career lawyers might have been shielded from such interactions. Further, 98% of the respondents rated the importance of successful interpersonal communications with clients and co-workers as “significant”. While the data invite further exploration, there is a strong indication that significant interpersonal skills are required even in lawyers’ early careers.

Table 3: *The extent to which early career lawyers are involved in client interactions*

Year of law society admission	A significant amount - I have spoken to or otherwise communicated with clients on more than 100 occasions	A moderate amount - I have spoken to or otherwise communicated with clients on more than 25 but less than 100 occasions	Very little - I have spoken to or otherwise communicated with clients on less than 25 occasions	None - I have not spoken to or otherwise communicated with clients
Total	69.84%	19.84%	10.32%	00.00%
2014	92.00%	00.00%	08.00%	00.00%
2015	83.78%	16.22%	00.00%	00.00%
2016	62.16%	27.03%	10.81%	00.00%
2017	30.00%	45.00%	25.00%	00.00%
Impending	50.00%	00.00%	50.00%	00.00%

Table 4: Question 7. In your work as a lawyer or articulated clerk since graduation from law school, how would you describe the extent of your interaction with clients?

	0-5 firm	5-15 firm	16-25 firm	26-50 firm	51+ firm	Gov't	Other	TOTAL
None - I have not spoken to or otherwise communicated with clients	00.00%	00.00%	00.00%	00.00%	00.00%	00.00%	00.00%	00.00%
Very little - I have spoken to or otherwise communicated with clients on less than 25 occasions	03.85%	12.50%	15.38%	00.00%	15.00%	00.00%	30.00%	10.32%
A moderate amount - I have spoken to or otherwise communicated with clients on more than 25 but less than 100 occasions	26.92%	18.75%	30.77%	33.33%	05.00%	12.50%	20.00%	19.84%
A significant amount - I have spoken to or otherwise communicated with clients on more than 100 occasions	69.23%	68.75%	53.85%	66.67%	80.00%	87.50%	50.00%	69.84%

The vast majority of respondents both experienced a high volume of communications with clients and co-workers and also perceived interpersonal skills as being critically important in their work. Yet, they had the view that law school education did little to prepare them for those interactions or to assist in interpersonal skills development (see Table 5). The majority of respondents also reported having, in law school, a less than accurate understanding of the nature of the interpersonal skills required in their professional work as lawyers (see Table 6).

Table 5: Question 16. Based on your experience, how well did the courses in your law degree program prepare you for and assist in your skill development regarding interpersonal communications with clients and co-workers?

	LSNB	NSBS	LSPEI	LSNF	TOTAL
Not at all	42.11%	57.63%	61.54%	30.43%	48.41%
Some, but not very much	52.63%	42.37%	38.46%	60.87%	48.41%
Very well	05.26%	00.00%	00.00%	08.70%	03.17%
Extremely well	00.00%	00.00%	00.00%	00.00%	00.00%

Table 6: Question 20. How would you rate your understanding, while you were in law school, of the importance of interpersonal communication skills in the practice of law.

	LSNB	NSBS	LSPEI	LSNF	TOTAL
While I was in law school, I had an accurate understanding of the nature of the interpersonal communications skills that are required in the practice of law.	31.58%	23.73%	38.46%	13.04%	24.60%
While I was in law school, I had a somewhat accurate understanding of the nature of the interpersonal communication skills that are required in the practice of law.	57.89%	38.98%	46.15%	56.52%	47.62%
While I was in law school, I had a relatively poor understanding of the nature of the interpersonal communication skills that are required in the practice of law.	10.53%	37.29%	15.38%	30.43%	27.78%

In addition to gaining a less than accurate understanding of the interpersonal skills requirements of law practice while in law school, most respondents indicated that they had received either “hardly any” of the interpersonal communications skills training and development that they need for the practice of law or they received “some” such training and wished that they “had received significantly more” (see Table 7). This perspective remained relatively constant amongst graduates of the three Atlantic Canadian law schools, while University of Ottawa graduates expressed higher satisfaction with the amount of law school interpersonal skills training and development (see Table 8).

Table 7: Question 21. In conclusion, please select the answer below that best describes your current assessment of the interpersonal communication skills training and development that you obtained in your law school degree program.

	LSNB	NSBS	LSPEI	LSNF	TOTAL
In law school, I received the interpersonal communication skills training and development that I needed for the practice of law.	05.26%	00.00%	00.00%	13.04%	03.97%
In law school, I received some interpersonal communication skills training and development, but I wish I had received significantly more.	26.32%	23.73%	07.69%	43.48%	26.98%
In law school, I received some interpersonal communication skills training and development, but I wish I had received a small amount more.	15.79%	13.56%	38.46%	13.04%	18.25%
In law school, I received hardly any of the interpersonal communication skills training and development that I need for the practice of law.	52.63%	62.71%	53.85%	30.43%	50.79%

Table 8: Question 21. In conclusion, please select the answer below that best describes your current assessment of the interpersonal communication skills training and development that you obtained in your law school degree program.

	UNB	DAL.	U de M.	U of OTT.
In law school, I received the interpersonal communication skills training and development that I needed for the practice of law.	00.00%	01.67%	09.09%	25.00%
In law school, I received some interpersonal communication skills training and development, but I wish I had received significantly more.	29.27%	23.33%	36.36%	50.00%
In law school, I received some interpersonal communication skills training and development, but I wish I had received a small amount more.	19.51%	15.00%	18.18%	25.00%
In law school, I received hardly any of the interpersonal communication skills training and development that I need for the practice of law.	51.22%	60.00%	36.36%	00.00%

The responses to Question 21 invite consideration of the graduates' curricula, or at least their perceptions of their curricula, in relation to interpersonal communication skills training. The data summarized in Table 9 suggest that the majority of total respondents and the majority of those who graduated from each of the three Atlantic law schools perceived that they had not been required to enrol in any courses that caused examination, practice and development of interpersonal skills, while University of Ottawa graduates felt that they had been subject to such a requirement.

Table 9: Question 17. How many courses were you required to complete in your law school degree program that caused you to examine, practice and develop skills in the area of interpersonal communications?

	UNB	DAL.	U de M.	U of OTT.	Total
How many courses were you required to complete in your law school degree program that caused you to examine, practice and develop skills in the area of interpersonal communications? - "None"	68.29%	61.67%	54.55%	00.00%	59.20%

Amongst those respondents who felt that they had been required to complete a course or courses that caused interpersonal skills examination, practice and development, a wide range of examples were listed, including Professional Conduct, Professional Responsibility, Clinic courses, Trial Practice, Civil Procedure, Legal Writing, Negotiations and Mediation. It is noted that even respondents who graduated from the same law schools perceived their course requirements differently by characterizing them as having provided interpersonal skills development value, even if the majority felt that they had not.

Discussion

The results of this study suggest that early career lawyers in Atlantic Canada participate in a significant amount of interpersonal communications with clients and co-workers from the outset of their careers, and that they perceive interpersonal skills as having a high degree of importance in their work. At the same time, the research data suggest that the majority of the respondents feel that their law schools required inadequate amounts of interpersonal skills training, and they would have preferred more development opportunities in this area. An example of interpersonal skills training that has proven successful in the training of physicians is found in a short workshop titled “Mastering Your Risk”,⁶² which is a three-hour educational program designed to enhance physicians’ awareness of the relationship between skillful and empathic communication and patient satisfaction, as well as to provide training in verbal and non-verbal communication skills that have been appreciated by patients.

Although it was anticipated that early career lawyers would report the existence of opportunities for their law schools to enhance student interpersonal skills development, the extent to which respondents would have preferred more opportunities is concerning, particularly recognizing that these are early career lawyers who gained or will gain law society membership well after the suggestion of legal education reform had been made by the Canadian Bar Association in its *Futures* report. The data suggest that more than 75% of recent law school graduates wish that they had been required to participate in significantly more communication training in their legal education. These findings align with the Futures Report, in which it is stated:

In-house counsel want their future lawyers to have business skills, and for this content to be taught in collaboration with other faculties. Representatives of large firms want their lawyers to be skilled in risk management, business development, financial acumen and negotiation, but also have cultural competence, emotional intelligence, and excellent communication skills. Small and sole

⁶² See Trumble et al., Note 14, p. 300.

practitioners believe their colleagues of the future will need both practical experience with, and literacy in, technology, as well as financial management, legal marketing, and law office management. And new and young lawyers urgently need practical experience, ranging from court appearances to working directly with clients, networking, and practice development, to become tomorrow's lawyers.⁶³

The provision of interpersonal skills training and development in law schools appears to be complicated by students' varied opinions of what courses offer these opportunities. The findings propose that students in some schools view their required curriculum as having provided interpersonal skills enhancement that their classmates did not recognize. It may be the case, then, that existing curricula can either now or with only minor pedagogical adjustments provide students with positive interpersonal skills development, and that there may be an option for law schools to increase student focus on such development within existing course frameworks. However, this study supports the contention that Canadian law schools have yet to meet the interpersonal skill development needs of their students who enter the practice of law. While Canadian law schools may have previously taken the view that the post-graduation articling requirement is a satisfactory framework for this purpose, the Canadian Bar Association's conclusions in the *Futures* report makes clear that this can no longer be reasonably assumed.⁶⁴

Limitations and Future Research

As has been previously acknowledged, response to the questionnaire in this study by early career Canadian lawyers was relatively strong in Atlantic Canada but weak in the rest of the country. Future research should seek to obtain data from a broader geographic representation of recent law school graduates. Further, the questionnaire used in this study ought to be amended to examine additional characteristics of the survey sample such as year of law school graduation, age, cultural background and life experience history that has shaped the respondents' interpersonal skill development beyond law school.

The study's findings also raise questions in respect of how early career lawyers perceive the interpersonal skills development opportunities made available to them in law school, since the data suggest that some recognize opportunities that others do not. It may be that the appropriateness of interpersonal skills training must be assessed on a subjective, individualized

⁶³ See Note 2, p. 59

⁶⁴ *Ibid.*, p. 61

basis so that law students are required to develop the skills that they require, taking into account existing skillsets.

Conclusions

The debate over theory-based versus practice-based law school education has existed since Langdell declared the study of law a scientific endeavor in the late 1800s. However, in recent years the gap between law school skill development and practice skills requirements has been the focus of pressing calls from the profession for a “...shift still further toward developing the competencies and professionalism required of people who will deliver services to clients.”⁶⁵ This study supports the positions of the Canadian and American Bar Associations as each advanced in 2014 reports by illuminating the views of early career Canadian lawyers regarding the extent to which they communicate with clients and co-workers, the importance of interpersonal skills in early career legal practice and the extent to which mandatory law school curricula foster the development of such skills. These skills include written, verbal and non-verbal communication that is comprehensible to clients such that they can make informed decisions regarding their legal rights and interests and, also, demonstrations of empathy that give clients comfort in stressful circumstances. The findings of this study suggest that, even at the very earliest stages of their careers, new lawyers experience a need for strong interpersonal skills and recognize those skills as being of significant importance. Yet, many early career lawyers view law school mandatory training in interpersonal skills development to be insufficient.

⁶⁵ See Note 8, The Report and Recommendations of the American Bar Association Task Force on the Future of Legal Education, p. 3