The last few years have seen strong forces pulling at established norms and practices in our profession and in our law schools. For example:

- President Obama, among others, has questioned the need for the third year of law school;
- In October, the State Bar of California passed a Practical Skills Initiative that—when the details are worked out in an implementation phase—will restructure law school curriculum and how people enter the profession in California and, likely, nationally;
- Fifty years after Gideon, and as a result of shrinking government spending, legal services for the indigent and lower middle class are falling far short of meeting an ever-growing need; and
- Too many recent law grads are struggling to find employment, leading The Bar Association of San Francisco (BASF), the American Bar Association (ABA), and other progressive bar organizations to search for ways to help them find their footing, in part by creating programs designed to get them experience helping underserved clients.

Where all this will lead, for law firms large and small, remains to be seen. Here are my thoughts as I approach the end of an extremely rewarding year leading our remarkable bar association.
**Key Elements of the Legal Services Delivery System Are Broken**

That the fiftieth anniversary of *Gideon v. Wainwright* was marked more by muted trumpets than marching bands tells part of the story. The promise of *Gideon* has been a promise unkept—or at least barely kept—as public defenders struggle to handle impossible loads of criminal cases. But rather than engage in dispirited handwringing, some try to push forward. Innovative programs like San Francisco’s Right to Civil Counsel Initiative strive to establish some positive momentum for an irresistible notion—that indigent and low-income Americans deserve legal representation in cases involving basic human needs (such as cases involving evictions or child custody). The fact that six in ten civil litigants are unrepresented is simply unacceptable. As a partner with the City and County of San Francisco on this program, we are proud of the progress we have made this year, but we have so far to go.

At the same time that so many families with lower and middle income are unrepresented, there are thousands of unemployed and underemployed recent law graduates. Recent National Association for Law Placement (NALP) data indicated that less than half of the collective law school class of 2011 obtained jobs in private practice (only the second time in thirty-eight years that results have been that poor). At the beginning of this year, BASF launched its Mind the Gap (MTG) program, which is intended to help new and recent law grads navigate the “gap” between obtaining their law degree and finding full-time legal employment in a legal market that continues to struggle (at least with respect to hiring numbers) even as the overall economy improves. We have made significant progress, with several hundred participants taking advantage of training BASF has offered, including opportunities to pick up valuable skills handling cases for our Justice & Diversity Center. And, recognizing that for many recent grads their best economic choice is to hang out their virtual shingle, BASF and our MTG program released a sixty-page electronic “tool kit” to help them navigate this tricky path (see page 25). We are deeply indebted to the small firm and solo practitioners who invested so much time in creating these tools for others to follow in their footsteps.

The ABA is tackling this issue as well. In August, incoming ABA President James Silkenat stated that one of his major initiatives was the Legal Access Jobs Corps. While the name is not as catchy as our Mind the Gap, it is intended to address the same issue—unmet legal needs of disadvantaged communities and the oversupply of lawyers. And (in a step beyond MTG), this program is looking for ways to fund these services. For example, the South Dakota legislature has approved funding to pay for legal services in underserved areas. Other fellowships and similar programs are apparently in the works in other states. Similarly, California Supreme Court Justice Goodwin Liu recently announced a plan to create regional “incubators” around our state that would seek, like Mind the Gap, to connect underutilized grads with underserved clients.

The state bar’s Practical Skills Initiative comes at the issue from a different angle, seeking to foster or accelerate change in law school training to create more “practice ready” law grads. The current proposal calls for fifteen units of competency skills training during law school, fifty hours of legal services to pro bono or “low bono” clients either pre- or postadmission, and ten hours of extra MCLE. Many key details of this initiative will be fleshed
out over the next year or so with the help of a second task force of the state bar. But don’t be surprised if these changes quickly spread to the national level, especially after President Obama, a former law professor, expressed doubts about the need for the third year of law school. No doubt many in the legal and law school communities will be resistant to change, but the growing momentum for change will be hard to stop.

Even before these changes take shape, law school enrollment is shrinking, no doubt a result of the struggling job market for new law grads. The Daily Journal reported this fall that class sizes at California’s twenty law schools for the fall of 2013 are down 8 percent from a year ago, and 25 percent from 2010. The end result may be that these shrinking law school classes will help address the oversupply problem, but of course that will do nothing to help the underserved.

Moving Forward

In a situation like this, where the winds of change are buffeting everything in their path, strong midsize and large law firms locally, nationally, and internationally will continue to thrive and play a vital role for major clients. In addition, we count on these firms to provide support and leadership within BASF and other professional organizations. It has never been more important for established firms to support BASF through the Leaders Circle program (formerly called the Sponsor Firm program), getting their attorneys involved in the legal community; in leadership opportunities through sections, on committees, and boards; and through pro bono opportunities. Without the financial and volunteer support of these firms, and without their thought and business leadership, our task would be insurmountable.

But the small and solo part of the practice will no doubt play oversized roles. The articles in this magazine will give you a taste for that! Technology is leveling the playing field, giving small and solo lawyers tools that were unimaginable a decade ago. As a result of basic economics, the legal services of solo and small firm practitioners are within reach of the vast lower to middle class of citizens who desperately need wise counsel to help them through a divorce, a dispute, or to get a small business off the ground. Solo and small firm lawyers are also playing critical roles as mentors for new law grads. So, if the profession has a chance to address and solve this perplexing riddle—underutilized lawyers and underserved communities—the answers are likely to come from innovative ideas and the community-focused efforts of these lawyers.

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