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# The 21st-Century T-Shaped Lawyer

By R. Amani Smathers

Lawyers have a reputation for being risk averse and slow to change. And for wearing wigs. (Thanks, Britain.) Despite their intelligence and skill at finding novel approaches to legal issues, they are considered laggards and Luddites when it comes to any changes that might affect their practices. Some lawyers still prefer to avoid computers and leave all necessary online communication and research to their staffs. These are 20th-century lawyers running out the clock until retirement. A decade and a half into the 21st century, it's time for all lawyers to reevaluate their working practices and skill sets.

Twentieth-century lawyers were “I-shaped”—they had deep legal knowledge and skills—but 21st-century lawyers must be “T-shaped.” A T-shaped lawyer still has deep legal expertise but also has the ability to collaborate across many disciplines, such as technology, business, analytics, and data security. Changes in the legal market, lawyer ethics, and new jobs for lawyers demonstrate the need and demand for T-shaped lawyers in this century.

### **T-Shaped Professionals**

The earliest known use of the phrase “T-shaped person” was in a 1991 London newspaper editorial on the subject of computing jobs. The basic idea is that a T-shaped professional has a depth of knowledge in one discipline (the vertical stroke of the T) and a breadth of knowledge across multiple disciplines that allows for collaboration (the horizontal stroke of the T). Although the concept took root outside of the legal field, it is apt in law as well. As lawyers grapple with global economic and technology forces that have revolutionized the business, information, advertising, and travel industries in the past decades, firms with T-shaped lawyers will be best able to adapt and meet client demands.

T-shaped talent is tied to innovation. Thomas Edison is said to have looked for T-shaped employees, though he didn’t use the term. Today, innovative companies, including IBM, Nike, Apple, IDEO, and McKinsey & Co., are all known to recruit employees with T-shaped skills. According to IBM, T-shaped professionals are valuable because they are empathetic, making them great at teamwork and collaboration, and creative problem solvers. T-shaped employees are analytical thinkers with the ability to connect ideas across disciplines. Their combination of deep discipline expertise and collaborative ability makes them “adaptive innovators.”

The call for T-shaped lawyers is a refinement of a call for hybrid or multidisciplinary professionals. Having deep expertise or knowledge in multiple fields can help a lawyer find a niche. For example, a previous career in agriculture can give a lawyer the background, network, and perspective to be very successful in agriculture law. T-shaped lawyers, by

contrast, do not necessarily need deep expertise in any field besides law. They need to be able to communicate and collaborate across disciplines, which requires a breadth of knowledge and skills in different areas.

### **Traditional Versus New Legal Jobs**

Traditional 20th-century legal work tended to be bespoke: one-on-one, tailored to the individual client, in the view that every situation was unique. The 20th-century lawyers who delivered bespoke services were I-shaped: They were taught and rewarded for having deep legal expertise—and that was sufficient. Even basic technology skills were not deemed necessary. If a lawyer preferred to dictate his thoughts to a secretary who would type them up, well, it was his thoughts and not his typing that the client was paying for, right?

Recently, large firms have made major cuts to their support staffs. As firms cut back, secretaries and paralegals are often the first to go, especially now that more lawyers are (finally?) typing their own emails and briefs. This is an efficiency improvement even technology laggards can make—and the innovators at the other end of the curve are charging ahead.

Richard Susskind, who reintroduced the word “bespoke” to the American legal lexicon, points out in his book *Tomorrow’s Lawyers* that many clients would be horrified to think that every piece of work they pass to a law firm is started from scratch—especially if they are billed hourly for it. In reality, work is often standardized, at least by a lawyer’s forms library or a firm’s knowledge management system. The lawyer is expected to have learned from the legal work that he or she did before. With data and systems, this can be done at a larger scale.

For example, legal knowledge can be systemized and embedded in clients’ existing computer systems and programs. Neota Logic is one company already capitalizing on this potential. Rule-based decision trees can be built into apps that make legal guidance more accessible to consumers. Building these systems is a job for talented lawyers, whom Susskind calls “legal knowledge engineers.” In *To-*

*morrow’s Lawyers*, he points out that “organizing and representing legal knowledge in computer systems is irreducibly a job of legal research and legal analysis,” which may “often [be] more intellectually demanding than traditional legal work.”

Other new legal jobs include legal project managers and legal technology consultants. The Seyfarth Shaw Legal Technology Innovations Office employs a team of “legal solutions architects.” These multidisciplinary professionals, housed within an Am Law 100 firm, are expected to have knowledge of technology, knowledge management, business analysis, process improvement, and project management. Their role is to create and sell innovative business solutions that enhance the client experience.

On the consumer law end, new companies staffed with lawyers, businesspersons, and coders are forming to serve those consumers and small businesses who currently do not seek advice from lawyers when they have a legal issue. Especially in the consumer law market, the future of legal services is seen as a shift from one-on-one to one-for-many. Document creation services like LegalZoom provide one-for-many solutions; one application created by a team of lawyers and technologists can be used by potentially millions of consumers. Another example is Shake ([shakelaw.com](http://shakelaw.com)), which offers a free app that allows users to create and execute contracts on a mobile device. Shake envisions that its app will be used to create contracts that otherwise never would have been formalized. The company’s CEO, Abe Geiger, terms this previously latent portion of the legal market “TinyLaw,” in contrast to the market served by BigLaw and small law firms, and says it is “anything but tiny.” Joshua Kubicki of the Legal Transformation Institute estimates the legal market at \$400 billion, including \$90 billion in untapped potential for small business and consumer law. New ventures show there is money to be made by lawyers who can collaborate across disciplines to create new legal delivery models.

### **The Top of the T**

Both corporate and consumer clients demand more nonlegal skills and services

from their lawyers. So what are the skills that the 21st-century lawyer should have on the horizontal top bar of his or her T? As clients demand faster, better, and cheaper services, basic knowledge and skills in the areas of technology, business, data analytics, and security can all make a lawyer more valuable. Every 21st-century lawyer's T-shape skill set will look different and could include some or all of the skills mentioned below, or different skills altogether. The following paragraphs outline skills that are increasingly valued by legal services companies and clients in today's market.

**Technology and social media.** Legal technology encompasses e-discovery, document automation and management, data storage, practice management software, and more. The market value for e-discovery alone is estimated at around \$5.5 billion. Four years ago, Google CEO Eric Schmidt estimated that from the dawn of civilization to 2003, humans had produced a total of 5 exabytes (or billion gigabytes) of information. In 2010, that same amount of information was produced every two days. Statistics vary, but whatever the exact number of exabytes of information produced daily, the point is that it's a lot, and it's increasing exponentially. With the amount of electronic data produced, no 21st-century trial lawyer is likely to succeed without knowledge of e-discovery methods and issues. A competent litigator must now understand things like metadata and native file types, and what they mean for document requests, production, and analysis. Soon litigators must also be able to competently discuss technology-assisted review or predictive coding, and defend the methods that their e-discovery providers use.

Clients are beginning to demand higher technological competency from their lawyers and law firms. D. Casey Flaherty, corporate counsel at Kia Motors America, created and implemented a technology audit for the firms that worked with Kia. He found that the lawyers lacked basic technology competence and the resulting inefficiencies led to unnecessary costs for his company. He made firms slash their fees until they could pass the audit. Flaherty is now working with Suffolk University Law School to expand the audit

so that the information is available to the wider legal marketplace.

Many of the lawyers Flaherty surveyed were likely Baby Boomers and Gen Xers born before personal computers and the Internet became staples of everyday life and business. However, it should not be assumed that Millennials, who make up the majority of future law graduates, are all savvy with technology and social media. Law students may actually include a self-selected group of young adults who tend to be more technology adverse. The phrases "I came to law school so I wouldn't have to do math" and "I didn't go to law school to learn technology" are commonplace even today. When Michigan State University College of Law (MSU Law) professor and ReInvent Law Laboratory cofounder Renee Newman Knake asked her professional responsibility students to use Twitter as part of class participation, the reaction from students was so negative that she changed the requirement. However, in other classes at the same school, students embrace technology and push themselves to learn data analytics, e-discovery software and the statistical coding language, R. Some of those students have also been recognized by legal professionals for their strong online presence and mastery of social media. Members of this latter group are positioning themselves for the legal jobs of the 21st century, which require more than just deep legal expertise.

**Business.** A common complaint levied by corporate clients is that their lawyers do not understand their businesses. Law firms have also been slow to embrace the work practices that their clients have used to cut costs and boost productivity, including outsourcing, project management, and process improvement techniques. As more corporate legal requests for proposals ask for alternative fee arrangements and some ask explicitly about firms' project management procedures, law firms are looking for lawyers or other professionals with legal project management expertise. Top firms like Seyfarth Shaw and new legal service companies like Novus Law train all of their professionals in project management. It is a skill that 21st-century lawyers would do well to add to their T's.

**Data analytics.** Data analytics have overhauled the banking and investment industries, improved medical diagnoses, and changed the way retailers target consumers. A challenge facing predictive analytics in law is that federal court data is stuck behind PACER's paywall, state court data is not all available online, and there is little data on settlements. Two companies that have met this challenge are Lex Machina, which mines and analyzes data on federal intellectual property and anti-trust cases, and Picture It Settled, which has aggregated negotiation statistics and built a predictive platform. These companies are demonstrating the power of legal analytics to inform legal strategy. Lawyers comfortable with their technologies will gain insights that are not available from individual experience or traditional legal research resources.

**Data security.** In the wake of recent Dropbox and Target data breaches, all companies—including law firms—need to be diligent in their efforts to protect client information. In a profession where confidentiality is paramount, lawyers surprisingly lag behind in adopting modern security practices. A former in-house lawyer at a business insurance company said that if his company held law firms to the same data security standards it held its printer suppliers, its choice of law firms would be majorly restricted. As corporate data breaches become more serious, clients will demand stricter data security in their law firms. Lawyers who know enough about security (or can understand the concepts well enough to work with experts) to answer clients' questions about how their information is protected are likely to win more business in the future.

## Legal Education

Despite advancements made in law firms and legal service companies to meet the challenges of the 21st century, law schools are still generally structured to create I-shaped lawyers. Students are taught to "think like a lawyer" in the first year of law school—and then retaught the same skill for two more years. Clinical programs help teach students communication, drafting, and advocacy skills but are not required for all students and still fall under the category of legal expertise. Law

schools are churning out these I-shaped graduates at a rate of about 44,000 a year. Although this number will fall in the near future due to fewer law school applications and smaller class sizes, the problem remains: The job escalator for I-shaped lawyers is jammed. According to the ABA, only 56 percent of 2012 law graduates found full-time, bar-passage-required jobs within nine months of graduation. At the same time, however, law graduates with technical and business skills are in higher demand.

So far, only a small set of law schools have begun creating T-shaped law graduates. As covered in greater detail in Richard Granat and Marc Lauritsen's "Teaching the Technology of Practice: The 10 Top Schools" in this issue, these schools offer courses in e-discovery, document automation, data analytics, machine learning, project management, app building, and design thinking. Tanina Rostain and Roger Skalbeck of the Georgetown University Law Center aim to teach students to "think like a lawyer and design like an architect" in a course that incorporates Neota Logic's expert systems technology. The Entrepreneurial Lawyering class at MSU Law requires students to build a personal brand, pitch ideas, and market themselves online, while also teaching them about the start-up process from a business perspective. Quantitative Methods and Legal Analytics courses taught by Daniel Martin Katz at MSU Law introduce students to statistical analysis and machine learning techniques. Jeanne Eicks at Vermont Law School says that the school's Big Data and E-Discovery course spends several weeks on data security issues, covering white and black hat hacking, penetration testing, encryption, various attack vectors, and an assortment of strategies—both legal and technical—for managing and preventing data breaches.

Law firms interested in updating their practices and implementing innovative solutions should look for law graduates with T-shaped skills, such as students who have taken these nontraditional courses. A Gartner report by French Caldwell estimates that at least 20 top U.S. law schools will require legal technology courses by 2018. That estimate may be optimistic, but it recognizes the growing need for

law students to be taught technical skills.

## Professional Ethics and Technology

If the desire to be competitive in the 21st century is not enough to encourage a lawyer to become T-shaped, perhaps professional ethics requirements will be. In 2012, the ABA modified Model Rule of Professional Responsibility 1.1, Comment 8 states: "To maintain the requisite knowledge and skill [to competently practice law], a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject" (emphasis added). Although only a few jurisdictions have adopted the modification to date, more are expected to follow. Legal malpractice insurers have also weighed in on the subject, including comments that a lawyer unfamiliar with computer-assisted legal research may be found negligent if his or her offline research fails to find relevant authority. In her article on the modified comment, Darla Jackson notes that specific areas where technological knowledge is necessary for lawyers include legal research, e-discovery, courtroom technology, and security measures to protect clients' confidential information. Even if a lawyer's jurisdiction does not adopt the modified Comment, the ubiquity of technology in modern society suggests that a lawyer who keeps abreast of changes in relevant technology better serves his or her client than one who does not.

## Conclusion

What does all this mean for established practitioners? First, continuing education should not be limited to updates on substantive law. Although that is important to maintain a lawyer's legal expertise, lawyers should also seek continuing

education on topics not traditionally considered important for lawyers. Lawyers can improve their practices by learning about topics such as document automation, how to use Word to create forms, cloud-based collaboration tools, and optical character recognition software that can scan a document and convert it to text. Many state bar associations already provide seminars on these topics.

Lawyers should also take stock of the skills within their firms. Does the firm as a whole have a T-shaped skill set and collaborative culture? If not, firms should look for new hires, whether they be new associates or support staff, who can add breadth of skills to the firm. A young law school graduate exposed to e-discovery software in law school or another job may have enough knowledge to help a small law firm determine an affordable e-discovery strategy so that it doesn't have to give up bigger cases.

The T-shaped lawyer is not necessarily a Renaissance man (or woman). He or she does not have to be an expert in computer systems, big data analytics, Six Sigma, gamification, and whatever the next fad is in business and technology (though being an "H-shaped" expert in law and one of those disciplines could give a lawyer a profitable market niche). Twenty-first-century lawyers must still be legal experts but also have enough knowledge in different areas to identify issues, understand concepts, contribute to teams, and connect ideas across disciplines.

Twentieth-century lawyers prided themselves on, and were valued for, their deep legal expertise. In the technology-driven 21st century, clients demand more—and the T-shaped lawyer is better equipped to provide it. **CL**

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