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A Response to Sam Sue by James Castro-Blanco

by James Castro-Blanco*

I agree with Professor Sue that a comprehensive survey assessing the McCrate skills would be a tremendous benefit to law schools and to the law firms and organizations that provide legal services. I recognize that I am approaching this from a very different perspective. At Shearman & Sterling LLP, we have over 800 associates worldwide and we are involved in major transactions every single day.

Shearman & Sterling LLP is completing an Associate Development Manual, scheduled for distribution to our 2003 Entry Level Associates.¹ It details the kinds of skills that we are talking about here. We are creating a matrix of skill sets that span different bands of attorneys' careers. The skills sets reflect those skill sets set out in the MacCrate Report.² Additionally, we examined and incorporated findings contained in other reports that have recently been published. Many of you, I am sure, are familiar with the Association of the Bar of the City of New York's Survey on Associate Satisfaction, released in 2000.³ While we can all agree that it's an important thing to have happy and productive associates, one of the things that came out in that report was the need to focus more on training; on

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1. SHEARMAN & STERLING LLP, ASSOCIATE DEVELOPMENT MANUAL: ENTRY LEVEL ORIENTATION (2004) (on file with author) [hereinafter Manual].

2. A.B.A., LEGAL EDUCATION AND PROFESSION DEVELOPMENT—AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MacCrate Report].

3. A.B.C.N.Y., REPORT OF THE TASK FORCE ON LAWYERS' QUALITY OF LIFE (2000), available at http://www.abcny.org/reports/show_html.php?rid=23 (last visited Dec. 28, 2003).

training and developing the kind of skills that are going to make you a successful attorney in whatever field you happen to be in.⁴

Professor Sue's focus on MacCrate Skill 9⁵ was particularly interesting to me, as what we have tried to do at Shearman & Sterling LLP is to look at our review system and begin to make it more of a two-way street, by using our attorneys' reviews to begin to tailor individual developmental plans. One of the interesting things that came out of our focus group meetings with our associates, and meetings with the partners in our firm, has been a recognition that many of the things that we judge our associates on, throughout their tenure at the firm, are what we would consider the "soft skills." We don't focus on whether or not they understand the financial documents, or technical drafting skills. Those skills are taught, and the associates' documents are reviewed by more senior attorneys. Very often we look at things like the ability to submit timely and complete diaries. We have a section in this Associate Development Manual that illustrates the kinds of things we expect from first year associates.⁶ Additionally, our cover memo discusses the fact that associate development at Shearman & Sterling LLP, is based on indices such as intellectual capacity, dedication to the practice of law and to meeting our clients' needs.⁷ The crucial wording here is "the most important component to an associate's development in Shearman & Sterling LLP is on the job training."⁸ So no matter what these associates are being taught before they get here, they have to learn to be attorneys while they are at this firm.

Let's examine the skills that we are looking for: intellectual skills, management skills, communication skills, technical skills and interpersonal skills. All of these things really come together in MacCrate Skill 9, in phrases such as demonstrating intellectual curiosity in the practice of law and things as simple as treating people with dignity, and learning to work well in

4. *See id.*

5. MacCrate Report, *supra* note 2, at 199-203.

6. Manual, *supra* note 1, at 8-9.

7. Memorandum from the Professional Development Partner, to first year associates at Shearman & Sterling LLP (Jan. 6, 2004) (on file with author).

8. *See id.*

teams.⁹ Skills such as learning to nurture and develop client relationships at the earliest stages of their career are of paramount importance. The matrix that we are developing begins to build upon those skills.

I want to take some time to discuss the analysis that Professor Sue went through. I think it's important to look at as large a sample as possible. The issue that I've seen here with both the CUNY Report¹⁰ and the Mitchell Report¹¹ is that you have a small sample. There are also issues particular to the CUNY Report. Most of the graduates, from my understanding, are working in the public interest and public service arena. Many are litigators. These practices are not necessarily reflective of the practices of many firms, including the firm that I work for. So, interestingly enough the things that the respondents value may be colored by the kind of practice they are in. Additionally, Professor Sue mentioned that we're looking at very junior attorneys. One of the things that I found interesting when examining our review system is that very often there is a disconnect in the perception that a junior attorney has about what they have or haven't learned. Therefore, many believe that they have been well prepared at the law school level or even through their first two years of practice to use a particular set of skills. Yet reality is very different from their perception. So again, there are issues in trusting the reliability of their response to how well they've been prepared in law school to use these sorts of skills. Very often the people who would be able to tell you whether these individuals have been well prepared are the people who are 3, 5, 7 and 10 years their senior. Those individuals may be the better people to survey. Finally, the response rate of those surveyed is obviously another issue. People who feel they were well prepared in law school are far more likely to respond to a law school survey.

What's important to look at down the line are ways to really begin to measure whether or not the skills that are being taught, the MacCrate skills, are translating into effective advo-

9. See MacCrate Report, *supra* note 2, at 199-203.

10. Sam Sue, *Assessing the MacCrate Skills: Developing A Good Survey*, 23 *PAGE L. REV.* 657 (2003).

11. John Sonsteng & David Camarotto, *Minnesota Lawyers Evaluate Law Schools, Training and Job Satisfaction*, 26 *WM. MITCHELL L. REV.* 327 (2000).

cacy; whether they are translating into the effective practice of law. The level of preparedness that the attorneys come into the firm with is always of critical importance to us because we have to assess where to begin teaching. Do we have to go back and teach them things that we would have hoped that they would have learned in law school?

Interestingly enough, one thing that struck me was that some of the skills the survey respondents believed they were well prepared in, Office Administration and Time Management rated very low.¹² The respondents didn't believe that they were prepared to deal with the issues related to those items. Not surprisingly, completion of administrative tasks and effective time management are two of the skills associates have the most issues with in my firm. Where people are really beginning to falter is in the organization skills, in time management, in being able to organize their files, and organizing the administrative aspects of their lives. Falling behind woefully in submitting diaries, things that they're just never taught at law school. These things are incredibly important. Also, the organizational skills necessary to become a complete attorney seem to be neglected in law school curricula. If attorneys don't have their hands around those sorts of things they really have a difficult time providing the kinds of service to clients that they want to provide.

Thank you for allowing me to give my comments on the survey. I think Professor Sue is absolutely on target. We really need to get a broader and more representative sample of both recent graduates and the people who supervise those graduates, because we need to understand what kind of skills are being taught effectively in law schools and in what ways we can teach these "soft skills" of self management and, in turn, management of clients' needs.

12. Sue, *supra* note 10, at 669.