Firms Must Rethink How They Train New Lawyers In AI Age

By **Liisa Thomas** (June 18, 2024)

For those of us in large law firms, summer means the latest crop of summer associates.

Many of us may be reviewing our to-do lists, looking for good summer projects. These might range from discrete research projects to large 50-state surveys. They are often for not-urgent questions: Summers can take their time.

In years past, we might have been saving up these projects, as we have long taken it for granted that these entry-level tasks are the perfect way to teach young attorneys. Through these projects, they have the opportunity to grow and develop.

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Not only do the tasks help them learn new areas of the law through hands-on work, but it also gives them the opportunity to watch different senior lawyers' working styles. In other words, it's a classic apprenticeship model.

But this summer is different: It is the first one when summers are joining us in the rising and as-yet uncharted age of generative artificial intelligence.

Some of us, in fact, may already be using our firms' test AI tools on just the type of projects we would have given a summer associate. And even if we haven't done so yet, we may do so in the not-so-distant future. We thus have an opportunity to reflect on how we can most effectively train and mentor young lawyers.

When we assign training projects this summer, will these be an accurate reflection of the type of assignments these young lawyers will receive in two years or so when they join our firms full time? Will we really give first drafts of memos and pleadings to junior attorneys? What about the classic junior associate project, the 50-state survey?

Or instead, will first drafts be assigned to AI tools, with midlevel and senior associates revising and perfecting the work?

And if this happens, how will we replace the training that many of us received with something that can effectively bring new lawyers into our profession and teach them the business of law?

Stages of the Junior Lawyer's Learning Journey

Before we look at options, we have to acknowledge the proverbial elephant in the room: Lawyers were never that great at training junior lawyers. We all have war stories about the terrible training we received as new lawyers, in which those who were good at teaching were the exception, not the rule.

Law firms have been revising, improving and relaunching their training programs for decades. And, for the same amount of time, if not longer, senior lawyers have felt strongly that the junior lawyers "just didn't get it" — even if those junior lawyers are now the senior ones, saying the same things the prior generation said.

Perhaps one reason training is so difficult is that the people who are doing the training are often the experts, and as such, are too removed from the lived experience of juniors to know how to best teach them.

The philosophy professor Hubert Dreyfus, and his brother, Stuart Dreyfus, an applied mathematician, studied this very phenomenon of how people learn from the mid-1980s through the early 2000s.[1]

According to the brothers, people pass through five stages, from novice to expert, in their learning journey. To illustrate their model, they described how people learn to drive, but emphasized that the model applied to all skill acquisition. In each stage, the learner is different, needs to focus on different things, and can be helped by teachers and mentors in different ways.

We can keep this in mind when we develop our approach with summer associates and first-years — something we should have no doubt been doing before AI.

First, the learner is a novice. They follow rules, often blindly, and don't have the capacity to work in a real-world context. For the Dreyfuses' new driver, this is equivalent to knowing that you can read speed on a speedometer, but not know how to make a car accelerate.

For a brand-new lawyer, the novice is someone who pulls lots of sample documents and copies them to a T. We have all worked with the associate who told us, "But that wasn't in the form!" — and to whom we responded, "It wasn't a form!" Our big mistakes with these lawyers are presuming they will understand context after one or two times doing a project, and not giving them more support and runway in learning context.

The next stage is the advanced beginner. This learner does recognize context, and puts together the rules they developed as a novice with the situation, creating a set of maxims or principles.

For the Dreyfus brothers, this is the person learning to drive who now knows how to accelerate. They do not, however, have enough experience to identify what is important, such as knowing when to press on the brakes. As a result, their day-to-day life can be overwhelming and stressful. They may go from emergency to emergency.

These are the poor associates who, faced with an unachievable list of projects, cannot prioritize them effectively. According to the Dreyfuses, we can support these learners by creating a safe space for them to fail — that is, to prioritize in ways that don't match our priorities or those of our clients.

These learners may also apply their newly emerging principles in odd ways or in ways different from their seniors. The Dreyfus brothers suggest we be open to these new approaches.

These two levels are perhaps the most at risk for being replaced by AI, as the learners in these levels are following rules or principles that AI tools may, in the near future, be able to replace.

Even without AI, many junior lawyers today do not advance beyond the novice or the advanced beginner stage.

There are many possible reasons for this — and those reasons may not be laziness or that they just don't get it. (These are phrases that may have been said about us — the current senior lawyers — when we were junior lawyers.)

Instead, we should keep in mind the stress imposed on junior lawyers by their high billing rate. These associates are reminded to be efficient to avoid running up the bill, since their hourly rate is so high.

The current education system also may not have provided them with an opportunity to learn as a novice or advanced beginner. Instead, they have self-selected into classes and degree programs where they are proficient, or at best, competent. These two levels are the next on the learning journey.

The third level for the Dreyfuses is the competent learner. This person embodies what many of us think of as the good associate. They have had enough opportunities to apply their principles to real-world situations that they are now able to adapt.

The competent learner doesn't use a rules or principles approach. Instead, they use their own discrimination when executing tasks. They can face curveballs, they see that they can accomplish hard tasks, and, as a result, they are emotionally invested in the outcome of projects.

As a driver, this person knows how to balance acceleration and deceleration to get around a tight curve. These are the associates that are valuable members of our team.

That said, this cohort, while recognizing goals and wanting to achieve them, does not always know how to do it. And this can be stressful, if not frightening, especially, as Stuart Dreyfus pointed out, when the outcomes are based on the person's own choices, which may result in success, but may also result in failure.

Nevertheless, these are the associates that we see as future partners and leaders. We can help this cohort by understanding that while they are adaptable and dedicated, they will not always know how to accomplish every task they face. Our efforts can be spent supporting them in designing approaches for accomplishing goals.

The fourth level is proficiency. These are associates — or junior partners — who have put all the elements together. They can see issues, develop an approach and respond to many different kinds of problems. They are the driver who successfully navigates a tight curve on a rainy day.

What differentiates them from an expert is that their approach is not automatic. While they can get around the tricky curve, the decision is calculated and deliberate.

The expert, on the other hand, does the work of the proficient person more fluidly. They are the ones who seem to have a sixth sense about things. They are who clients turn to when stakes are high.

Unfortunately, because experts have absorbed and internalized all the various elements of their area, they cannot necessarily articulate to those earlier in their learning journey why things need to be done in a particular way.

The combination of the expert and the novice can be lethal. It could be the exchange where the novice or beginner leaves without being able to match their emerging rules or principles

to a particular context. But experts who have been reminded of what the novice and advanced beginner need can provide them with better support.

Junior Attorney Tasks and Training in the Age of AI

How do we think about the most junior levels in light of the rote tasks we previously gave as training opportunities, which may soon disappear?

We can encourage novice attorneys to be aware of context and to consciously create mental databases of rules for themselves. This is the time for the lawyer to lean into their organizational skills and work hard.

As the novice develops to advanced beginner, we can emphasize the need for them to create plans and select approaches, but to also keep in mind that there may be more approaches to solving a problem than they realize: the classic unknown unknowns. This is the time when we want to make space for them to try a lot of different approaches.

We should also support this lawyer in what can be an overwhelming era, filled with a seemingly unending series of emergencies, where everything feels important. For this lawyer, we should encourage them to lean into their resiliency, become comfortable with failure and get emotionally invested.

The legal profession is going through a time of great change. From the post-pandemic hybrid work environment to the new ability to outsource tedious tasks to AI, we are now, perhaps more than ever before, called to be thoughtful in how we train and mentor new members of our profession.

To loosely borrow from Charles Dickens, in these apparent worst of times, we may be able to create some of the best of times.

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[1] Dreyfus H.L. and Dreyfus S.E. (2005), "Expertise in Real World Contexts." Organizational Studies, pp. 779-792; Dreyfus S.E. (2004), "The Five-Stage Model of Adult Skill Acquisition." Bulletin of Science, Technology & Society, pp. 177-181.