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# Delta Model Lawyer: Lawyer Competencies for the Computational Age

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**MIT Computational Law Report**

# Delta Model Lawyer: Lawyer Competencies for the Computational Age

**Caitlin "Cat" Moon**

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When Report Editor in Chief, Bryan Wilson, asked if our working group would share about the Delta Model for Lawyer Competency in this inaugural issue, I responded immediately with an enthusiastic YES!

Why? Because bringing important ideas like the Delta Model into the Report is exactly why I'm serving as an advisor.[1] As we wrangle with technology to make law better in myriad ways, I am hyper-focused on how the human element fits within and influences these important conversations.

We are dealing with "big uncertain Asimov problems" in law, and these demand human thinking. And what is more human than thinking about the human competencies that we human lawyers and legal professionals need in order to face the vast known (and unknown) challenges of this Fourth Industrial Revolution?

The Delta Model working group posed some big questions: What are the various roles of a lawyer in the 21st century? What are the requisite skills and competencies that a legal professional needs in order to thrive personally and contribute professionally in this Fourth Industrial Revolution? How might we design a client-driven model for describing these competencies?

> ***To solve the problems implicit in these questions, the attorney must master the force which has created them - he must employ the computer to meet the challenges of automation. To the lawyer, the profession, and the law, the depth of the problem is the scope of the opportunity-and of the duty.***[2]

These questions become ever-more important, and perhaps more complicated to answer, as legal systems are increasingly and constantly influenced and reshaped by technology. This very Report is, after all, an effort to expound upon, share, and influence the future direction of some legal system somewhere, in relation to the actual, possible, or probable application of some form of technology.

And these questions are among those Delta Model working group seeks to answer as we explore the range of competencies that lawyers and other legal professionals require as we approach mid-21st century.

## Where We Are

> ***The [law] schools must begin training the profession to cope with and understand computers. […] Minimizing the pain and problems which may be caused by computer-created unknowns is a responsibility of the profession.***[3]

May we agree that constant change across industries and professions *including the law* is the new normal? Some, such as the World Economic Forum, would even say constant *disruptive* change is the new normal. If so, until and unless legal professionals embrace this new reality and choose to leverage

disruptive change instead of ignore it, our biggest challenges will continue to expand in scope and complexity, unabated.

Some of the more obvious examples of these challenges include:

- Most legal needs go unmet by current legal systems – current data suggest 80% or more people with civil legal problems receive no formal legal assistance and 86% or more of civil matters never enter a legal system for resolution.
- Legal regulatory structures perpetuate and support limited access to legal help and services, being created originally in the absence of data and to serve prior eras (e.g., the First/Second Industrial Revolutions) - eras that are obsolete.
- The legal profession suffers from unacceptably high levels of substance dependency and abuse, anxiety, depression, and suicide, which adversely impacts not only the individuals doing the work but also the integrity of legal systems and the lives of those separated by these systems. Since law is human society's operating system, these adverse impacts have a down-stream effect on everyone who is a part of human society.
- Corporate clients identify many shortcomings in service delivery from their law firms, including inefficiency, failure to understand clients' business, failure to work from a relational rather than a transactional perspective, and an inability/unwillingness to fully leverage technology to produce better, faster, and less expensive results.
- Legal education excels at producing highly-trained technical experts but fails to inculcate a holistic range of skills and competencies demanded by clients of 21st century legal services.

What does this all mean for legal professionals and the skills we need? The Core technical lawyer competencies (legal reasoning, advocacy and counsel, research, writing) remain elemental, but alone they're not enough to meet these challenges. In much the same way, licensed lawyers alone aren't enough to meet the vast need for legal help and services.

A more holistic set of competencies wielded by a more diverse group of legal professionals is required to address increasingly complex challenges in an increasingly complex world – a world in which technology replaces human activities while concurrently requiring a more sophisticated application of uniquely human skills.

## Where we need to go: a Delta Model origin story

***Many persons are deluded because most changes caused by computers have not been externally manifested. The attorney may be the most deluded of all professionals.*[4]**

How might we shed the mantle of delusion and instead embrace a proactive vision for the future of law? One simple and effective way: define and use a competency framework reflecting the traditional

legal skills required, along with modern elements such as technology, data, business fundamentals, process improvement, project management, design thinking. And the competencies that are more important than ever for the human element - personal effectiveness competencies: communication, character, emotional intelligence, entrepreneurial mindset, relationship management.

## from whence it came

The Delta Model was born during a 2018 design sprint hosted by Dan Linna, then-director of the LegalRnD Center at Michigan State University (MSU) College of Law. Current working group members Alyson Carrel, Shellie Reid, and Natalie Runyon along with Jordan Galvin (then MSU LegalRnD Fellow) ideated the initial model by adding dimensions to the "T-Shaped Lawyer" concept first outlined by Amani Smathers, to create a triangle shaped with three core dimensions. The "Delta" name acknowledges the element of change inherent in the model-that it's intended to be agile and reflect iteration and adaptation over time.

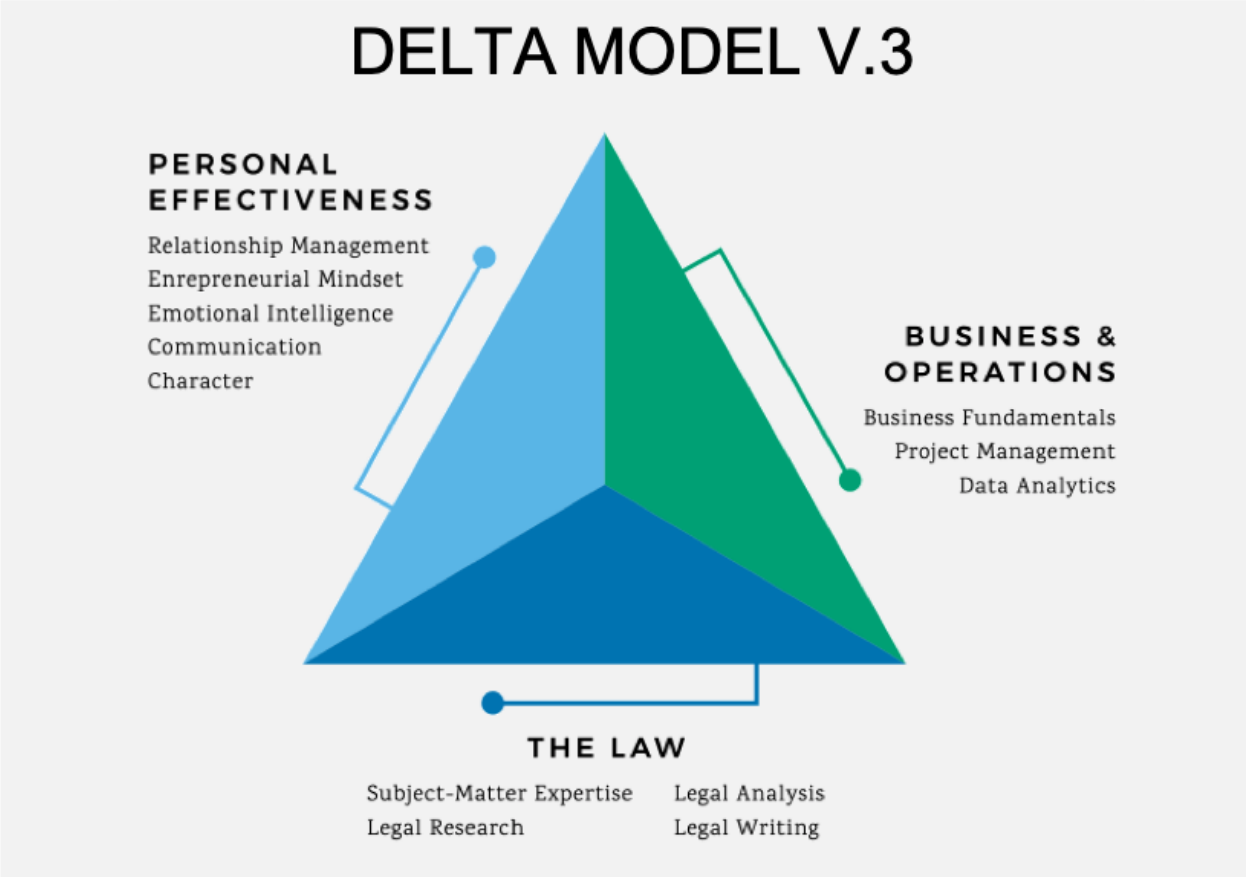
## who's doing it

The current Delta Model working group consists of Alyson Carrel (Northwestern Pritzker School of Law), Cat Moon (Vanderbilt Law School), Shellie Reid (student at Michigan State University College of Law), Natalie Runyon (Thomson Reuters Legal Executive Institute), and Gabe Teninbaum (Suffolk Law School). In addition to surveying existing research into lawyer competencies, the group conducted two rounds of original research to support the model and its members are now focused on various efforts to operationalize the model across the legal spectrum, from law schools to firms to corporate legal departments to legal services providers to regulators

## how it works

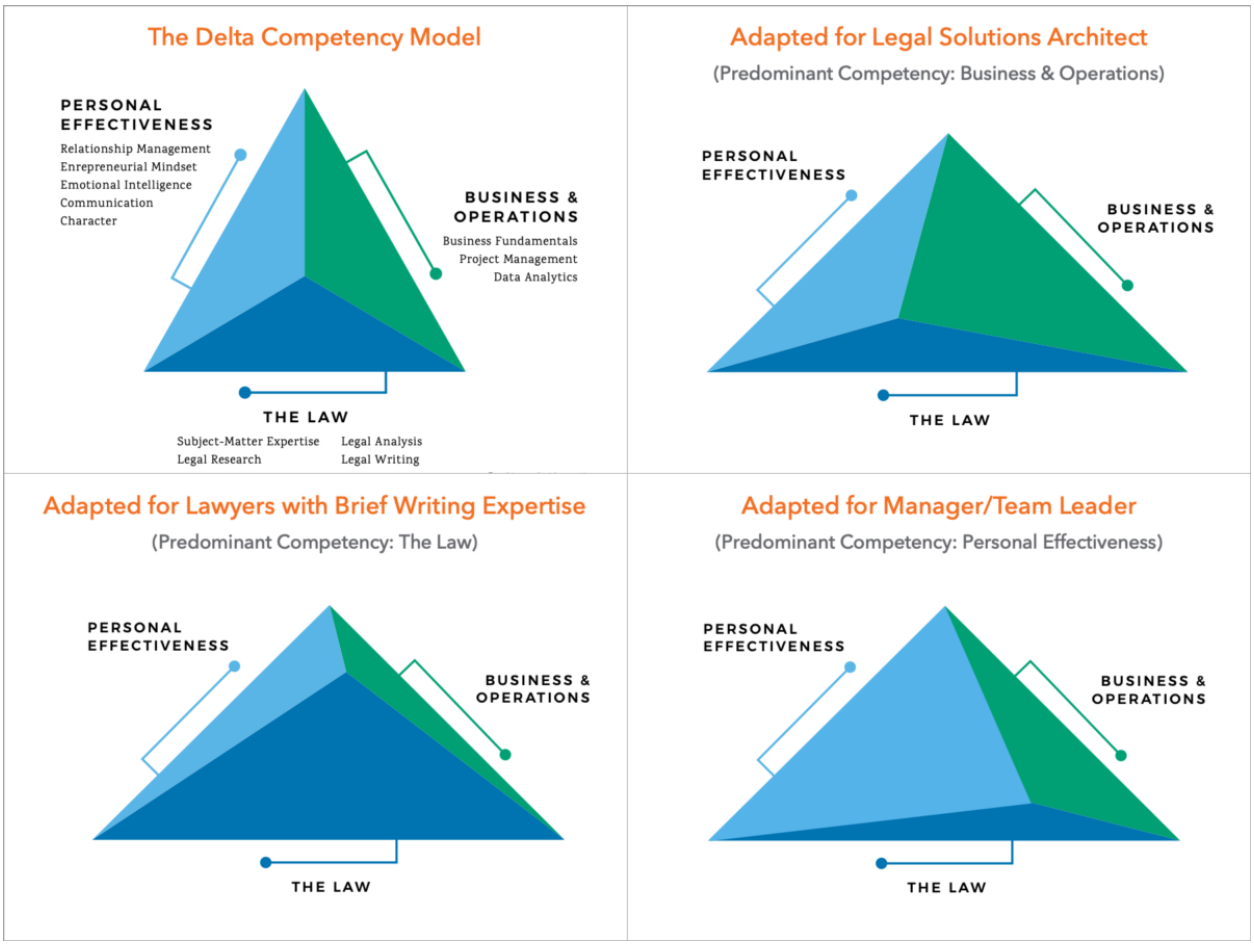
The Delta Model leads us to reimagine the legal professional by broadening our understanding and application of competencies and skills and including roles that extend beyond traditional JD-required ones. The Model builds upon existing research including the Carnegie and MacCrate reports and frameworks and the T-Shaped lawyer model, and integrates original research, all with the goal to create a data-based model reflecting both what we know about effective lawyering *and* an iterative approach to reflect and adapt to change as it happens.

A triangle in shape, the Delta Model's sides reflect the three core areas of client-centered competencies: The Law, Business & Operations, and Personal Effectiveness. As detailed in the Delta Model graphic, each side includes those competencies integral to client-centered delivery of legal services.




Agile in at least two ways, the Delta Model assumes that competencies and skills will continue to evolve as the world around us evolves, signaled by the model's name "delta" and connoting change. The model is also agile in that it doesn't assume a single version of lawyer competency: the specific combination of competencies depends upon the role being filled, so the center point of the model shifts along with the role.

As the center point moves, the combination of competencies shifts to reflect that some roles may require a greater application of a certain side of the Delta triangle and thus require a greater emphasis on skills within a certain area. For example, this graphic representation of the Delta Model reflects an emphasis on different skills as between various roles in a legal organization.




The agility of the model to reflect different combinations and levels of skills in a clear, visual way is elemental to the purpose and application of the Delta, which can be iterative for a legal professional as she progresses through her career.

How? As a law student, she can use the Delta to gain a holistic understanding of skills expected of a lawyer and can plan her coursework to build on existing and natural skills as well as explore new ones. As a young lawyer, she can use the Delta to assess her progression to focus on less-developed skills and plan for professional advancement by mapping her current Delta on the map for roles which she seeks to fill. In this way, any lawyer can plan proactively and intentionally to prepare for and assume increasingly challenging roles.

The Delta Model is designed to be an assessment and planning tool for individual legal professionals, legal organizations, and legal educators.

## The Awakening: rude and jolting? Or intentional and prepared?

***Computers and automation have carried organization to as high a level of efficiency as atomic energy has carried physical power. They can be expected to affect the relationship***

***of the elements with which they work to the same degree atomic fission has affected its elements. It is submitted that most attorneys are not aware of the magnitude of changes that have taken place. Even worse, they have no basis on which to speculate about changes yet to come. Their awakening may be rude and jolting.*[5]**

We know that globally, the world of work is changing - and drastically. The World Economic Forum's 2016 Future of Jobs Report warns us: "While the implications of current disruptions to business models for jobs are far-reaching, even daunting, rapid adjustment to the new reality and its opportunities is possible, provided there is concerted effort by all stakeholders."

Instead of a rude and jolting awakening, let us be intentional and prepared. When armed with agile, iterative frameworks like the Delta Model, we have the capacity to prepare accordingly and include all stakeholders in identifying and amplifying the most important competencies needed to deliver legal services in this Fourth Industrial Revolution and beyond.

## Getting it right

***From the point of view of society, the failure of the law to meet the demands for speed and accuracy can result in two equally undesirable situations: either economic activity will be slowed, or law will lose control of society.*[6]**

This work is perhaps more important for the legal profession to get right - more than that of any other profession - as we wrestle with technology's revolutionary impact on legal systems and the humans said systems serve.

Because if the law is human society's operating system, we have an incredible responsibility to get it right.

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## *Want to learn more about the Delta Model?*

*Read the white paper Adopting for 21st Century Success: The Delta Lawyer Competency Model, authored by working group members Alyson Carrel and Natalie Runyon, and The Delta Model: Simple Visual, Accurate on Bill Henderson's Legal Evolution blog, and visit Alyson Carrel's Delta Model webpage and check out her article, Legal Intelligence Through Artificial Intelligence Requires Emotional Intelligence: A New Competency Model for the 21st Century Legal Professional.*

## *Want to learn more about Cat Moon's work?*

*Connect with her on Twitter and follow her work at legalproblemsolving.org*

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# Citations

1. Editorial Note: Cat Moon is one of the Advisors to the MIT Computational Law Report. ↩

2. William Fenwick, “Automation and the Law: Challenge to the Attorney.” 21 Vand. L. Rev. 228, 265 (1968) ↩

3. William Fenwick, “Automation and the Law: Challenge to the Attorney.” 21 Vand. L. Rev. 228, 264 (1968) ↩

4. William Fenwick, “Automation and the Law: Challenge to the Attorney.” 21 Vand. L. Rev. 228, 262 (1968) ↩

5. William Fenwick, “Automation and the Law: Challenge to the Attorney.” 21 Vand. L. Rev. 228, 263 (1968) ↩

6. William Fenwick, “Automation and the Law: Challenge to the Attorney.” 21 Vand. L. Rev. 228, 229 (1968) ↩