



The unprepared lawyer .

How America's legal education is failing
the courts and what must change



Thomson Reuters
Institute

Executive summary

The legal profession is facing a silent crisis with new attorneys entering the courtroom unprepared, and the consequences have negative implications for client advocacy and are undermining justice nationwide, according to judges.

Groundbreaking research by the Committee on Legal Education and Admissions Reform (CLEAR), with input from thousands of judges, practicing attorneys, and law students, reveals a stark reality — too many new lawyers lack basic courtroom advocacy, procedural know-how, and professional communication skills. The verdict from the bench is that unprepared attorneys are failing clients, frustrating judges, and eroding public confidence in the legal system.

What is fueling this crisis? Law schools are churning out graduates who are adept at research and analysis; however, schools are falling short in teaching the practical skills required for real-world legal battles.

Indeed, new lawyers are not obtaining the skill level that is needed across many practices areas and specialties and are not meeting the challenges of practicing law. Further, the traditional bar exam is inadequate and out of touch with the daily demands of modern law practice, although the NextGen bar exam, which is set to debut July 2026, will focus more on foundation skills.

Meanwhile, the explosion of remote proceedings, the shrinking number of live trials, and the increase in remote work mean fewer opportunities for young lawyers to learn the ropes in the courtroom.

CLEAR's research exposes what the judges surveyed see as several significant gaps in legal education and professional training, including:

- More than half of judges believe new attorneys should not be in court without more training.
- Nearly 60% of judges report that new lawyers' lack of readiness is harming client advocacy.
- Just over 40% of lawyers say they believe that law schools provide students with the necessary skills and knowledge to adequately practice law.
- Mentorship and hands-on experience are proven to work but are insufficient to close the practice-readiness skills gap.

The message from the legal profession is urgent, and it is time to rip up the old playbook. This white paper, based on the larger CLEAR report, calls for bold, systemic reforms, including:

- Mandate supervised, post-graduate practice because no attorney should practice alone from day one.
- Modernize bar admissions to focus on real skills, not rote memorization.
- Make experiential learning a core requirement in every law school curriculum.
- Double down on communication training to restore credibility in the courts.
- Harness AI and advanced technology to deliver scalable, effective training to close the skills gap.

If the legal profession fails to act, the costs will be measured in the continued decline in the faith in our nation's justice system. However, by embracing radical change, the legal profession can restore public trust, empower new attorneys, and ensure that justice is served by lawyers who are truly ready for the front lines.

“Law school has prepared students to pass the bar exam but fails to train attorneys to practice law.”

- A judge responding to the CLEAR survey

Methodology

The research initiative of the Committee on Legal Education and Admissions Reform (CLEAR), which comprised of judges and court administrators, gathered extensive input from across the legal profession, surveying 4,155 judges, 600 law students, and 4,433 practicing attorneys. It was led by the National Center for State Courts in partnership with the Conference of Chief Justices and Conference of State Court Administrators, and the AccessLex Institute. The Thomson Reuters Institute supported the research with funding and by providing technical research assistance. Organizations that assisted with distribution included the National Judicial College, American Inns of Court, and National Association of State Court Judicial Educators.

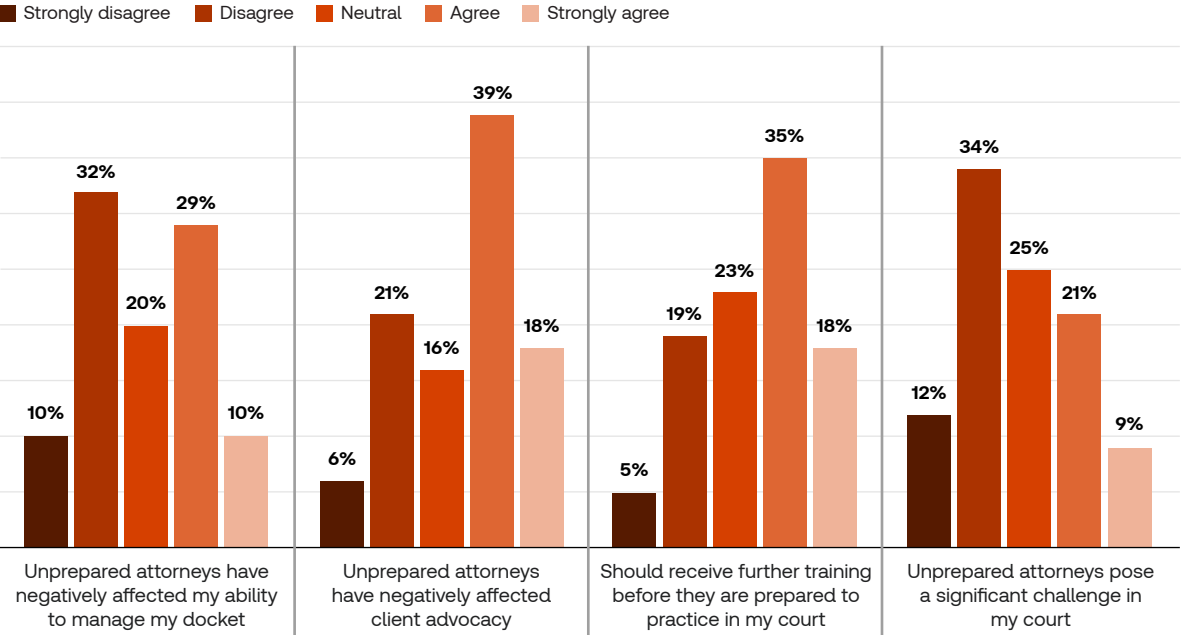
Participating judges were from all 50 states, Washington, DC, and three other territories, and 60% of those surveyed frequently see attorneys who are within their first five years of practice. Additionally, 39% of judges in the sample have been a judge for six years or less, 35% between seven and 15 years, and 26% have been a judge for more than 16 years. The majority of the judges were trial judges (91%) with dockets in criminal (26%), civil (22%), and family (16%) law.

Participants responding to the research as practicing attorneys represented a broad range of experience and practice settings. Of the practicing lawyers surveyed, 18% had been practicing for five years or less, while 82% had been practicing more than five years. Also, 15% of attorneys indicated that their practice is fully in rural communities, and 40% practiced partly in rural areas.

Part 1: Evidence of gaps in practice readiness skills

The practice-readiness of new attorneys is being called into question by more than 60% of judges, who have observed attorneys in the first five years of practice in their courtrooms over the last two years. More specifically, 55% of judges report a notable decline over the last decade in the litigation skills of attorneys in their first five years of practice. And a similar percentage of judges say they agree or strongly agree that unprepared attorneys have negatively affected client advocacy, and that attorneys in the first five years of practice should receive further training before they practice in courts.

FIGURE 1:
Judges' views: Rate the following statements on attorneys in the first five years of practice



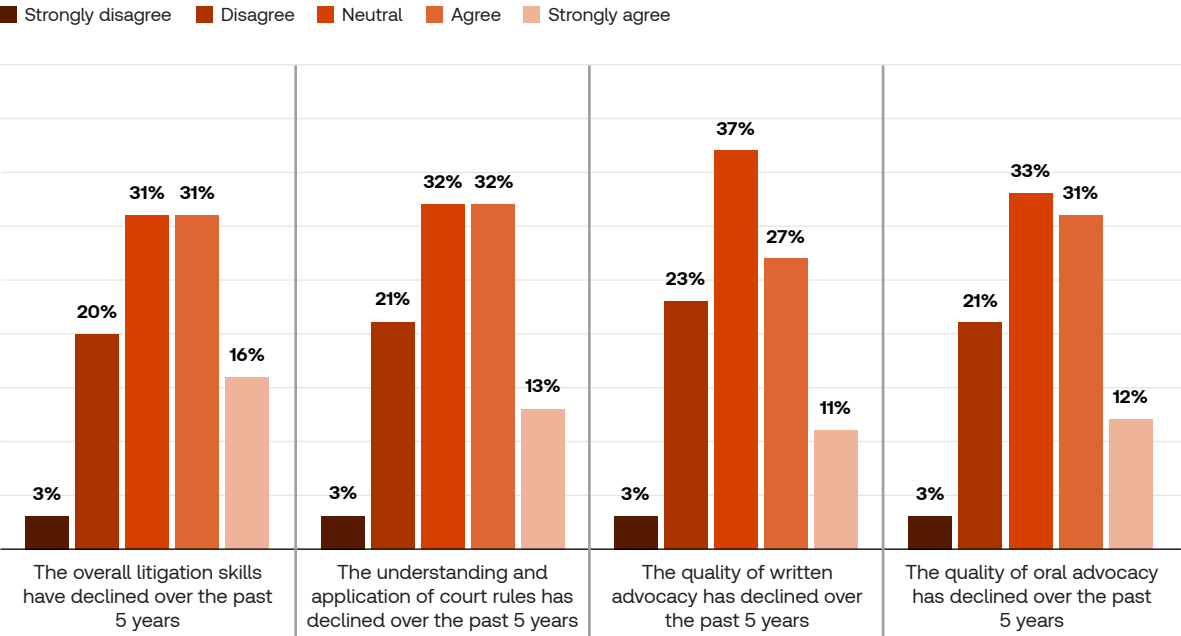
Source: CLEAR 2025

In particular, the judges note three specific areas of concern -- the erosion of litigation skills, communication deficits, and concerns over some professionalism behaviors.

Erosion of litigation skills

A significant portion of judges surveyed say they do not believe new attorneys in their first five years of practice are adequately prepared for courtroom advocacy. Two-thirds of judges state that they sometimes, rarely, or never observe attorneys with less than five years' experience competently conducting direct and cross-examinations. More broadly, almost half say they agree or strongly agree that the litigation skills of attorneys in the first five years of practice have declined over the last five years, and slightly more than half of judges note the same level of decline over the last decade.

FIGURE 2:
Judges' views: Rate the following statements for attorneys in the first 5 years of practice based on your experience over the last five years



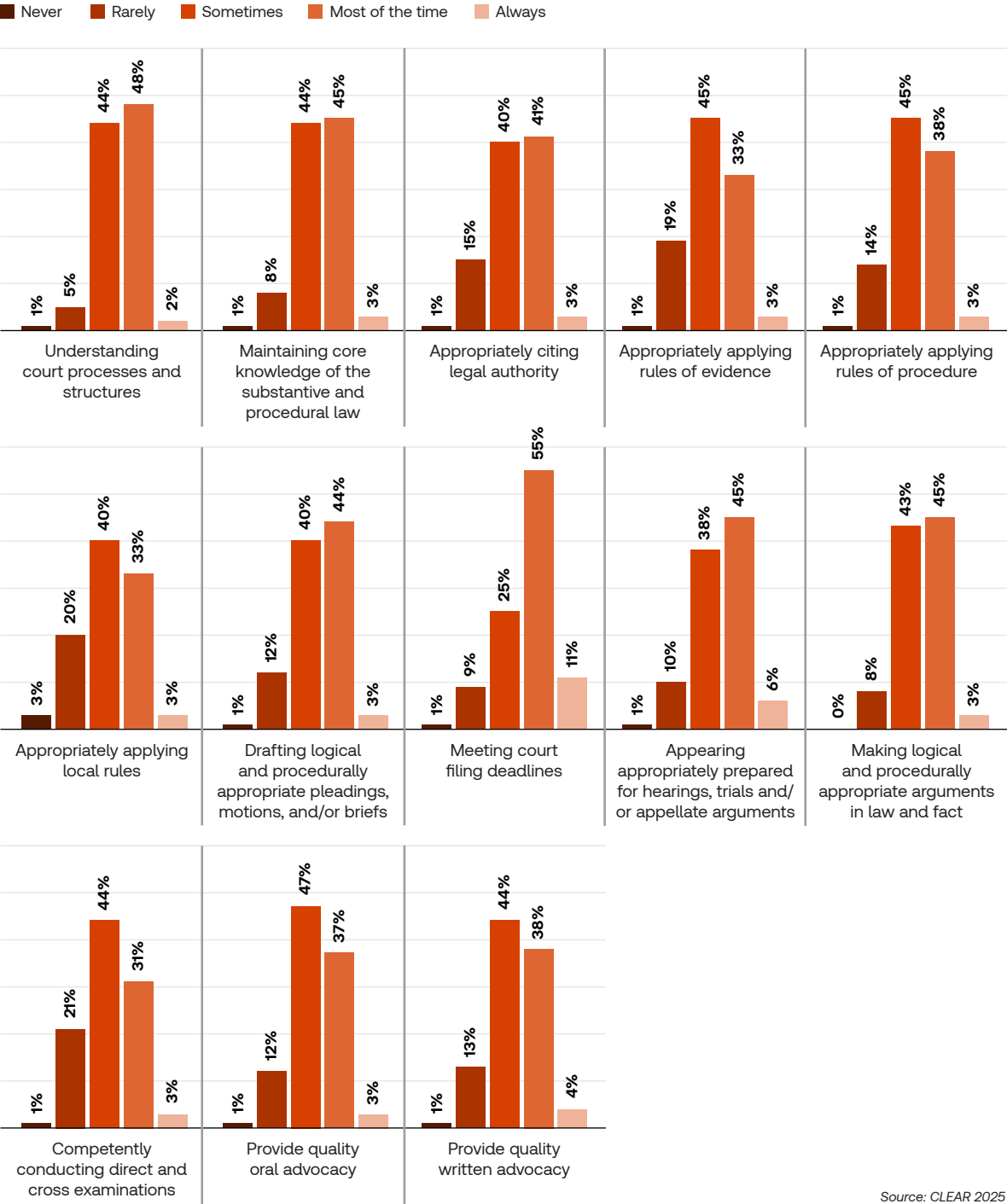
Source: CLEAR 2025

Context for erosion of written advocacy skills

It is worth noting that some law school deans link the erosion of written advocacy skills with an overall decline in writing skills that go back to the years of high school and undergraduate. To quote a law school dean, “We have to teach them [law students] basic writing because they can go through four years of high school and undergrad having never written a paper that’s more than a couple of pages long.”

In addition, the judges surveyed also say they have observed other deficits in new attorneys’ skills including the ability to draft logical and procedurally appropriate pleadings, motions and briefs, cite legal authority, and make logical and procedurally appropriate arguments in law and facts.

FIGURE 3:
Judges perceptions of litigation skills of new attorneys:
Indicate how frequently you observe the following behaviors exhibited by attorneys in their first five years of practice



Source: CLEAR 2025

“My experience is that new attorneys understand the big picture but struggle with state-specific laws and procedures,” one judge noted. “Law school has prepared students to pass the bar exam but fails to train attorneys to practice law.”

Communication shortcomings

Another critical concern highlighted in the CLEAR research is the decline in communication skills among new attorneys. Judges and experienced lawyers both report that many recent law school graduates struggle with effective interactions with clients and opposing counsel; even as these respondents cite communication skills as very or extremely important.

Not surprisingly, it appears that the skill gap originates in law school. Just about one-third of law students surveyed say they agree that law school prepared them to communicate with clients and opposing counsel very well or extremely well. These findings are further corroborated by judges, who observe that new attorneys often lack the confidence and composure needed for professional exchanges in and out of the courtroom. “Young attorneys are not learning the skills of speaking to opposing counsel and negotiating issues on the case because of remote proceedings,” one judge observed.

FIGURE 4 :
Percent of respondents rating law school preparation and skills of newly admitted lawyers on communications as very well and extremely well

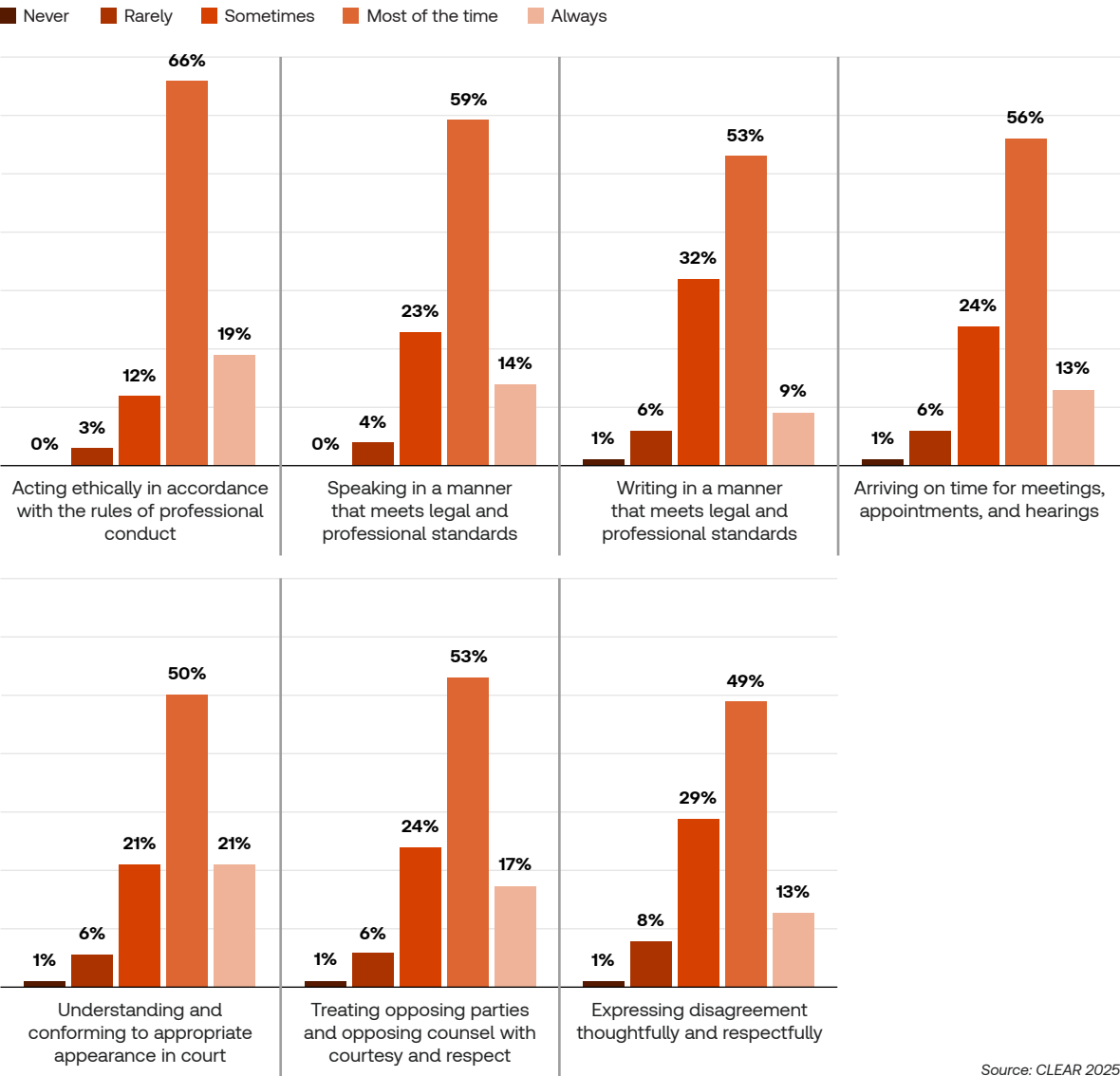
	Law students	<5 years of practice	>5 years of practice	Rated skill as very or extremely important by lawyers working more than 5 years
Communicating effectively with clients	34%	46%	7%	88%
Communicating effectively with opposing counsel	36%	28%	6%	83%

Source: CLEAR 2025

Mixed views on professionalism

The one area that judges identified as a bright spot is the professionalism of attorneys in their first five years of practice. More than half of the judges say that attorneys in the first five years of practice demonstrate competence across a range of professionalism behaviors *most of the time*.

FIGURE 5:
Judges on Professionalism: Indicate how frequently you observe the following behaviors exhibited by attorneys in their first five years of practice:



Source: CLEAR 2025

However, some of the judges’ comments indicated that a portion of them have seen a decline in professionalism when it comes to more casual behavior, attitude and dress, and a decline in professional interactions. This fall-off is observed in both new and more seasoned attorneys.

Part 2: Contributing factors to practice-readiness skill gaps

Judges are increasingly finding themselves having to compensate for some lawyers' lack of litigation skills. The CLEAR research reveals three interconnected challenges that collectively undermine the profession's readiness standards. This includes *i*) limitations in law school training that fail to prioritize essential practice-ready skills; *ii*) the impact of remote proceedings that reduce learning opportunities; and *iii*) concerns about the current bar exam's effectiveness as a meaningful measure of practice readiness.

Limitations in law school training

Only around 40% of lawyers surveyed say they agree or strongly agree that law schools are providing students with the necessary skills and knowledge to adequately practice law. Yet, 64% of law students agree or strongly agree with that statement. This nearly 25-point gap between practitioners and law students is likely because law students lack a wide range of knowledge, skills, and abilities as well as years of real-world experience. Essentially, law students don't know what they don't know.

One of the major reasons for this skills gap is that practical training is not a priority in most law school curricula, in part, because it is expensive. The CLEAR research asked three groups — law students, lawyers with less than five years of experience, and lawyers with more than five years of experience — how well law school prepared them (or new attorneys) in a range of practice-ready skills. Notably, 18 out of 20 practice-ready skills were cited as skills that a low percentage (35% or less) of law students and new attorneys were performing either very well or extremely well, according to attorneys with more than five years of experience. This means that very few experienced attorneys believe newly admitted lawyers are well prepared in these critical skills.

18 out of 20 practice-ready skills were cited as skills that a low percentage (35% or less) of law students and new attorneys were performing either very well or extremely well, according to attorneys with more than five years of experience.

Because newly admitted lawyers most likely have recently graduated law school, it is only natural to link these skills deficits to law schools, given how poorly experienced attorneys view this lack of preparation for new attorneys. In fact, the CLEAR research shows that law schools are inadequately preparing new attorneys across six practice-ready skills, meaning that law students did not feel well prepared by their law schools in these skills, nor did practitioners view newly admitted attorneys as well-prepared in these skills.

FIGURE 6 :

Feedback on practice ready skills for law schools and newly admitted lawyers

■ 0-35% ■ 36-60% ■ 61-100%

Percent of respondents rating law school preparation and skills of newly admitted lawyers as very well and extremely well	Law students	<5 years of practice	>5 years of practice	Rated skill as very or extremely important by lawyers working more than 5 years
Communicating effectively with clients	34%	46%	7%	88%
Communicating effectively with opposing counsel	36%	28%	6%	83%
Recognizing client needs and goals	46%	43%	8%	89%
Identifying legal issues in real client fact patterns	66%	62%	22%	93%
Developing and applying strategy to client matters	41%	38%	9%	80%
Navigating court and other legal processes to advocate for a client	27%	18%	8%	82%
Understanding how to approach ethical issues that arise in your practice area	50%	44%	18%	81%
Understanding and acting within professional norms	59%	64%	19%	81%
Managing a law-related workload	33%	27%	9%	80%
Taking ownership of work	60%	60%	17%	84%
Using technology in legal practice effectively and appropriately	52%	54%	60%	70%
Interpreting legal materials	74%	72%	31%	84%
Conducting research	74%	74%	47%	81%
Legal writing	72%	68%	28%	84%
Drafting discovery	11%	20%	5%	50%
Oral advocacy	43%	38%	11%	67%
Negotiating	32%	27%	5%	69%
Questioning and interviewing witnesses	23%	27%	7%	66%
Executing filings	11%	27%	13%	53%
Document review	31%	37%	19%	65%

Source: CLEAR 2025

Impact of remote proceedings

The shift toward remote proceedings has further limited new lawyers' opportunities for learning by experience. Judges surveyed mention the online meeting platform *Zoom* more than 100 times in their comments, with many sharing that the increased use of *Zoom* and remote proceedings have been detrimental to litigation skills, professionalism, decorum, and training of new attorneys.

Many judges blame remote proceedings because there is less learning by observation as new attorneys wait in the courtroom for their cases to be called and are isolated from judges and opposing counsel. "Because most cases continue to be heard on *Zoom*, young attorneys are not learning the skills of speaking to opposing counsel and negotiating issues on the case," says one judge.

Despite judges highlighting the detrimental impact of the increase in remote proceedings on new lawyer readiness, studies have shown that remote proceedings do increase access to justice by knocking down barriers to litigants to get to a courthouse for their case to be heard.

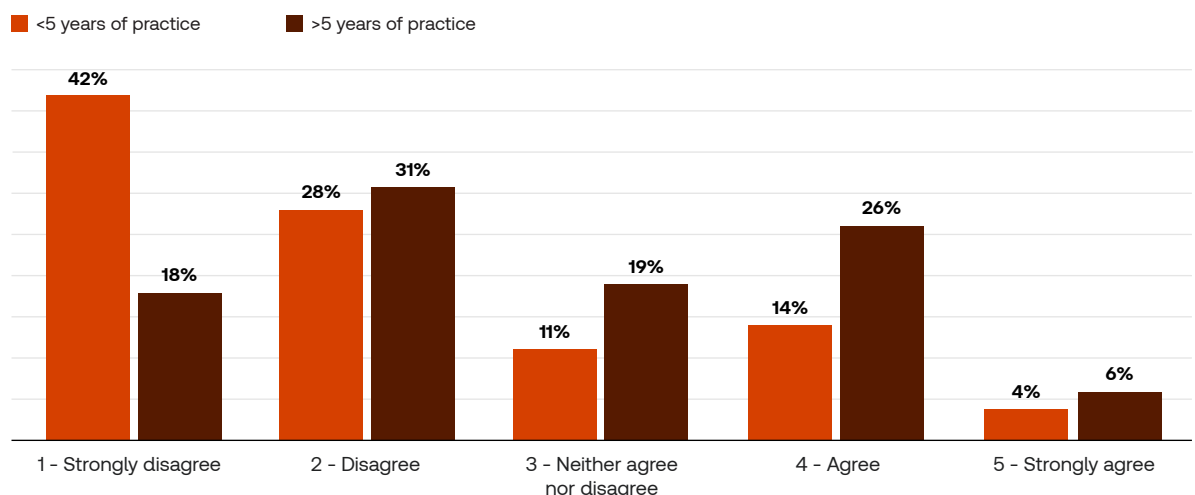
Also, judges say that the decline in trial frequency has also reduced opportunities for young lawyers to gain experience. Just 4% of state civil lawsuits and 3% of criminal cases go to trial,¹ and contested hearings are far less frequent than in the past. "There are fewer trials so there are less opportunities for young lawyers to try cases and gain experience," one judge notes.

Reworking the current bar exam

The CLEAR data reveals deep skepticism among both early-career and experienced attorneys regarding the bar exam's effectiveness as a measure of practice readiness. In fact, 70% of attorneys with less than five years of experience say they disagree or strongly disagree that the bar exam effectively tests whether an applicant has the necessary skills and knowledge to adequately practice law.

FIGURE 7:

Practicing lawyer perceptions on bar exam: The bar exam effectively tests whether an applicant has the necessary skills and knowledge to adequately practice law.



Source: CLEAR 2025

¹ Committee on Legal Education and Admissions Reform (CLEAR): Report and Recommendations, July 27, 2025: https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf, page 12

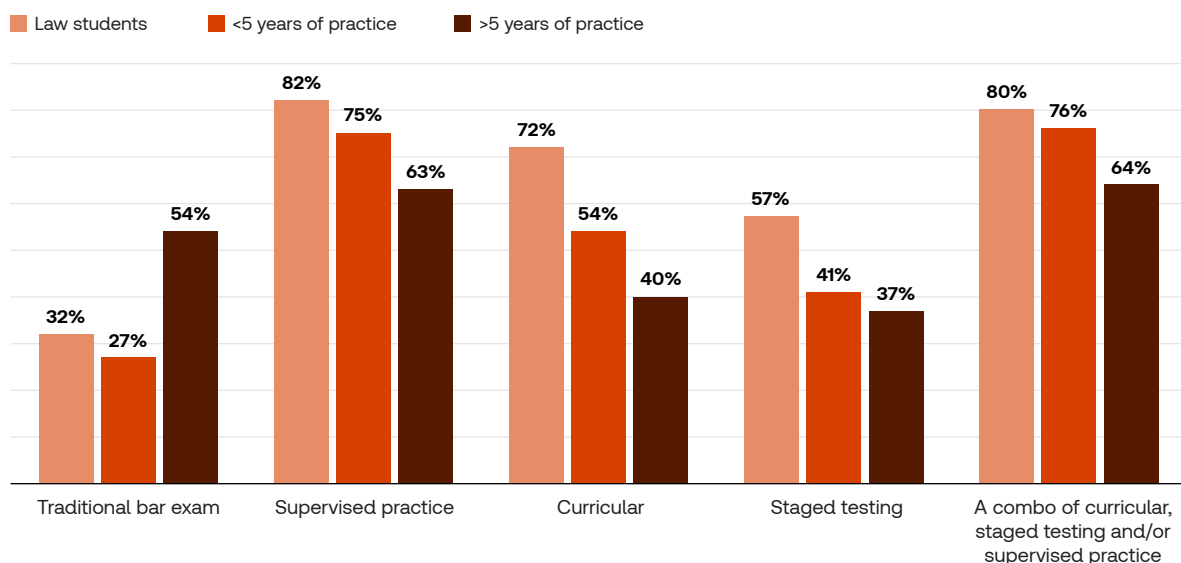
Respondents to the CLEAR research described the bar exam as *antiquated* and disconnected from actual law practice. One law student states: “If law schools have to teach to the bar exam, then there are not many opportunities to teach to the actual practice of law. The bar exam is... not really a test of whether I will be a good attorney.”

Lawyers also highlight the disconnect between exam conditions and real-world practice, in which collaboration and access to resources are the norm. One lawyer explains that “if a prospective client presented a fact pattern to me, it would be malpractice if I gave them a closed book answer I thought was correct” in less than two minutes, like in the bar exam. “I always have time to carefully review and assess the legal issues presented to me. The bar exam does nothing to actually prepare students to be lawyers, and it should be abolished.”

Reflecting these concerns, there is strong support among both law students and attorneys for the development of alternative pathways to bar admission. More specifically, alternative methods, such as supervised practice or a combination of supervised practice, curricular, and staged testing, received the highest support among law students and attorneys with less than five years of practice.

FIGURE 8:

Views on licensure by those who “support” and “highly support”: Please rate your support for the following options as processes for bar licensure



Source: CLEAR 2025

Indeed, several respondents argue that supervised practice would provide a more meaningful assessment of readiness. “Unlike any other profession, graduates of law school are not prepared to know how the system works,” one legal professional says. “It is stressful to learn as you go through mistakes made in court. It would be better to have clinical training, like medical professionals, teachers, and most any other professional.”

While some caution that alternative pathways must be designed carefully to ensure equity and consistency, there is broad agreement that the current bar exam falls short in preparing and evaluating lawyers for the demands of the profession.

Part 3: How to build practice-ready attorneys

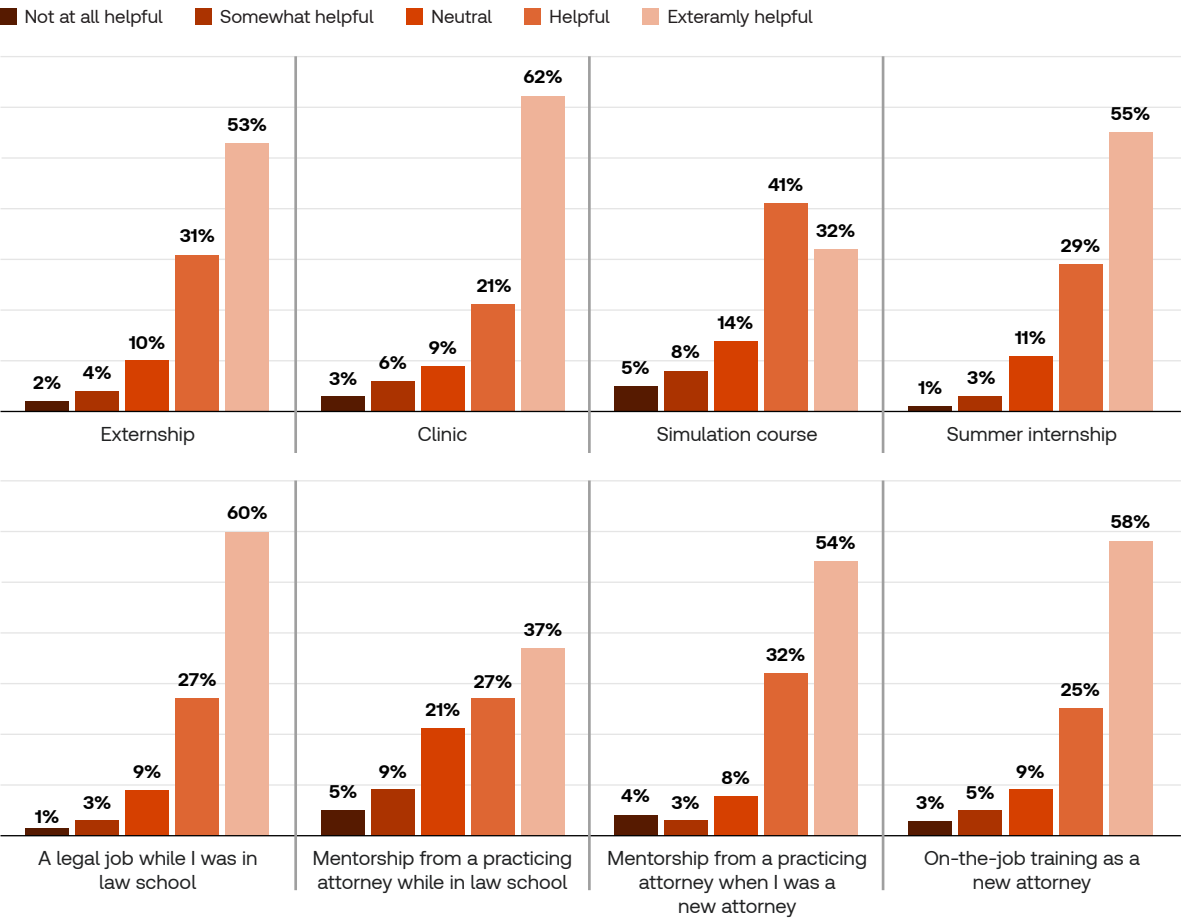
Preparing new attorneys for real-world legal practice has become an increasingly complex challenge, and this problem clearly cannot be solved by traditional classroom instruction alone. The CLEAR research reveals that hands-on learning experiences are essential for equipping new lawyers with the knowledge, skills, abilities, and judgment required to serve their clients effectively.

The research illustrates three key approaches that emerge as the most effective for developing practice-ready legal skills: supervised practice, mentorships, and clinics and externships.

Supervised practice

The consensus of law students, attorneys, and judges is that real-world learning under the guidance of experienced practitioners is crucial for developing a wide range of practice-ready skills. For example, the vast majority of attorneys with less than five years' experience say that a legal job in law school and a summer internship (presumably under the supervision of more experienced attorneys) was helpful or extremely helpful in preparing them to practice law.

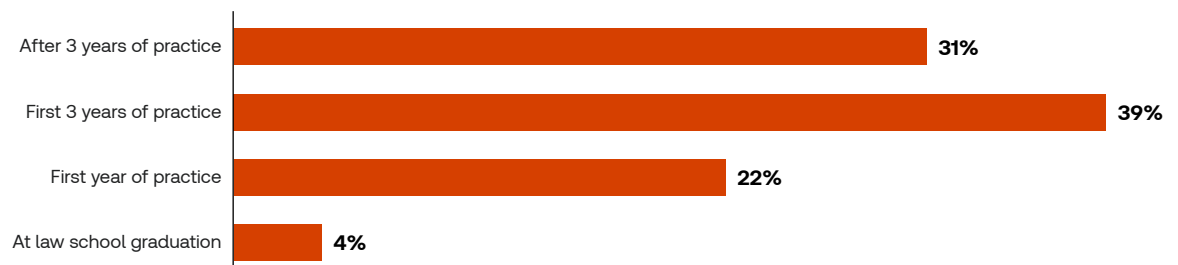
FIGURE 9:
Lawyers with <5 years of practice: Rate how the following experiences prepared you to practice law



In addition, most experienced lawyers looking back felt that supervision in the first few years of their career was critical to making them feel adequately prepared to practice law. Only 4% of lawyers with more than five years of experience say they felt adequately prepared to practice law without supervision right out of law school, and only 22% say they felt prepared to do so without supervised help in their first year of practice.

FIGURE 10:

Lawyers with >5 years of practice: When did you feel adequately prepared to practice law at a novice level without supervision?



Source: CLEAR 2025

Judges who responded to the survey echoed the idea that working under a more senior attorney helps new lawyers become far better able to navigate court processes, advocate for clients, and maintain professional standards. “When attorneys in their first five years of practice have access to opportunities to be mentored by senior attorneys who are themselves competent, those more inexperienced attorneys benefit the most,” one judge explains. “Attorneys who essentially train themselves — for example, inexperienced solo attorneys — struggle the most with appropriate oral and written advocacy.”

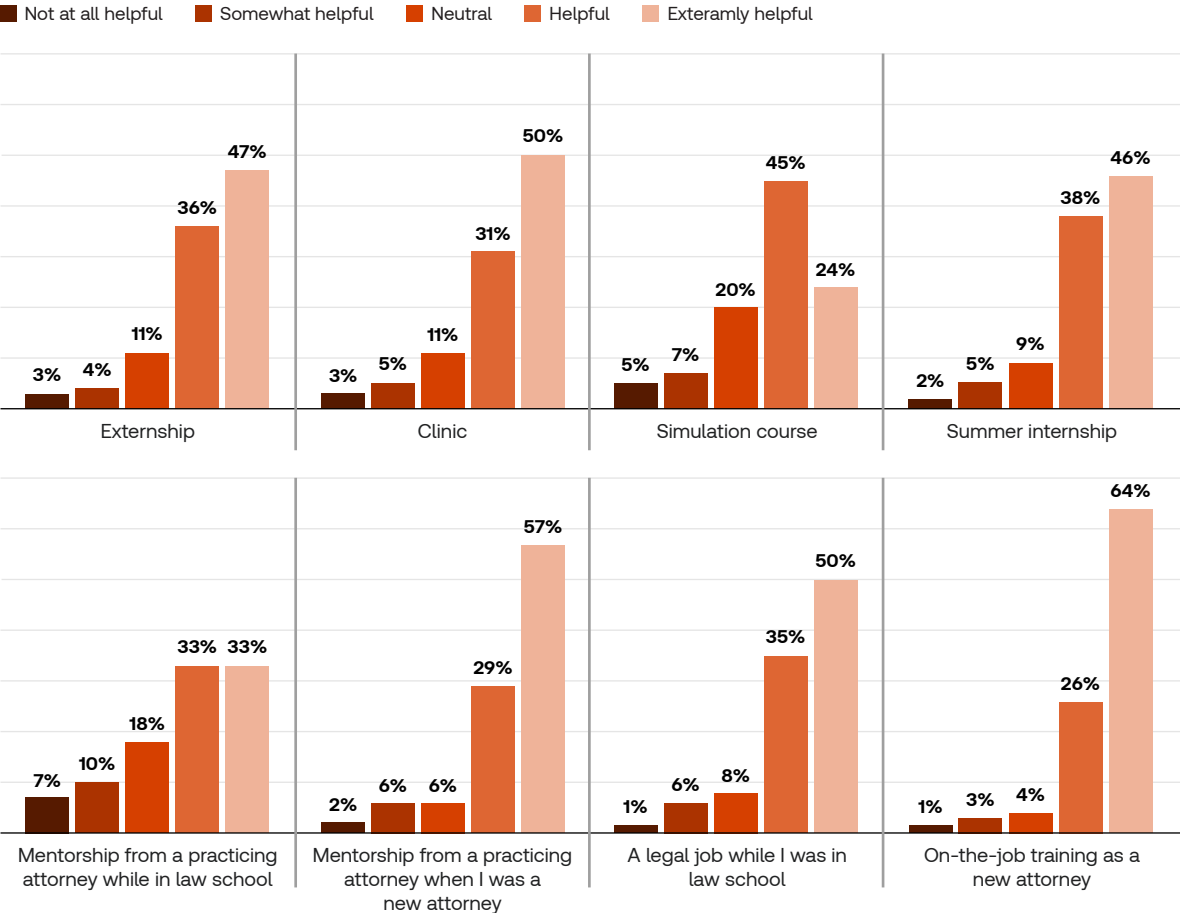
Lawyers across the experience spectrum also say they feel that they received the benefits of working under a more senior attorney. Around two-thirds of lawyers say they agree or strongly agree that they received adequate supervision as newly admitted attorneys.

Mentorships

Mentoring is also seen as a valuable experience for new attorneys to become practice ready. In fact, one judge called for a “formal mandated statewide plan for [new attorneys] to be mentored by more experienced counsel.”

The CLEAR research from experienced attorneys and law students echoed the value of mentoring. In fact, a large majority of lawyers with more than five years of experience say they found mentorship from a practicing attorney helpful or extremely helpful in the preparation to practice law when they were new attorneys. And around two-thirds or more of law students and lawyers say they agree or strongly agree that they received adequate mentorship from practicing attorneys while in law school.

FIGURE 11:
Lawyers with >5 years of practice: How helpful were the following experiences in preparing you to practice law

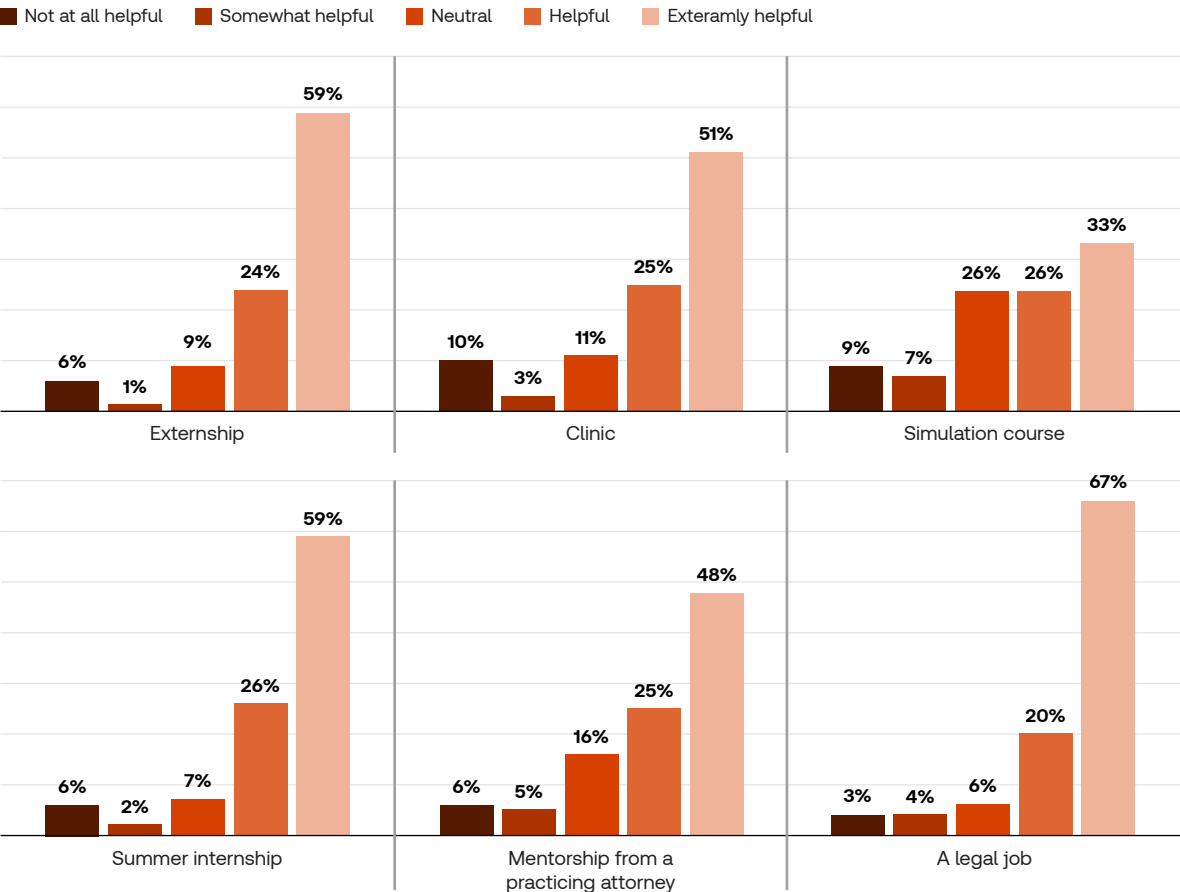


Source: CLEAR 2025

Clinics and externships

A large majority of law students viewed externships and clinics as the best law school experiences in which to obtain practical skills as a working attorney. Attorneys with various levels of work experience agreed, with 8-in-10 lawyers surveyed saying they found both externships and clinics helpful or extremely helpful in preparing them to practice law.

FIGURE 12:
Law student views on law school experiential learning:
Please rate how well you feel the following experiences are preparing you to practice law



Source: CLEAR 2025

“My law school clinic and externship experiences were the primary (perhaps only) reason I was at all equipped to begin practicing law and working with clients upon admission to the bar,” notes one new lawyer. “When I first started, I had access to a lot of support from more experienced attorney co-workers which was vital, and I do not think I could have learned or progressed at all without that support.”

The TR Institute's View:

Use of AI at scale

Though not specifically covered in the CLEAR research, AI is a powerful tool to bridge the expanding gap between academic learning and real-world legal skills. In the view of the Thomson Reuters Institute, AI, subject to needed ethical and appropriateness training, offers scalable and innovative approaches to practice-readiness.

Anecdotal evidence highlights that legal employers and educators are beginning to experiment with AI-driven training methods, such as using AI to hone legal writing skills in class and law firm settings, but this remains in its infancy. Expanding the use of AI-powered tools at scale could fill the gap in practice-ready skills by allowing law students and early-career attorneys to practice in a risk-free environment while receiving instant, targeted feedback on their performance.

Beyond simulation and feedback, AI also holds promise for improving mentorship and assessment. Personalized mentorship platforms powered by AI can match students with mentors based on their interests, skill gaps, and career goals, while tracking progress and suggesting tailored learning modules.

AI can further be integrated into bar licensure and continuing education to evaluate candidates' abilities through practical tasks, such as *communicating effectively with opposing counsel and negotiation*, which previously were listed as key practice-ready skills. Also, dynamic legal problem simulations, generated and assessed by AI, can challenge students to adapt their tactics in *identifying legal issues in real client fact patterns* or in their analysis when *developing and applying strategy to client matter*, which were two other practice-ready skills identified as part of the CLEAR research.

By leveraging these technological innovations, the legal profession can provide more consistent, accessible, and effective pathways for new attorneys to develop the practical skills and professional judgment needed for modern legal practice.

Recommendations for system-wide actions to improve lawyer preparedness

To address the persistent gaps in practice-readiness among new attorneys, profession-wide changes are necessary — and some of these systemic reforms should include:

- **Require post-graduate supervised practice** — First, the legal profession should institute a mandatory period of post-graduate supervised practice, like the one used for medical residency, to provide new lawyers with real-world experience and guidance as they transition from academia to professional practice. This could be incentivized through CLE credit, stipends, or formal recognition for experienced attorneys and judges who serve as mentors.
- **Modernize bar admission standards** — Bar admission standards should be updated to better reflect the practical realities of attorneys practicing law in the 21st century. Rather than relying primarily on the traditional bar exam, which is widely viewed as disconnected from actual legal work, state bar governing bodies should follow the lead of Oregon, Washington,² and South Dakota³ by piloting and expanding alternative pathways to licensure. These could include supervised apprenticeships, curated portfolios of legal work, or other competency-based assessments that more accurately measure readiness to practice and ensure fairness and accessibility for all candidates.
- **Mandate experiential learning in law school** — Law schools must also play a pivotal role by expanding and requiring robust experiential learning opportunities in their curricula. This includes requiring clinics, externships, simulation courses, and practical drafting and advocacy exercises for all students. Collaborations among law schools, courts, bar associations, and practicing attorneys should be strengthened to ensure that these opportunities are current, meaningful, and accessible to students regardless of their school's prestige or the students' personal circumstances.
- **Increase focus on effective communication** — Additionally, the profession should double down on reinforcing effective communication. AI could be leveraged to deliver professional skills training and to provide experiences in courtroom decorum and client-centered advocacy.
- **Harness AI for practical skills development** — Finally, systemic reforms should include leveraging technology and AI responsibly to supplement but not replace hands-on mentorship and experiential learning. The legal profession should support ongoing research, pilot programs, and equitable access to AI-powered learning tools as part of a broader strategy for practice-readiness.

Looking ahead

The CLEAR survey findings underscore the urgent need for the legal profession to bridge the gap between academic learning and the practice of law. Mandating supervision, increasing requirements for experiential learning, modernizing licensure, and offering AI-enhanced training are essential pillars of attorney preparation if they hope to develop competence in practice-ready skills.

By embracing these reforms, the legal profession can improve public trust and foster a new generation of lawyers who are not only knowledgeable in the law but are truly ready to serve their clients and take advantage of the opportunities of the 21st century.

² *Bar exam alternatives, long out of favor with ABA, make inroads*, Reuters <https://www.reuters.com/legal/government/bar-exam-alternatives-long-out-favor-with-aba-make-inroads-2024-05-09>

³ *A New Path to Practice: South Dakota Approves Bar Exam Alternative Through Public Service* - Lawyers Mutual Insurance NC <https://lawyersmutualnc.com/article/a-new-path-to-practice-south-dakota-approves-bar-exam-alternative-through-public-service>

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