



## Episode 99: What Law Schools Aren't Teaching, but Should Be (with Mark Cohen of Legal Mosaic)

Alison Monahan: Welcome to the Law School Toolbox podcast. Today we're talking with Mark Cohen, founder and CEO of Legal Mosaic, about what law schools should be teaching but aren't. Your Law School Toolbox host today is Alison Monahan, and normally I'm with Lee Burgess, my co-host. We're here to demystify the law school and early legal career experience so that you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#) and the Catapult Career Conference. I also run [The Girl's Guide to Law School](#)

If you enjoy the show, please leave a review or rating [on iTunes](#) or your favorite app. And if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form on lawschooltoolbox.com](#) and we would love to hear from you. With that, let's get started.

Welcome back. Today we're talking with Mark Cohen, founder and CEO of Legal Mosaic, about what law schools should be teaching and aren't and also a bit about the future and past of the legal profession. So welcome, Mark.

Mark Cohen: Pleasure to be here, Alison.

Alison Monahan: Oh, the pleasure is mine. Before we jump into today's topic, can you just give us a little bit of background on your career path and how you've ended up doing what you do?

Mark Cohen: Sure. So back around the time that electricity first came into vogue, I became a young lawyer. I was an assistant US attorney in the civil division and I tried 20 major cases while I was a baby lawyer, grew up fairly quickly. I then became a partner, yes you heard it right, partner, at a what was then the second largest firm in the country, firm called Finley Kumble. I spent three years as a partner there and I then decided to leave big law to start my own boutique litigation firm that grew fairly quickly. We had three offices and about 30 lawyers working with me. We represented mostly Fortune 500 companies in "bet-the-company" cases. And I also represented five foreign sovereign governments which was kind of interesting.

And while I was in private practice, I was also a federally appointed receiver. So, I ran an international aviation parts company that was highly successful. And you might ask, "Why were you a receiver then?" And the answer is because the owner did not share his success with the IRS and owed about \$100,000,000 and that was my job to seek to repatriate it.

Alison Monahan: Wow, that makes me feel a lot better about not having paid my taxes yet.

Mark Cohen: There you go. And not only that, but also much of our work was right where you're now located in Mexico City. Anyway, fast forward, I reached a point in my legal career where I decided that I really was not particularly interested in being a service provider and represent clients anymore, I wanted to take a step back. So, I spent about a year or two setting up a charitable foundation and after getting a bit bored with all the lunches that I had, much as I enjoyed them not having had them for about 25 years, I got back into the legal arena and started off by ... It was about the time that Tom Friedman wrote his book "The World is Flat," and I was quite intrigued by it. I had had some business dealings with one of the darlings of the book, an Indian company called Emphasis.

And I started to get into legal process outsourcing and after doing that for about four or five years, I got the idea with a friend of mine to go up the legal supply chain and so I've co-founded a company called Clearspire which got a tremendous amount of international attention and I think today still is quite widely talked about and used as a model of what legal delivery could be. We were very successful in some ways but not as successful commercially as many had predicted. But it was what I call my \$2,000,000 tutorial.

After selling the company and having that experience, I decided that I would sort of take a pause, start to write a fair amount. I had been teaching at Georgetown Law but only courses that I thought were contemporarily relevant. I'm sure we'll get into that in greater detail momentarily. So, I'd done quite a bit of writing, I'd written for Bloomberg and now I write a weekly column for Forbes on the state of play in the global legal market. And Legal Mosaic was a repository for speaking, writing, etc. And I also do some selective legal consulting work, working principally with new legal providers, some established legal providers, and corporate legal departments. A couple of law firms, not many—in terms of how do they better structure and deliver legal services. So, a bit more of a background, perhaps, than you had bargained for, Alison, but nonetheless, at least I think the listeners will be better able to gauge from whence I'm coming.

Alison Monahan: Right, I think it's interesting because it sounds like you've worked in a lot of different aspects of the legal industry. Everything from being a partner at a law firm, to working in the government, to working in ... Actually, I do want you to explain one thing you said because I know what you said but when you talk about legal process outsourcing, give me a little bit more about what that's about and that might actually lead into my next question, which is, how do you think the legal market is changing and has changed and will change from what it was maybe even when you started your career?

Mark Cohen: Sure. Well let's take the first question first. What is legal process outsourcing, commonly known by the acronym LPO? Legal process outsourcing is a form of disaggregation of legal services. That means that services that were once

performed exclusively under the supervision of law firms, not just the supervision of law firms but under the egis of law firms, are now beginning to be delivered by non-law firm legal service providers.

Alison Monahan: So, what would that look like practically speaking? What do they do?

Mark Cohen: Sure. So, a couple of examples would be document review. Used to be that phalanxes of \$300 to \$400 an hour associates would review documents, do privilege logs, things like that. Within the last 10 years, it's become now fairly commonplace either for large corporations to do that work for themselves with what amounts to captive legal process outsourcing units within their legal departments or alternatively a number of LPOs have grown and become fairly sizable as stand-alone companies that operate outside of law firms but because they do not "engage in the practice of law," they must be supervised either by law firms or corporate legal departments.

Alison Monahan: Okay, are these all people or is some of this done with technology now? What's going on?

Mark Cohen: Initially, Alison, I'm glad you framed the question that way. so initially, LPO was a straight labor arbitrage kind of a play.

Alison Monahan: Outsource it to India because we have people who speak English and they're cheaper.

Mark Cohen: Precisely. But as time has gone on and as the volume of documents has exploded as a result of digitalization, what was once a pure labor arbitrage play has now morphed into a combination labor arbitrage and utilization of technology play. With respect to the utilization of technology, obviously, there are a myriad of ways that technology is now embedded in legal delivery, but with respect to the example that I had cited earlier in terms of document review, determining which documents are relevant and which are not, technology is increasingly being utilized to make that initial determination and screening process. And likewise, it's being harnessed in various ways to streamline and make more efficient document review as well as every manner of e-discovery, etc. So it's really cutting across a wide swath of functions.

Alison Monahan: Yeah, I remember my first legal job, I was working as a summer associate after my first year of law school. And I had been a programmer before law school. So I had done a few days of orientation and then on a Friday afternoon this guy comes in and drops a couple of boxes of documents, paper documents, on my desk, hands me a highlighter and says, "We need you to go through looking for the certain words and make a spreadsheet, and I think it's going to take probably, I don't know, do you think we should start now? Maybe over the weekend? Oh, I don't know, maybe Monday." And I just remember looking at him like, "Have you ever considered that you should just OCR these and then we could have a computer find the answer?" And he's like, "You obviously don't

understand our business model." There's just this moment of, "Are you serious? You actually want me to do this?"

Mark Cohen: And Alison, your example is really a poster child for how it is and why it is that clients increasingly, as opposed to traditional legal source providers (read: large law firms), have been the ones to drive most of the change in terms of legal delivery. In most industries that are undergoing change, the change is usually provided by the providers themselves, right?

Alison Monahan: Right, they have a desire to become more efficient.

Mark Cohen: Correct.

Alison Monahan: But that's not exactly the case here, right?

Mark Cohen: But that's sort of turned upside down in the legal industry. But that obviously is changing.

Alison Monahan: Sure. I don't think that exact scenario would happen now.

Mark Cohen: But it was very prevalent, I would say, certainly when you started it would be a very common story.

Alison Monahan: Well it was also just very eye opening for me because coming from the background of writing code, you're always looking at how can we take the person out of this? How can we make this more efficient? How can we eliminate some annoying task that no one wants to do? And then you realize oh, no, this entire business is basically built on people spending a lot of time on annoying tasks that no one wants to do.

Mark Cohen: And that really is a perfect segue to your next question in terms of how have things changed, which obviously is a very broad topic but just to continue on the thread that we've been going on in terms of your experience, I would just say that two things. One is that the urban myth that only law firms can perform "legal tasks" has now pretty much been eradicated. So, you have a number of paraprofessionals who are now able to perform things that used to be performed exclusively within the confines of a law firm. So for example, if you need to do market research in connection with a particular case or a market research to support a damage theory or for additional discovery outside of what might be produced to you by the opposing side, it used to be that associates would do this and they would do this by billing lots and lots of hours to these tasks whereas today so many of these processes not only are being performed by others than lawyers but also they're being able to be done by machines rather than individuals.

I won't even get into A.I. quite yet, but I would just simply say that if you take as one example of that the fact that when I was a baby lawyer, there used to be

what you'd call 50 state surveys for insurance companies. And they would engage in 50 states and each state had its own insurance commission and its own regulations, etc. And that was an open season for lots of lawyers to bill lots of hours to update that. Today, of course, these kinds of things are now being marketed as products where they are much more cost effectively being delivered across the board to multiple customers as opposed to being leveraged across ... Each client has the research done for them separately at tremendous cost. So, I think what you're seeing is not only a task being peeled away from lawyers but also tasks now used to be characterized as services being delivered as products. Those would be two, I think, large threads to the conversation of how things have changed.

Alison Monahan: Right, I think that's very interesting. That's a thread you hear a lot, even in our business we have both services. We do one-on-one private tutoring and then we also have products like our Start Law School Right course which has a one-on-one component but essentially, it's a product that we can reach a broader audience at a lower price point. Do you think these are the things that the average lawyer is thinking about and bookend that with what are the law schools doing at this point?

Mark Cohen: All right well let me first take your question what is the average lawyer. If he or she is not thinking about it now, there's something terribly wrong, because I will tell you that one of the things in my background I declined to mention, although I probably told you more than you or your listeners might care to know, but I was also the outside general counsel to three insurance companies while I was a practicing lawyer. And it was really interesting to sit down with the CEO of the company and actuary and to talk in terms of how we might be able—and this is 25 years ago—to use technology such as what actuaries routinely did in what they did, to streamline legal services. And one of the things that I mentioned was 50 state surveys. So actually, almost a quarter of a century ago, I started to productize that former service.

So, fast forward, as I say one more time, with feeling, lawyers certainly should be thinking along those lines, regardless for whom they are working. And in terms of law schools, no law schools are still, I think, skating to where the puck was as opposed to skating to where the puck is going to be. One example that I would cite is, that if you talk to a wide number of law school deans as I have and do regularly, as recently as a year ago, a lot of them still believe that law firms are, if not the only game in town, then the dominant game in town in terms, particularly I know you as I recall went to Columbia?

Alison Monahan: Right.

Mark Cohen: I'm sure that a lot of your colleagues sort of routinely went into big law. That is really changing. I teach at Georgetown and just to give you, and I think this is all public information, as recently as a few years ago when I started teaching there,

probably almost 75 percent of their graduates went into big law. Now that number has dropped to about 50.

Alison Monahan: Wow, really?

Mark Cohen: I would not be surprised if in the next two or three years, that number doesn't drop under 40. And that's at an elite law school. So, I think that one of the things that law schools have to do and this starts I think with the deans and the faculty, is they've got to start getting a keener understanding of what's going on in the marketplace because-

Alison Monahan: Right, where are these people going? Like what are they doing instead of getting these plush firm jobs?

Mark Cohen: First of all, these plush firm jobs just don't exist the way they used to. Certainly, for newly minted graduates, because increasingly clients are saying, "We are not going to subsidize the on-the-job training of young lawyers anymore." So, it's not because the young lawyers aren't just as capable as they once were, it's just rather that, once again, clients are saying, "We're going to drive this process now, it's not going to be the law firms."

Alison Monahan: Also, think about how many litigation, even when I started, how many litigation associates were fully employed doing document review.

Mark Cohen: Correct.

Alison Monahan: That wasn't that long ago.

Mark Cohen: Exactly. And that's the impact of technology and disaggregation, as we talked about earlier. I think to answer your question directly, I think a lot of people now are starting to consider what I would call careers that would once be thought to be ancillary to lawyers. For example, I had a number of my very good students at Georgetown working for the Big Four and sometimes as "lawyers" but more often merging their legal background with other kinds of skillsets that they had. I think that a number of them are working for other types of legal service providers. Example: Axiom, United Lex are two that come to mind. A number of them are working for various not-for-profits and firms that are more attuned to access to justice issues and then a smattering of other things. A number of them I think have come to me and said, "[What about becoming an entrepreneur?](#)"

So, I think what you're beginning to see, Alison, is you're really beginning to see, slowly, that students are seeing what the marketplace reception is, seeing that it's changing, and even if the law schools are not necessarily preparing them for that change, they are having to make some twists and turns to find their way. I wish that law schools did a better job of preparing them for that process.

Alison Monahan: Right, I asked you for a list of things you think the law schools are not doing so well, why don't we go through that?

Mark Cohen: Sure.

Alison Monahan: So, you can tell me—well, I'll run through the whole list and you can talk about it as you wish. For a lot of these, it definitely seems like you should graduate from law school having had some experience here but I don't think that's true. So, client interaction?

Mark Cohen: Yep. That's the most basic lawyer skill and yet I'm shocked when I talk to associates at firms or people who've gone off from firms to do other things, how few of them have ever actually developed basic skills in terms of how do you interview a prospective client? What do you do? What's the process? They don't know. It's something law schools should teach.

Alison Monahan: Yeah, I had an interesting conversation yesterday, actually, for the podcast with Ashley Matthews who works for Equal Justice Works, and I asked her basically, "What do you need to do to get a public interest job?" And she says, "Well, you need to be able to actually have experience with clients in the community that you want to serve. If you come in and tell me, 'I want to work with homeless veterans.' And you've never worked with the homeless or with veterans, that doesn't really ring true. You've got to show me this."

Mark Cohen: Yeah. Last year I taught a course in Georgetown, one of the components of which was client interviews and to my knowledge, and this is nothing unique to Georgetown, this is the first time that it had been taught.

Alison Monahan: Yeah. Definitely nobody taught me, I remember I was a patent attorney and I'd have an expert witness and the attorney says, my managing partner, whoever says to me, "Oh, can you go prepare him for his deposition?" And there was this moment of, "Okay, have I even been to a deposition? Do I have any idea of what's going on here? And you want me to prep this guy for his interview?" Like, "How do I do that?"

Mark Cohen: Right. By the way, Alison, if you contrast this, meaning legal education, with medical education, it's just a stunning contrast.

Alison Monahan: Oh, absolutely. I remember the first time they told me to go take a deposition and I'm like, "Well, no one's ever taught me how to take a deposition, I can't just go take a deposition." And they're like, "Well, just email the firm. I think somebody has a book. So, you've got a five-hour flight," literally, I'm not even making this up, "You can read the book on the flight and then when you land, if you have any questions, you can get back in touch and we'll help you out."

Mark Cohen: Yeah. There you go.

Alison Monahan: And you're like, "Okay. Well, luckily I'm pretty good at talking to people so I'll just kind of make it up as I go." I guess part of the thing is I don't think most professors in law schools have a whole lot of experience with this type of thing, either.

Mark Cohen: I think that's an understatement.

Alison Monahan: So, who's going to be teaching it?

Mark Cohen: Yeah. In fact, that goes to a whole other point, which is clearly doctrinal law, which is what most law professors do, they teach torts, contracts, etc. Obviously that is a critical component of legal education and becoming a lawyer, you have to learn this stuff. But I would argue that you could do this stuff just as effectively by other less expensive, less tedious means and that the doctrinal part of the curriculum has to be balanced by experiential learning and practical nuts and bolts training. And I think one of the problems is that historically, because, as you point out, so few law professors have ever had any kind of meaningful practice experience, in fact a lot of them I think had positive disdain for people who have soiled their hands in that arena, you've got a real disconnect.

Alison Monahan: Yeah, absolutely. All right so next on your list were basic drafting, either pleadings and/or contracts. Which I think the schools are maybe a little bit better at this? Maybe?

Mark Cohen: I would just tell you that, I won't name the school, but there is a T20 law school that I know quite well (it's not Georgetown) where the shining star professor of contracts has admitted to me recently that in a 25-year career, she had never once drafted a real-life contract for a client. That's not to say that she doesn't know contracts better than the rest of us ever will, however, there is, as you know, more than a little element of human interaction that goes into the contract process. It's iterative. And I really don't know how one can claim to be such an expert in the field if he or she has never actually gone through a real-life contract with a real-life person or client.

Alison Monahan: And also, I was on the other side when I was practicing, because I was a litigator and we basically got the stuff where the contract wasn't clear, basically all those things that people think, "Oh, it will never matter if I put this comma or don't put this comma." Oh no, we had whole lawsuits over that comma.

Mark Cohen: Exactly.

Alison Monahan: So yeah, you would hope for some basic level of ... Also, all the discovery stuff, you show up in a firm, or really anywhere, anywhere you're a litigator anyway, you show up and they're like, "All right, can you draft our discovery responses?" And this is supposed to be a basic task and I'd never seen interrogatories, I was like, "What are these?"

Mark Cohen: Yeah. In other words, I think that whether it's the rules of procedure, what's the point of talking about pleadings if you don't know really what a pleading is, much less how to construct it? These are sort of elemental building blocks that I think all lawyers should and must have as just one small part of their arsenal of skillsets before they graduate from law school.

Alison Monahan: Well it's interesting, when we decided to set up ... My business partner's also a lawyer, her parents are lawyers, and it's whole generations, but when we decided to set up a business, both of us kind of looked at each other and were like, "Do you know how to incorporate?" "Do you know how to incorporate?" "What do we need to do here?" Turns out it's not that complicated but it's amazing that you can graduate from law school and have literally no idea of what you're supposed to do. Turns out you just go to bizfilings.org, they take care of it for you.

Mark Cohen: And that raises an interesting point, which is, again, so many things that your formally would have had to go to a lawyer for you can now do online.

Alison Monahan: Oh, and we did originally but we're both risk averse lawyers on some level, we're like, "Oh no, we should have a lawyer draft this, make it really official." And so, she reached out to someone who came back with a quote that was literally 10 x what it was going to cost us to do this online and also what they sent us was literally a mimeographed form to fill in our details and we're like, "Why would we pay you for this?"

Mark Cohen: Well, Alison, I'm a big fan of Legal Zoom and although many people in the corporate world lift their nose up at that, I can tell you that for many basic functions they are really excellent and I've been a client of Legal Zoom and I can tell you and I also know the company quite well, this is not necessarily a commercial for Legal Zoom, but I will tell you that it's emblematic of what's going on, that there are different levels of touch-point that are required for legal services. And sometimes self-help is enough, you get a document from Legal Zoom and it's good enough. Sometimes you have some questions on the document and Legal Zoom will basically allow you to talk to one of their panel lawyers for a set price that is a fraction of what it would be for a law firm, that's another thing. And then sometimes you just plain need a lawyer.

Alison Monahan: Right.

Mark Cohen: And they can refer to you. The point is that whether it's in retail law, as Legal Zoom operates in, or corporate law, which you and I spent our time toiling in, the principals are the same. Different tasks have different values, different tasks require different levels of lawyer participation, and different tasks can be performed either solely by technology; by humans and technology, a hybrid approach; or solely by humans. The problem is for lawyers that they're learning and particular in large firms, is that increasingly clients are not interested in

paying lawyers particularly big firm rates for anything other than truly differentiated professional judgment of those few things that really require it.

Alison Monahan: Right. Which that makes sense, they're incredibly expensive.

Mark Cohen: It does make sense.

Alison Monahan: Who wants to pay \$1,000 an hour if they don't have to?

Mark Cohen: Yeah. Unfortunately for law firms, as you pointed out earlier, they're finding out that increasingly that is winnowing down the pool of potential billable hours. Particularly, for higher volume, lower value functions like document review, basic legal research, all this stuff that used to keep scads of younger lawyers busy all the time.

Alison Monahan: Yeah, I think if you look at their business model you've got some serious issues. So, we'll touch on that briefly in a bit, but let's finish running through our list of things that schools are not doing that you think they should be doing. The next on your list, I'm going to combine these two because I think they're sort of related, is project management and collaboration. What do you mean by that? Like do lawyers really need to be managing projects? What is this?

Mark Cohen: Sure, well I think that lawyers would be wise to have project management skills because if they're not going to be the project managers themselves, they are certainly going to be working with project managers going forward. Project management is really making sure that the train is run on time and on budget. This is just Business 101, this is the sort of stuff that people in virtually every other business endeavor have been doing since the dawn of time. But it's relatively new to lawyers.

Alison Monahan: Right, the idea that you should actually leave a meeting with action items?

Mark Cohen: Yeah, things like that.

Alison Monahan: And a schedule?

Mark Cohen: Exactly. Or dare we say, a budget that is actually adhered to. Deliverables. Things like that. So, I think that project management, sort of as you say, goes hand-in-hand will collaboration. I think what you've got now is you've got a legal supply chain. Lawyers are increasingly working with paralegals, they're working with other professionals. Clients now don't want legal opinions, what they want are business solutions of which legal opinions form a part.

Alison Monahan: Right.

Mark Cohen: And so, what you're seeing now is more and more lawyers having to develop collaborate skills—again, that they're not presently taught in law schools—not

only to deal with other lawyers, but also to deal with all these other people in the legal supply chain. And by the way, lest lawyers think that this is absolutely heretical, just imagine for a minute, you're probably not old enough to remember, but 20 years ago, if you went in for your annual physical, probably 90 percent of the time would be spent one-on-one with your physician and 10 percent with the phlebotomist or maybe a nurse. Today, you're only spending a fraction of that time with your physician, in the beginning to maybe refine certain aspects of the history and to respond to a couple of questions and then at the end to synthesize test results. Those tests having been conducted by others. Why should law be any different?

Alison Monahan: Oh, it's a great question. Well and the other thing I think in terms of medical, my insurance is from Kaiser and so if I get blood work done, basically my doctor enters something into the computer, I go to their lab whenever I feel like it, and then they send me the results online and I have all of the results to compare to. And you're like, "Wow, this is so much better."

Mark Cohen: Right. And I think that law is just slowly beginning to go down that road. Because, again, you look at the structures from which the services were delivered. Doctors used to deliver services from doctor's offices and unfortunately if you had an internist, your internist may not speak necessarily with your cardiologist and so on and so forth. Today there's no reason why those records can't be integrated, which is actually going to benefit your level of service. Because you have to treat the person as a whole person. I think you're seeing the same thing with law. Business people are saying, "Well, lawyers are only giving me a little piece of my solution, but I need to be able to put all these pieces together in one place so that I'm getting a holistic response to my challenge."

It's really no different than medicine in terms of the methodology, the technology, and the process that's being implemented here. So, I would urge lawyers, as I do often, to look at the medical profession as a kind of indicator of where they're going to be going. And again, I'm not drawing a value judgment as to whether medical service is better, worse, or the same as it was many years ago. But I think that it is being leveraged to be able to better service people more efficiently and better leverage physicians' time. I think that's what clients are increasingly demanding of lawyers.

Alison Monahan: Right. All right and finally on your list you had marketing and getting clients, speaking of the clients, what are schools dropping the ball on here?

Mark Cohen: I would say pretty much everything. I don't think, Alison, that I have ever heard mention of courses in rainmaking at a law school. Maybe law schools don't think that that's their business, but I would argue that lawyers do nothing if they're not in the persuasion business. In the first instance, they have to persuade prospective clients that they are the person for the job. Once they get the engagement, they have to persuade the other side that they are capable and

competent. They have to persuade judges if they go to court. They have to persuade juries. They have to persuade the other side again that they are not going to be someone that you'd want to go to court with and also, they have to convince clients that perhaps it's better to settle as 98.5 percent of all cases, as you know, do settle, because the various vicissitudes of litigation. All these things require persuasion and I think that [being able to market yourself to clients is one fundamental aspect of being a lawyer](#). And it's very important.

Alison Monahan: Well it's pretty key, because if you don't have clients you don't have anything to do as a lawyer.

Mark Cohen: That's exactly right.

Alison Monahan: So, what can law students who are listening to this do if they're nodding along and they're like, "Yeah, my school has never mentioned any of these things to me"? Are there ways that they can develop these skills on their own or are they just sort of stuck?

Mark Cohen: I don't think they're stuck. I think, and maybe it's no more efficient than saying to a disgruntled person who's throwing his or her hands up about their chosen representatives, "Speak to your congressman. Write to your senator," etc. But I think that students should properly be raising these issues with law schools. I hope that your organization uses its bully pulpit to do that. And I think that students can also teach themselves a little bit, there is some pretty good thought leadership out there readily available in the internet on these topics. And I think that students have to take a little bit more of the initiative in terms of getting this kind of an education even though, lamentably, they're paying a lot of money and not getting it at law schools. But it's available, it's out there, I think folks like you promote, hopefully folks like me promote it, and I think it is changing but not nearly as rapidly as perhaps some, myself included, would like it to be.

Alison Monahan: Yeah, I think that's right. There's almost nothing you can't learn on the internet these days if you're dedicated to learning it. I guess the flip side of this is if you are a law student who goes out and learns basic skills, develops your interviewing skills, whether it's in pro bono work or taking classes or whatever, develop some marketing skills, has a nice [social media profile](#), maybe does some blogging, that's actually a way to really stand out at this point.

Mark Cohen: I couldn't agree with you more. I think that lawyers today have tools available today that were simply not available in my time, specifically [social media](#) that you touched on. You have a potential global audience, whether you're a first-year law student or whether you're someone at my stage of their career. It's all a question of having appropriate skills and being able to, again, be able to persuade people. Have an interesting point of view. And I think that raises another issue which is conspicuously absent at least from my law school experience and that is EQ. [Emotional quotient and emotional intelligence](#). I

think that is vitally important and I would add, Alison, that somewhat paradoxically as technology becomes more and more embedded into the delivery of legal systems and legal services and they're delivery, I think that emotional skills for lawyers become even more important.

Alison Monahan: I think that's right.

Mark Cohen: And I think that this is, again, another topic that perhaps doctrinally-driven traditional legal educators might say, "Oh, that's soft stuff. That doesn't matter." I beg to differ, strenuously.

Alison Monahan: I think it matters. I sometimes joke that the best thing I got out of law school was starting therapy.

Mark Cohen: That's good.

Alison Monahan: That was actually the most useful ... I talked earlier about having to prep someone for a deposition and the skills I learned in therapy were very helpful in prepping someone for this actual legal thing that you can't just ignore the fact that the person is stressed out and they don't know what's going on. [You really have to calm them down, you have to get their confidence.](#) That's the way that you're going to convince them, "Okay, you can do this, you're going to be fine. This is not going to be life destroying." It's very stressful, any sort of thing involved in litigation.

Mark Cohen: Well one thing that you touched on with your therapy, and again I don't know that all people are going to necessarily enlist in therapy-

Alison Monahan: But they should.

Mark Cohen: But they should. But, I think that it's fair to say that historically, law schools have taken a very cookie-cutter approach to teaching the doctrinal courses and convincing everybody that there is one prototype for a lawyer. I don't think that could be farther from the truth. I think that each of us is a human being first and a lawyer a very distant second. [And I think that part of being a successful lawyer is being able to master your craft and being able to inject your unique personality and skillsets into that craft.](#) I think that's what makes a truly good lawyer. So, what might make you a particularly effective lawyer and the skillsets that you have and the personality that you have may not work for me and vice versa. Although I would dare say probably there's a considerable amount of overlap. But these are human elements that I think law schools would do well to maybe team with psychology departments or other ... I do believe that there should be more interdisciplinary study as there is among several law schools, particularly in Europe.

Alison Monahan: Well, I think the business schools, too, do a lot better job of this sort of soft skills. All right, well we're totally over time so I'm just going to ask you one

question to finish up which totally ties into this, actually. Are lawyers really going to be replaced by robots? What are we adding here?

Mark Cohen: Absolutely not. I think that lawyers are going to have to live with robots, I don't know if you remember the famous Peter Sellers movie about How I Learned to Live with The Bomb and Love It? I think that this generation is going to be How I Learned to Coexist with Robots and Deal with It. I think that clearly there is a place for both. Clearly there are going to be certain things that separate humans from humanoids. And I think we go back to this kind of soft skills that we talk about, maybe robots can be programmed to be empathetic and to engender a deep sense of confidence in them but I think-

Alison Monahan: That doesn't really work so well for the phone tree where you just end up yelling at the robot on the phone when you call, "Operator. Operator."

Mark Cohen: Yeah, exactly. If I had a dollar for every time that I cursed out Siri, I would've recaptured my Clearspire investment, and that's a lot of dollars. I think, Alison, that what you're going to see is it's not a zero-sum game, it's not going to be all lawyers, it's not going to be all robots, it's going to be a combination of the two. Some people may be saying, "Okay, well what is that combination?" My crystal ball broke last summer, so I can't say.

Alison Monahan: And it depends a lot on the practice area.

Mark Cohen: I think it does.

Alison Monahan: Something like family law is going to be really different than something like patent prosecution.

Mark Cohen: No question about it. And again, I think you raised another good point by raising that example, and that is that we talk about lawyers and the delivery of legal services as if it's some sort of a monolithic thing. But there are all sorts of different practice areas as you know well, all sorts of different values that clients attach to different matters and indeed to different tasks. These are things which are now being reassessed, as I think they properly should have been done quite some time ago. There will still be plenty of room for lawyers. Lawyers will be doing new and different things that you or I can't even describe right here and right now. But they will. And likewise, A.I. will be taking on an assumed importance. But there's plenty of room for both of them.

Alison Monahan: Right, it's not like people are going to run out of problems.

Mark Cohen: Not at all.

Alison Monahan: They're not going to run out of fights. So, we're always going to have lawyers doing something.

Mark Cohen: That is for darn sure.

Alison Monahan: All right, well unfortunately Mark we are out of time, this has been really fascinating. How can people find you if they want to find you, they want to find Legal Mosaic, hear what you're up to?

Mark Cohen: Sure. Well they can either check out my website which is [www.legalmosaic.com](http://www.legalmosaic.com) or they can check out my [Monday morning Forbes postings, Mark A. Cohen at Forbes](#) or they can follow me on [Twitter at @legalmosaic](#), L-E-G-A-L M-O-S-A-I-C.

Alison Monahan: Awesome, well thank you so much. This has been really thought provoking and we really appreciate your time.

Mark Cohen: It's been a lot of fun, Alison. Thanks for having me.

Alison Monahan: Thank you. If you enjoyed this episode of the Law School Toolbox podcast please take a second to leave a review or rating [on iTunes](#) or your favorite app because we would really appreciate it. And be sure to subscribe so you don't miss anything. You can read Mark's column on Monday and also get a new Law School Toolbox podcast. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at [lee@lawschooltoolbox.com](mailto:lee@lawschooltoolbox.com) or [alison@lawschooltoolbox.com](mailto:alison@lawschooltoolbox.com) or you can always contact us via our [website contact form at lawschooltoolbox.com](#). Thanks for listening and we'll talk soon.

#### Resources:

- [Legal Mosaic](#)
- [Mark Cohen on Forbes](#)
- [Mark Cohen on Twitter](#)
- [Podcast Episode 86: Resources for Aspiring Entrepreneurs](#)
- [The Real Secret to Getting Clients for Your Online Practice](#)
- [Online Legal Networking: Twitter](#)
- [Online Legal Networking: Facebook](#)
- [Podcast Episode 81: Building Emotional Intelligence](#)
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