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# AFJAGS Podcast: Episode 36

## The Legal Profession in 2021 & Beyond with ASU Law School Dean Doug Sylvester & Assistant Dean Ray English

**HOST:** MAJOR RICK HANRAHAN, USAF

**GUESTS:** DEAN DOUG SYLVESTER & ASSISTANT DEAN RAY ENGLISH

In today's interview, we discuss the legal profession in 2021 and beyond with Arizona State University Law School Dean, Doug Sylvester, and Assistant Dean, Ray English

### **MAJOR RICK HANRAHAN:**

In this interview, we speak with Arizona State University Law School Dean, Doug Sylvester, and Assistant Dean, Ray English, on the legal profession in 2021 and beyond. We cover the current state of law schools and the legal sector, some of the ASU laws remarkable innovations that have propelled them to be ranked as the youngest law school in the top 25 in the nation, their leadership insights and perspectives on legal careers, including those within the military, as Assistant Dean English is a former Air Force judge advocate. Here are few clips from today's interview.

[Upbeat Intro Music].

### **SHOW EXCERPT, MR. DOUG SYLVESTER:**

One of the great things that I think about legal education is it actually is an education in leadership in a lot of ways.

### **SHOW EXCERPT, MR. RAY ENGLISH:**

The JD opens the door for opportunities that might not otherwise have been opened.

### **SHOW EXCERPT, MR. DOUG SYLVESTER:**

Arizona has decided to create a whole new area called limited license practitioners, where you're NOT a JD, you're NOT an attorney, but you are now able to practice law in specific areas, and we think we're going to be a huge provider.

### **ANNOUNCER:**

Welcome to The Air Force Judge Advocate General's Reporter Podcast, where we interview leaders, innovators, and influencers on the law, leadership, and best practices of the day. And now to your host from [The Air Force Judge Advocate General's School](#).

**HANRAHAN:**

Welcome to another episode from The Air Force Judge Advocate General's School, at Maxwell Air Force Base. I'm your host, Major Rick Hanrahan. Remember, if you like the show, please consider subscribing on Apple Podcasts, Spotify, or your favorite podcast platform and leaving a review. This helps us to grow in outreach to the JAG Corps and beyond.

Well, I am very excited for today's interview, we're going to step outside the Department of Defense with this interview and speak with Arizona State University Law School Dean Doug Sylvester and Assistant Dean Ray English. And they're here to speak with us on a very interesting topic, which we've titled "The Legal Profession in 2021 and Beyond" to include the current state of law schools, the legal sector, and frankly their perspectives on legal careers to include within the military.

I'd also like to send out a special thanks to Major Rodney Glassman, an Air Force JAG Reservist who lives in the Phoenix metropolitan area, and helped to coordinate this interview, along with a few upcoming interviews. Thank you, Major Glassman.

Dean Sylvester and Assistant Dean English, thank you so much for taking some time out of your schedule to come on the show today.

**DOUG SYLVESTER:**

It's absolutely my pleasure to be here Rick. Thank you for having me. This is Dean Sylvester, but please call me Doug for the remainder of the interview, if you can.

**RAY ENGLISH:**

And it's my pleasure as well, Rick. And this is Ray English, and you call me Ray.

**GUEST INTRODUCTIONS**

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**HANRAHAN:**

Well, thank you both, sirs, I appreciate it, Doug and Ray, I will do that.

Dean Doug Sylvester is the eighth dean of the Sandra Day O'Connor College of Law at Arizona State University in Phoenix. Under his leadership, ASU law has reached historic heights where they now rank in the top 25 in the nation among all law schools, and seventh among public law schools. And this is quite remarkable considering that they've moved up about 24 spots over the last decade or so. From 2012 to 2020, the law school placed in the top 25 for employment, they've hired nearly 60 faculty members, and they've raised approximately \$80 million under Dean Sylvester's tutelage. More than twice the amount raised in the previous 45 years combined.

In addition to Sylvester's duties as dean, he has published, taught, and lectured on a multitude of issues, including intellectual property law and commercialization, international law, emerging technologies and privacy. Prior to joining ASU, Dean Sylvester was a Bigelow Fellow and a lecturer in law at the University of Chicago in Northwestern University, an attorney in the global e-commerce practice group at Baker and McKenzie in Chicago, and a law clerk for the U.S. District Judge C. Clyde Atkins, in Florida.

Our other guest, Assistant Dean Ray English, is the Assistant Dean Office of Career and Employment Services, where he focuses on employment and externships for the students.

Prior to joining ASU Law School, Assistant Dean English served as the Associate Director of Career Services at Georgia State University College of Law. And to relevance to our military listeners, he attended Wentworth Military Junior College where he was recognized as a distinguished military graduate and received a commission in the U.S. Army Reserve.

We had some time to chat a little bit before this interview about some of the assignments he had, which he may get into here on the show, where he has served for six years as a staff judge advocate in the U.S. Air Force.

Gentlemen, again, thank you for coming on the show today. I'd like to just start off kind of very broadly, if we could, with Doug, if you wouldn't mind, to just maybe talk a little bit more about your current position and what you're focusing on right now.

**DOUG SYLVESTER:**

Well, let me just start again by thanking you, Rick, for having us on this podcast. We are obviously always happy to talk about the law school. Thank you for reading the bio that I clearly wrote myself as well, as it clearly portrays me more favorably than anybody else would say. But it has been a fantastic ride being dean of the Sandra Day O'Connor College of Law at Arizona State University.

I have been dean now for about ten years, and unless killed by a truck in the next 24 hours, will be the longest-serving dean in the history of the law school within the next few weeks. And it has been an unbelievable experience this last ten years. We had witnessed a huge drop-off in applications in 2011, we've had crises, we've done with COVID, and it's because of people like Ray English and our extraordinary staff and faculty that this law school has continued to reach for higher heights every single chance we can.

As you mentioned, we just had our highest ranking ever as number 24 in the country. We are the youngest law school in the top 25. And we are doing this by consistently recruiting students from all over the world. I know we're a public law school, but about three-quarters of our students are now from out-of-state or all over the world. Nine or twelve different countries this last class, where we have many of the same. While other schools are struggling with applications, we've seen our applications grow from 1,400 just six years ago, to we'll be about 6,000 this year, and we have reached higher median LSATs and GPAs every single year. We're starting to see our students, because of Ray's extraordinary work, get more federal clerkships, more opportunities in large law firms.

But as a public law school, we never lost track of our absolute commitment to getting our students involved in public service. And so, we are always one of the top law schools in the country for students entering into the military, entering into public service, and district attorney's office, public defender's office, government work, and in public interest work. So, we really, you know, we just want to make sure that as what we do is focus on what students want.

We still remember we're a public school committed to making the world around us a better place. And so, getting our students into roles where they can make a difference is a big part of what I believe in, and it's one of the reasons I hired Ray to come and join the law school. You know, when you say that we've been top 20 for jobs, that was never true before Ray got here. So he deserves all the credit. Definitely more than I do.

**HANRAHAN:**

Well, sir, I can feel the energy. Incredible story there and definitely stuff I want to dive into here in this interview. And for Ray, if you could, maybe for our listeners, let us know a little bit more about what you're currently up to.

**RAY ENGLISH:**

Gosh. I'm sure all I'm up to is what everybody else is up to, is pandemic fallout and dealing with the fallout from that. And we've actually survived it fairly well at Arizona State. I have been able to maintain jobs. And for example, last summer when it first hit, we were able to help our students have summer opportunities because that went away a lot, in a lot of places, but not here. We were able to generate over 90 opportunities for students to find experience and actually make a little money as well during the summer and that's thanks to Doug's leadership and the school's willingness to support our students through those times.

And now, we're dealing with the remote aspect of recruitment, which has been a very interesting experience for all parties, is helping students figure

out how to navigate this virtual world in terms of interviewing. We've learned it can be done, and it can be done well, and we still haven't lost a step in doing that.

So, that's our biggest challenge, is you know, pandemic, virtual—teaching virtually, interviewing virtually, recruiting virtually, and we've done well so far.

## LEADERSHIP

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### HANRAHAN:

Well, Doug and Ray, one of the focuses for this show is on leadership, law and innovation, and I really can't think of greater leadership exemplified here with what's going on at ASU law school. Could you maybe offer some, just I don't know, some thoughts or some points on how you been able to do what you've done at ASU from a leadership standpoint?

### RAY ENGLISH:

Well, let me chime in first before Doug chimes in. One of the things that, from a leadership perspective, that's been done well by Doug is he hired me [laughter from all] and he let me do my thing. I mean, oftentimes, you know, people bring people in and they want to tell you how to do your job, and he has not done that.

I've done some creative things. I've been allowed to do some creative things that have worked out really well for the school. And I think that's the biggest leadership perspective. And we know this, you know, you get good people and you let them do their job. You know, and he is very well done that, and I think the school's benefited from allowing to try some things, even if it doesn't work out.

You know, sometimes it doesn't. But most times, we were fortunate enough to have these creative ideas work out to the benefit of our students. So, I think that's a real example of leadership, is being able to let your people do their job.

### HANRAHAN:

And Doug, if you could, maybe, where did you kind of start to learn some of your leadership philosophy or your leadership traits?

### DOUG SYLVESTER:

So, I sometimes think I'm gonna write a book, you know, *The Non-confident Leader*. And I think there are some reasons for believing that can work. If you really are good at evaluating talent, which I think I am good at, and bringing great people in, then I don't need to be the one saying this is how we're going to move forward in this direction.

I set, and Ray will agree with this, very high standards for what it is we're going to try and achieve, but then I really expect that my team's going to figure out the best way to get us there. And so, I do spend a lot of time really making sure we have the right team around us.

But where do they learn this? I have to say, you mentioned I was at the e-commerce, global e-commerce practice group at Baker McKenzie. And if you know history, I was there, I'm old, but from 1991 until about 2002, that was the dot-com boom. And I was an academic prior to that, but I was really interested in becoming involved in the dot, you know, the e-commerce boom that was occurring all over the country. So, I joined Baker McKenzie in Chicago and every one of our clients was essentially a small startup trying to break into this industry.

And so, you learn very early on that they had a much better idea of how to make their company succeed. How to come up with more innovative and important aspects of how to move their company forward. And my job was just to help give advice, and say here's where we need to go.

And so, you learn to let people take risks. And I think a lot of lawyers were trained to never let people take risks. In fact, we're here to tell everyone here's the risks you didn't think of, so don't do them. It was in my training

and those two years or so, really, that's what we learned, is that if these companies didn't take risks, they didn't exist. And so, our job was to help them evaluate risks, tell them where there were dangers, but then help support what they thought was the right answer. And when mistakes were made, work really hard really quickly to move onto the next good idea and help that company move forward.

So, I think that's where I learned it, and I really sort of ran my whole career as associate dean and then as dean letting people around me take the risks they think they need to take to succeed, and then I just tell them this is what success is gonna look like.

## **PRIVATE VERSUS THE PUBLIC SECTOR**

### **HANRAHAN:**

And Doug, obviously we have a lot of listeners that are within the military, within the government, right? And you know, some people may say obviously taking risk in the private sector is different than in, in the public sector. But look what you've done here in a public institution, right, like ASU Law School. Could you offer any insights to that from the private versus the public sector and how that works?

### **DOUG SYLVESTER:**

Obviously, I'm a public employee, and we are a public law school, and part of what we always have to figure out is if we're taking risks, we still have the welfare of the institution and the trust of our community. That's something we have to uphold even more than any risks.

So, when I say risks, I don't mean that we're betting the entire fortune of the law school on black in Vegas. Although ... [laughter]. No, we don't do that.

What I'm talking about is, I'll give a great example. We have been extraordinarily successful in increasing applications and enrollments at the law school. So, I'll give a couple other, you know, important things; we're the third public law school in the country to become completely self-sufficient, and we did it without raising

tuition. So, we have not raised tuition at the law school since I have been dean. Tuition has gone up because of some other fees, but it's gone up less than 5% over ten years for our in-resident students. So, we're not raising tuition. How are we going to become self-sufficient?

Well, the first answer was, when every other law school was getting very small and very expensive, we decided we had options for our students to get jobs. We had ability to recruit, but we were going to have to change how we did admissions. Now, people who had gone to law school, you remember, you'd apply to law school sometime around December, then if you're lucky, someone will say, you're welcome, I'm admitting you, sometime around May. We don't do that.

We start in August. We are probably the first law school in the country to take applications. You get an answer from us in two weeks; you get a scholarship answer the same day that we admit you, or reject you, then you don't get a scholarship offer. Because our idea is that if we want you, we don't want to wait for the next set of applications. There's a ton of amazing lawyers out there, so we want you to come in.

That's a risk because nobody had ever done it before. It looked different than other law schools. And so, that's the kind of risk I'm talking about, is blowing up traditions. Saying just because this is the way it's been done doesn't mean that's how we need to do it going forward.

We needed to grow. What we were doing wasn't working. We blew it up, tried something different than anybody else, and it worked.

Now, there's a lot of people doing admissions the way we do, and I think I'm proud of that part of it. But that's what I mean by risks. And when they don't work out, then you have to unravel them quickly. You have to be willing to admit defeat, you have to be willing to fix the problems and move forward and try something new. That's the kind of risks I'm talking about.

## INNOVATION

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### HANRAHAN:

And obviously, right now, in the Department of Defense in the Air Force, one of the mantras is innovation, right? That we need to innovate. Ray, might you be able to talk a little bit about some of the innovation that's going on at ASU, and kind of what you're working on from that standpoint?

### RAY ENGLISH:

Oh, wow. Thanks for asking that question because again, we've done some things that haven't been done before. For example, one of the things when I first arrived here is, no one has job fairs for recent graduates. You know, it's amazing, you know, once students graduate from law school it seemed as if the school, all they wanted to know, weather they were employed or not, you know, so they could report to the ABA.

We started a job fair for recent graduates, right after bar results came out. It was a great success, and in many students appreciate that. One change that happened in 2016, is paid externships. Up until 2016, a law student could not get credit for an externship and get paid at the same time, the ABA prohibited that practice.

Well, in June 2016, they changed that rule; you fast-forward to 2021, and still a majority of law schools still do not allow paid externships. Yeah, but we have expanded that program and, in fact, 100% of the students who participate in a paid externship here at our law school are employed within 10 months of graduation. You know, when we talk about 50, 60, 70 students per year. Yeah.

And again, that was something that nobody had done, and no one even took the risk, and we did, and we've been able to maintain the integrity of our exponential learning opportunity, as well as enhance our student's ability to get employment post-graduation, and make a little money while they're doing it. So, they really have appreciated that.

Some other things [interrupted]

### DOUG SYLVESTER:

Hey Ray, I just want to really highlight that particular innovation because that—there are other law schools that have blown up over this particular idea, they've had huge fights. Ray and I and others like, this is the easiest thing ever. So, we have students who can reduce debt, get paid, get experience, and Ray has made sure that they all end up with employment out of these experiences.

The fact that other law schools won't do this, to me, is because they have this attitude that it's just not the way it's been done in the past. And I think my reaction, and I know Ray's the same, is when someone says to us, "but that's not the way we do it", I immediately go, "well that's wrong then, let's figure out the way it should be done". And Ray is a great example and that—great example, Ray.

### RAY ENGLISH:

Those innovative things that we've done and thought through, among a number of things to enhance our students' abilities to be employed post-graduation, because at the end of the day, that's the goal; you come to law school and ultimately three years later you want a job, and hopefully one you like.

## CURRENT STATE

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### HANRAHAN:

So, if I could ask this question for both of you gentlemen, what is the current state of law schools and the legal profession here in 2021, and maybe the foreseeable future?

### DOUG SYLVESTER:

Well, I'll start, but then I think Ray's going to answer most of this question. Again, I think we are seeing a bit of a downturn in the economy because of COVID over the last year and a half. Applications are up, I think we're up more than most. So, law schools, I think are overall feeling healthier than they were five or six years ago,

but I know there's a lot of concerns about employment. And one of the things for people to understand about Arizona State is we're the only law school in a city of 5 million. And so, that is an advantage that students who come to ASU have, and that's an advantage I am going to say that we take advantage of every single chance we can to explain to them, to reach out to employers, to get them great students. And I'll hand it off to Ray to talk more about where the legal profession is.

**RAY ENGLISH:**

One of things that's happening in the legal profession, first of all, is the whole idea of diversity. You know, with everything that happened last year, there's a real big look at what can we do, and a serious consideration of what can we do to diversify the legal profession.

And so, a lot of employers, law firms, corporations, they're all thinking about this problem, and it's not an easy fix, it's a long-term solution that has to be implemented. And so, that's the biggest thing. So, we're getting a lot of interest around that particular area.

Another area is what I like to call the professionalism of JD advantage. You know, 10 years ago, if you got this—JD advantage is a job that you get that's nontraditional, you know, it's not a law firm. And it was categorized as JD advantage. And often times, maybe 10 years ago, people thought well, you did if you couldn't get a traditional law job. Yeah, that was kind of the mindset. That's totally different now. It is a legitimate career path for students, you know, to do something that's not traditionally in a law firm.

So, what we're seeing is a real big expansion of JDs being applicable and being hired to do a lot of different things; compliance comes to mind. And compliance is a broad umbrella; you have banking, you've got education, and all kinds of compliance just simply means making sure your processes are, you know, meet the rules. And that's a big area that is expanding.

And you're starting to see folks recognize, you know, a lawyer or legally trained person can really do this job really, really well. And so, now it's becoming more and more an accepted career path.

The other thing I think is going to be impacted is this whole virtual work. One of the silver linings, depending how you look at it, is a realization of how much they can do from home. You know, one of the things I've heard prior to COVID and the pandemic is, we don't like folks working from home, we don't trust them, we're not going to do that. And now that they were forced to do it and have been doing it for over a year so, you know, this is really a good opportunity, we can actually do some things with working virtually, and we can actually do it effectively.

So, I think that's what we're going to see, is a lot of folks aren't bringing their folks back in the office, you know, they're going to go permanently in a virtual environment. I think we're gonna see a lot of that happening and a lot of firms and legal folks looking at, well how can we make it work and will work for us?

Finally, the practice areas that students can graduate can do is just wide open. You know, and I think people are starting to realize that the skill sets that you learn over three years of law school, i.e. how to identify problems, how to solve problems, you know, how to communicate effectively in solving those problems are skills that are transferable to other areas.

Now we've always known, you know, you have JDs that are politicians and JDs that do different things, but now we're seeing JDs in a plethora of different areas, and that's the beauty of it. The JD opens the door for opportunities that might not otherwise have been open. I like to say is, most people when you walk into a room and you say you're a lawyer, they assume you're smart, a rebuttable presumption is you must be intelligent.

Now, you and I both know that's not always the case [laughter], but if you walk into a room and you say you're

a lawyer, the presumption is you must be smart in that regard. And that kind of translated into all the other things that they may be doing, that you can do with your JD.

**HANRAHAN:**

So, it would be fair to say that a JD today is just as valuable, if not more valuable than it was maybe even 5, 10, 15 years ago?

**RAY ENGLISH:**

Absolutely. Because you can now—it's recognized as a benefit to a multitude of different areas.

## **CAREER TRANSITION**

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**HANRAHAN:**

And if I could also follow up with you, Ray, on some of the points you made here, specifically with your background. We have a lot of military listeners to the show, and you've taken kind of a unique career path where you had six years on active duty in the Air Force, and then you moved into academia, and all the different things you've kind of done there.

Could you maybe talk a little bit more about that and also that transition piece, right, where you came from active duty and you got off of active duty. As we do have a lot of people that come on active duty and then they go into the Reserves, or maybe they're in Reserves and then they come on active duty, and just kind of curious to see what your thoughts are on all of that.

**RAY ENGLISH:**

Let me first, by really sharing my total background, in as far as the military, I was in civil air patrol in high school. Most people know what that is. I went to a military junior-college. I got commissioned at 19 as a second lieutenant. I spent 10 years in the Army Reserves as an armor officer. I was a company commander in an armor tank company, and then I went to law school, and then went active duty in the Air Force.

So, I've been, for a long time, most of my life had been involved in some shape or form with the military. So, when I chose to leave the Air Force, you know, I did have concerns about the transition, you know, I wanted to teach law school. I had two goals leaving the military; I either wanted to teach law school, or I wanted to be a U.S. Assistant Attorney, and I can tell you, I got offers for both.

Yes, I got an offer to be a U.S. Attorney, and I got an offer to teach. Obviously, I chose the teaching route. So, having a military career is really appreciated by those who are not in the military, even when I did it 20 years ago. Now, it's really, really, recognized as a training ground in providing skill sets that they may not find anywhere else. So, this transition is very simple.

Now, one thing I didn't do, because my wife would not let me do it, was going into the Reserves. Now, I wasn't married to my wife when I was in the military, it was after I got married, after I got out, and that's a regret, you know, because all I needed was, like, eight years in Reserves to get the retirement, you know, but that's another story, but you can continue and I recommend that if you do, if you go in and spend four, five, six years, you get out and go into Reserves and you get the retirement and still do other things, you know, all as well as practice law in the military environment.

## **LEADERSHIP TRAINING**

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**HANRAHAN:**

And how do you think the military has set you up for success into your current career?

**RAY ENGLISH:**

Over my whole military, all my leadership training, all my training as far as organizational training, all that stuff has played into being able to be successful outside the military. One of the things I found when I left military is that the work habit, the work ethic, that the ability to organize and problem solve is not necessarily as abundant as you may think in the private world.

Most people have difficulty unless you have received training to really problem solve—one to identify the problem and two to really come up with a solution that makes sense. And so, my military experience really helped me in terms of managing, leading people.

We talked about before we started the podcast about how many people who get into leadership positions and never have any experience or training about leadership and management. And sometimes they don't know the difference between leadership and management. And you and I both know that that's two different things, but people sometimes lump them together, that's the same thing, and they're not the same thing. And so, that training bold me well.

Do you guys remember quality Air Force, many years ago [laughter], way back when, I went through that and I used those things I learned through that process even today in terms of what I do now.

**HANRAHAN:**

And Doug, just curious to hear your thoughts, kind of your holistic perspective on folks that you either worked with in the military or maybe students that are considering going into the military, just kind of your thoughts on that.

**DOUG SYLVESTER:**

Yeah, we work with—so, first of all, we're an incredibly open law school to veterans and we have a number of policies even for people on active service. So obviously, we are one of the flag schools and so you have the opportunity to get a full ride come to law school. We actually just started a new program that's called "Advanced Scholars" and this is for people who we think have leadership training and have overcome adversity in their lives. We just can't tell you the name because he hasn't enrolled, but keep an eye out for some stories about some extraordinary students that are going to come to ASU and become some of our inaugural advanced scholars.

And so, one of the things that we love about people with leadership training is one, they bring things to the law school I clearly don't have, is the ability to really sort of lead and inspire people.

One of the great things I think about legal education is it actually is an education in leadership in a lot of ways. It isn't much about management, that's more of the MBA side of things. It is about talking to people about how they can advance their lives, inspiring people to think about how they can make a difference, that's what legal education is about. So, you can come into law school and maybe don't have that training, you're going to be surrounded by people who do, and then you're going to have an education that tries to teach you how to become a leader and helping other people think about how to make their communities and their lives better.

That's part of what I've always loved about legal education and about being a lawyer. So, I think those are just some of the lessons I've learned. I learn from Ray all the time about how to talk less, smile more, things like that, [all laughing] and he's been really helpful.

So, one of the things to really understand about the future of law schools is and one of the ways I think we've most innovated, is we talk a lot about the JD, because I know a lot of the audience here are attorneys. But there's been a huge revolution in legal education to train non-lawyers.

So, we train, we now have a population of non-lawyers through master's degrees, in Masters of legal studies for compliance, healthcare, sports law and business and on and on and on. And we now have more students in that program than we do JDs. And part of this is learning that the professions out in the world need people who are not just lawyers, or aren't necessarily lawyers, but truly understand the legal aspects of their professions. And we were probably the first, I think, law school in the country to really recognize how much the world was changing and that an understanding of law was important for almost any profession.

And so, our program is now about 15 years old. It's become quite large in the last 8 to 10 years. I think we might be the largest in the country.

**RAY ENGLISH:**

We are.

**DOUG SYLVESTER:**

And it's just a fantastic program, and so once again it's about jobs, it's about the professions, but it's also about training people in an area of law and a way of thinking that we think makes them leaders in their professions. It's an amazing opportunity for us to really expand legal education beyond people who just want to be attorneys. And so, that's something we're really proud of as well.

**HANRAHAN:**

And Doug, was that part of your initial vision, or is this something that the private sector or public sector was kind of driving this, where they're coming to law schools looking for these types of folks?

**DOUG SYLVESTER:**

I think we've already established that I'm not, you know, I'm not the person with the ideas [laughter]. I'm with the here's what needs to get done. And what I can tell you about this is I became dean in 2011 and for those of you may remember, that's when there was a ton of bad press about law schools and law school applications dropped off about 50%. And at that time, we also really fell off a cliff, and the JD program went from about 230 students down to about 130 in a very short amount of time. And yet we were supposed to become an economically self-sufficient institution and I didn't want to raise tuition.

So, we started to hear, you know, and I taught at business schools as well, and so I was always a fan of the MBA and I thought, you know, here's this degree we have that we're not using, I wonder if we could grow it. And we actually started with sports law and business, and it's interesting, it's because another law school was cutting their program, and we thought this is a real opportunity for us. So, we hired those people,

started that program at the law school. And then, to your second point, immediately started hearing from our business communities, "we want more people like this". And so, from there, we started really investing in those kinds of programs and we are really seeing them grow, and grow, and grow.

And to the point, where I don't know if you've seen in Arizona now, Arizona has decided to create a whole new area called "Limited License Practitioners" where you're NOT a JD. You're NOT an attorney, but you are now able to practice law in specific areas, and we think we're going to be a huge provider of education for those individuals as well.

## **ACCESS TO JUSTICE**

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**HANRAHAN:**

What are some of those areas?

**DOUG SYLVESTER:**

So, it's family law—Ray, do you know them better than I do?

**RAY ENGLISH:**

Probably not. Family law, make a special court appearances, they'll be allowed to do that in certain avenues, and they're still working it out. The details haven't totally come out. But in those areas where people sometimes can't afford legal representation, and this is a less expensive route. And so, it really is tied to access to justice for people.

**HANRAHAN:**

Fascinating. I was not aware of that.

**DOUG SYLVESTER:**

Washington state did it first, but there are some interesting questions about how they did it. There was a very, very high level of education required in a very small number of areas they could work. Arizona is taking a broader view of almost like a mini bar exam, with smaller amounts of education and more areas you can work in.

So, I think Arizona's approach to this, I think, is going to be quite interesting to see where it goes.

The other real change that Arizona just made is allowing non-lawyers to have ownership stakes in law firms. So, we might see a number of different models for law firms that will have some lawyers, some limited license practitioners, and then ownership in the nonlegal world. So, it's going to be a really interesting set of years coming up. This is clearly the law school that's ready to take on those kinds of challenges. So, we're excited.

**RAY ENGLISH:**

And just chiming on that, that blend, you know, what he means is you may see accountants and lawyers have one practice. Right now, you can't do that, you know, they have to be separate entities. And now they're allowing non-lawyers to share fees and create a joint organization.

**HANRAHAN:**

And what is driving this change?

**DOUG SYLVESTER:**

Ray hit it. Its access to justice. I used to, back in 2011 and '12, I gave speeches all over the country at different law firms talking about how the world had really changed. That one of the problems with access to justice was, back in the 50's, 60's and even 70's, lawyers were on the first floor, right? You would walk around the street and there was a lawyer. You would be able to meet them in all sorts of different places, and then law moved up to the 50th floor and everybody basically said, there's only two ways to know lawyers; it's the billboards which scare me, and then people I'm never allowed to meet. And so, what I believe really strongly is that law schools really need to play a real role in creating opportunities for people to find lawyers and find ways to see that lawyers can help them advance their lives.

And so, one of the major issues here is how can we provide legal representation for people in ways that they need, but that are not going to be so expensive that they

won't be able to access them? So, the law school's gonna play a huge role in helping people connect to those kinds of people, and then obviously help educating people so they can become license practitioners and in these blended law firms.

## **FUTURE OF THE LEGAL PROFESSION**

**HANRAHAN:**

Great points, and I've actually heard that through some of our other guests on previous episodes about this access to justice, which we had one guest that was talking about innovation through artificial intelligence, and other types of things because lawyers were too expensive. So, fascinating there.

I think some of the points you also mentioned, both Doug and Ray mentioned, here is a natural segue kind of into, where do you see, if you can, I know you don't have a crystal ball, but if you did, where do you kind of see the legal profession going over the next five years?

**DOUG SYLVESTER:**

Why don't you take that, Ray?

**RAY ENGLISH:**

I knew you were going to say that. Wow. One thing that COVID has brought about, as well as the instance of 2020, is the legal profession has taken a hard look, you know, at what we are and what we're supposed to be. And so, I think over next five years you're going to see a lot of effort and monies put into creating equality in terms of access to justice. But also reevaluating who makes a good lawyer, you know, what skill sets are required to be a good lawyer, you know, what things? Traditionally, it's good grades, law review, you know, that's going to change. I think they're starting to realize that even the bar exam—is reevaluating the bar exam; the LSAT is reevaluating the LSAT. All those good tools to represent and determine who could be a successful lawyer.

So, as the legal profession takes a hard look at how we define ourselves, we're going to see some core values

change in terms of making sure that the profession's open to everybody and that we aren't, you know, rambling or just leaving people out without access to justice, or even access to education in that regard.

On the practice area, I think I've touched on this a lot, what I'm seeing is this openness on this recognition that being legally trained makes you capable to do a lot of different things. You know, that's why you see a lot of the Masters of legal studies programs, the level of non-attorney but training education with legal, a person who's not a lawyer, not a paralegal, but somewhere where they can actually represent clients and do things for clients, because we are a nation, as we've heard over and over again, you know, rule of law, you know, is supposed to be what we're about. But yet, we have a lot of people who don't understand it and don't have access to it, and that's gonna change over time.

From a corporate perspective, if law firms get a little bit bigger, you see them diversify, we're all wondering where this is all going to lead in terms of the diversity requirements that corporate clients are asking for, and they've been trying to meet those demands. And quite frankly, there's not enough diverse lawyers. And so, I hope to see, over the next five years, more commitment to pipeline programming and being able to encourage more diverse students to actually go to law school and making sure that they have the skill set to actually succeed in law school, at least on those objective criteria that we judge them to have succeeded by. So, I think there's going to be a lot of change over the next five years.

## RESOURCES

### HANRAHAN:

Well, gentlemen, this has been a fascinating discussion. I know we're getting close to time here. Just two more questions that I had that I usually ask all our guests, which would be, do you have any recommended references where listeners can learn about anything that we've talked about today in more detail?

### DOUG SYLVESTER:

The [ABA](#) puts out a number of different things about the future of legal education and the future of the legal profession. So, there's certainly a fair amount of work there. On some of the emerging technologies you mentioned, things like artificial intelligence and blockchain, you know, we have a fantastic Center for [Law, Science and Innovation](#) here at ASU. You've got our website, if you go to that center, you'll find tons of information about how those areas are really going to impact the legal profession going forward.

From things like this podcast, are fantastic, obviously to just learn more about where legal education is going, what law schools are doing.

And then if there's people thinking of going to law school, the right answer is feel free to e-mail me. I'll tell you anything you want to know. I did not know any lawyers, honestly, growing up and so it's been a wonderful thing to be able to give back. I tell everybody when we admit them, just e-mail me anytime and I'll give you answers, even if you tell me you're not coming to ASU, because I just think that the more advice people have, the more they're able to select the right law school for them, the right profession for them, and then be able to move their careers forward. Our profession is gonna be better.

I think the one thing Ray didn't talk about that I think is worth highlighting is there's a negative perception about the legal profession and one of the statistics that's constantly thrown out, is that people quit at about year 10; that 50% of people who have been admitted to the bar are no longer practicing attorneys 10 years out, and there's this perception that they're all now homeless [laughter].

No, they've all moved into other jobs. They're all doing the kind of things that Ray was talking. Not all, but a huge majority. Because at some point they've proven that can do so many things with that kind of training. And our Masters of legal studies is really, I mean, I'm really

proud that we have this program because everybody's getting great jobs and they're learning the same skills that attorneys have, without all of the three years of training and then all the things that come with it. They get to do the jobs they love. But they understand law. They understand legal reasoning and we think it's a fantastic degree. So, I think that's gonna be a big part of where the legal profession's going as well, is a blending of different people, of different backgrounds, to really give a better practice to all of their clients.

**RAY ENGLISH:**

I'm going to add, if someone is really interested in law school, [discoverlaw.org](https://www.discoverlaw.org) is a resource that will have everything you want to know and need to know about applying to law school, the LSAT, how to pick the right law school, the LSAT exam itself. So that's a great resource to someone who's thinking about attending law, it'll create questions, it'll answer questions, it'll remind you of questions you should be thinking about, and then it'll link you to other resources. So that's one place I recommend people to go to, and that's discoverlaw.org.

**FINAL THOUGHTS**

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**HANRAHAN:**

And for our listeners, once we get our new website up and running we will have all this in the show notes.

So, my last question is, is there any final thoughts you want to leave with our listeners on either what we discussed today or anything else, maybe that we didn't get a chance to discuss?

**DOUG SYLVESTER:**

Why don't you go first, Ray?

**RAY ENGLISH:**

I would just say to the military folks who are thinking about law school, it is a great segue, it's a great option to do. And those who are in law school, you know, going to a JAG, whether it's Air Force, or Army, Navy, Marine Corps, I don't know, but for the rest of them, it's a great way to see the world, it's the great way to get a lot of

exposure to the law, different areas of practice of law. It's really a great opportunity to figure out what you want to do and it's a great experience. So, that would be my last thought.

**DOUG SYLVESTER:**

Mine would be, the legal profession is a great career. And a great example of, you know, I'm a huge boxing fan, and every champion always says, at some point, boxing saved my life. Well, law school saved my life. In many ways, it really did. It inspired me in what I wanted to do. And so, a legal profession is great. People don't think it, but we need more lawyers in the United States, we absolutely do. What we need are lawyers who really want to make their community better. That doesn't mean you can't do well for your family, but be thinking about how you can use that incredible privilege that you have of being an attorney or having legal training and use it not only to advance your family, but how you can move your community forward and make it better, and then pick a law school, I don't like, ASU, that really helps you get that experience and helps you inspire your career to make your community a better place.

**HANRAHAN:**

Well, Doug and Ray, thank you so much for coming on today. I've learned a lot, just in this short amount of time, and I know we just scratched the surface on all these different topics, but thank you again for coming on and shedding some of your insights, tips, and wisdom to all our listeners.

**RAY ENGLISH:**

My pleasure.

**DOUG SYLVESTER:**

Thank you, Rick, and have us back anytime to talk about any of these things or really anything else. We really enjoyed it.

## TAKEAWAYS

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### HANRAHAN:

Thank you. That concludes our interview with ASU law school Dean Doug Sylvester and Assistant Dean Ray English. Here are my three takeaways from the interview.

**NUMBER ONE, leadership is about risk management not risk avoidance.** Dean Sylvester said he developed some of his foundational leadership principles as a corporate lawyer at Baker McKenzie for startups during the dot-com birth in the 1990's. He learned quickly that in order for his clients to succeed and thrive he needed to assess risk, offer his legal counsel on the management of that risk, but not avoid risk. And he carried that leadership style into his current position as ASU law school dean, which has proven to be very successful.

Further, as Dean Sylvester said, his definition of risk does not mean he's betting the entire fortune of the law school on black like a roulette game. Rather, risk means making calculated decisions based on all the facts and circumstances to achieve your goals while trying to mitigate failure. And if the risk doesn't pan out, admit defeat, unravel your mistakes quickly, and move forward with the next best solution, but don't dwell on the mistake, rather learn from it. That is the path of innovation. It is a process.

**NUMBER TWO, innovation cannot just be a buzzword.** The term innovation has been used readily within the DoD and private sector for years. However, because of its use or overuse at times, the term innovation can sometimes be perceived in a negative connotation, such as a euphemism for excessive novelty without meaningful impact.

Consider not letting this misuse of the term water down its true meaning. Rather, we should look to apply the term innovation carefully and with meaningful impact. Dean Sylvester and Assistant Dean English offered multiple examples of innovations at ASU law over the last number of years. For example, ASU law revolutionize

their application process from what every other law school was doing at the time. ASU law started accepting applications in August and provided notification to applicants within about two weeks, along with any scholarship offers. This was simply not being done based on tradition, but as Dean Sylvester said, they weren't afraid to "blowup tradition if tradition wasn't working anymore".

Today, ASU Law's innovative application process has been benchmarked as a new industry standard in law school admissions. And new standards can rarely be achieved without taking calculated risks.

And my **THIRD POINT, the legal profession is undergoing significant change.** The path for greater "access to justice" as discussed by both our guests is fully underway. As Dean Sylvester stated, for many years there was often only two paths for a lawyer for the average citizen; either through a lawyer's billboard propped up along highways and interstates, or on the 50th floor in a corporate firm high-rise. And this simply doesn't work for the average citizen on a multitude of legal needs.

So many law schools, state legislatures, and bar associations have begun to take action. For example, as discussed, Arizona's now implementing limited license legal practitioners called "Legal Paraprofessionals" or LPs in areas such as administrative law, family law, and other areas. Arizona's also allowing non-lawyer ownership and law firms. The policy behind both these initiatives, according to an article from the ABA citing Arizona Supreme Court Justice Robert Brutinel is, to improve access to justice and encourage innovation in the delivery of legal services.

Other changes in the legal profession include permanent teleworking, greater diversity, to reevaluating entrance exams like the LSAT and even the bar exam, to the interplay of artificial intelligence and the law. And the COVID pandemic has pushed many of these issues to the forefront of discussion and debate.

So how might these changes apply to the practice of law in the military? Well, it's safe to say military legal professionals are not immune to changes within the legal industry. Rather, military legal professional should be tracking these changes in evaluating our own legal practice to improve and innovate our services. Are we doing things because that's just the way they've been done before? Are we willing to genuinely evaluate our own legal services and take those calculated risks to improve them?

[Upbeat Music].

Thank you for listening to another episode. If you like this episode, please let us know by leaving a review on Apple Podcasts, Spotify, or your favorite podcast platform and consider subscribing to the show. We'll see you on the next episode.

**ANNOUNCER:**

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## GLOSSARY

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- **ABA:** American Bar Association
- **AFJAGS:** Air Force Judge Advocate General's School
- **GPA:** grade point average
- **JAG:** judge advocate general
- **JD:** Juris Doctor
- **LP:** Legal Paraprofessional
- **LSAT:** Law School Admission Test
- **MBA:** Master of Business Administration