

PANEL I. THE LAW SCHOOL OF THE FUTURE: HOW WE NEED TO CHANGE LEGAL EDUCATION TO BE ADAPTED TO RAPIDLY CHANGING WORLD

Moderator: Professor Łukasz Pisarczyk

Panelists: Professor Robert Jerry, Dean, Levin College of Law, University of Florida; Professor Tomasz Giaro, Vice Dean, Faculty of Law and Administration, University of Warsaw; Tomasz Wardyński, esq. Wardyński i Wspólnicy; Professor Hubert Izdebski, Faculty of Law and Administration, University of Warsaw

Profesor Łukasz Pisarczyk, Moderator:

Good morning ladies and gentlemen. I would like to open the first session of our Conference. My name is Łukasz Pisarczyk. I am representing the Faculty of Law and Administration of the University of Warsaw. I would like to say that it is a pleasure for me to chair this session. First of all, I would like to thank the organizers and I would like to congratulate because of this conference but mainly on the 15th anniversary of the functioning of the Center for American Law Studies at our Faculty. In my opinion, it is a great success, so once again thank you very much and I would like to congratulate all those who are involved.

Now, it is my pleasure to welcome and to introduce our eminent guests. I would like to welcome Professor Robert Jerry, an eminent American lawyer and scholar, Dean of Levin College of Law of the University of Florida, expert in the area of insurance law. It is my honor and pleasure to welcome you at our conference at our University. I would like to welcome Professor Tomasz Giaro, deputy Dean of the Faculty of Law and Administration of the University of Warsaw. I would like to welcome Mr. Tomasz Wardyński – founding partner of Wardyński & Partners – an independent Polish law firm operating since 1988 and I would like to welcome Professor Hubert Izdebski, an eminent Polish scholar, ordinary professor at the University of Warsaw at our Faculty.

At the opening of this session, I would like to underline that the topic of our meeting, in my opinion, is very interesting and very important. It is also one of the most difficult problems we are facing nowadays because the structure of legal education was formed in a completely different social and economic situation. Over the recent decades we could observe significant and rapid changes concerning the structure of the society, economy and law. Consequently we have to adjust and adopt the system of legal education to the changing reality. It provokes, of course, a number of questions concerning the structure, the character, and the content of legal education. I hope that our discussion will be an important contribution to the discussion concerning the future of the legal education. The first speaker is Professor Robert Jerry – now, Professor, the floor is yours.

Professor Robert Jerry, Dean, Levin College of Law, University of Florida:

Good morning. This morning I would like to talk about disruptive forces affecting the legal profession and the implications of these forces for legal education. Let me start with bibliography and what will be the footnotes for these remarks. A presentation by Professor Debra Merritt from Ohio State University was very influential on my own thinking, as well as the 2013 report of the Georgetown Center for Study of Legal Profession, two books by the British scholar Richard Susskind, Benjamin Barton's work, and William Henderson's article.

Let's start with a quotation from the Georgetown Center Report that underscores the tremendous change occurring in the legal profession in the United States: "The market for legal services in the U.S. has changed in fundamental ways. Perhaps, it is time for us to burn the ships, to force ourselves to think outside our traditional models". Burning the ships – very strong language – suggesting that we are dealing with change that is unprecedented in our own professional careers. I like this quote from Richard Susskind's book "Tomorrow's Lawyers", published about a year ago: "The legal market is in an unprecedented state of flux. Over the next two decades the market", according to Susskind, "will change radically, an entirely new range of legal services will emerge, new providers will enter the market, and the workings of our courts will be transformed. Unless they adapt, many traditional legal businesses will fail. But on the other hand, a whole set of fresh opportunities will present themselves to entrepreneurial and creative young lawyers".

Susskind is correct that it is a time of great change, and many legal businesses will fail, but young lawyers who come to this market with innovation and entrepreneurial skills will have great opportunities in this changing world. This is another quote that I like but probably because I said it: "The risk facing legal education is that we will do an excellent job preparing our students to practice in a world that does not exist anymore and that is a part of what we need to think about". Perhaps, it is better said by Wayne Gretzky, who is certainly one of the best and maybe the best hockey player of all time, who makes the same point this way: "Do not skate to where the puck is or where it has been. Skate to where the puck is going". That is what we need to figure out – where the things are going and how we get to that place.

In the United States, here is the fundamental problem. The gap between the number of law school graduates and the number of jobs is very big. [pointing to graph] You see it is wider after the recession. There are about 46,000 law school graduates a year in the United States going into the market where there are slightly more than 25,000 jobs available each year. If we look farther out to 2016, this is going to change some but not a lot. The number of law students in the United States is going down very fast; the drop in the size of the entering class in 2013 was about 8,000 in one year. That class will graduate in 2016, but that still leaves a big gap between the number of graduates and the number of jobs. That gap is not closing

soon, and that is why we see that the percentage of graduates placed in full-time jobs has dropped dramatically from about 69% in 2007 to about 57% now. That statistic shows the mismatch between the number of law graduates in the U.S. and the number of available jobs. And this is not going to change through at least 2020. According to the U.S. Bureau of Labor Statistics, the number of new lawyer jobs is going to be about 23,000 per year, and that even accounts for the retirements of the baby boomer generation. So this gap between the number of graduates and the number of jobs is going to persist for at least the rest of this decade.

Now further out, things are going to change more. I am a poster child for what is called the boomer generation – those who were born between 1946 and 1964 – this is the common definition. This data is soft but there are about 1.1 million lawyers in the United States and by some estimates about 400,000 of these are boomers. The boomer generation is going to leave the work force; we are going to retire or we are going to die. We are going to leave the work force one way or another. This will be one of the biggest transformations in the U.S. labor market in history. So those law graduates who can make it to years 2020, 2025 or 2030 are going to see tremendous change and greater opportunities, but in the short run it is still going to be a very difficult labor market.

Why is this happening? I suggest, as many others have said, that there are four disruptive forces affecting the structure of the legal profession: technology, process, globalization, and entry of non-lawyers. Let me talk briefly about each one.

Anyone who has done legal research in the U.S. and who is over the age of 55, like I am, recognizes what this is. [pointing to screen] These volumes are called “Shepherds”. When you want to check a citation from a prior case in a prior year to see if it is still good law or has been cited in a more recent case, then you have to go through each of these books, and look at columns in these books to read the codes to find out whether the case has been cited or superseded. You have to go through the red volumes for your case, then you have to go through the yellow volumes, and there is probably going to be one of the yellow volumes that is going to be missing, so you have to walk all around the library to find out where this missing yellow volume is. Then you are going to go to the little small volumes on the right. If I were to cite-check a brief as a young lawyer, it would take me hours and hours to cite-check the brief and go through all these books. Today you use a computer, you type in a cite and in less than one nanosecond you have all of the citations – for the entire brief – completely cite-checked.

Now, this does not mean that we do not need lawyers anymore for cite-checking, but it does mean that we need fewer lawyers to do the same amount of work. The reality is that for almost every facet of law practice there is something like (turning to Dean Rączka), Dean Rączka, if you feel the same way but I heard it said once that if you are a dean and you have not been sued at least once, then you have not been doing your job. I have been sued, and in one case, I never met my lawyer face-to-face. I always talked to him by e-mail or on the phone. This is

one example of how technology has fundamentally changed the way many clients interact with their lawyers. There are databases that store research in-house in firms and corporations, making it very easy to access work product from past cases and transactions. Automated research is another example. The point is that these new technologies do not eliminate the need for lawyers but they do reduce the need for as many lawyers as we have, and this is one of the key pieces of this mismatch between jobs and the number of graduates.

Another change that affects demand for lawyers is the emergence of technologies that can handle document drafting automatically. This [pointing to image on screen] is the website for Legal Zoom, which is a company in California that sells over the Internet an application that enables you to draft a contract or to draft a limited liability document. I looked at a legal filing Legal Zoom did with the U.S. Securities and Exchange Commission in 2012, and according to that filing, Legal Zoom served approximately two million customers over the prior 10 years. In 2011 Legal Zoom's gross revenue was \$156 million. That number may not sound large but it equals one percent of the gross revenue of the five largest law firms in the world for that period of time. If a small, new California company can generate that amount of revenue in the legal marketplace in its young life, that company has my attention. Here is a statistic that really got my attention: In 2011 more than 20% of the new California limited liability corporations were formed with Legal Zoom. I guarantee you that Legal Zoom will not be satisfied with that percentage of market share and that they will seek to expand it.

There are other companies like Rocket Lawyer. On my cell phone (holding up cell phone) I have an application called "*Shake*" that we can use to draft one of 6 or 7 different types of contracts in about 3 minutes – on my phone. The contract it generates will not be a great contract but it will work well enough for 98% of the buy-sell agreements, confidentiality agreements and so on – in other words, for most people the output of the application is totally adequate. And the "app" is free. You do not have to pay a lawyer to draft your contract. In the future – right around the corner – consumers of legal services will not need to hire a lawyer for many of their routine, common legal needs. Why should they pay a lawyer a few hundred dollars to draft a basic contract when an application available for free on a cell phone will draft it for free? So all of these new technologies raise a question that we as lawyers need to answer: what is the value of the work we do for the consumer? What value do we add when a client retains us? What value can we provide the client in return for paying for our time that cannot be provided by these technologies? There are good answers to those questions and there are valuable things we do provide, but the question is no longer one that we can avoid.

Let's turn to process, or what we might call project management. This refers to new systems of taking cases and dividing them into pieces, dividing the tasks, automating some of the tasks, assigning the tasks to those who can do the tasks most efficiently. In other words, it is a way of concentrating or focusing on how

lawyer's work is performed and then managing the work in ways that get quality output more efficiently. The work of project managers is to create greater efficiencies in how work is processed within the law firms. This, again, does not eliminate the need for lawyers but makes it possible to do the same amount of work, or more work, with fewer lawyers.

Let me quickly mention the last two disruptive forces. Globalization refers to the global competition among law firms, to legal process outsourcing, and even global competition among law schools. The global dimensions of the change in how law is practiced are very important. We have a panel devoted to this later today. Lastly, in the United States we have a trend where there are more non-lawyers being allowed to do work on some things that have traditionally been the role of lawyers. Here is a partial list [pointing to screen] of some of those roles that are no longer considered the sole province of lawyers. Again, this puts pressure on the legal profession and on legal education by reducing the number of opportunities for the number of new law graduates.

So the question becomes: how should law schools respond to these four disruptive forces? Let me suggest a few things that we should be talking about. First, we need to think about our tuition levels – how much are we charging students to go to law school and whether we are at the right price point. Here are some data on three charts to show why this question is important. [pointing to first chart] Since 1985 law schools have increased their tuition dramatically. At the University of Florida in my eleven years as dean we have more than tripled the tuition our residents pay during those years, and what we have done is like what has occurred throughout the United States. So compare the rising tuitions to (pointing to second chart) the static starting salaries during this same period. The median starting salary for the new lawyer in the United States has remained roughly the same during this period. So if you just think about what happens in a market when the price to obtain the credential goes up and the starting salary available to those who have the credential stays the same, we would predict that demand for the credential would go down. And that is exactly what has happened. (pointing to third chart) This is the percentage of the U.S. law schools applicants measured as a percentage of the U.S. baccalaureate degrees awarded. Since 1991, there has been a steady decline in the number of undergraduates coming out of college who want to go to law school. We missed that phenomenon when it happened; those of us in legal education did not see it coming. The reason we missed the decline in interest in the study of law as a professional degree was because the number of baccalaureate degrees awarded was rising sharply, so when we had a roughly constant number of law school applicants, we thought that world was fine. But what was really happening was that the number of applicants as a percentage of the pool of potential applicants dropped from about 9% in 1991 to 3% in 2013. Because the raw number of applicants was constant and strong we missed the trend line of declining interest in law as a degree. But that is exactly what we

should expect if tuition goes up and starting salaries remain static. And that is exactly what happened – the number of students interested in the legal career has been going down for years.

The second thing we need to think about in law schools is downsizing. Back in 2003 when I became dean, I gave a talk to the local bar association in Gainesville and I mentioned that law school downsizing could be a good thing for many schools to do, but at that time there were very few examples of law schools reducing their size. After all, in 2003 placement rates were strong and it looked like everything was going just great. But when we look at 2014, more than 90% of the U.S. law schools are smaller than they were three years ago. At the University of Florida we downsized in 2009 with a 25% reduction in school size. This is what we need to do in legal education to respond to the decreasing number of students who are interested in obtaining a law degree.

Third, we need to look at ways we can better integrate our curriculum with the practice of law. There is a variety of things we can talk about here, such as more extensive internships, different types of experiential learning programs, and so on, but the key is that we need to find ways to better prepare our students to hit the ground running when they get out into the practice. In this regard, and fourth, we need to think about how we can educate problem solvers. It is sometimes said that law schools seek to teach law students to *think like a lawyer*, but we need to move closer to teaching law students to think like a lawyer along with something else, such as: *to think like a lawyer and a business manager*, or *to think like a lawyer and a human resource manager*, or *to think like a lawyer and a software programmer*. These are different from the joint degree programs we have had for years; rather, it is embedding the “something else” in the J.D. program itself. I believe we need to be thinking about what I call the “two plus one” law degree. The law degree program in the U.S. is a three-year program and should remain so, but we should think of it more as a two-plus-one program, where students work during the first two years on the basic subjects and then in the third year curriculum pursue a track that better prepares the student to go into particular fields of law. That is one thing we need to be thinking about more in the United States.

Fifth, we need to think about product innovation and diversification. The old paradigm thinks of a law degree as one static kind of thing that a law school does. A new paradigm is to think about different types of programs that a law school can do. President Obama recently talked about a two year accelerated program for law schools – I do not agree with that, but the two-plus-one and the alternative third year program make some sense. We need to think about masters programs for non-lawyers – another kind of degree product. With many law schools being revenue-challenged, we need to think about other kinds of products we can offer that add value to those who would pursue them. There is the limited-license movement underway in some states; so can we do other types of academic

programs for non-lawyers who would then obtain a limited practice license in this new world? There are other things to consider, such as on-line courses, new course concentrations that can be marketed to undergraduate students, and so on. In other words, we need to think of the law school offering a more diverse range of products, not just the one J.D. program that has been the major brand of law schools in the United States for years.

Last, we need to think about how we can leverage the new, emerging technologies. We may be able to find ways to reduce the cost of education through creative use of Skype and Zoom and other types of programs – enabling face-to-face courses across the distances; new ways of working with simulations, split classrooms, and so on; ways we can teach through distance education we can enable with Skype and Zoom and other types of programs. There are new ways we can deliver material in the classrooms. We need to think harder about how we use this distance education technology.

In conclusion, I have many ideas on what is happening and how we should respond, but I am not really sure about a lot of this, especially exactly how we should respond. It is complicated. But I am certain that the future is coming at us, and it is coming at us fast. This is a world of great change, and we need to be closely looking at ways that law schools and legal education can deal with these changes. So with that I will conclude with my remarks.

Thank you very much.

QUESTION DURING SESSION

Professor Robert Jerry:

Well, thank you for that excellent comment. I want to thank my fellow panelists for many wonderful insights. I think all the presentations get us to this basic question: what exactly is happening in the world? How do we describe what is going on? I am not completely sure, but one thing that may be happening in the U.S. will help answer this question. You know, we have had about 250 years of lawyering in the U.S., and for almost all of the last 250 years, up until the last 40 years, so-called “big law”, the large law firms, the global practice did not exist; this did not exist until relatively recently in this history. Why did someone want to become a lawyer before this last era? It was because they were intrigued by the intellectual aspect of the work, they wanted to help other people against abuse, and they did not make a lot of money. And then in the last 40 years of “big law” many students were attracted to the law schools and a legal education because of rapidly rising incomes. A lot of the disruption is in “big law” and how that ripples through the profession. So maybe one thing we are seeing after 250 years is a switch back to the way law was practiced for most of the 250 years before the

last 40. And then the question becomes, what kind of law school do we need for a return to the way law used to be practiced? That is a law school that stresses those three pillars, that focuses on the rule of law, that raises those values and prepares students for a practice that is different than “big law”.

Professor Łukasz Pisarczyk, Moderator:

Thank you very much for this interesting and inspiring contribution. Now we can see more in terms of the current situation, the future perspectives and, in my opinion, those future perspectives, proposals for the future, are the most important because we are all looking for some solutions depending on situation existing nowadays. How to solve our situation, how to adjust the academic program to the needs of practice, to the needs of the society? So, as I said, for us it is very interesting, inspiring, it is also a bit different perspective. What was interesting for me, for example, it was to see the gap between the results of academic education and the needs of practice. It is on one hand interesting, on the other hand it shows how dangerous this problem of the gap is nowadays. As regards rising to the issue, of course. it is one of the solutions but it could be dangerous also for us. Of course. I am kidding in some extent, but it is quite problematic and difficult to apply this solution. So once again, thank you very much for your presentation and the next speaker is Professor Tomasz Giaro.

Professor Tomasz Giaro, Vice Dean, Faculty of Law and Administration, University of Warsaw:

In the preceding presentation of Dean Jerry one aspect seems very interesting to me, namely all the figures and the high frequency of the words “market”, “legal market” or “educational market” and similar. These are the words that we ignored under the previous system of real socialism. I personally spent seventeen years of my life within the German academic system. As I went there in 1990, it was a very great surprise for me to hear everybody talking about market, prices, tuitions and money, and that a law school “cannot afford” this or that. I found it slightly disgusting, since at university I expected only education, science, mind and ideal values.

In my paper I reflect, first of all, on the Polish legal education reaching the conclusion that its reform is badly needed. In this respect some comparison between Polish and American law schools may be useful, but only on a very limited scale. The reason for this restriction is that the American legal education is graduate and the Polish one is – like in the rest of Europe, including England – undergraduate. Moreover, the American legal education enjoys a leading position in the world. Due to the globalization the American model of corporate economy in form of multinationals has paved the way to the generalization of the American model of law firms and, in consequence, to the global success of the American model of legal education. This model was traditionally synthesized as “training lawyers” instead of “educating academics”. However, in recent two or three decades the

leading American law schools, traditionally devoted to the professional training, became temples of legal scholarship.

In this context the concept of scholarship must be explained, because the legal scholarships of today is not the classical legal doctrine anymore. The latter dwelled on the interpretation of this or that legal provision or tried to excogitate some genial legal construction. It was characterized by national uniformity, systematic structure, clear categories, authoritative regulations and autonomy of law as deciding by rules. On the contrary, the modern model of legal scholarship, which reflects itself in the legal education, involves pluralism, incoherence, fuzzy categories, the questioning of rules and the instrumentalization of law as a means to an end. All these features secure the American advantage in global lawyering in the transnational context. This is the content of a recent paper "The American Advantage in Global Lawyering", written by Matthias Reimann, a German law professor who teaches at the same time in Michigan. The new transnational context makes the old model of legal doctrine antiquated. It is the reason why the shape of legal scholarship at American law schools changed.

From the paper of John Langbein "Scholarly and Professional Objectives in Legal Education: American Trends and English Comparisons", published in 1996, we learn that at the leading law schools of the United States the research in constitutional law as well as in law and economics dominates. However, the new constitutional scholarship is not simply a technical knowledge of rules and regulations. It requires, moreover, a previous study of several disciplines, such as philosophy, political science, legal history, even literature. Law and economics, in its turn, is not simply law enriched by economic knowledge, but nothing less than an alternative mode of legal conceptualism, since having an economic background we think about law differently.

But why did I say that comparisons and inspirations from American legal education cannot properly apply to Poland? It seems to me that Polish law faculties and American law schools must be seen against the background of the whole system of legal education. In the Polish system we have unfortunately no market which was so frequently mentioned by Dean Jerry. The market is absent from our system because in Poland teaching is still considered, like healthcare, the paramount task of the state. There are some private universities but their level is low and their importance, as compared to the public ones, scarce. So our system of higher education, not only legal education, has not been reformed during the last 25 years. Its structure remains the same as under the real socialism. The system, left centralized exactly as the system of socialist economy, is externally guided by the ministerial bureaucracy.

I do not intend to prize America as the height of perfection; there is probably too much business and entrepreneurial thinking at the American law schools, as Brian Tamanaha claims in his famous book "Failing law schools". At the end we do not know whether the tuition in the United States is growing higher because

the law schools need star professors, or because the students who pay so much demand star professors. The situation in Poland is incomparable, since we do not have the educational market in the American sense. It is a pity, because the market is a powerful tool to discover and measure scholarly values. Only the academic market can guarantee competition and mobility, because we go there where we are better paid and offered better working conditions. We can see it from comparative surveys of the faculty recruitment in the world. However, the common feature of all those systems is that new professors are hired when they are needed by the law school and not, on the contrary, when they themselves need a job. However, it is exactly the case of Poland.

We recruit new professors when one of our assistants has written his habilitation thesis. For example Mrs. Gmurzyńska will start soon her habilitation process and we will employ her as professor of our Faculty without taking care whether we need her or not. The sufficient reason is that she has completed her habilitation monograph. No matter how valuable this monograph is, it cannot change the fact that the whole system is contrary to practical needs. In most countries you cannot be given a job by a law school where you have written your qualification thesis. In Germany it is even formally forbidden. In Poland, however, everybody has a right to the professor's position at the faculty where he started his career and has written his qualification thesis.

In consequence, at the Law Faculty of the University of Warsaw some chairs are occupied by four, five or six professors of the same special field of study. Even the richest American universities could not afford such multiplication of their faculty. When these five or six people, united by the same chair, by chance do not fight against each other, at least they have to take always care not to disturb each other. It means that our system of higher education, including legal science and legal education, is anything but well organized. The fact that we have accustomed ourselves to its vices and that we acknowledge them as normal, does not make it any better. I think it is the bureaucratic nature of our system which should be discussed at our faculty.

Moreover, within our system only the ministerial bureaucracy is entitled to ultimately decide who deserves a habilitation, an academic job, and a professor title. Such is the task of a particularly superfluous institution, virtually unknown to the western civilization – the Central Commission for Scientific Degrees and Titles. It is a state agency established in Warsaw during the Stalinist period in 1951 with the scope to supervise the Polish science. This Commission, which today is mainly responsible for the low level of Polish universities, may be reasonably compared to the State Price Commission of the communist era. The Price Commission decided how much particular commodities had to cost, no matter what the market dictated. The Central Commission for Scientific Degrees and Titles decides who will be awarded the habilitation, the professor title and so on.

Presently, the declared scope of the Central Commission for Scientific Degrees and Titles is to supervise the poorly staffed and managed, ill-equipped and deeply indebted provincial universities which during the boom of the educational business sprang up like mushrooms in numerous Polish towns. Those universities are to be controlled because they use to confer the Ph.D. degrees to cousins and to grant habilitations to friends. However, in the same way as despite all the efforts of the communist Price Commission commodities were of bad quality or all together absent from the market, too much scrutiny applied by the Commission for Scientific Degrees produces, in the best case, mediocrity.

Also in the United States there are several low level universities, but – as far as I know – nobody wastes his time there to persecute them by administrative means. So let us also in Poland leave the task of eliminating them from the educational market to its autonomous forces. Let us permit bad universities to appoint their professors without state approval. They will be simply professors of Polish small towns. Needless to say that they will be somewhat different from the professors of the University of Warsaw. It is an illusion to ensure the perfect control of these *quasi* universities by expensive administrative means. The only verification method of scholarly values leads through the market, which functions also in the academic world, as I mentioned at the beginning.

I am going to close expressing my rather pessimistic private opinion. I am pessimistic about the future of Polish universities because they are still governed by the universal democracy of medieval origin. The curriculum decisions, necessary to modernize the program, are taken by the general faculty, composed at our law school of more than 90 professors. So these decisions are taken in the end by the people whose employment, as well as the employment of their collaborators and doctoral students, depends from their ability to preserve their discipline in any new curriculum or even to extend it beyond its present borders. In consequence, the decision makers will act selfishly and resist against any reasonable innovation.

In my opinion, Polish universities need a deep reform from above and, consequently, a great reformer, somebody as a new Leszek Balcerowicz in the field of higher education, including the legal one. Unfortunately, such a person is presently not in sight. Finally, another unhappy development must be noted. The Polish Constitutional Tribunal decided recently that not only the first but also the second field of study will be free of charge for the students, because it will be financed by the state. So the students can study at one, two or three faculties without paying anything. However, according to the famous saying of Milton Friedman, that there is nothing such as free lunch, somebody will pay the bill.

Thank you for your attention.

Professor Łukasz Pisarczyk, Moderator:

Thank you very much for your contribution. I have two remarks to recap this part of our discussion. Because of the ongoing changes, without a doubt we need

to remodel the structure of legal education – this is necessary. We cannot avoid changes in terms of the shape, the character, the content of legal education. The future is coming, as Professor Jerry said, without a doubt the future is coming. The question is in what direction should we go. We should look for a balance between theory and practice. It is also very important, but the question is, as I said, to what direction, what is our way. For example, one remark concerning the presentation of Professor Jerry: the American model of legal education is brilliant and we do appreciate this system, but on the other hand, we cannot copy this system. Why? Because our social structure is completely different, so to a certain extent it is possible to take some elements of this legal education system but, as I have already mentioned, it is rather impossible to copy a specific legal education system because of the changes, because of differences, in terms of the functioning of the entire social system. So once again thank you very much Professor Giaro and the next speaker is Mr. Tomasz Wardyński. Welcome.

Tomasz Wardyński, esq. Wardyński i Wspólnicy:

Thank you very much for the invitation. I am very grateful to the organizers. It is a great honor to be at the University of Warsaw where I graduated in 1970. I have written a short paper which is in your materials but I have been provoked by the addresses of Professor Jerry and Professor Giaro. I would like to start a discussion by making some remarks on the nature of the legal profession. The academia is an academia and I do not want to enter into a discussion on what it should be. I know what the legal profession is all about because I have been practicing law for 35 years, starting from criminal law, going through civil law and then getting into commercial law, something like twenty years ago. Obviously, we cannot predict the future but we can somehow analyze the present with a view, to find out whether we are prepared for it, so that the future does not destroy us. I think there is one fundamental thing when it comes to the legal profession. We, as lawyers, have to protect the rights of citizens against abuse, the abuse of the state and the abuse coming from other parties in the market. Because I think that the abuse of power and the abuse of position is inherent in the nature of the human being. So it is our duty to protect our clients against abuse, in let it be civil litigation, criminal trial, transaction or administrative proceedings – our work boils down to protecting our client against abuse.

Now, there are three fundamental pillars to our profession: *logos*, *pathos* and *ethos*. We have to remember this because without these three pillars we shall not be lawyers. If we were to discuss today the law school of the future, how we need to change the legal education to adapt it to the rapidly changing world, I would say that I do not know. But I do know how to be a good lawyer. Any law school should be able to prepare good lawyers even though not every graduate will enter the legal profession. Not every graduate will work for a law firm, and not every graduate will become a judge, a prosecutor or an advocate. Some will become

journalists, others will go to work in administration or enter politics. And some, having become totally disappointed by the profession and the changing world, will pursue other professions dismayed by the way justice is being administered.

If we were to define today what is the background of the legal profession, what is the environment in which we have to act, then certainly, it is the globalized world. Globalization is an extremely complex phenomenon. We have to understand that the development of technology is creating more and more connections and speeding the spreading of information, thus affecting the emotions of masses. In this environment jurisdictions as national states do not really coordinate their policies. Against this background, we as lawyers, have to render services to clients functioning in this globalized economy. In this “fluid” world we have to know what is permanent, what is constant as, in my opinion, abuses across the world will be similar. The development of technology tends to prevail over axiology. People, like Professor Susskind, who speak at many conferences organized by law firms (I participated in at least 10 of them), are putting emphasis on technology, sometimes on methodology but never on axiology. He gets into the point that legal profession is a service rendering profession but this is where he stops.

I think that all speculations with regard to the future of law firms are made with a view to scare lawyers. I would say the future is unknown and we tend to fear the unknown. We are also afraid that technology will develop in such a way that we might lose control over it while it might gain control over us. So I think that if we are discussing what the law firm of the future should be, we have to think in terms and in the context of the globalized world. Often this is sad because in this globalized world we have torture being legally used, we have abuse of law, we have legal systems gradually becoming more and more regulated. We are faced with a mentality of lawyers who forget what the law is and who demand recipes and ready-made solutions. I remember once we were being examined by an eminent law professor in Poland, Alfred Ohanowicz, and he asked one of the students a question which the student could not answer, because there were no legal provisions which he could match to the situation. The answer from the Professor was: *“Listen my dear friend, if there is no legal provision, it does not mean that there is no law”*. So what I think characterizes the world of today is a decline of axiology and an overwhelming role of technology. Being drowned by technology we forget what it is that we should do. Technology, especially as it is being used by big law firms, produces within the lawyers a kind of cynical mercantilism, something which lies at the heart of everything that is becoming wrong with the profession, which is rotting it. If we speak about the law faculty of the futures I think that it should be a faculty which in fact teaches values, explains axiology, and gives the students an opportunity to choose what they want to be, not only with regard to the choice between administration of justice, becoming lawyers or advocates but also choosing a different path, for example, entering politics. Explaining that, I would say that the structure of what we

call *państwo prawa* – the rule of law – depends on the values, the pillars which keep the structure of the building in place. If this does not exist, then lawyers and judges will be asking for recipes, for those ready-made solutions permitting them to avoid responsibility for their decisions. So when I think of the law faculty of the future, I would like to see one teaching students how to think, how to be responsible for their own decisions, how to be creative and how to interpret laws in many different ways, but always from the point of view of their function and the role they play in the legal system as a whole. So in this I remain in a way quite conservative. I do not think that the law faculty should be a sort of a school for professionals, a kind of a postgraduate course. In many countries, such as Poland, Germany, France and even England, this is something being taught by the professions themselves – we do not need to form lawyers at the universities in the sense of providing them with ready formulas, with what methodology to use in a given case. We need universities to teach students what the profession is all about and what are the pillars of the legal system and the state of the law today. Without that, we are not going to have good lawyers able to proceed with the case in an effective manner.

On that note I shall end referring once again to technology. I think that technology is like hardware and axiology is like software. Legal thinking, the legal mind that is a software problem – not a technological problem. This is what we need to concentrate on at the level of universities and law faculties.

Professor Łukasz Pisarczyk, Moderator:

Thank you very much. I must say I am really impressed with this contribution. I have expected something very practical but this contribution was really deep, it has concerned, I would say, the role of lawyers in modern society. It was mentioned that our role is to protect clients against abuses, for example. One could go even further, saying that our task is to protect human dignity, strictly connected and our task, I am talking about high schools, universities, is to show the pillars, the foundations of the legal system to understand the idea of the law, how the law functions. So I perfectly agree that the role of a modern lawyer is much deeper, it is not only the strict interpretation of the law but the idea is to understand the idea of the law, to understand how the law works, how the law functions. So consequently it must influence the shape of the legal education, the balance between practice and theory is the answer. We have to look for something deeper, we have to form our students, we have to show the real role of the lawyers in the contemporary society. So once again thank you very much and the last speaker in this panel is Professor Hubert Izdebski – the floor is yours.

Professor Hubert Izdebski, Faculty of Law and Administration, University of Warsaw:

The essence of my contribution is posing a similar question to that what Mr. Wardyński said. I would express some similar thinking in a different way.

The question asked in the title of the panel is: “The law school of the future, how we need to change legal education to be adapted to the rapidly changing world”, relates to juristic futurology. Unfortunately, I am a lawyer (moreover, interested in legal history as well), and not a legal futurologist. Nevertheless, I understand that, still more than ever, we need to reflect over the future of legal education. Our reflection should, in my opinion, be oriented towards two fields.

First, we have to search for ways of providing – here and now – law students with (if we use the terminology of the framework of qualifications for the European Higher Education Area within the so-called Bologna process) knowledge and understanding of what is law, applying that knowledge and understanding, making judgments and communicating, and the most important – learning skills, which, in particular, means skills of adaptation to the changing world, and skills of self-development. Law students we are equipping (if we can) with all those competences will work during a very long time, that of five decades; equipping them with a detailed knowledge of the law in force, without orienting towards understanding foundations of law, that is to say towards its axiology, may not be enough.

Second, education, and within it law education, is not a private business or rather, at present, not only a private business, but, in particular in Europe, is a public service, which permits to situate it within the field of public administration and policies that I am particularly interested in as a scholar and as a practicing lawyer as well. As public administration has to dispose of built-in internal mechanisms of reacting to change of conditions and needs – public administration reform is said to be an unfinished business – such mechanisms should be also taken into account in the specific position of public universities, especially in continental Europe. Law teaching reform is also an unfinished business, being the task of law faculties themselves collaborating with practitioners’ milieu, but also the object of interest of national and European authorities.

Obviously, it is not possible to disregard the principle of university’s autonomy (moreover, written down in the Article 70 item 5 of the Polish Constitution), but it is also indispensable to have in mind that universities are higher *schools*, and not only temples of science, financed out of the public funds and participating in public policy process; therefore, they could be, and even should be, subject to a certain public control of their capacity to provide higher education of a sufficient level. I have to notice that because of the attack of Professor Giaro on one of instruments of that control, i.e. the Central Commission of Academic Titles and Degrees being said to be a Stalinist creation “mainly responsible for the low level of Polish universities”. Maybe I am too attached to the Commission as (since four years) its secretary, but I feel obliged to explain that its 1951 predecessor had existed only to 1958, and the newly created in 1973, still bureaucratic, body was changed in 1990 into an elective organ of the academia self-government, and that since 2005 it has had no competence to “decide who will be awarded the habilitation”. Obviously, we can discuss whether the present status of the Commission, having its equivalents

in some other European countries, is effective, but I think that almost nobody can deny that without it the level of Polish universities would be still much worse. The market is not a sufficient regulator in this respect, and the fact that Professor Giaro may speak about a right of everybody to the professor's position at the faculty of his/her graduation is an interesting evidence that such right, contrary to market conditions, exists neither in law nor in some faculties of the University of Warsaw other than Law. In fact, though, it seems to be respected by the Law Faculty (and many faculties all over Poland) having freedom to employ those who have formal qualifications (for full professors, controlled by the Central Commission).

By the way, it is interesting that there has been no attack on the other, much more bureaucratic, body, i.e. the Polish Accreditation Commission, introduced in 2001 within the Bologna process, controlling quality of teaching in Polish higher schools.

Realizing that there must be an unfinished business of reforming legal education adapted to more and more rapidly changing world, we have to remember that any reform has its point of departure and that point is a result of, on one hand, the process of change, but on the other hand, the established tradition of legal education.

There are different respective legal traditions, even within the same legal family. Thus, within the common law, there can be an English tradition of providing law teaching for professional purposes outside the academia, and an American tradition of its postgraduate teaching at universities. As far as the civil law tradition is concerned, the German tradition is of combining university teaching, after finishing secondary school with the state professional examinations, whereas, for instance, in Poland, law teaching is divided into academic (at law faculties) and professional (after graduation – in a form of different types of apprenticeship for the respective legal professions – advocates, legal counsels, notaries, judges, public prosecutors). Tradition itself, however, is not an immovable being. It has been changed significantly even in case of England; long time ago candidates for barristers were not studying at the university and went directly to the inns of court to be trained as professionals. In Poland, many attempts were made, repeatedly and still unsuccessfully, to add some elements of professional training to the academic teaching. A recent attempt, I am not sure whether it is successful, is of providing professional education and training for two public professions in the same newly established state school for judges and prosecutors. Because of the impact of the tradition, it is not possible – at least now, may be yet – to simply transplant the American system of legal education to Poland as it is impossible to do that with respect to other European continental countries.

However, it is either impossible not to take into account and not to try to express in the system of legal education a phenomenon of technology progress examined by Dean Jerry, as well as other recent phenomenon relating to law, which is internationalization of its different aspects, relating, in particular, on one

hand, to international trade law, on the other hand, to human rights law. All over the world, internationalization means to a large extent Americanization, but for such countries as Poland it means also, and even in the first place, Europeanization of law, especially after joining the European Union. At present, only much less than 1/3 of the contents of the Polish law is fully controlled by the Polish legislative power. The talk is about a multi-level and multi-centered legal system. That is one of the reasons of changing the general approach to law – from the traditionally predominant positivist view to a judge-made law. It has to find its expression in the way law students are taught.

We should also have in mind the internationalization and Europeanization of lawyers' career within global legal market. It makes us change our approach to law teaching as, traditionally, teaching of the given national law. We should teach the foundations of law to be developed within further practice pursued, may be, in very different countries. A good example of that can be the Erasmus program. At the University of Warsaw we have quite a large number of foreign students studying during one year Polish law; I teach, for instance, Polish administrative law. Spanish, Portuguese or German students study Polish law as a part of their curriculum at their native universities – and, what I try to take into account in my teaching, they do not do that in order to obtain deep knowledge of particular foreign law, but their purpose is to learn an example of national adaptation of the European law to be applied all over Europe. It has to be borne in mind that passing in Warsaw the examination in this specific Polish administrative law means passing the examination in administrative law in the Erasmus student's native university.

All that does not mean that American experience in the legal education does not deserve to be more examined and the results of such examination are not to be compared and may be also tested or applied to some extent in our education system. As it was stated by Edmund Burke, tradition does not preclude in any way the indispensable change. What is, however, most important, is to make, as far as possible, law students think in a proper juristic way. New technologies need mastering but they do not replace the juristic thinking, combining professional art knowledge and particular axiology. Mr. Wardyński has stated that such thinking is indispensable in each lawyer's activity, and I do fully agree with him.

Thank you.

Professor Łukasz Pisarczyk, Moderator:

Thank you very much for this contribution. Now the floor is open for discussion, so if you have any questions, comments...

Thank you very much. My name is Przemysław Pałka and I am alumnus of this Faculty and currently a Ph.D. researcher at the European University Institute in Florence. I wanted to really thank all the speakers for this insightful discussion. Just as a comment and reflection I have over this subject which I think is important: I was really happy to hear all the speeches because it is always a pleasure

to listen to someone from the U.S., having American way of presentation. I fully agree with the critical picture showed by Professor Giaro and axiologically I agree also with two last speakers. What I would stress especially, if we are facing a question of what the law school of the future should be, which is a consequently prescriptive question, that we should before trying to answer that, try to conceptualize and fairly present what is the present situation. So what is the situation we are facing now and what is the state we want to achieve in the end and what is the method of getting there? I fully agree that axiology is something that we should concentrate on. But, my personal remark, we are teaching what the law in a sense of what is written in books. However, a distinctive dichotomy that was presented was the dichotomy between theory and practice. I am not really sure if this really addresses the dichotomy and the problem we are facing.

Definitely, there is a difference between the theory that we teach at the law school and practice. I think what we are sometimes missing in Poland is that the practice can itself be the object of research and teaching. If we started doing research and teaching not only what is written in a code or commentary but for example what the law firms are doing, and then at the university, we would critically reflect on that, then we would educate and send to real world people having not only knowledge but also skills, and not only interpretative skills that they will acquire at the market but also an instinct to be critical at what they are looking at. It would also provide them with a tool kit that would enable them to do something with this critical instinct. I would not be as pessimistic as Professor Giaro when it comes to the future, because even though I agree that our system has a lot of problems, we do not need to assume the entire system needs change. We have to assume the core of constitutionalism, the human rights and all other areas, but some things have to be change. It will probably take time but I am optimist about that.

Thank you very much.

Professor Robert Jerry:

Well, thank you for that excellent comment. I want to thank fellow panelists for many wonderful insights. I think all presentations get me to question like that: what exactly is happening in the world? How do we describe what is going on? I am not completely sure but one thing that may be happening in the U.S. will answer this question. You know 250 years of lawyering, for almost all of those 250 years till the last 40 years “big law”, large law firms, global practice did not exist for about 170 years. Why did someone want to become a lawyer? Because they were intrigued by intellectual aspect of the work, they wanted to help other people against abuse, and they did not make a lot of money. And then, in the last 40 years of “big law”, students were attracted to the law schools because of rapidly rising incomes. A lot of the disruption is in “big law” and how that repels through. One thing we are seeing after 250 years is a switch back from the way lawyers practiced for 170 years; and then what kind of law school do we need

for that – it is a law school that passes that three pillars, that is a law school that focuses at the rule of law, that is a law school that raises those values and teaches. So if we describe it that way, can we get a different answer than preparing for “big law”?

Professor Tomasz Stawecki, Faculty of Law and Administration, University of Warsaw:

I would like to thank my younger colleague for raising one of the most important points. I fully agree that the distinction between theory and practice is wrongly put. It is not a question, in the light of the panel's discussion, it is not a question whether we have a proper proportion between the theoretical subjects and practical ones. Most of what we teach at the law faculty is theory, but not theory in the sense of general speculation what the law is about and how it should be applied, but theory in the sense what are the provisions. It is just a descriptive presentation of different branches of law. Since the law changes very quickly, since the practice changes even more rapidly, our graduates when they leave the university walls, when they come to practice in the law firms or in other institutions, they find that the world is completely different in comparison to what they were taught at the university.

That is a problem, and that is, in my understanding, the key task to be faced or to be taken into account in the process of changing the program at our faculty. This is not a question whether historical subjects or philosophical subjects should be more or less represented in teaching, but a question how we teach civil law, how we teach criminal law, administrative law, or constitutional law – all classic subjects which are regarded as the core of the curriculum at the law faculty. Second issue that I would like to point was raised by Mr. Tomasz Wardyński who said that we have to teach values, we have to concentrate on axiology. I think this is the most difficult task not only at the law faculty but at any faculty at universities. The distinction between *logos*, *ethos* and *pathos* mentioned, is a basis for rhetoric, and a basis for the art of persuasion. I would like to refer to another classical antique distinction between three types of knowledge – *episteme* which is just a descriptive knowledge, *techne* – practice in Latin, which is practical knowledge how to do something and *phronesis* – so-called moral knowledge. Socrates who was one of the authors of this distinction said that we can easily teach *episteme* and explain how the world operates, we can also teach technical knowledge or practical knowledge meaning how someone will produce the clay vases or how to prepare such clay vases, but it is very difficult to teach moral knowledge. We cannot teach in fact moral knowledge, we can just show, give examples to our students what does it mean to be a good lawyer, how to be responsible, why I am doing that, what is the purpose of the profession in the society. Of course, I do agree that this is one of the most important tasks, however, one of the most difficult ones.

Thank you.

Mr. Tomasz Wardyński:

If I may speak – honesty, morality, values, *ethos*, this is very much a question of family upbringing. But what happens when there is a family which does not know how to bring up children? Obviously, schools should do their job and very often they do.

I never understand why, when we speak about the legal profession, discussion inevitably drifts towards law firms, especially the big law firms. I think that only a very small percentage of lawyers work in such firms. When it comes to media, I think that all this recognition comes from the fact that those large law firms are being ranked by different newspapers. Then you can see photos of people with titles. Those people who earn 5 million zlotys per year or something like that. This information is on the first page of all major newspapers in this country.

In America people see such information every day and I think that only lawyers get excited by news concerning money. Obviously, this attracts the media to the profession. They come and think everything in the legal profession is very technical, very easy to acquire. But what happens when we start practicing law, when the theory taught at law schools, as you said, turns into practice. Everything then enters a different playing field and acquires a different perspective, which is psychology. Whether you go to court, whether you speak with your client, whether you negotiate a contract for your client, everything has a psychological aspect. People need to communicate properly, having in mind what kind of emotions are there in the head of their counterpart, when you speak about a legal problem. What is it that he means or understands speaking about the same legal text. I can assure you that if you put 50 people in one room, everyone will understand the same text differently. Moreover, I think that at the origin of how each person in the room interprets it, will most likely be his or her economic interest.

When young people enter the profession they understand at this very moment that they have to go and run and they have to exercise some kind of a skill which they have never heard of. In my view, this is something that you learn only by practice. By absorbing experience you go through good or through bad, it is a learning process. I can tell you from my own experience that only after 5 years of being a qualified lawyer I understood what the profession was all about. I do not think this is something that can be taught at the university. You may have different handbooks but until you start really doing things and until you talk to people and see their reactions, until your emotional intelligence shows you what kind of influence you have on people, do you irritate them or have you managed to gain their approval. This is something that you learn only by meeting people and talking to them. Some learn it from their life experience, some get it very quickly, it depends on their personal temperament, their abilities and talent. I think that law firms know very well what they are doing and how to prepare young trainees and young lawyers. It takes a while before you become a partner and I think that there is some kind of wisdom, which is acquired this way. So, I would not even attempt

for the universities to provide this kind of skill and training because it is simply not possible. I think that what we have rightly concluded is, that when you leave law school, the law is already different comparing to what you studied two years ago, and next year it will be different again, and this is a never-ending story. So you, as a young lawyer, are somehow trying to chase a kind of vanishing point. Yet I think, that we know very well that there is a core which does not change, because if the legal system changed along with legal provisions, then there would be no state and no society. I think that the structure and axiology of the legal system do not change and this is something every lawyer should understand. And at the end of the day there will be no legal system and no state unless there is a civil society. Once we know this, then we will be able to understand the role of the civil society and the need for its existence within a state organism. And what is a civil society? Civil society is a society where members are aware of their fundamental rights and are bound by mutual trust. It means that they are motivated not only by some economic interest, but by trust that there is something that binds them together, a belief that they are pursuing a common interest. I think that the judge who sits on the bench and the lawyer pleading before him and also the audience, they should all be bound by this sense of a common interest, which is their own state and society. If I may reiterate, in my view *logos* (logic, ability to interpret), *pathos* (empathy) and *ethos* (ethics) are the three pillars of the profession. There will be no profession without ethics. And ethics can be taught at the university because legal professions do not really devote much time to it in their training programs. Now we can also teach skills of how to interpret law, but when it comes to *pathos*, this is something that you only get from your own mother, from your father, from your family and your friends. So to answer the question, I would forget about those elements of legal education which university cannot teach because it is not really prepared for it. You have legal clinics obviously and somehow this kind of education gives certain sense of how the law works. But it is only when you are really responsible for the case of your client, whether an individual or a big corporation before an antimonopoly court, that you feel that you protect the same values and there is a certain bond which exists between you and the judge. This bond are the values which both of you have to protect.

Dr. Ewa Gmurzyńska, Center for American Law Studies, University of Warsaw, University of Florida:

I would like to refer to the question of division between practice and theory a little bit, also axiology. When we look at surveys, surveys done among our law students, we see that one of the main reasons why they choose the law school is prestige. Very randomly the answer to that question: “why you choose the law school” is – to do good, to provide justice, to help people, to protect them from the abuse. So this is the question which needs to be answered: the issue why should we introduce practical teaching into teaching theory, and it is not teaching prac-

tice for practice sake but to show students what they really will do as lawyers, what kind of problems they will face, what kind of moral and ethical dilemmas they will have to solve. We need to teach them sensitivity to the problems of others. They have to learn that justice is not always for all, unfortunately, and often somebody's life may depend on their legal advice or legal help. We need to show our students, through methodology of teaching also, that as lawyers they are responsible for the human problems. The law does not exist out of the context. The law, as Mr. Wardyński said, is full of psychology, which we by the way do not emphasize at the law school, and it is full of human problems, and we also do not teach how to approach them. The students have to realize that giving legal advice is not just a matter of technical knowledge and analysis of law or simply applying the law to the factual situation of a given person. They have to realize that legal profession is about taking responsibility for somebody else and taking that in mind, we need at the law school to combine practice and theory in the sense that we need to show the students what is the purpose of legal profession and what is the idea behind the law professions. Teaching theory out of the individual situation, sometimes what we mean by practical teaching, may make students believe that law is the technical tool and, what is even more important, it can make them less sensitive to problems of others. Then they go into the real world... The other point I would like to make is about solving problems. Dean Giaro mentioned lawyers as a problem-solvers and Mr. Wardyński said that the goal of lawyers' role is to protect people from the abuse of the state and other people. Obviously, protection is a major role of lawyers but there is also the question of the approach to this task. I see the role of lawyers as a problem-solvers also. This approach is something that we need to teach our students at the law school in terms of approach to legal issues and teaching them also soft skills. We need to teach them how to help others by several different means, not only through going to the court proceeding in the adversarial system, which is traditional but also quite expensive and lengthy. Those soft skills shall include knowledge of how to listen to people, how to ask questions, how to talk to them, how to look at broad interests of the client, recognize the psychological issues, which may appear in the legal problems. Through teaching problem solving approach and soft skills we can show students how to better adapt to the fast changing world. In this sense, by teaching such approach we also help the students to adapt into different legal systems, so if they go practice law somewhere else, they can easily adapt.

Thank you very much.

Professor Łukasz Pisarczyk, Moderator:

Unfortunately, we are running out of time, so I would like to summarize our discussion but I would like to turn to our panelist. Do you have further comments, questions, would you like to add something to your statements? (panelist indicate that they reached all conclusions). Thank you very much once again, it was very

interesting, very inspiring. Your speeches will be fruitful in our searching for a better model of legal education. Trying to recap and summarize our discussion, I would like to make a few final remarks. First of all, the system of legal education must be remodeled without a doubt. This is the first point. The second point is that we have to adjust the system to the current situation. The third point is that the current situation does not mean, in my opinion, and I fully agree with other participants of this panel, that we have to adjust legal education only to the practice in the strict sense. Practice and theory go along together. We cannot separate theory and practice. Our task as professors, as employees of the university is something deeper. To show the foundations of the legal system, the idea of the law, and we cannot separate theory and practice. I would like to agree with our younger colleagues that we have to provide our students with knowledge but also with practical skills, but practical skills in this sense how to be independent and how to be critical about what we are reading, what we are hearing. We should be critical as lawyers to find a good solution. So, in my opinion, this is the way for the future. Thank you very much and now we have a coffee break.