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## Launching the Los Angeles Incubator Consortium

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# LAUNCHING THE LOS ANGELES INCUBATOR CONSORTIUM

Laura Dym Cohen,\* Luz E. Herrera,\*\* and William T. Tanner\*\*\*

## I. INTRODUCTION

In August 2013, then-American Bar Association (ABA) President-elect James R. Silkenat announced the formation of the Legal Access Job Corps Task Force.<sup>1</sup> The goal of the Legal Access Job Corps Task Force was to address unmet legal needs and the underemployment of new lawyers.<sup>2</sup> This particular initiative hoped to match recent law graduates with employment opportunities to address the legal needs of disadvantaged communities.<sup>3</sup> The announcement of the effort came on the eve of federal funding cuts to the Legal Services Corporation and federal court programs.<sup>4</sup> It also coincided with ongoing conversations at the ABA about reform in legal education.<sup>5</sup>

The conversation about reform in legal education was driven by an unprecedented increase in the number of new law school graduates coupled with diminishing employment opportunities in the legal sector. Between 2008 and 2009, approximately 60,000 jobs disappeared in the legal sector.<sup>6</sup> At the same time, law schools graduated approximately 44,000 graduates annually between

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<sup>1</sup> James Poders, *Incoming ABA President James Silkenat Puts a Job Corps for New Lawyers at the Top of His Agenda*, A.B.A. J. (Aug. 1, 2013, 6:30 AM), [http://www.abajournal.com/magazine/article/incoming\\_aba\\_president\\_james\\_silkenat\\_puts\\_a\\_job\\_corps\\_for\\_new\\_lawyers\\_at\\_t/](http://www.abajournal.com/magazine/article/incoming_aba_president_james_silkenat_puts_a_job_corps_for_new_lawyers_at_t/).

<sup>2</sup> See James Silkenat, *Legal Access Job Corps Will Place Law Grads in Areas with Unmet Legal Needs*, A.B.A. J. (Oct. 1, 2013, 10:00 AM), [http://www.abajournal.com/magazine/article/legal\\_access\\_job\\_corps\\_will\\_place\\_law\\_grads\\_in\\_areas\\_with\\_unmet\\_legal\\_needs/](http://www.abajournal.com/magazine/article/legal_access_job_corps_will_place_law_grads_in_areas_with_unmet_legal_needs/).

<sup>3</sup> *Id.*

<sup>4</sup> See *Funding Cuts Expected to Result in Nearly 750 Fewer Staff Positions at LSC-funded Programs*, LEGAL SERVICES CORP. (Aug. 15, 2012), <http://www.lsc.gov/media/press-releases/funding-cuts-expected-result-nearly-750-fewer-staff-positions-lsc-funded>.

<sup>5</sup> The ABA Task Force on the Future of Legal Education was created in 2012 to explore legal education economics, lawyer licensing, and the role of law schools in improving the delivery of legal services. Mark Hansen, *ABA Task Force to Study Future of Legal Education*, A.B.A. J. (Aug. 9, 2012, 9:17 PM), [http://www.abajournal.com/news/article/aba\\_task\\_force\\_to\\_study\\_future\\_of\\_legal\\_education/](http://www.abajournal.com/news/article/aba_task_force_to_study_future_of_legal_education/); see also *ABA Legal Education Task Force Calls for Innovation to Reduce Cost and Improve Value of Law Degrees*, A.B.A. (Jan. 24, 2014), [http://www.americanbar.org/news/aba-news/aba-newsarchives/2014/01/aba\\_legal\\_education.html](http://www.americanbar.org/news/aba-news/aba-newsarchives/2014/01/aba_legal_education.html) (The ABA Task Force on the Future of Legal Education issued its report in January 2014).

<sup>6</sup> *Occupational Employment and Wages, May 2008 – 23-1011 Lawyers*, BUREAU LAB. STAT., <http://www.bls.gov/oes/2008/may/oes231011.htm>, (last modified May 4, 2009); *Occupational Employment and Wages, May 2009 – 23-1011 Lawyers*, BUREAU LAB. STAT., <http://www.bls.gov/oes/2009/may/oes231011.htm> (last modified May 14, 2010).

2006 and 2011.<sup>7</sup> These market pressures forced law schools to think more about their post-graduate career development role. Some law schools developed, or grew, the number of post-graduate fellowships that provided their graduates small stipends to work at various public interest organizations, courts and government agencies for approximately three months to a year, to bridge the time between graduation and securing a full-time permanent job.<sup>8</sup> On a parallel track, law schools have also developed post-graduate law firm incubator programs that offer structured mentoring and continuing legal education programming to new lawyers who start their own law offices.<sup>9</sup>

Attorney incubator programs acknowledge that lawyers who start their own law firms often lack the skills and support systems necessary to successfully launch a law firm. As a result, law firm incubator programs subsidize law firm start-up costs and provide lawyer participants with continuing legal education programs that equip them to build sustainable law practices.<sup>10</sup> Most of the law firm incubator programs cater to recent law school graduates who are interested in establishing law firms that serve modest-income clients.<sup>11</sup> They are designed to meet the mentoring and training needs of the “New Solos”<sup>12</sup> and the

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<sup>7</sup> *Class of 2006 Selected Findings*, NAT'L ASS'N LAW PLACEMENT 3, [http://www.nalp.org/uploads/768\\_classof06selectedfindings.pdf](http://www.nalp.org/uploads/768_classof06selectedfindings.pdf) (last visited Mar. 14, 2015); *Class of 2007 National Summary Report*, NAT'L ASS'N LAW PLACEMENT 1, [http://www.nalp.org/uploads/1229\\_natlsummary07revised.pdf](http://www.nalp.org/uploads/1229_natlsummary07revised.pdf) (last visited Mar. 14, 2015); *Class of 2008 National Summary Report*, NAT'L ASS'N LAW PLACEMENT 1, <http://www.nalp.org/uploads/natlsummary2008.pdf> (last visited Mar. 14, 2015); *Class of 2009 National Summary Report*, NAT'L ASS'N LAW PLACEMENT, <http://www.nalp.org/uploads/NatlSummaryChartClassof09.pdf> (last visited Mar. 14, 2015); *Class of 2010 National Summary Report*, NAT'L ASS'N LAW PLACEMENT, <http://www.nalp.org/uploads/NationalSummaryChartforSchools2010.pdf> (last visited Mar. 14, 2015); *Class of 2011 National Summary Report*, NAT'L ASS'N LAW PLACEMENT, [http://www.nalp.org/uploads/NatlSummChart\\_Classof2011.pdf](http://www.nalp.org/uploads/NatlSummChart_Classof2011.pdf) (last visited Mar. 14, 2015). Those numbers jumped to more than 46,000 per year in 2012 and 2013. *Class of 2012 National Summary Report*, NAT'L ASS'N LAW PLACEMENT, <http://www.nalp.org/uploads/NationalSummaryChart2012.pdf> (last visited Mar. 14, 2015); *Class of 2013 National Summary Report*, NAT'L ASS'N LAW PLACEMENT, <http://www.nalp.org/uploads/NatlSummaryChartClassof2013.pdf> (last visited Mar. 14, 2015).

<sup>8</sup> *Bridge-to-Practice Program Survey Findings*, NAT'L ASS'N LAW PLACEMENT 1, <http://www.nalp.org/uploads/BridgetoPracticeProgramsReport2012.pdf> (last visited Mar. 14, 2015) (reporting that 55% of the eighty-four law schools that responded had a bridge to practice program).

<sup>9</sup> See G.M. Filisko, *Law Firm Incubators Help Both Grads and Needy Clients*, *Fred Rooney Says*, A.B.A.J. (Sept. 18, 2013, 1:30 PM), [http://www.abajournal.com/legalrebels/article/2013\\_legal\\_rebel\\_profile\\_fred\\_rooney](http://www.abajournal.com/legalrebels/article/2013_legal_rebel_profile_fred_rooney); and Delece Smith-Barrow, *Consider Law Schools With In-House Firms, Incubators*, U.S. NEWS (June 17, 2013, 9:00 AM), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2013/06/17/consider-law-schools-with-in-house-firms-incubators>.

<sup>10</sup> See *Solo Incubators and Training Firms*, BRANCHING LEGAL, <http://www.branchinglegal.com/solo-incubators-and-training-firms/> (last updated Feb. 23, 2015).

<sup>11</sup> See Filisko, *supra* note 9.

<sup>12</sup> Incubator program participants are referred to as “incubates” but a number of programs refer to their participants as “New Solos” a term coined by Lilys McCoy, Director of the Center for Solo Practitioners at Thomas Jefferson School of Law. Although attorney incubator programs also incubate small law firms and nonprofits, we use the New Solo terminology here to describe participants in these programs.

community of prospective clients who need an option between free and hourly market rates. Meeting community legal needs, while integral to many clinical legal education programs, has not been central to the mission of most law schools. In contrast, many of the law firm incubator programs have partnerships with legal services providers and others who advocate for increased access to legal services.<sup>13</sup> Engagement of legal services providers in these models are key to ensuring a continuing pipeline of lawyers who can provide additional free and reduced fee services to clients. These programs offer an important link to engaging a larger number of lawyers in the delivery of legal services to modest-means and moderate-income clients.

This Article offers a snapshot of the initial two-month development process of a new law firm incubator program—the Los Angeles Incubator Consortium (LAIC). LAIC is a collaborative project of Pepperdine University School of Law, Southwestern Law School, and UCLA School of Law that was launched in collaboration with the Los Angeles Law Library and various local legal aid providers through seed funding from the California Commission on Access to Justice.<sup>14</sup> Part II discusses the leadership role of California’s Commission on Access to Justice in promoting incubators as models to increase the availability of affordable legal services for the modest-means population. It describes its efforts in convening regional gatherings to educate the bar about the need to explore new approaches to collaboration. Part III discusses the need for local collaboration to support New Solos to develop sustainable businesses. By describing their roles and relationships to the New Solos we attempt to further explain the need for greater collaboration to pilot models that advance delivery of legal services to modest-income clients. Part IV delves into the mechanics of launching an attorney incubator program in a collaborative form. It offers recommendations for how to identify participants, program directors, and mentors to launch the initial training program. The Article concludes by discussing the need for greater evaluation of these programs to determine best practices for New Solo training in delivery of legal services to modest-income clients. By writing about our experience as this program is launched, we hope to offer a blueprint that encourages more collaborative models that benefit New Solos and the client population that desperately needs lawyer alternatives between free and market rate.

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<sup>13</sup> See Karen Sloan, *California Incubator Grants Put Young Lawyers to Work*, NAT’L L. J. (Jan. 13, 2015), <http://www.nationallawjournal.com/id=1202715075192/California-Incubator-Grants-Put-Young-Lawyers-to-Work?slreturn=20150221111842>.

<sup>14</sup> See Lauri Gavel, *UCLA Law to Help Prep New Attorneys to Serve Clients of Modest Means*, U.C.L.A. (Jan. 13, 2015), <http://newsroom.ucla.edu/dept/faculty/ucla-law-to-help-prep-new-attorneys-to-serve-clients-of-modest-means>.

## II. INSTITUTIONAL LEADERSHIP TO ADVANCE A MODEST-MEANS AGENDA

The California Commission on Access to Justice (“California Commission”) was formed in 1997 to make the civil justice system more accessible to California.<sup>15</sup> According to the latest U.S. Census Bureau figures, California’s poverty rate exceeds 16.2% of its population.<sup>16</sup> However, a recent Supplemental Poverty Measure that incorporates California’s high cost of living and the effect of safety net programs such as food stamps suggests that California’s poverty rate approximates one quarter of its population.<sup>17</sup> According to one study there are approximately 800 legal aid attorneys in California, with a ratio of legal aid attorneys to low-income persons of 1 to 8,373.<sup>18</sup> The California Commission has been an important player in advancing a number of initiatives that promote greater legal service delivery to low and modest-income individuals.

In 2013, the California Commission announced the creation of the Modest Means Incubator Task Force “to guide the growing incubator movement toward a conscious goal of training a generation of lawyers committed to serving the needs of ordinary people who otherwise have nowhere to go for legal help.”<sup>19</sup> Similar to the ABA Legal Job Corps Task Force, the goal of the California Task Force was to bridge the problems presented by underserved legal needs and the under-employment of new lawyers in California.<sup>20</sup> The Modest Means Incubator

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<sup>15</sup> The California Commission is comprised of twenty-six members that includes judges, lawyers, professors, business, labor, faith, academic, business, labor, and community leaders. *See California State Bar, Center on Access to Justice*, ST. B. CAL., <http://cc.calbar.ca.gov/CommitteesCommissions/Special/AccessToJustice.aspx> (last visited Mar. 14, 2015). Its goal is to help low-income individuals by increasing resources, expanding both pro bono and language assistance, and improving the availability of both self-help assistance and limited scope representation. *Id.* The California Commission on Access to Justice is staffed by the Center on Access to Justice (Center)—the action arm of Office of Legal Services of the State Bar of California (OLS). The principal goals of OLS are to expand, support and improve the delivery of legal services to low and moderate income Californians. *Id.*

<sup>16</sup> SARAH BOHN ET AL., THE CALIFORNIA POVERTY MEASURE: A NEW LOOK AT THE SOCIAL SAFETY NET 9 (2013), available at [http://www.faccc.org/wp-content/uploads/2014/11/ca\\_poverty\\_measure\\_ppic.pdf](http://www.faccc.org/wp-content/uploads/2014/11/ca_poverty_measure_ppic.pdf) (16.2%). *But see, State & County QuickFacts - California*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/06000.html> (last visited Mar. 14, 2015) (15.9%); KATHLEEN SHORT, THE SUPPLEMENTAL POVERTY MEASURE: 2013 9 (2014), available at [http://www.census.gov/content/dam/Census/library/publications/2014/demo/p60-251.pdf?eml=gd&utm\\_medium=email&utm\\_source=govdelivery](http://www.census.gov/content/dam/Census/library/publications/2014/demo/p60-251.pdf?eml=gd&utm_medium=email&utm_source=govdelivery) (16%).

<sup>17</sup> SHORT, *supra* note 16, at 9 (23.4% poverty rate).

<sup>18</sup> Workshop at L.A. Law Library Pro Bono Week: Interested in Volunteering? Training for Lawyers on Popular Pro Bono Topics (Oct. 25, 2014), available at [http://probonoweek.lalawlibrary.org/pdfs/Volunteering\\_10\\_25\\_1000.pdf](http://probonoweek.lalawlibrary.org/pdfs/Volunteering_10_25_1000.pdf).

<sup>19</sup> State Bar of California, California Access to Justice Commission, Overview: Modest Means/Incubator Task Force, October 24, 2013 (Document on file with the State Bar of California).

<sup>20</sup> CAL. COMM’N ON ACCESS TO JUSTICE, OVERVIEW: MODEST MEANS/INCUBATOR TASK FORCE (2013), available at [http://www.americanbar.org/content/dam/aba/administrative/delivery\\_legal\\_services/ls\\_job\\_corps\\_ca\\_task\\_force.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/delivery_legal_services/ls_job_corps_ca_task_force.authcheckdam.pdf).

Project of the California Commission focused on building capacity and providing seed money to support attorney incubator program development.<sup>21</sup> This effort was the result of several months of fact gathering and study by key members of the California Commission.<sup>22</sup>

The California Commission built support for attorney incubator programs by taking responsibility to educate legal aid advocates, law schools, law libraries, and bar associations about the benefits of incubator programs. They convened three regional conferences in different parts of the state to promote the idea that the infrastructure could be developed to support new lawyers to competently represent low and moderate-income clients at affordable rates.<sup>23</sup> These regional meetings contextualized these law firm incubator programs as part of a national movement intended to connect practical training for new lawyers with providing excellent and affordable legal assistance to low and moderate income clients on a range of topics including family and housing law, labor code violations, consumer debt, and more. Attendees to the meetings learned about successful incubator models that train new attorneys to address the modest-means justice gap, and they met and collaborated with key stakeholders and learned about a new grant opportunity. These conferences included presentations by law school professors, incubator program directors, representatives of lawyer referral programs, court representatives, legal aid attorneys, judges, bar association representatives, and new lawyers who could personally speak to the benefits of such programs.<sup>24</sup> Each offered examples of how training and support of New Solos lead to the development of viable law practices that provided legal services to individuals that were not being served by pro bono programs.<sup>25</sup> After the presentations, the regional meetings offered opportunities for presenters to

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<sup>21</sup> *Id.*

<sup>22</sup> The Commission and its working group studied many models across the country. As part of its fact finding, three members, Justice Ronald B. Robie, Judge Steven K. Austin, and Judge Mark A. Juhas attended the ABA Equal Justice Conference in 2012. They attended several sessions including the three sessions dedicated to incubators. Additionally members visited existing incubator programs across the state. They, along with bar staff program developer Theresa Mesa, examined the different models to determine whether access to justice was a goal of the projects. California Supreme Justice Goodwin Liu, chair of the Modest Means Incubator Committee, also conducted fact-finding interviews and conference calls in 2013 to determine how to proceed. Interview with Judge Mark A. Juhas, in L.A. Cal. (May 1, 2014).

<sup>23</sup> The regional conferences took place in the California cities of San Francisco on April 24, 2014, Los Angeles on June 10, 2014, and Clovis on September 5, 2014. Event announcements and agendas are on file with the State Bar of California.

<sup>24</sup> Key program participants included Fred P. Rooney, who developed the first attorney incubator at the City University New York (CUNY) School of Law in 2007; Robert Siebel, former clinical faculty member at CUNY School of Law and director of the first incubator in California, the Access to Law Initiative at California Western School of Law; and Lily McCoy, Director of the Center for Solo Practitioners at Thomas Jefferson School of Law. Attendee Rosters are on file at the State Bar of California.

<sup>25</sup> At least one of this Article's authors attended each of the sessions organized by the California Commission.

interact with other meeting participants who were encouraged to meet in regional groups to discuss future collaboration on these projects. These interactions and exchanges were critical in addressing long-standing concerns about involving the private bar in delivery mechanisms for low and modest-income individuals.<sup>26</sup>

In October 2014, the California Commission released a publication, *Incubator Guide*.<sup>27</sup> *Incubator Guide* explained incubator programs and provided examples of different types of post-graduate bridge programs that helped new lawyers and improved the availability of free and affordable legal services.<sup>28</sup> In the *Incubator Guide*, the California Commission makes an important case about why incubators should be supported.<sup>29</sup> It focuses on the necessity of formalizing law practice management education and the benefit of introducing new attorneys to the possibility of making a living by charging fair rates to low and moderate-income individuals.<sup>30</sup> In the final sentence of its support statement, the California Commission acknowledges, “[i]ncubators can be good environments to introduce or expand the use of technology, alternative fee arrangements, and newer models of practice that will benefit the efficient delivery of legal service to a larger client base.”<sup>31</sup>

Release of the *Incubator Guide* was accompanied by an announcement that the California Commission would accept applications for seed funding for organizations seeking to start new or expand existing incubator programs. The seed funding was compiled by contributions of various grantors including the Ford Foundation, the Public Welfare Foundation, and the California Bar Foundation.<sup>32</sup> The request for proposals encouraged legal services programs, bar associations, law schools, lawyer referral services, and non-profit organizations that will provide legal services to people of low and moderate-means individuals to apply. They explained that they expected to contribute approximately three to five one-time, non-renewable grants of ranging from \$20,000 to \$50,000.<sup>33</sup> These grant amounts, although small, provide incentives for organizations to think about developing these programs and work in collaboration to maximize existing resources. In addition, the State Bar committed to provide one year of

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<sup>26</sup> See Luz E. Herrera, *Rethinking Private Attorney Involvement Through a “Low Bono” Lens*, 43 LOY. L.A. L. REV. 1, 21-30 (2009) (discussing the limitation of private attorney involvement in delivering legal services to the poor to primarily be pro bono).

<sup>27</sup> CAL. COMM’N ON ACCESS TO JUSTICE, *INCUBATOR GUIDE* (2014), available at <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/2014%20Incubator%20Guide.pdf>.

<sup>28</sup> See *id.*

<sup>29</sup> See *id.*

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 2. See also Richard Zorza, *The Expanding Role of ATJ Commissions – Florida and California*, ACCESS TO JUST. (Jan. 13, 2015), <http://accesstojustice.net/2015/01/13/the-expanding-role-of-atj-commissions-florida-and-california/>.

<sup>33</sup> See *Request for Proposals – State Bar of California Modest Means/Incubator Project*, ST. B. CAL., <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Incubator%20RFP%20Guide.pdf> (last visited Mar. 20, 2015).

technical support to grantees as they created, implemented and evaluated their programs.<sup>34</sup>

The applications for funding required that applicants demonstrate ability to scale and sustain the incubator program and to monitor and assure quality of legal services delivered through training and mentorship of participating lawyers.<sup>35</sup> The specific grant guidelines explained that proposed projects would be evaluated based on geographic diversity, issue focus, the number of clients to be served and number of new lawyers to be trained.<sup>36</sup> Strong collaboration, innovative partnerships, and evaluation plans were also critical factors in determining which of the applications to be selected.<sup>37</sup> In January 2015, the California Commission announced its decision to fund four projects, out of two dozen applicants, to receive grants totaling \$180,000.<sup>38</sup> Each of the following programs received \$45,000 as seed funding to develop a program that reached various areas in California<sup>39</sup>:

- **The Bay Area Regional Incubator Project** will serve residents in five counties in the San Francisco Bay area.<sup>40</sup> The Bay Area Regional Incubator Project is a collaboration between the “Volunteer Legal Services Corporation, the Alameda County Bar Association and the following law schools: UC Hastings, Santa Clara University, University of San Francisco, UC Berkeley, and Golden Gate University. Other partnering entities include the Contra Costa Bar Association, Bar Association of San Francisco, the Alameda County Law Library and legal services providers.”<sup>41</sup>
- **The Los Angeles Incubator Consortium** will serve residents of Los Angeles County—the largest county in the United States.<sup>42</sup> The Los Angeles Incubator Consortium is a consortium of three law schools (Pepperdine University School of Law, Southwestern Law School and UCLA School of Law), the Los Angeles County Law Library and five legal aid organizations (Bet Tzedek Legal Services, Community Legal Services, Legal

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 2.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 2-3.

<sup>38</sup> Press Release, State Bar of Cal., Commission Announces Grants to Expand Access to Legal Services (Jan. 30, 2015), available at <http://www.calbar.ca.gov/AboutUs/News/ThisYearsNewsReleases/201501.aspx>.

<sup>39</sup> *Id.*

<sup>40</sup> *See id.*

<sup>41</sup> *Id.*

<sup>42</sup> Emily Albert Reyes, *L.A. County Population Pushes Past 10 Million, Highest in Nation*, L.A. TIMES, (Mar. 27, 2014), <http://articles.latimes.com/2014/mar/27/local/la-me-in-la-county-population-10-million-20140327>.



Aid Foundation of Los Angeles, Neighborhood Legal Services of Los Angeles and Public Counsel).<sup>43</sup>

- **The Northern California Lawyer Access (NCLA) Academy Project** will serve ten rural counties in Northern California. The NCLA Academy Project represents “a collaboration among a lawyer referral service, local attorneys, county courts, bar associations and other . . . nonprofits” involved with providing legal services.<sup>44</sup>
- **The Orange County Incubator Consortium** will serve Orange County—the third most populous county in the state of California.<sup>45</sup> The consortium includes four law schools: Chapman University School of Law, UC Irvine School of Law, Western State College of Law, and Whittier Law School. It is led by the Legal Aid Society of Orange County.<sup>46</sup>

The impact of these incubator programs is far from being determinative, but California Commission members, participants, and observers are positive about its success. California Supreme Court Justice Goodwin Liu, the Chairman of the Access Commission’s Grant Review Committee, praised the program, as “a wonderful first step in nurturing the next generation of lawyers providing legal services for everyday people with modest means,” and also stating, “[t]he unmet legal needs in our communities are well-documented, and this could serve as a model for incubator projects throughout California and nationwide.”<sup>47</sup>

California is in fact exercising leadership in supporting incubators as a tool to advance a modest-means agenda. Legal services advocate and blogger, Richard Zorza, commended the California Commission for its leadership in being the first to fund incubator projects that train lawyers to create sustainable law practices that provide affordable legal services.<sup>48</sup> He advocates that “all Commissions should be exploring such competitive and guideline-driven grant-making, even i[f] it means going out and raising the money to do so. . . . For Commissions to become real leaders, they have to get beyond the idea that they just help raise money that then gets distributed on formula. Such a system is one

<sup>43</sup> State Bar of Cal., *supra* note 38.

<sup>44</sup> *Id.*

<sup>45</sup> *California Counties by Population*, CAL. DEMOGRAPHICS, [http://www.california-demographics.com/counties\\_by\\_population](http://www.california-demographics.com/counties_by_population) (last visited Mar. 20, 2015). The second largest county in California is San Diego County with a population of approximately 3.2 million people. *Id.* San Diego County is home to the first two incubators in California: Access to Law Initiative at California Western School of Law and the Center for Solo Practitioners at Thomas Jefferson School of Law.

<sup>46</sup> State Bar of Cal., *supra* note 38.

<sup>47</sup> *Id.*

<sup>48</sup> Zorza, *supra* note 32.

of the ways we discourage leadership through our institutional structures.”<sup>49</sup> Ultimately systemic support and small pockets of seed funding on a local, statewide, and national level can continue the development of attorney incubator programs that train new lawyers to establish their business by addressing unmet needs in their communities. A consistent supply of these lawyers requires an ongoing commitment from law schools, legal aid organizations, bar associations, law libraries, and courts to support an infrastructure that supplements legal education with post-graduate programs incubator programs that promote delivery of affordable services to modest-income clients.

### III. LOCAL COLLABORATION: THE LOS ANGELES INCUBATOR CONSORTIUM

State Bar leadership, or equivalent institutional leadership, ultimately requires local support and collaboration. The Los Angeles Incubator Consortium (LAIC) was developed by a diverse group of partners with two objectives in mind: to increase pro bono and affordable legal services for individuals in Los Angeles County who do not qualify for legal aid but cannot afford market rates; and to help new attorneys launch and develop viable law practices that serve modest-means clients. In order to highlight the challenges and opportunities that local collaborations may face, we describe our efforts to build the first collaborative incubator in Los Angeles County to support New Solos and increase modest-means representation.

#### A. The Core Group

While it takes a village to build a successful program, a handful of key individuals can drive and inspire local collaborations that create individual benefit for all parties and positively impacts the community. The Los Angeles Incubator Consortium (LAIC) began forming at the first regional meeting in San Francisco sponsored by the California Commission. The meetings included time in the afternoon to break into groups by geographical regions and brainstorm on program ideas. This exercise was designed to encourage collaboration but it was difficult to agree on a vision for the program when individuals were not used to working together.

After the first regional meeting, representatives from law schools and legal aid organizations from around the state had the opportunity to travel to San Diego to tour and learn about two established attorney incubator programs.<sup>50</sup>

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<sup>49</sup> *Id.*

<sup>50</sup> Lily McCoy of Thomas Jefferson's Center for Solo Practitioners and Bob Seibel of California Western's Access to Law Initiative (ALI) hosted a meeting and offered a tour of the San Diego incubator programs in May of 2014.

There, key stakeholders learned more about these programs and their partners.<sup>51</sup> The visit inspired greater confidence that creating a program in Los Angeles was possible. Several weeks after that trip, a faculty member from one of the local law schools reached out to other law school and legal services practitioners who brainstormed together in San Francisco to see who was still interested in planning the “Los Angeles Incubator Consortium.” The group expanded and included a few others who were invited to join the conversation. A few weeks later, another law school announced a separate meeting for law school deans to meet with incubator program advisor, Fred Rooney, to help ensure law school administration support and understanding of the incubator program model. In order to have law school participation in creating a new incubator program, the administration needs to understand how the program fits within the law school’s mission. These law school specific conversations are critical to engage law school support.<sup>52</sup>

By the time the second regional meeting was held in Los Angeles, there was a core group of individuals who had a good understanding of how an incubator program could serve their interests. The need for such a program in Los Angeles was reinforced by a local family law judge who eloquently spoke about the need for more attorneys to represent individuals in his courtroom.<sup>53</sup> At this same meeting, a local legal aid organization explained that it planned to submit a funding proposal to the Legal Services Corporation’s LSC Pro Bono Innovation Fund to underwrite a part-time project director to support their incubator program. Many of the law schools wrote letters of support with the hope to get some funding that would help to start a program in Los Angeles for their graduates. While the funding proposal was not selected, the exercise advanced the conversation by clarifying for the law schools and the legal aid organizations how they could mutually benefit from collaborating on this project. What followed the first two state bar sponsored regional meetings, was greater dialogue between organizations that did not commonly work together beyond small pro bono projects and opportunities for law students.

The two regional meetings and informal brainstorming sessions revealed a collaborative vision that was advanced by representatives from Southwestern Law School and Bet Tzedek Legal Services. By July 2014, the Los Angeles Law Library and representatives from other legal services organizations agreed to collaborate on a proposal for funding. A follow up meeting in August 2014

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<sup>51</sup> Representatives of Legal Aid Society of Orange County, Pepperdine School of Law and Southwestern Law Schools were involved in conversation about creating the Los Angeles Incubator Consortium and were part of this trip.

<sup>52</sup> Ultimately, the law school that called the meeting received a gift to start its own incubator program and did not join the collaboration for purposes of applying for the State Bar grant.

<sup>53</sup> See *2nd Regional Meeting: Modest Means Incubator Projects in Los Angeles*, EVENTBRITE, <http://www.eventbrite.com/e/2nd-regional-meeting-modest-means-incubator-projects-in-los-angeles-registration-11481763263> (last visited Mar. 20, 2015).

confirmed that interest, flushed out more points about how the groups would collaborate. Before the California Commission announced its grant guidelines, there were already ideas floated about how to collaborate, how to design the program model, and how to delegate. By this time, the conversation included a greater number of potential stakeholders than those originally involved.

Reaching consensus on the need for greater legal services for low and modest-income clients was the easiest part of the effort. Los Angeles County has one of the highest number of people in poverty in the nation.<sup>54</sup> More than 1.47 million people (15% of the county's population) live on an income of \$22,000 for a family of four.<sup>55</sup> Nearly four in ten people live on less than \$5,400 a year or about \$11,000 for a family of four.<sup>56</sup> In addition to those in poverty who qualify for free legal services, there are many individuals who are just above the poverty line and need options that are more affordable than \$300 or more per hour. Given the county's high cost of living, the household median income guideline is lower than the household income guidelines used for families to qualify as low income used by the California's Department of Housing and Community Development.<sup>57</sup> Finally, legal aid partners report turning away a substantial number of those who qualify for their services but cannot be served due to program capacity or consumer eligibility.

The greatest hurdle to overcome in collaborating was a lack of understanding of the needs of the New Solos. Legal aid organizations in Los Angeles County primarily work with the private bar in the context of a pro bono that is subsidized by a large law firm or an individual's wealth. Law schools primarily concentrate their career services assistance on third-year law students who are looking for employment upon graduation, not on assisting lawyers to establish sustainable law offices serving modest-means clients. Many judges view attorneys as tools to efficiently administer justice without much thought given to the economics of the attorney's law practice. Law libraries primarily view lawyers as consumers so in many ways, they were the most prepared to participate in an incubator collaboration. As the deadline to submit the funding proposal was nearing, it became necessary to clarify roles and contributions to the project. Ultimately, it was the law schools and one legal aid organization that contributed the most resources to develop and sustain the project. As a result, the law schools and that legal aid organization took the lead in crafting the proposal that was ultimately submitted. The others continue their engagement as collaborators.

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<sup>54</sup> Palash Ghosh, *Fool's Gold: California Has The Highest Poverty Rate In The United States*, INT'L BUS. TIMES (Jan. 28, 2014), <http://www.ibtimes.com/fools-gold-california-has-highest-poverty-rate-united-states-1548707>.

<sup>55</sup> *L.A. County Facing Growing Poverty, Erosion of Middle Class, United Way report says*, L.A. TIMES (Feb. 9, 2010, 9:57 AM), <http://latimesblogs.latimes.com/lanow/2010/02/los-angeles-county-poverty-middle-class-united-way.html>.

<sup>56</sup> *Id.*

<sup>57</sup> See Letter from Lisa Bates, Deputy Dir., Div. of Hous. Policy Dev., to interested parties (Feb. 28, 2014), available at <http://www.hcd.ca.gov/hpd/hrc/rep/state/inc2k14.pdf>.

## B. The Roles

Simultaneous to the consortium planning meetings, each collaborator had to navigate its own institutional politics to identify the benefits and challenges of joining LAIC. Each had to discover what role it could play given its institutional constraints and philosophical positions. Here we streamline some of the main consideration that arose when determining which role each collaborator could and should play.

### 1. Law Schools

Most of the existing incubator programs in the United States are affiliated with law schools.<sup>58</sup> Law schools have experience in training new lawyers and can draw on the strengths of their clinical programs, their alumni, their faculty, and other resources to help new lawyers learn how to develop a sustainable law practice. Law schools generally recognize the need to expand opportunities to graduates, however, they struggle to divorce themselves from popular notions of professionalism. There is great bias to create short-term job placement opportunities rather than provide longer-term support for graduates to develop their own law practices. Even when law schools highlight alumni in solo or small firm law practice, the emphasis is not on those who are Main Street lawyers. Law firm incubators that serve modest-income populations are not at the top of the prestige food chain for law schools. However, they have become popular because they represent the fact that about half of all attorneys in private practice are solo practitioners.<sup>59</sup>

Another obstacle that often arises when developing these programs, is that there is uncertainty about whether incubators should be developed within career services offices, alumni relations departments, or within the experiential learning program. Each school will make a decision based on interest of its personnel's interest, institutional resources, or a decanal mandate. In our collaboration, we have a representative from career services from one school, a clinical professor from another, and an experiential and public service program administrator from the third. There is not one way to develop this program but the more buy-in the institution can garner, the better.

Overall, law schools have taken the lead in developing these programs because they have the greatest interest in the development of New Solos. There are also law school faculty and staff who believe that law schools have a role to

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<sup>58</sup> See *Incubator/Residency Programs Directory*, A.B.A., [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_directory.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_directory.html) (last visited Mar. 20, 2015).

<sup>59</sup> *Lawyer Demographics*, A.B.A., [http://www.americanbar.org/content/dam/aba/administrative/market\\_research/lawyer-demographics-tables-2014.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2014.authcheckdam.pdf) (last visited Mar. 20, 2015) (showing that in 2005, 49% of all private practice attorneys identified as solo and an addition 14% worked in offices with two to five lawyers).

play in helping to address unaddressed legal needs. The primary benefits of having multiple law schools as the lead partners are that law schools have in-kind resources that can facilitate things like program marketing, outreach to prospective program participants, mentors, and continuing legal education providers. In addition, vendors of legal services products are more likely to negotiate bulk pricing for groups of law schools. Law schools can seamlessly design incubator program materials with a better understanding of what curriculum was provided to participants during law school on substantive law, courtroom procedure, and professional responsibility.

In building the consortium all law schools in Los Angeles County were included in the outreach, however only three elected to continue to participate to draft the application. Pepperdine University School of Law, Southwestern Law School, and UCLA School of Law each contribute financially and through in-kind support from our accounting, career services, clinical program, alumni and development offices, and communications departments in addition to our faculties. Together we have a greater impact on our graduates and our community. Without this mutual support and pooling of resources, we would not be participating in an incubator program today.

## 2. Legal Aid Providers

Through LAIC, the law schools are collaborating with five legal aid organizations: Bet Tzedek Legal Services, Legal Aid Foundation of Los Angeles, and Legal Aid Society of Orange County doing business in Southeast Los Angeles County as Community Legal Services, Neighborhood Legal Services of Los Angeles, and Public Counsel.<sup>60</sup> These legal services providers are integral in helping LAIC assess the greatest community needs and providing training for our New Solos to do pro bono work. Legal services providers offer incubator programs a deep understanding of the legal needs in the community. The legal aid organizations that are part of the consortium have large pro bono programs, ongoing MLCE trainings, substantial support for their attorney volunteers, and together they serve a wide range of clients and multiple areas of practice. Two of our legal aid organizations, Bet Tzedek Legal Services and Legal Aid Society of Orange County, are renting office space to the New Solos.

Another important feature of our collaboration is that our New Solos have the opportunity to participate in the lawyer referral and information service (LRIS) operated by the Legal Aid Society of Orange County (LASOC). LASOC has an active LRIS in Orange County but its program has never taken off in Los Angeles County. LASOC's collaboration with LAIC will allow LASOC to grow the reach of its LRIS and to develop a modest-means referral panel that incorporates New Solos. In addition to referring potential clients to New Solos who meet the panel requirements, LASOC has agreed to contribute a percentage

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<sup>60</sup> State Bar of Cal., *supra* note 38.

of the LRIS fee to pay costs associated with operating LAIC. In addition to providing benefit to LASOC, the New Solos, and LAIC, the LRIS offers consortium members a resource to offer the hundreds of low or moderate income clients they turn away each week because they are not income-qualified, not eligible, or are otherwise conflicted out of their representation. LASOC's LRIS is approved to operate in five southern California counties so its reach and that of the New Solos can extend to neighboring counties of Los Angeles.

The primary benefit for legal aid organizations in their collaboration with attorney incubator programs is that they are able to increase their capacity to reach their eligible client population. However, when presented with the opportunity to obtain more hours from volunteer attorneys, many legal aid organizations often express concern about their capacity to train and answer questions that arise for volunteers in the course of representing a legal aid client pro bono. Through a non-restricted grant secured by LASOC, LAIC is able to work with a legal aid attorney as the program's Community Service Director to help identify opportunities for the New Solos to complete 200 hours of pro bono through existing activities of the consortium partners. The Community Service Director will be responsible to work with other legal aid partners to coordinate training and find mentors that facilitate the engagement of our New Solos in pro bono work. Such an arrangement ensures that the New Solos get the training they need to provide competent representation without adding an additional burden to the operations of our legal aid partners.

By integrating more New Solos into pro bono opportunities that legal aid organizations offer, LAIC has the potential to change the culture of pro bono in Los Angeles County. Much of the pro bono work in Los Angeles is organized through large law firms and legal aid organizations with pro bono coordinators. Like LAIC's Community Relations Director, the pro bono coordinators facilitate training and pro bono activities for its volunteer lawyers who do not generally practice in the areas of law for which they volunteers. Some of these lawyers become long-term volunteers and often donors to these legal aid organizations.

On the contrary, many legal aid organizations in Los Angeles view New Solos and Main Street lawyers as burdensome volunteers because without a third party coordinator, they demand too much time from legal aid lawyers. The problem with that position is that often these New Solos and Main Street lawyers are precisely the lawyers who practice in the same areas as legal aid organizations and can take clients who legal aid organizations cannot assist. Clients lose out through the existing paradigm because not only are they not referred to the lawyers that can help them, but the lawyers that they end up hiring do not have the benefit of participating in the excellent training programs that legal aid lawyers office.

### **3. The Los Angeles County Law Library**

The Los Angeles County Law Library is a vibrant community education center in Los Angeles County and a leader in providing public access

to legal information into the hands of lawyers, clients, and lay advocates. In addition to acting as the curator and cultivator of a superior collection of legal resources comprised of nearly one million volume equivalents—including one of the nation's largest foreign and international law collections—the library serves as a gateway to legal information and as a navigator facilitating access to the legal system for those who do not have or cannot afford legal representation.<sup>61</sup> The library staff serves more than fifty thousand patrons annually.<sup>62</sup> As a member of the consortium, the law library offers New Solos existing continuing legal education programs, temporary workspace near the Central Courthouse, and experienced librarians who can help with legal research. Some of the services provided are available to New Solos at a subsidized rate through the Los Angeles County Law Library's agreement with LAIC. By engaging these New Solos early on in their practice, the Los Angeles County Law Library hopes to become the go to place for these lawyers after they graduate from our incubator program and are better situated to pay full rates on their own. The participation of the Los Angeles County Law Library is extremely valuable and facilitates the development of any subsequent program that LAIC may develop with New Solos after their twelve-month period of incubation.

All LAIC collaborators have an important role to play in the development of New Solos and the delivery of legal services to low and moderate-income individuals. Consortium members need to keep in mind the other's institutional goals in order to make such collaboration work to address the communities' legal needs. As the program unfolds, there will undoubtedly be points of disagreement and tension. However, the LAIC pilot phase allows each entity to stretch itself in innovative ways to ultimately create a broader network of competent providers that address the needs of low and moderate-income clients who currently do not have access to lawyers or legal services. By working together with these various providers, the LA Incubator Consortium can leverage respective strengths to develop a program that is responsive to the large and sprawling community our New Solos seek to serve. All partners are committed to work together during this pilot and to continue to build it into a successful program that will expand beyond the first year and reach new areas of the county.

#### IV. LAUNCHING THE NEW SOLOS

The project undertaken by LAIC is ambitious. We selected eleven New Solos, hired our Attorney Development Director, and launched the program in

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<sup>61</sup> *About Us*, L.A. L. LIBR., <http://www.lalawlibrary.org/index.php/about-us.html> (last modified Oct. 20, 2013).

<sup>62</sup> *About Us and Our Friends*, FRIENDS OF THE L.A. LIBR., <http://www.friendsoflacll.org/la-law-libraryphotos.php> (last visited Mar. 21, 2015).



less than two months.<sup>63</sup> Once the State Bar notified us of our seed grant, we quickly had to shift our attention from institutional concerns to the needs of New Solos and their prospective clients. We describe here that bimodal framework.

### A. Addressing the Needs of New Solos

The law school members in LAIC led the process that identified our new solos. Our law schools have at least one course that focuses on solo practice or law practice management, but none of the schools have a curriculum or a culture that reflects the anticipation that our law graduates will establish their own law practice. In December 2014, we began to informally gauge recent alumni interest in the program, but gave ourselves only a two-week window to solicit applications to participate in the incubator program. Our goal was to create a program that our alumni needed and we resisted any temptation to convince anyone to apply or join the program.

We received a modest number of applications, and while we could have considered accommodating all who applied, we were most interested in narrowing down the pool of lawyers who would best fit the program. A panel of law school representatives interviewed each applicant. This process allowed the applicants to ask questions about the program and facilitated LAIC's understanding of the motivations and circumstances that informed our graduates' decisions to establish their own law practices and serve modest-income clients. Once selected, applicants were given a week's time to make a decision. Each law school was available to counsel their graduates in order to help them make a decision that was right for them. At the end of the process, three of our graduates declined our offers and cited financial considerations or other job opportunities as the reason for their decision.

LAIC's first class of New Solos includes two graduates of Pepperdine University School of Law, five from Southwestern Law School and three from UCLA School of Law. Each expressed interest in developing law practices in a variety of practice areas that ranged from representing small businesses to sex workers. Their backgrounds and language fluencies reflect the multi-cultural landscape of Los Angeles. This group of New Solos has attorneys that speak Armenian, Cantonese, Farsi, French, Hebrew, Hindi, Mandarin, Spanish, Taiwanese, and Urdu. The diversity of the group excites us and reinforces the notion that our program resonates with individuals who are interested in working with underserved communities. As we began to think about structuring a program for them, our goals for their development fell into six areas: establishing their professional identity, imbedding best practices for ethical law practice

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<sup>63</sup> Our quick start-up phase was facilitated by the fact that the Community Relations Director and a member of the Advisory Council had experience launching these programs. Bill Tanner is the Community Relations Director who also established the Lawyer Entrepreneur Assistance Program for the Legal Aid Society of Orange County. Luz Herrera from UCLA School of Law helped develop the Center for Solo Practitioners at Thomas Jefferson School of Law in San Diego.

management, managing financial stress, finding the right mentors, and learning the law. We discuss each consideration here.

### **1. Establishing Professional Identity**

A New Solo's professional identity is grounded in personal experiences that reveal how he or she uniquely contributes to the legal profession. Lawyers who can clearly articulate who they are and what they contribute will inspire greater confidence in their abilities and find greater personal fulfillment in their professional journey.

The vetting process to select New Solos for the program required them to submit a personal statement explaining why they want to start their own law practice and participate in the incubator program. This exercise is basic, but it allows New Solos to articulate what motivates their decision to start a law practice that serves low-income clients. The interview process gave us the opportunity to delve deeper into their values, their concerns, and passions. Those who do not clearly articulate a commitment to serving modest-income clients may not fit well into the program. New Solos with high likelihood of success are those who possess and describe an entrepreneurial spirit and self-confidence. Those New Solos must also have a strong desire to practice law in a way that advances clients' interests.

Those admitted into the program were asked to share more about their backgrounds. By probing for more personal information, we begin to strip their professional mask and make the experience personal. When these introductions were done online just before the program started, we found that many New Solos shared pictures of their loved ones. On the first day of boot camp, they were again asked to share their backgrounds, their goals, and their concerns, not just by speaking, but by engaging in acting exercises. These exercises allowed them to express their identity in more creative and context specific ways. New Solos were asked to work on their professional biographies during their first week in the program.

A personal narrative about the New Solo and his or her contribution to the law serves as the basis for any marketing plan. The lawyer's personal narrative must offer the prospective client enough information about the New Solo's professional identity and personal values to permit that prospective client to make an informed decision about whether that New Solo is the right lawyer for their particular legal issue. Ultimately, New Solos who can convey a personal commitment to the client's legal issues and an understanding of that client's financial constraints will fare better in securing clients.

### **2. Managing Financial Stress**

While LAIC does not represent financial success, it makes great efforts to offer New Solos guidance on how to make ends meet and manage financial stress. Most New Solos worry about their student debt burdens, cost of living

expenses, and their business expenses. Before they join the program we explain that they encounter several months without sufficient cash flow to pay all of their expenses. New Solos who do not have a financial cushion or a support system to get them through those first difficult months may experience high levels of anxiety that inhibit their ability to succeed as a solo serving modest-income clients.

We tackle the reality of financial stress by openly discussing it. LAIC explores how various student loan repayment programs facilitate the burden in the short-term, works with New Solos to create personal budgets, and presents them with options to keep business overhead low. LAIC also brings in speakers to discuss forms of alternative fee structures that New Solos can employ when developing their business plans and establishing their financial projections. We introduce them to opportunities to serve on modest-means lawyer referral panels and introduce them to attorneys who have contract work they can do while they build their client base. While LAIC provides many resources to generate revenue and minimize financial stress, we explain that to be able to develop a sustainable law practice that serves modest-income clients, the New Solo's motivation needs to be more than financial.

Attorneys who represent modest-means clients are generally attorneys who live modestly. Building a sustainable law practice by serving modest-income clients is hard work but it allows New Solos to make ends meet. Some attorneys will develop business models that allow them to make a good living and affords them the same luxuries as their counterparts in the corporate sector. However, unless they develop and execute strong business plans, most solo and small firm lawyers develop modest-means law practices that produce inconsistent income streams. To endure the highs and lows they may face, particularly in the first five years, New Solos must have a long-term commitment to serve modest-income clients.

### **3. Imbedding Ethical Practices**

New Solos must embrace best practices for ethically managing their law practices. LAIC requires that New Solos sign up for malpractice insurance and establish a client trust account within the first two weeks of the program. They work on developing engagement letters, establishing case management systems, and learning about how to assess their law office environments to ensure their clients' confidentiality. Malpractice providers, state bar representatives that oversee attorney disciplinary actions, and case management vendors are all eager to provide trainings and software demonstrations for New Solos. By exposing New Solos to best practices in law practice management and ethical compliance, LAIC attempts to cement the notion that competent and quality legal representation demands attention to potential ethical violations. We hope that such philosophy ultimately benefits the client communities these New Solos will serve.

#### 4. Finding Appropriate Mentors

Assistance in identifying the right mentors is one of the greatest contributions we can make to New Solos. LAIC thinks about finding mentors to help New Solos answer questions about legal issues and process, as well as questions relating to running their law practices as businesses. While LAIC helps identify mentors for each New Solo, we also developed the program to allow for two part-time program directors who serve as mentors that compliment each others' strengths.

LAIC is fortunate to have two talented directors working with our project this year. The *Community Relations Director* is charged with building community relationships and finding mentors to guide New Solos on pro bono work. He is instrumental in working with our partner organizations and courts to identify opportunities for New Solos to learn and provide assistance to the community. Since incubator programs have dual goals of serving more clients and better preparing attorneys, it is important to have a director that knows how to leverage the best training and mentors available to take on pro bono work. The constant client traffic at legal aid organizations allows legal aid attorneys to become experts in many of the areas where modest-means clients need assistance. While these lawyers are generally too busy to serve as mentors for any individual New Solo, the *Community Relations Director* can work with the legal aid organizations to develop special training and access individual legal aid lawyers. LAIC believes this approach will better address the needs of both the pro bono providers and the new solos.

The *Attorney Development Director* is primarily tasked with counseling New Solos on practical aspects of opening their own practice. She is someone who understands the difficulties in starting a new venture in a competitive legal field and will work with each new solo to help develop business plans, which include market niches informed by community need and New Solo interest. The *Attorney Development Director* is primarily responsible to plan and execute the boot camp and subsequent trainings.

#### 5. Learning the Law

The fifth need that New Solos have is to learn to applicable law. As a condition of participating in the consortium, members agree to provide training in different areas of law for new lawyers required to complete pro bono hours. Based on the interests in practice areas expressed by New Solos, LAIC has identified areas of the law that have pro bono programs to support their interests while also giving them skills, experience, and potential clients to build their practices in their first year. In addition, the *Attorney Development Director* is tasked with finding additional opportunities for New Solos to learn common areas of practice such as family law, bankruptcy, estate planning, criminal defense, as well as practical law office procedure. To advance New Solos'

learning environment, LAIC also contracted with vendors that offer practice guides, sample documents and other legal research tools.

## **B. Clients' Needs**

To be a client centered lawyer, a New Solo needs to understand that law is about clients, not about lawyers. A lawyer's value to a client will be judged by how much that lawyer understands the client's need and concerns. A New Solo's marketing plan should communicate a clear message about who he or she is and how they fit in the profession. Website bios, elevator pitches, and personal interactions must uniformly convey that the lawyer understands what is most important to the client. While there are many factors that clients care about, we focus on preparing New Solos to address three: competence, honesty, and affordability.

### **1. Competence**

LAIC's focus on capacity building of New Solos is based on the belief that clients want and deserve competent attorney representation. Continuing legal education sessions, one-on-one mentoring sessions, and supervised hands-on experience at legal aid organizations are all tools used to increase the competence of New Solos. In addition to coaching New Solos to learn the law, LAIC offers guidance on new standards for competence in the age of cloud technologies where third parties have access to or control a great deal of confidential client information. Finally, our New Solos receive cultural competence training to prepare to work with the diverse client population of Los Angeles County.

### **2. Honesty**

Clients with legal problems need attorneys who are honest. Whether or not clients pay for a lawyer's services, they expect to receive an honest assessment of their legal problem when they visit with a lawyer. New Solos are coached to manage client expectations when counseling clients. They are also trained on how to manage their trust accounts and establish protocols to properly manage law office finances.

### **3. Affordability**

Clients who make \$10-\$15 per hour, need more affordable legal services than \$10,000 retainers or \$300 hourly rates.

LAIC requires that New Solos commit to devoting 200 pro bono hours to work on cases from legal aid member providers. Individuals helped through the legal services organizations pro bono projects will be subject to the various

income requirements of the legal services organizations. In addition to providing free work, New Solos will also become part of a modest-means panel of an existing lawyer referral services (LRIS) once they are trained. Participation in such a program requires that New Solos agree to give an initial consultation to callers without charging a fee. In exchange for such referrals, attorneys on the panel will agree to a flat fee structure including: \$500 fees for attorneys to handle unlawful detainers, and \$600 to represent someone in a family law order to show cause. The details are still being worked on.

In addition to these formal mechanisms built into the program, LAIC's training of New Solos includes showing attorneys how to develop a fee schedule for limited scope services. Ultimately, the new solos and the client will decide the appropriate fee arrangement based on the type and complexity of case, the new solo's competency, and the client's ability to pay. However, LAIC will encourage participants to develop alternative fee models that acknowledge the need for more transparency in pricing through flat fee and unbundled legal services.

## V. CONCLUSION

The Los Angeles Incubator Consortium established ambitious outcome measurements to measure our success. Some of the outcomes, such as the number of pro bono hours devoted and clients served, will be easy to calculate. Other outcomes, including continued commitment to serve modest-means clients, may take years to fully capture. To help us document those difficult to access program characteristics, we obtained commitments from a couple of social scientists to assist in the evaluation process. Participation in LAIC requires that New Solos agree to participate in an evaluation of the development of their law practices and their professional identity. In addition to reporting on the number of pro bono hours offered and the number of modest-income clients they served, New Solos are expected to participate in surveys, focus groups, and exit interviews during their time in the program.

We plan to use the evaluation results to modify the model as we expand in the future. Plans for expansion include branching out to other underserved areas of Los Angeles County, particularly the South Bay, the San Fernando Valley and Antelope Valley. In addition to our own efforts, our state bar grant includes the opportunity to work with an evaluator supported by the State Bar to facilitate data gathering, technical assistance, and dissemination of lessons learned, and best practices. Ultimately, these systems for outcome measurements will give us more information to help us determine whether supporting New Solo to advance modest-income delivery is worth the investment.

