I know that you’ve heard from my friend and dean and your fellow commission member David Faigman what we are trying to do with the organization Lawyers for America, which was started at UC Hastings. In fact David got the idea in 2010, in the depths of the recession, that we should start a fellowship program; after a while an idea for financial feasibility arose, and we got started. David has encouraged me to send you my thoughts about LfA and the future of legal education.

The mission of Lawyers for America is twofold and directly relevant to the matters before you. First, we want to prepare law students more thoroughly to move directly into available jobs, through the development of skills in the 3L year (in a full-year externship: both semesters and the time in between as well) cemented by a post-graduate year with the same nonprofit or government agency right after completion of the bar (and a bit of vacation). The typical law school clinic is a single semester; our innovation is the full-year program, essentially bringing the “medical model” (two years in the classroom, two years in clinics) to legal education. The fellows are often trusted with quite significant work very quickly in their post-bar year because of their prior 8 months in the office. In litigation settings (like Public Defender and District Attorney offices) they are sent off almost entirely on their own as soon as they are admitted to the bar.

The second part of the mission is to help meet the access to justice need while students are simultaneously learning to be effective lawyers. The nonprofit and government partners that take on LfA fellows agree to focus on their training but gain additional assistance to meet the needs of their clients at a cost that is lower than additional hires. The partners pay LfA for the fellows, enabling them to be paid that post-bar year (thus making the program financially feasible and scalable). Not only are fellows affordable to partners, but partners are also intensely committed to fellow training because they benefit from teaching them as quickly as they learn, making it a great experience on both sides.

So far the fellows who have completed the program have been quite successful in obtaining employment, and almost all have remained in the public interest/public service world. (Those who have left for private firms are likely at some point to return.) We also hope that a large “dose” of public interest/public service work at the outset of their careers will create lawyers who, even if they are in the private sector, support public interest/public service lawyering through pro bono work, financial support, and, as citizens, public policy support for those efforts.

Could law schools both promote more effective practical training through this model while simultaneously making a contribution to the access to justice problem? We believe so, and our program (run by an independent 501(c)(3)) has been open to all law schools since we initiated
it. We have been disappointed by law schools’ hesitation to try out something so different—often because of concern that students would choose this option rather than existing clinical programs: change is hard. Interestingly, students also hesitate, for a number of reasons. One is concern with bar passage after spending their 3L year actually working as lawyers (which is more than a bit ironic). UC Hastings students are of course facing the California bar, which notably has a flunk rate about 20% higher than that of New York. Another is fear of missing out on an immediate higher-paying permanent job, even though government and public interest jobs are quite difficult for the average (but still thoroughly competent) law student to obtain, and other somewhat higher-paying fellowships, also not easy to get, are a two-year post-graduation commitment. And at some law schools, credit hours for externships are severely limited.

We are continuing for now with this experiment, and look forward to seeing what the ABA will recommend to law schools for training lawyers for the future. If I can provide any additional information about Lawyers for America, including introduction to students who have started their careers as fellows, please let me know.

Marsha Cohen

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