This workshop was held at the 2017 Equal Justice Conference in Pittsburgh, Pennsylvania

Title:

Imagine a Legal Services Incubator or Residency Program in Your Community

Presenters:

Ryan Hamilton, Fair Shakes Environmental Legal Services, Pittsburgh, PA

Paula Hopkins, Pitt Legal Services Incubator, Pittsburgh, PA

Tom Ross, University of Pittsburgh, Pittsburgh, PA

This session will focus on the process of launching a legal incubator or residency program—visions, obstacles, solutions, etc. Attendees will spend the bulk of the session time in guided working groups—not listening to "talking heads." We will conclude by sharing results of those sessions with the larger group.
Imagine a Legal Services Incubator or Residency Program (IRP) in Your Community
2007: City University of New York’s Incubator for Justice opens

2012: First survey of newly emerged incubator and residency programs from Hanover Research

2016: ABA identifies 60 existing or planned programs across 33 state and four countries
Fair Shake Environmental Legal Services

- “Environmental Legal Services on a Sliding Scale for Clients in the Appalachian Basin”
- Nonprofit Law Firm and Incubator
- Focus on environmental law
- Serving modest means clients
- Offices in Pittsburgh, Pennsylvania & Akron, Ohio
- 2 year residency
  - Training in legal practice
  - Training in legal services entrepreneurship
My Solo Practice

- Environment, Energy, & Land Use Practice
  - Client centered counseling individuals, nonprofits, small businesses
  - State environmental permitting; oil and gas issues; renewable energy policy; land use and zoning; civil litigation; contracts and leases; estate planning; and property disputes
  - Contact: rhamilton@fairshake-els.org; 412-586-5681
Variations on a similar model

- Who operates the program?
- Who qualifies to participate in the program?
- What do participants commit to?
- What do programs provide for participants?
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<td>- Collaborative</td>
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Who are the Participants?

- Generally, participants are –
  - Recent graduates
  - Transitioning attorneys
- Some programs have specific qualifications
- Number of participants varies
- Employment post-residency varies
What is the commitment?

- Length of residency varies
- Fees vs. Compensation
- Practice areas
- Goals of program vs. goals of individuals
What do programs provide?

- Operational support and/or office space
- Legal and entrepreneurship training
- Target clients
- Fee structures
- Other staff and volunteers
Further Resources

- ABA Report on Future of Legal Services 08.2016
- ABA Survey of Lawyer Incubators 2016
- The Legal Incubator, At Issue, Winter 2017
Imagine a Legal Services Incubator or Residency Program (IRPs) in Your Community

1. Pitt Legal Services Incubator (PLSI): Overview and successes and challenges from the Program Director perspective

1. How do community groups partner with and support IRPs?

1. Why are IRPs effective in meeting the legal needs of underserved communities?

Paula Hopkins, Program Director
Pitt Legal Services Incubator
University of Pittsburgh School of Law
Pittsburgh PA
PLSI is designed to support attorneys to create sustainable solo and small firm practices that will bring affordable and quality legal services to our underserved communities.

Thomas Ross, Faculty Director
tr1@pitt.edu

Paula Hopkins, Program Director
ph@paulahopkins.com
My Solo Practice: Paula Hopkins  
Attorney at Law  

401 Liberty Avenue, Suite 1325, Pittsburgh PA 15222  
412-288-8880  
ph@paulahopkins.com  
www.paulahopkins.com  

Started in March 2007  
Concentrating Exclusively in Collaborative Divorce since 2010  

COLLABORATIVE PRACTICE  
Resolving Disputes Respectfully  

Pitt Legal Services Incubator
Resources: What Does It Cost To Start A Solo or Small Firm Practice?


# Creating a Budget—First Year Estimated Budget for PLSI Attorneys

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** machine included in license agreement but may be charges related to use.
Creating A Business Plan


Small Business Development Center, University of Pittsburgh, http://entrepreneur.pitt.edu/how-we-help/resources/

Solo Practice Incubator, Cleveland-Marshall College of Law, https://www.law.csuohio.edu/careerplanning/solopracticeincubator
PLSI Program Overview

• Who am I as a solo attorney and what kind of practice do I want?
  • Using interest based analysis and design tools
  • Creating a business plan

• Lifecycle of client representation in a solo firm
  • Getting the client: marketing; networking; knowing your referral sources
  • Bringing the client in the door: the initial interview
  • Retaining the client: retainer letters
  • Maintaining successful, professionally responsible client relations
  • Managing cases: calendaring; case file organization; tickler systems
  • Getting paid: billing the client
  • Accounting for your income, paying taxes and expenses: back office accounting
  • Closing a file: file storage and retention
  • Ending and covering your practice: succession agreements; coverage
Law Firm Profile

- BUSINESS NAME:
- ENTITY TYPE:
- PARTNERS/SHAREHOLDERS (NO.):
- OFFICE(S) ADDRESS(ES):
- OFFICE TYPE (FOR EACH ADDRESS):
- TELEPHONE NOS.:
- TYPE OF TELEPHONES USED:
- TELEPHONE SERVICE:
- EMAIL ADDRESSES:
- TYPE OF EMAIL USED:
- WEBSITE:
- WEBSITE HOST:
- WEBSITE DESIGN
- WEBSITE MANAGEMENT:
- INTERNET SERVICE
- COMPUTERS:
- PRINTERS/COPIERS/SCANNERS
- DO YOU USE FAX DELIVERY?
- CASE MANAGEMENT SOFTWARE:
- CALENDAR SYSTEM:
- BILLING SYSTEM:
- ACCOUNTING SYSTEM:
- ACCOUNTANT:
- MAIL DELIVERY SYSTEM:
- AREAS OF PRACTICE:
Getting Started

Identifying areas of practice:

• Representing individuals with specific business interests
  • Inventors
  • Artists and craftsmen
  • Tech start ups

• Representing clients from a neighborhood: e.g., Brookline, Beechview, McKeesport, Clairton, McKees Rocks.

• Representing clients in substantive areas of the law
  • Family
  • Probate and Estate
  • Education
  • Criminal
About PLSI - Location

Located at

University of Pittsburgh
School of Law
PLSI Location -continued

• Currently shared space for eight PLSI attorneys
PLSI Location --Continued

- Formerly a café, space has workspace cubicles and larger round table and “bar” and high top tables;
- Bookshelves, storage space, microwave, coffee pot provided
- Two separate conference/interview rooms provided and scheduled using online calendar
PLSI Program Support

- Providing programs on law office management and ethics
  - Meeting ethical requirements of solo and small firm offices
  - Understanding tax issues
  - Succession planning for a solo practice
  - Best practices for billing
  - Successful marketing techniques
  - Avoiding malpractice
  - Developing technology for effective delivery of services

- Mentoring on the business side of law practice

- Facilitating mentoring in substantive areas of law

- Experiencing peer support and sharing of successful law office management ideas
Successes

1. Launching new legal careers
2. Identifying effective, lower overhead models for solo and small law firms
3. Developing marketing and client develop for low and moderate income clients
4. Increasing awareness about access to justice in private bar
5. Educating public about new opportunities for obtaining legal services
Challenges

- Conflict between old models and new models of law firm success
- Competing needs within law school setting
- Encouraging support in private bar
- Meeting needs of attorneys in program for business, substantive and procedural education and support
- Supporting program attorneys on different timelines for developing practices
Community Relationships

How do community groups partner with and support legal services incubators?

• Essential for providing substantive and procedural law support

• Contacts made through meetings, email asking potential partners to identify legal needs in the community

• Partners asked to support in one of three ways:
  • Presentations
  • Mentors in substantive areas of law
  • Unpaid internships or apprenticeships
  • Donations or event sponsorship
Community Partners

• Urban Innovation 21 (http://urbaninnovation21.org/)

• More non legal incubators
  
  • Thrill Mill (http://www.thrillmill.com/)
  • Alpha Lab (http://alphalab.org/)
  • Steel City Codefest (http://steelcitycodefest.org)
    • Developed app for intake for use by Neighborhood Legal Services Association (NLSA) and Community Human Services (CHS)
University of Pittsburgh

- Innovation Institute at the University of Pittsburgh (http://www.innovation.pitt.edu/)
- Institute for Entrepreneurial Excellence (http://entrepreneur.pitt.edu/)
  - Small Business Development Center
  - Urban, Community & Mon Valley Entrepreneurship

University of Pittsburgh School of Law
- Clinical Programs
- Innovation Practice Institute (IPI)
Neighborhood Legal Services Association (NLSA)

- Providing training and continuing legal education
- Providing supervision
- Areas of Law
  - Bankruptcy
  - Elder law
  - Employment
  - Expungement
  - Protection from abuse actions
  - Qui Tam litigation

PLSI attorneys have a 50 hour minimum pro bono commitment
Allegheny County Bar Association (ACBA)

• Committee and Section networking

• Private bar volunteers

• Promotion within the ACBA

• Allegheny County Bar Foundation
  • Pro Bono Center
Unpaid Intern Apprenticeship

• PLSI attorneys volunteer (unpaid) to work as independent contractor
• In exchange for services, employer attorneys provide supervision and work of actual cases
• PLSI attorneys and employers responsible for all details
• In PA, generally, no additional malpractice coverage required because PLSI attorney and employer attorney both have coverage
Developing Relationships

- Emails
- Meetings
- Presentations to groups (ACBA committees/sections)
- Welcome reception (April 7th)
- Hosting CLE with happy hour
- Develop sponsor relationships

Lexis Nexis—sponsoring welcome reception

USI Affinity—sponsoring CLE happy hour
PLSI—Looking Forward

- Encouraging the development of individual projects by PLSI attorneys in second year sharing success of PLSI and the individual solo and small firm practices
  - Articles for publication
  - CLE program development
  - Presentations to professional and business group

- Supporting PLSI attorneys in second year as they transition their law firm to a new location

- Hosting Regional and National Incubator Conferences

- Disseminating ideas and improving legal services and legal education
Access to Justice

Why are incubators and residency programs effective in meeting the legal needs of underserved communities?

The Problem Described:
http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf)
Complex, Multi-faceted Problem

1. Little to no legal service delivery to low and moderate income persons due to finances and knowledge
2. Pro se litigants broadly impact court administration
3. Reduced opportunities for employment for lawyers
4. Traditional law practice models inconsistent with and resistant to innovations in delivery legal services
5. Difficulties in identifying what works and what does not work
FAQS to Motivate Attorneys


IRPs to the Rescue

IRPs: support attorneys to develop solo or niche practices representing clients from underserved communities.

IRPs: demonstrate the effectiveness of innovations in legal delivery systems thereby educating other lawyers.

IRPs: identify gaps in law school education and lawyer training to encourage change.
Help Us Innovate

Serve low & modest income clients

Create profitable solo/small firms

Develop innovative practice tools

Develop new opportunities for legal careers & education

Educate lawyers on Innovations

Create profitable solo/small firms

Serve low & modest income clients

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Educate lawyers on Innovations
The Legal Incubator: Training Attorneys and Increasing Access to Justice

By Ryan E. Hamilton, Esq.

There are an increasing number of under or unemployed recent law school graduates interested in serving modest means clients and traditional legal aid providers are not meeting modest means clients’ need for legal services.

This is the idea that inspired Emily Collins to launch Fair Shake Environmental Legal Services, a nonprofit law firm incubating the growth of environmental legal services for modest means clients in Pennsylvania and Ohio. Fair Shake is currently one of many legal incubators, or attorney residency programs, springing up across the United States. These programs generally all share the twin goals of training attorneys through practice and increasing access to legal services for moderate or low-income individuals. It is yet to be seen how these programs will force the larger legal marketplace to evolve, but the potential for significant change is just over the horizon.

In August of this year, the American Bar Association (ABA) published its first-ever “Report on the Future of Legal Services in the United States.” The report found significant unmet need for access to legal services despite legal aid programs in every state, 80 percent of attorneys reporting an average of 70 hours of pro bono service per year, and national efforts to develop creative new models for delivering legal services to moderate income clients. Yet, many lawyers are underemployed and many recent law grads find it difficult to obtain the types of practical experience required to enter practice effectively. Enter a new model for meeting these needs: the legal incubator.

Pennsylvania is host to three different incubator programs. The first, Fair Shake Environmental Legal Services incorporated in 2013 and holds the honor of being the nation’s first environmental legal services residency program. Resident attorneys are employed for two years, during which time they practice under the supervision of the firm’s senior attorneys and also prepare to launch their own for-profit practices. Collins’ goal is to graduate residents whose practices provide at least half of their services to the modest-means sector. The trick is to develop a practice focused enough to gain expertise but also diverse enough to be sustainable. Collins says the ultimate goal is to fill the need for environmental legal services with resident graduates spread across the entire United States.

The ABA’s “2016 Comprehensive Survey of Lawyer Incubators” attributes the launch of the original lawyer incubator to the City University of New York’s Incubator for Justice, which opened in 2007. As of August 2016, however, “there are over 60 existing or planned programs spanning 33 states and four countries” across the globe. The specific model, though, varies between programs. The survey found a majority of incubators are operated by law schools, but several are operated by independent nonprofits or bar associations. At least two are operated by private firms. The survey identified 357 lawyers participating in the 46 incubators surveyed, with an average of eight participants per program.

The other two programs here in Pennsylvania are both alumni residency programs. Pittsburgh School of Law alumni who aspire to develop a practice targeting the needs of underserved client communities are eligible to participate in the Pitt Legal Services Incubator (PLSI). Throughout the two-year program, participants are provided with office space, mentoring, and seminars on business development in exchange for a modest fee. The first cohort of attorneys at PLSI started in January of 2016. According to Program Director Paula Hopkins, PLSI encourages residents to explore alternative structures and niche practice areas. During their tenure, PLSI participants are able to obtain support through Pitt’s Institute for Entrepreneurial Excellence. PLSI encourages its attorneys to cater to underserved communities, but the participants are encouraged to follow their own visions. Hopkins says there has been tremendous support from the legal community to mentor PLSI lawyers. The question the program is ultimately trying to answer is how to make legal services affordable for clients and also profitable for attorneys.

Marco Attisano, a 2013 graduate, joined PLSI in January. Attisano partnered with 2014 graduate Robert Stasa to open Attisano & Stasa. Their firm focuses on two main areas of practice: criminal defense and professional ethics/disciplinary law. Just eight months into the program, they are already looking for office space to grow their firm. Kord Killian, a 2014 grad of Pitt Law, is practicing criminal defense law but also has a niche practice in firearms law. He recently provided an educational presentation to a local sportsmen’s club about gun ownership issues in Pennsylvania.

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In Harrisburg, the Widener Law Commonwealth and Dauphin County Bar Association Incubator Program provides space, training and mentoring for recent graduates of Widener Law Commonwealth. Attorneys participating in the program are provided office space and mentoring without charge in exchange for agreeing to provide 100 hours of pro bono services to low-income residents of Dauphin County. The final goal is for graduates of the one-year program to build successful private practices. The ABA’s 2016 Incubator Survey found that 20 programs across the United States had not yet produced graduates. Nationwide, though, 221 lawyers had graduated, with nearly three-quarters of these attorneys going into solo or small firm practices and more than half actually operating their own firms. To put this in context, in 2015 only 688 recent law school graduates started new practices nine months after graduation and therefore “the number of lawyers participating in incubators is an appreciable level of recently-admitted lawyers who open solo practices soon after law school graduation.”

The statistics collected by the ABA survey demonstrate that Attisano, Killian and the attorneys at Fair Shake are joining a small but dedicated group of attorney-entrepreneurs. The legal incubator movement is clearly growing in Pennsylvania and across the region. In the near future, Collins plans to expand Fair Shake’s service area to cover the entire Appalachian Basin, from New York to Georgia. There is a good chance that the ABA’s 2017 Survey of Lawyer Incubators will show this model being replicated in dramatic fashion. With the growth in legal incubators and residency programs nationwide, there is little doubt that training attorneys through practice and increasing access to legal services for modest-means clients will fundamentally impact the future of the legal marketplace.

Ryan Hamilton is a resident attorney at Fair Shake Environmental Legal Services in Pittsburgh. Ryan’s practice focuses on providing legal tools to build sustainable communities. He works with individuals, community groups and nonprofits to protect environmental and human health, move past fossil fuels, pursue community development goals, and stimulate local economies. He is particularly interested in renewable energy development, municipal land use and zoning, small business/nonprofit counseling, civil and environmental litigation, and local ordinance drafting. Ryan graduated from Lewis and Clark Law School in 2014 with a certificate in environmental and natural resources law. rhamilton@fairshake-els.org

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