





BRINGING A LEGAL INCUBATOR TO PHILADELPHIA

By Nicole Feight


Philadelphia does not have a legal incubator, but it should. And I'll tell you why. But first, what is a legal incubator? Though the legal incubator movement has been aggressively gaining steam across the country since the inception of the first legal incubator program at CUNY School of Law in 2007, there are many who remain unfamiliar with the concept. Like the model of a business incubator, a legal incubator is a business development resource for attorneys who are interested in learning how to run a small or solo practice. In terms of training, it offers real-world learning experience comparable to what a medical residency offers to physicians. They also play a critical role in filling the justice gap. A legal incubator does not simply provide training and support to recently-admitted attorneys; it's also a community resource offering legal services to the underrepresented "modest means" segment of our population who do not qualify for legal aid. While likely able to pay something, they cannot realistically afford typical rates for legal representation. In sum, legal incubators connect attorneys who need clients to clients who need attorneys, cultivating sustainable, community-conscious law firms that empower entrepreneurial lawyers to make a living while making a difference.

It's kind of awesome.

The American Bar Association's Standing Committee on the Delivery of Legal Services reports that since 2007, legal incubators have cropped up in 30 states, for a total of 70 programs in operation as of October 2017, with most having launched in 2012 or later. There are currently three programs in Pennsylvania: two in Pittsburgh and one in Harrisburg. Yet, despite this wave of progress, we still don't have one in Philadelphia.

The median household income in our city is around \$41,000, indicating that a large segment of the city's

population is caught in the middle when it comes to legal needs, unable to qualify for legal aid and unable to afford the going rates. This is the "modest means" clientele that incubators aim to serve. While our legal aid organizations target their noble and necessary efforts toward serving the many Philadelphians who live in poverty, they must draw the line to exclude clients whose incomes exceed 125 percent of federal poverty guidelines. Such services are also not available to undocumented immigrants, incarcerated individuals or those who are unable to verify income. An incubator would offer a much-needed option for those who



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legal aid must turn away. As it stands, these are the people who are most likely to proceed on a pro se basis or ignore their legal issues in their entirety, generally to their own detriment. This is merely one of the many troubling consequences arising out of the “justice gap” in America, where 80 percent of people cannot afford traditional legal representation.

At the same time, the entry-level job market for new law-school graduates is experiencing very little growth. In Philadelphia, 45 percent of law grads do not have employment secured at the time of graduation. Two-thirds of all lawyers in private practice work in a small or solo firm, but many law schools do not incorporate a curriculum of skills training for practice management, marketing, technology or finance. Without such training, those who may otherwise be interested in building a practice that addresses the unmet legal needs in our community are simply not empowered to do so.

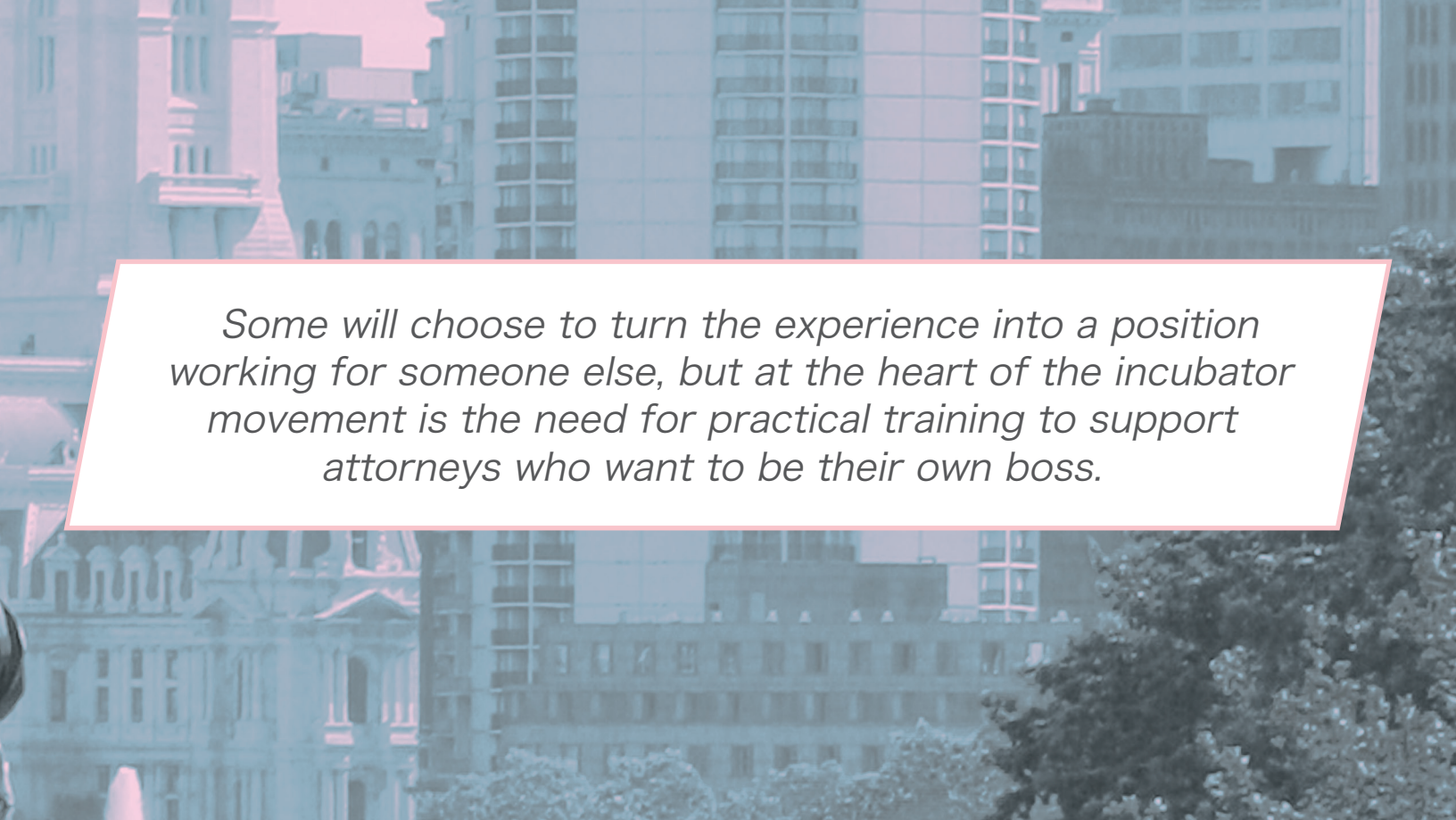
Legal incubators offer a unique alternative to traditional job placement for new attorneys, who are often steered toward large firms as the best place to start their careers. However, a growing number of millennial students are interested in access to justice for underrepresented segments of the population. Legal incubators address this demand by providing a resource for those who are inspired to take a non-traditional path after school. Many programs encourage participants to expand the traditional role of an attorney by making a commitment to what is known as “community lawyering,” which aims to advance an individual attorney’s practice of law to have a positive impact in communities through education and advocacy.

Nevertheless, some remain skeptical. They doubt that a prospective incubator for our city would be sustainable with

a lasting presence in our legal community, or that incubator participants would go on to open their own firms offering affordable rates with community-oriented missions, or that recent graduates would be willing to forego larger paychecks to receive training in an incubator program. These are fair and important points.

First, keep in mind there are many ways to establish a program, and incubators operate successfully through a variety of models. Practice areas are generally dependent upon available mentorship, but usually focus on various areas in civil litigation. Incubators have been established through the efforts of law schools, state or local bar associations, bar foundations, legal service organizations, private firms or, quite often, through a collaboration of any of the above. There are also programs of similar function but different structure that identify as nonprofit, “low-bono” firms or post-doctoral fellowship programs. Incubators take up residence in law schools, law firms, even law libraries. They generally feature an open work environment with private space for client meetings. With the support of a large network of programs with valuable experiences to share, there is no reason we can’t do this in Philadelphia.

Next, consider this: in early 2017, Chicago’s Justice Entrepreneur’s Project, currently the largest incubator in the country, had 35 applicants for 10 openings. JEP has been operating since 2013 and while its participants have different outcomes, 48 of them are currently running their own practices, and five of those are making six-figure salaries doing so. Rutgers’ Associates Fellowship Program, a self-sustaining legal residency that pays a stipend and grants academic credit,



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reports that after an intensive 12-month training, its graduates are experiencing lateral movement comparable to that of a fifth-year associate. Though some leverage the experience for a position at a large firm, others continue their careers in public interest, and some have continued to run their own firms and provided jobs to fellow incubator alumni.

Certainly, different participants will have different goals, but the beauty of an incubator is the possibility for diverse career trajectories. Some will choose to turn the experience into a position working for someone else, but at the heart of the incubator movement is the need for practical training to support attorneys who want to be their own boss. The most important aspect of vetting candidates for a successful incubator is ensuring they are committed to the experience. Several programs have expressed that older students, with more life experience and a greater sense of what they want, are often their most successful incubatees. Luckily, many Philadelphia attorneys fit that profile.

In fact, one of them has stepped up to lead the effort to bring an incubator to Philadelphia. Stephen Fox, a 2017 graduate of Temple University Beasley School of Law, jump-started the collaborative effort to bring a legal incubator to Philadelphia after taking an access to justice class with Professor Len Reiser. As a supplement to his academic research, Stephen attended the ABA Incubator Consortium's annual conference – twice. Through his efforts to network within the incubator community, he connected with Fred Rooney, who headed the inaugural incubator program at CUNY Law and has since become a leading figure in the incubator movement. Fred observed that Stephen's efforts have gone above and beyond

the initiative he has seen any other student take, spending his own money, taking time away from work and travelling to learn more about this concept.

Stephen also participated in the annual “Be Your Own Boss Bowl” held by Temple University's Fox School of Business. His team secured an initial \$5,000 toward the goal of bringing a legal incubator to Philadelphia. This was a modest but important start, with other incubators around the country having been launched on anywhere from \$10,000 to over \$1,000,000 (the vast majority begin with less than \$50,000). Stephen has attended meetings with representatives from the Philadelphia Bar Association, Philadelphia Bar Foundation, legal aid organizations and law schools. Moving forward, the challenges will be securing additional funding, hiring a managing attorney, finding space, forging partnerships and implementing a sustainable model.

Stephen is committed to building an effective team to get this project off the ground, but still needs a lot of help to make it a reality. The most successful incubators are those that are borne of collaboration, so if you or your organization is interested in bringing a legal incubator to Philadelphia, please contact phillylegalincubator@gmail.com to continue the conversation. ■

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