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Sumana Wolf

Erica Edwards-Oneal

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THE SPECIAL ROLE OF CAREER SERVICES PROFESSIONALS IN THE DEVELOPMENT AND SUCCESS OF LAW SCHOOL INCUBATOR PROGRAMS

SUMANA WOLF, ESQ. AND ERICA EDWARDS-ONEAL, ESQ.*

I.
INTRODUCTION

"The incubator presented me with an opportunity to enter into private practice with a support group. Even though I am a solo practitioner, I never feel like I am actually flying solo."

–Sardar Asadullah

Law school incubator programs are run by one law school (or a consortium of law schools) to help a selected group of recent graduates start their own law firms. Essentially, the law school provides the "start-up" environment and infrastructure for incubator participants who wish to start their own solo practices across a variety of practice areas. Such a "start-up" environment and infrastructure typically includes shared office space, basic office furnishings and supplies, and internet access. The law school also provides mentorship, guidance, and training to the incubator participants on how to start their own firm, including Continuing Legal Education (CLE) courses on topics related to practice management as well as substantive law training in relevant practice areas. The vast majority of incubator programs also encourage participants to complete a certain number of hours of pro bono work, and to charge "low bono" rates where appropriate to better serve moderate to low-income clients who need legal representation but cannot otherwise afford it.

The benefits to starting an incubator program at a law school are myriad. Some such benefits include the following: increasing law school engagement with the local legal community and local client community; providing support to graduates who want to start their

* Sumana Wolf, Esq. is an Assistant Director of the Career Development Center at Loyola Law School, Los Angeles. Erica Edwards-Oneal, Esq. is the Senior Director of Career Services and the Director of Diversity & Inclusion at Touro College Jacob D. Fuchsberg Law Center in New York. This article summarizes a presentation by the co-authors at the "Enhancing Social Justice through the Development of Incubators and Residency Programs 2" conference held at California Western School of Law on February 28, 2015.

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own firms but are nervous about doing so without an established support network or adequate resources; helping and guiding graduates through the first and often tumultuous year of starting a practice in order to help ensure their success; providing graduates and the law school as a whole with a way to give back to the community through pro bono and/or low bono work.

This article examines the special role that career services professionals can play in the development and success of incubator programs, including specific actions that career services professionals can take to help start an incubator program at their law school as well as thoughts on what career services professionals can do to help current students prepare for participation in a post-graduate incubator program. The article also includes a discussion of the incubator programs at the authors' respective institutions: the Justice Entrepreneur Initiative started at Loyola Law School, Los Angeles in January 2015, and the Community Justice Center of Long Island started at Touro College Jacob D. Fuchsberg Law Center in November 2013.

II.
The Special Role of Career Services Professionals in the Development and Success of Incubators

Given the practical career implications of an incubator program, a law school's career services office is a natural birthplace for such a program. Moreover, career services professionals are in a unique position within law schools to both develop and encourage the success of incubator programs, as they possess institutional knowledge about the law school's long-term goals and programming needs, specialized knowledge regarding the current legal market, and a comprehensive understanding of individual graduates' career aspirations and particular strengths. Additionally, through one-on-one counseling sessions and career services office events, career services professionals can market an incubator program to both recent graduates and current students to ensure the program's initial and continued success. As long as at least one person in the career services office is willing to assume primary responsibility for creating and implementing the incubator program, the career services office can be the ideal place from which to launch an incubator.

a. What Specific Actions Can Career Services Professionals Take to Help Start an Incubator Program at Their Law School?

For the successful creation of an incubator program, the law school administration will need to support the program one hundred percent. If the impetus behind the incubator program originates in the law school's career services office, it is imperative that the career services office garner the support of the administration by informing them of what an incubator program is, what its benefits are, and the resources (financial and otherwise) needed to start and successfully run an incubator program. Once the law school administration is on board with the establishment of an incubator, the actual design and implementation can officially begin.

The first step in this process is for the career services office to gather detailed information about incubator programs that are already in existence in order to evaluate which incubator models will work best for the law school, and to avoid wasting time reinventing the proverbial wheel. A representative from the career services office should reach out to persons at other law schools who have created incubator programs and conduct informational interviews with them as well as ask for incubator templates, documents, and any other materials that these law schools are willing to share. Such representative should also make an effort to attend incubator-related conferences and meetings when they occur, as such events provide excellent opportunities to obtain answers to questions and network with people who are at the forefront of the incubator movement.

The second step in this process is "pitching" a formal incubator proposal to the law school administration. A career services representative should take all the information gathered from speaking with directors of other incubator programs and attending conferences and create a written incubator proposal that can be presented to the law school administration. This written proposal should also be accompanied by an in-person presentation to the law school administration in which the benefits and logistics of the proposed incubator program are discussed. If possible, the career services representative should arrange to have one or two key figures within the incubator movement come to speak at this presentation, as they will be able to best answer incubator-related questions and can expound upon all of the advantages and challenges that an incubator program presents.

Once the law school administration is on board with creating an incubator program, the design and implementation phase can begin. For reasons noted earlier in this article, it makes sense for a career services professional to be the principal architect behind an incubator

program, at least until a formal director for the program is selected, conscripted, or newly hired.

b. What Can Career Services Professionals Do to Help Current Students Prepare for Participation in an Incubator Program?

Preparing students for participation in an incubator program is a long-term goal that should involve the law school administration, career services offices, and law school faculty. However, when attempting to create an incubator program within one year or less, one does not have the luxury of waiting for curricular, clinical, or other program changes to be made before recruiting and engaging participants. The good news is that such a wait is not necessary, as there are a number of things that career services offices can immediately do to help interested students prepare for participation in an incubator program. These efforts can be made as soon as the incubator program is advertised to students, and they can be used in conjunction with any future changes to the law school's curricular and co-curricular offerings.

Specifically, a career services office can take steps to help students prepare for participation in an incubator that include the following:

- suggest business, civil litigation, and entrepreneurial courses for interested students to take during law school;
- provide information regarding upcoming CLE courses related to solo firm practice, small business management, and legal entrepreneurship;
- create mentorship relationships between interested students and alumni who have started their own solo firms (and once the incubator is up and running, these mentorship relationships can be between interested students and current incubator participants);
- coordinate panels and networking events where interested students can learn more about solo practice and business development;
- emphasize the importance of networking throughout students' three years in law school and help them to build networking skills through events (e.g., law firm receptions, speed-networking events, informational interview basics, etc.), as networking will become the principal way for incubator participants to obtain clients;

- reach out to students in their first year to let them know about an incubator program, and suggest clinics as well as externship opportunities that might be helpful to them if they want to participate in an incubator down the line (e.g., working for a small firm or solo practitioner during law school);
- consider opening any incubator-related training programs to students in their final year of law school, so they can learn what is involved in starting a solo practice before they commit to doing so as graduates.

All of these tasks are ones that can be easily completed by career services offices. In fact, many career services offices are likely already incorporating some of these tasks into their counseling as part of their regular programming efforts. Thus, a career services office should not require any additional training, research, or resources to help prepare students for participation in an incubator program.

III.
These Authors' Experiences in Creating Incubator Programs at Their Respective Institutions

The authors of this article each work at a law school that has successfully launched and maintained an incubator program. While each school utilized a different process to create its incubator program, there was one common philosophy that rang true throughout the implementation of both programs: do not let the perfect be the enemy of the good. It is easy to get caught up in the small details of creating an incubator program, and to allow concerns over logistics and implementation become obstacles to the actual creation of the program. While a great deal of careful thought and planning should go into creating an incubator, at some point the architect of the program will need to make the leap into action without having every detail worked out in advance. To a certain extent, creating an incubator program is a lot like starting any entrepreneurial endeavor – it involves taking risks, learning as one goes, innovating when things don't go according to plan, being flexible, and acknowledging that not everything will be perfect the first time around.

Below, the authors outline the processes by which the incubator programs at their respective institutions were created.

a. Loyola Law School, Los Angeles' Justice Entrepreneur Initiative

Loyola Law School, Los Angeles launched the Justice Entrepreneur Initiative in January 2015. However, the process of creating the program began nine months earlier, when the Senior Associate Dean

of the law school asked me to attend the inaugural "Enhancing Social Justice through the Development of Incubators and Residency Programs" conference held at Touro College Jacob D. Fuchsberg Law Center in New York in April 2014. I had never heard of an incubator program before, and was thrilled to attend the conference to learn more about this type of program.

The conference proved invaluable; I gained detailed information about the structures of various incubator programs, their benefits to law schools and local communities, and how to begin creating and implementing one. Upon my return from the conference, I drafted a summary of everything I learned and submitted this summary to the Senior Associate Dean for review. I was fortunate to have a senior administrator at the law school supporting the creation of an incubator program from the very beginning, as it made "pitching" the idea of an incubator to the broader law school administration much easier.

After reading my summary, the Senior Associate Dean convened an "incubator working group" comprised of selected Loyola Law School faculty, staff (including myself), and administrators (including the Dean of the law school) to discuss what an incubator program might look like at Loyola and how to go about creating it. The Senior Associate Dean also proposed that we have the two of the leaders of the incubator movement - Fred Rooney from Touro Law Center and Bob Seibel from California Western University School of Law – come to Loyola to speak with us about the incubator programs at their respective institutions. A number of Loyola's law school administrators were present at this June 2014 meeting with Mr. Rooney and Mr. Seibel, and everyone had the opportunity to ask questions regarding implementation concerns and logistical issues pertaining to incubators.

After the meeting, the incubator working group decided to tentatively proceed with creating an incubator, and I was tasked with drafting a formal proposal for the program. I submitted this proposal to the incubator working group in July 2014, and it included information such as the size of the incubator program, an estimated program start date, the length of the program, the location of the actual incubator office, the structure of the program, a proposed application process and timeline, participation requirements and preferences, predicted practice areas of participants, suggested staffing for the program, topics for proposed trainings and CLEs, items to be provided by the incubator program to participants, and suggestions regarding a program handbook and a contract between the law school and participants. The incubator working group approved the proposal, and I

immediately began working to design, create, and implement the program with the goal of officially launching it in January 2015.

Between July 2014 and January 2015, I engaged in the following tasks to set up Loyola's incubator program:

- marketed the incubator program to recent graduates;
- negotiated with vendors for special deals/packages for incubator participants;
- secured the incubator space and arranged for the furnishing thereof;
- created, participated in, and completed the incubator application process with December 2013 and May 2014 graduates;
- assisted in hiring a director for the program;
- reached out to public interest organizations and alumni to create referral relationships;
- coordinated with Loyola's Advancement Office to find volunteer alumni mentors;
- drafted the contract between incubator participants and the law school;
- drafted a handbook for incubator participants.

I also organized, developed, and oversaw a week-long incubator "boot camp" training session which took place in December 2014. All incubator participants were required to attend the boot camp, and presenters included Loyola faculty, Loyola alumni, outside vendors, and other legal and financial professionals. The boot camp covered various topics relevant to starting a solo law firm, including: obtaining legal malpractice insurance; learning about filing and service procedures and practices in CA courts; small business accounting, tax basics, entity formation, fiduciary responsibilities, and IOLTAS; considerations in deciding whether to take a case; designing a law firm website; co-counseling basics; legal research resources (with presentations by Lexis and Westlaw); networking 101; marketing and advertising basics; professional responsibility in practice; civil litigation basics; and law practice management basics (e.g., retainer and settlement agreements, timekeeping and billing best practices, non-engagement letters, business development plans, and client interaction and intake tips). The boot camp was an essential part of the incubator program, as it brought the participants together for the first time, gave me a sense of the issues about which the participants were most anxious (which in turn helped me to work with the director of the incubator to develop programming to address those issues), and provided the participants with the basic initial information they needed to get their firms up and running.

At this time, Loyola's incubator program has three participants in the 18-month program, and their main practice areas are personal injury, criminal defense, general civil litigation, and estate planning. Participants have been obtaining cases and clients mostly through referrals and networking, and Loyola's volunteer alumni mentors have gone above and beyond in aiding participants when necessary. Overall, the feedback we have received from the participants about the program has been overwhelmingly positive, and we already have interested graduating students who are inquiring about how to apply for next year's class. Though it took a good deal of planning, thought, and time to create Loyola's incubator program, it was well worth the effort, and we look forward to seeing how the incubator grows and changes in its second year.

b. Touro Law Center's Community Justice Center of Long Island

In Spring 2013, Fred Rooney, generally considered to be the father of incubator programs, was invited to speak to the Dean and the Faculty at Touro Law Center about the growth of the legal incubator movement in the United States and the steps taken by law schools and other legal organizations to start incubators. After his visit the Law Center administration and faculty unanimously approved a plan to develop an incubator.

On June 1, 2013, Touro hired Mr, Rooney to oversee the journey into the incubator world. He immediately instituted and served as the Director of Touro's International Justice Center for Post-Graduate Development and Justice. Just a few weeks later, on June 24, 2013, the Law Center announced that their International Justice Center would be creating a legal incubator, the Community and Justice Center of Long Island. The Alumni Affairs, Communication and Career Services offices were instrumental in getting the word out about the incubator program. There were email blasts, announcements in the alumni newsletter, social media postings and even telephone calls to some potential participants. About six weeks after the initial announcement, Career Services administrators and staff began to conduct outreach to members of the classes of 2011, 2012 and January 2013 to assess their interest in participating in a focus group. Alumni interested in joining the focus group were required to submit a resume and a brief statement of interest. Fred Rooney and members of the Career Services Office met with twenty-four members of our alumni community who agreed to participate in the focus group. Groups met on three occasions over a 3-4 week period. During the meetings we discussed participant backgrounds, career paths, areas of interest, con-

cerns about solo practice, the program's structure, cost of incubator participation, low bono work, practice-specific trainings, office furnishings and length of the program. Information from the focus groups was used to assist with the launch of our incubator program and to determine suitable graduates for the program.

In the weeks following the focus group, the incubator structure was finalized, the application was created, suitable site space was secured in a nearby office building and alumni outreach continued. The program was ultimately designed to host 8-12 attorneys who were Touro Law Alumni admitted in New York State and who had a demonstrated commitment to social justice. Additionally, applicants were advised that they would be required to engage in ongoing pro bono & low bono services, carry their own malpractice insurance, have valid references, commit to establish a solo/small firm practice or not for profit entity, participate in monthly trainings, and pay monthly rent in the amount of $300; this was in exchange for office space, including a private conference room, telephone and copying services, computer access, and, of course, mentorship.

Our Community Justice Center officially launched on November 1, 2013 with eleven participants. The inaugural class of attorneys immediately participated in training sessions on ethics and law office management. Additional trainings were provided in the areas of immigration and foreclosure defense, two legal areas in which Long Island practitioners must be knowledgeable given that they affect our most underserved and most vulnerable populations. With the inception of its incubator, the Law Center appointed a Community Justice Center Coordinator who serves the incubatees directly, and a Faculty Director of Solo & Small Practice Initiatives. The Community Justice Center Coordinator ensures that the office functions efficiently, schedules trainings and helps promote the incubator within the law school and in the local community. The Director of Solo & Small Practice Initiatives also provides support and oversight to the incubator while continuing to develop Touro's solo & small practice concentration and develop synergies between the incubator and the concentration curriculum.

At this time Touro has thirteen participants in the 18-month program. The program was designed to get solo practitioners ready to leave the incubator within 12-18 months, thereby freeing up office space for additional alumni to join the program. The role of career services professionals in sustaining the incubator is to educate and recruit law students and recent alumni for this post-graduate program.

Conclusion

Incubator programs are proving to be one positive response to a changing and challenging legal market. It is not often that career services professionals have the opportunity to participate significantly in the development of legal education programs, apart from externships and, perhaps, other co-curriculum offerings involving practitioners. Incubators and residency programs are a welcome exception. Law school career development professionals presented with the opportunity to create or support incubators should embrace them as a way of enhancing the assistance provided to alumni and current students.