The Law Firm Incubator Movement

Helping new lawyers start economically sustainable practices that narrow the justice gap

Law firm incubator programs are an important and necessary component to addressing the legal services needs of the American public. They are important as one of the options available to provide affordable legal services by lawyers to modest income Americans but also necessary in the professional development of lawyers.

Fred Rooney started the first law firm incubator at The City University of New York’s Incubator for Justice in 2005. A decade later, according to the ABA Standing Committee on the Delivery of Legal Services’ 2016 Comprehensive Survey of Lawyer Incubators, there are over 60 existing or planned programs spanning 33 states and four countries. Law firm incubators provide affordable legal services by lawyers to people with modest incomes and serve a necessary role in the professional development of entrepreneurial lawyers as they create sustainable practices that narrow the justice gap.

The ABA Standing Committee on the Delivery of Legal Services’ 2016 Comprehensive Survey of Lawyer Incubators is the first research to provide data on law firm incubators. The Comprehensive Survey provides key findings that emerge from the data collected that include, but are not limited to, the following:

- There has been a recent growth of incubators.
- The nature, structure and design of incubators vary greatly from one program to another.
- Incubators are aggressively advancing social responsibility through pro bono services and orientations to low and moderate income populations.
- Incubators are providing their participating lawyers with an array of educational and practice management tools.

We are honored that some of the leaders from the law firm incubator movement, each distinguished in their own right, share their insights about their value proposition in a marketplace with many legal services providers and help them understand the right fee structure for the community they serve.

The idea that lawyers should reduce their fees as a way to comply with their professional responsibility is not new. Today, most states recognize the spirit of ABA Model Rule 1.1(b)(2) and recognize reduced fees, or low bono, as an alternative expression of a lawyer’s public service commitment. However, programs to support the promulgation of low bono services are few and far between. Incubator programs help lawyers think about their value proposition in a marketplace with many legal services providers and help them understand the right fee structure for the community they serve.

The success of law firm incubators depends not only on collaboration but also on the goodwill that is generated when many lawyers in legal communities get involved and provide support to new members of the profession. Inevitably, incubator lawyers all over the country say that what they value most is the comradery that they experience and the lifelong professional relationships they build while in the incubators.

Since 2007, almost all new incubators both at home and abroad have embraced the deep social justice mission that was a cornerstone of the first incubator.

The data collected through the ABA Standing Committee on the Delivery of Legal Services’ 2016 Comprehensive Survey of Lawyer Incubators shows that the majority of the law firm incubators in existence or planned at the time of the Comprehensive Survey launched around or in 2014. There is no one model, no “one size fits all” for incubators. Several incubators are collaborative efforts. For example, the CUNY School of Law is partnering with the New York City Bar Association to create the Court Square Law Project.

Initially, we had two goals for creating CUNY School of Law’s Incubator for Justice: first, to create an efficient way to provide new solo lawyers with the business and legal training they needed; and second, to serve New Yorkers who otherwise could not afford to hire a lawyer, such as people with low and moderate incomes, as well as those in marginalized communities such as immigrants, the elderly and tenants facing eviction.

We realized right from the beginning that lawyers, for the first time, were able to develop their professional skills in a controlled environment at the CUNY Incubator for Justice and it seemed to be a perfect transition from law school to practices that served low to moderate income clients. For example, we saw many instances where New York incubator participants went on to open economically viable practices in places like Queens, Bronx and Brooklyn, historically, there were not many community-based lawyers in those same places because a lot of times lawyers would open practices but would not know how to keep them open.

Fred Rooney is recognized in the United States and around the world as the leading expert on law firm incubators. He is a Fulbright Specialist and has served as a Fulbright Scholar in Pakistan and the Dominican Republic. He currently serves as Commissioner at the American Bar Association’s Commission on Hispanic Legal Rights and Responsibilities.

Luz E. Herrera is a Fulbright Scholar, a professor, and the founder of La Academia de la Raza. In addition to her work as an academician, Luz has served as a legal advocate for community change. Luz’s research and work highlight the contributions, challenges and leadership of Hispanic legal professionals as they seek to advance social justice and the rule of law. Luz has served as a commissioner on the American Bar Association’s Commission on Hispanic Legal Rights and Responsibilities.

Join us to hear Fred Rooney speak about his experiences as the leader of the law firm incubator movement at the 2017 ISBA Annual Meeting during the Access to Justice Track on Tuesday, June 20, at 9:20 a.m. For more information, contact cle@iowabar.org and include “Law Firm Incubators” in the subject line.
In most of the civil lawsuits in this country affecting the core of individuals’ lives — family, health, housing, education — the vast majority of litigants are unrepresented. The numbers of those who fall into the justice gap, which varies from state to state and court to court, so significantly exceeds the number of those who are represented by lawyers, that it seems almost dishonest not to recognize that it is the status quo of our justice system. Around the country, bar associations have been railing to remedy the problem through pro bono service and courts have been deeply engaged in working to discover solutions. The truth is though, that the only way to close the gap is to discover an economically viable business model for the delivery of legal services to modest means clients.

We need to try different billing structures, experiment with client empowerment and limited assistance representation, and find that the vast majority of the 44 JEP alumni are continuing to operate JEP-principled practices, we know it can be done successfully.

At the JEP, we prepare talented and entrepreneurial lawyers in the Chicago area to manageinnovative, socially conscious and successful law practices. We believe in the power of entrepreneurial lawyers to make a difference, as solo practitioners, in the quest to ensure access to justice for all. For recently admitted lawyers interested in obtaining the skills and resources necessary to build innovative and sustainable law practices, practices that will make a positive impact on our communities, the JEP offers access to mentorship, continuing legal education, a network of like-minded individuals and subsidized resources to kick start a legal practice targeted at the underserved middle market of potential clients.

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During the first six months of participation, a 20 hour per week pro bono residency gives participants a solid foundation from which to build a business. The support and resources available to participants through the CIF’s network of law firms, legal aid organizations, legal support professionals and others — from governments to local institutions and bar associations — help shore up the growing practices.

We hope others will take advantage of the excitement and embrace the challenges that come with creating something new.

TREVOR CLARKE is Director of the Justice Entrepreneurs Project, a project of The Chicago Bar Foundation. Clarke, one of the first graduates of the JEP program, is now responsible for leading and overseeing all activities of the JEP, a groundbreaking incubator for newer lawyers to start their own socially conscious law firms.

Lawsyers for Equal Justice, L4EJ, now one year old, recently adopted a vision, mission and goals statement that will guide the development of the incubator and attempts to define in the delivery of legal services in volume, simplifying searching and filing). We need to figure out how to develop practice settings that take advantage of the delivery of legal services to modest means clients.

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