



Think of it as a residency for lawyers

Arizona State creates an actual law firm to prepare its graduates to practice in the real world.

BY KAREN SLOAN

A visit to the famed Mayo Clinic last year got Douglas Sylvester thinking. The medical residency system gives fledgling doctors real-world experience under close supervision, so why doesn't anything similar exist for new lawyers beyond the sink-or-swim law firm associate system?

Sylvester, dean at Arizona State University Sandra Day O'Connor College of Law, set out to create what he hopes will be the first large-scale, nonprofit training law firm



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DAVID SANDERS

affiliated with a law school. Administrators are still working out the details, but hope to have the as-yet-to-be named firm up and running by 2013.

"Rather than sit here and keep rehashing the same debate about whether we should do away with the third year of law school or whether we should require certain elements, we thought, 'It would make a lot of sense for us to come up with something after law school for those students who do want to have that residency experience,'" Sylvester said.

He wasn't exactly the first legal educator to float that idea. In 2011, University of Maryland Francis King Carey School of Law professor Robert Rhee and Brooklyn Law School professor Bradley Borden published an article, "The Law School Firm," proposing that law schools create professionally managed, nonprofit law firms employing their recent graduates.

A small number of law schools operate what are known as solo incubators—school-supplied office space and mentoring for graduates hoping to establish solo practices. The City University of New York School of Law started a solo incubator in 2007; the University of Missouri-Kansas City School of Law and Pace Law School have since launched similar efforts. So has Maryland.

Administrators at Arizona State are thinking bigger, Sylvester said. The preliminary plan calls for hiring five or six experienced attorneys who would essentially act as partners and supervise 15 to 30 "resident lawyers"—recent ASU grads. The residents would spend a set amount of time—most likely capped at two years—cycling through different practice areas including bankruptcy, family law and corporate organization. The firm would charge clients for legal services, but at relatively low rates. Any profit would finance scholarships.

Although the firm would be affiliated with the law school, state law prevents ASU from actually owning it. "The recent graduates working there would be paid, with benefits," Sylvester said. "It's a law firm, in all of the traditional aspects of the law firm, with two major differences—it's a nonprofit, and it's a teaching law firm. But you can be fired if you don't do a good job."

In addition to showing graduates the ropes, the arrangement would improve access to justice throughout the Phoenix area, Sylvester said. Administrators are working with nonprofit groups throughout the region to create a referral pipeline.

Working in an actual law firm will afford experiences that law schools can't create in clinics, which often cherry-pick the most interesting cases or represent indigent clients, Sylvester said. The law firm arrangement will give recent graduates experience with the economics of the practice, such as billing, accounting and business generation, he said.

The teaching firm is intended to position graduates to open solo practices or to make them attractive candidates for law firms and government agencies reluctant to hire straight out of law school, Sylvester said. "We're trying to design this in a way that doesn't pigeonhole what the individual can do when they leave."

Law school administrators are still deciding how to finance the firm initially. Startup funding may come from the school itself, from private donations or a combination of both, Sylvester said.

"We don't want to disrupt [the existing system of law firm hiring], but we know there are a lot of graduates who like a softer landing than, 'You're out the door. Go work at this firm and figure it out on the job,'" he said. "We're thinking about how to fix that problem."

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