

Commentary on the Legal Delivery System

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A Feel Good Story for Law?

April 27, 2015 by Mark A. Cohen — [Leave a Comment](#)



Walter Cronkite, a legendary reporter turned news anchor at a time when that meant something substantially more than simply reading stories written by others, was asked why so much news was bad. He responded there were so many positive things that occurred every day that they simply did not elevate to “news.” So, America’s most trusted man reasoned, that’s why so much of the news is bad. Wish the same could be said for news about the legal vertical, but even Cronkite could not make that case, because the legal sector seems to be inundated by bad news. And it comes from all quarters of the profession: debt-ridden, unemployed law graduates, laid-off associates and service partners, the free-agency mentality of rainmaking partners that has contributed to even more instability among law firms, disgruntled clients, the access to justice crisis—the bad news never seems to end for lawyers (at least for most of them). So, here’s a feel good story for law.



What’s The Story About?

The story is about collaboration between the Academy and the private sector to provide training, mentorship, hands-on experience, and good jobs to newly minted lawyers. That's good right there but only half of the story. The other half is that this collaboration has been undertaken *to serve the needs of those who could not otherwise afford legal representation* (the "access to justice crisis"). The story is about lawyers using their ingenuity, training, and pooled resources to find a creative solution to a pressing problem (that's what lawyers should be doing, right?).

The ABA Journal recently broke the story described above. It reported the creation of a "Low Bono" law firm, named "The DC Affordable Law Firm", the product of a collaborative effort involving Georgetown Law School, DLA Piper, and Arent Fox. The glue that helped create and will surely bind the venture is its Executive Director, Sheldon Krantz. Sheldon is a remarkable lawyer who has been everything from a Strike Force Attorney for DOJ to a law school Dean and, later, a senior partner at DLA. Time for disclosures: Sheldon is a close personal friend and professional colleague, and I am an Adjunct Professor at Georgetown Law. But that hardly disqualifies me from sharing this good news with those who may not have seen the ABA piece or from adding a bit of meat to the bones of the story as well as illuminating why it is so meaningful.

Why is the DC Affordable Law Firm Important?

The story of this upstart firm is important for several reasons. They are, in no particular order:

1. *Collaboration*—It is an example (as previously noted) of the Academy joining forces with the private sector to accomplish two key objectives: (1) to provide invaluable training, mentorship, practical experience, and income to recent graduates, positioning them to lead productive careers either in the public or private sectors; and (2) to address the access to justice crisis by providing critically needed legal assistance to those who cannot afford market rates charged by attorneys and who otherwise would go unrepresented by counsel.
2. *A Two-Fer*—In one fell swoop the firm achieves two critically important objectives—albeit for an initially small universe—currently bedeviling the legal ecosystem: (1) the lack of experiential learning and mentorship for most law school graduates; and (2) the lack of access to counsel—even in the home or the business situations—for the majority of Americans.
3. *Adaptive Radiation*—This is a term anthropologists use to describe the ability of a species to survive under changing conditions. Need I say more? Lawyers MUST be creative

to maintain their relevance, and a good way to start is to be more responsive to the needs of clients. By doing so they will not only do good but also do well (Translation: The rewards for lawyers will be both financial and intrinsic.)

4. *It Creates a Template*—If this is done right—and there is no doubt in this observer’s mind that it will be—the DC Affordable Law Firm can be scaled across the nation (if not tweaked and adapted internationally. It’s “win-win” outcome can be reprised for countless more law graduates in need of experiential and supervised training, a meaningful job and income as well as for clients in need of competent counsel. It will also pay dividends to participating law firms as it will promote goodwill and brand recognition as well as create a fully vetted, practice ready talent pool.
5. *Restoration of Mentorship*—A critical component of the model is the mentorship/oversight role played by BigLaw attorneys who serve as “partners” (not in the conventional use of the term) for the young lawyers. We can stipulate that mentorship is one of the victims of the post-2008 shakeout. It will be restored here, albeit outside the confines of the law firm where the mentors spend the bulk of their practice time.
6. *It Takes a Village*—Another way of putting it is that law is an ecosystem whose key elements— the Academy, providers, and consumers (clients)— have had misaligned interests. This has led to disastrous results: (1) too many debt-ridden, unemployed, and non-market ready law graduates; (2) too many Americans who cannot afford legal representation; (3) an inability to bridge this paradoxical gap; (4) an almost complete divide between the retail and corporate segments of the legal market (except for the *pro bono* work of BigLaw); and (5) the stark isolation of the Academy from the legal marketplace. The DC Affordable Law Firm will demonstrate, *inter alia*, all the good that can come from the collaborative efforts of different key stakeholders in the legal vertical.

Other Reasons to be Cheerful

Happily, the DC initiative is not the only shining example of innovative thinking and collaborative implementation of new initiatives in the legal vertical. There are other legal pioneers making the bumpy, difficult trek across uncharted terrain. Not only are there a legion of new service providers, educational programs, and private and public sector initiatives driving new life, new models, and new hope into the legal vertical, but also there are a number of collaborative ventures—in many ways similar to the DC Affordable Law Firm—that bear brief mention (with apologies to others who are omitted but by no means intended to be slighted).

Law Without Walls (“LWOW”), sponsored by the University of Miami Law School, is a remarkable amalgam of legal education, entrepreneurship, legal providers, technology, and business (among others) coming together to effect positive change. As LWOW describes itself, it “engages those with a stake in Law’s future and provides them with a powerful vehicle for innovation and change.” This thoughtful, dynamic and inter-disciplinary initiative exposes its student participants (as well as others who participate) to the collaborative dynamic of a legal vertical that will soon bear little resemblance to the entrenched traditional model.

UnitedLex (“ULX”), a forward-thinking, diversified legal services provider (disclosure: I admire the company so much that I consult with it) offers another example of creative collaboration among the legal vertical’s key stakeholders. ULX has created and implemented an “Associate Legal Residency Program”, partnering with law schools. ULX hires a number of the school’s recent, Bar-admitted graduates who then enroll in their well-paid two-year program that includes rigorous training in foundational legal skills as well as supervised work on matters for clients who typically have ties to the law school. The students gain critical “real-life” experience while clients benefit from highly qualified, cost-effective attorneys supervised either by ULX or internally. The areas of instruction and client deployment include data management, cyber-security, project management, IT, as well as a number of other foundational elements of 21st century legal practice not presently taught by the vast majority of law schools. The ULX Residency Program, already underway at a number of top-tier law schools, is a win-win-win for all: graduates, law schools, and consumers.

Conclusion

It’s easy to find fault and to pick holes in innovative models such as the ones described here. But these and other creative initiatives are what lead to better, more efficient ways of doing things. And the legal vertical is certainly in need of innovation because, without it, its landscape will be unrecognizable in a short time—it may be, anyway. The difference is that if lawyers embrace the innovative efforts of those mentioned here—and others like them—they will continue to maintain their long run of occupational relevance. Without such innovation, lawyers may find their role increasingly marginalized by other knowledge-based professions and businesses that have developed better models for delivering the bulk of the services lawyers currently provide.

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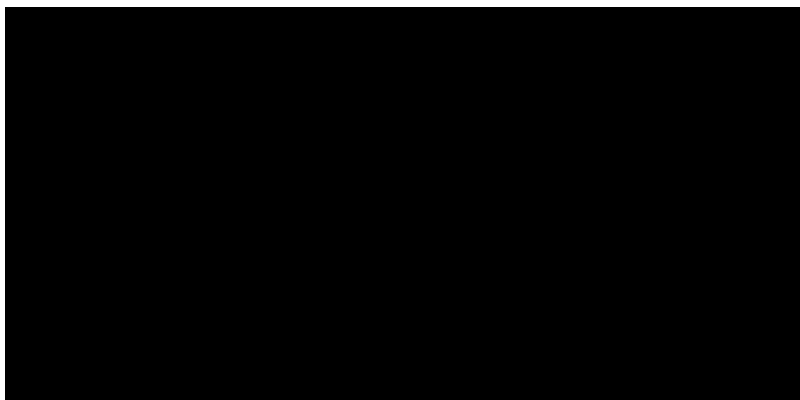
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