

# Education & Practice

Published by the Virginia State Bar — SECTION on EDUCATION of LAWYERS — for Practitioners, Judges, and Law Teachers

## The Richmond Legal Development Center: Virginia's First Legal Incubator

By Eppa Hunton

Law school administrators and faculty are well aware that their current students face a challenging job market upon graduation. Adversity can inspire innovation, and recently I have been fortunate to help forge a new model for educating and developing young lawyers outside of the traditional firm model.

Concerned about the current "Lost Generation" of young lawyers, I teamed up with Barbara Picard of the Richmond firm Picard Rowe & Rosen to create Virginia's first legal incubator, the Richmond

Legal Development Center (RLDC). The mission of the RLDC is simple: to provide the resources and infrastructure necessary to bridge the gap between the study and the practice of law.

Hanging your own shingle is a dream of many young attorneys, but most feel overwhelmed by the cost and risk involved. Practicing law in the real world requires a vastly different skill set than the one acquired in law school. Nothing you learned in property class prepares you to handle a real estate closing. Moreover, gone

are the days of "checking the box" for employer withholding for your taxes; accounting becomes more important than briefing cases. Hanging your own shingle is essentially starting a business, and they don't teach business classes in law school.

Beginning in July of 2013, Barbara and I began to put together our incubator. Legal incubators have emerged across the country as programs that enable newly-admitted lawyers to acquire the range of skills necessary to launch successful practices. Initially we

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## From Crisis to Innovation

By Jeffrey A. Brauch

To say the least, the last few years have been eventful for legal education. "Does Law School Have a Future?"<sup>1</sup> is just one of countless headlines in the national media which reflect several key trends. Law school applications have dropped dramatically - 36% nationwide from 2010 to 2013 - and may be down another 10% this year.<sup>2</sup> There are fewer first year students enrolled this year than in any year since 1977.<sup>3</sup> At the same time - and fueling the

drop in applications - the legal employment market has contracted. *Time* described law school graduates as being "in the fifth year of a near-depression-level job market."<sup>4</sup> Starting salaries are down.<sup>5</sup> And the Bureau of Labor Statistics projects that the employment challenges will last for some time, warning "more students graduate from law school each year than there are jobs available."<sup>6</sup> Prospective applicants are rightly concerned about the return

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# Chair's Column

Professor

**A. Benjamin Spencer**  
**Washington and Lee**  
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Each law school must develop an approach to surviving and thriving in this environment.

These are tumultuous times for legal education. Law schools are facing drops in applications and enrollment, pressure to reduce costs, and the need to enhance the quality of services and outcomes for students. These challenges are not going to disappear, as a fundamentally restructured legal services market has left fewer traditional legal jobs for more and more law school graduates to fill. How should law schools respond to these pressures?

One example of how schools can respond came recently from the Appalachian School of Law (ASL) in Grundy, Virginia. In response to declining applications, the leaders of the school decided to downsize, reducing the size of its entering class, its staff, and its faculty. In addition to being a necessary response to market forces, the move is permitting ASL to focus on its core mission of being a small school that produces lawyers to serve in the Appalachian region. It also will be “eliminating some classes that aren’t taught all the time and don’t reflect the college’s specialties, which are natural resources and alternative dispute resolution.”

As other schools deal with declining enrollments as well—whether by choice or not—this can prove quite challenging from a budgetary perspective. Thus, as the ASL example demonstrates, it is imperative that law schools give serious thought to right-sizing themselves and to identifying ways to reduce the costs of delivering the legal education they provide dramatically. Staff and faculty reductions are sure to be a large part of any serious plan to restructure the expenses of a law school. But equally important will be considering the elimination of some under-subscribed “boutique” courses, increasing teaching loads, and reconsidering curriculum delivery models that have proven to be more costly than traditional alternatives. Some administrative services for students may have to be trimmed as well.

I must stress, however, that not all of these measures are right for every law school. Each law school has its own mission to which economizing efforts must be sensitive. Increases in teaching loads can potentially detract from the scholarly productivity of a faculty. Returning to traditional course delivery methods like the large class lecture is more cost-effective but potentially pedagogically inferior to other, more expensive approaches being employed at many law schools. So there are difficult choices to make here, choices that should be made by law faculties consistent with their own strategic vision for their respective law schools, but also closely in touch with the economic reality that all schools must face.

One approach does not fit all law schools but each law school must develop *some* approach to surviving and thriving in this environment. Those that are clear-eyed about the financial realities they face and courageous enough to do what needs to be done will be in the strongest position to preserve their ability to fulfill their core mission and remain viable institutions of legal education for years to come. ✧

## Virginia's First Legal Incubator

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looked at other incubators for guidance, but quickly concluded that we had to come up with our own model. Every other incubator we found was affiliated, and more importantly funded, by either a law school or a bar association. Without the credibility and resources that other incubators enjoy, Barbara and I set out to sell our idea first to her colleagues, and then to young lawyers we thought would be a good fit. Drawing on Barbara's extensive network of colleagues, we secured commitments from approximately 30 experienced attorneys in the area willing to donate their time and expertise to the idea. We sought out attorneys experienced in both the law, and the business side of running a practice. In our mind, sole-practitioners and small firm owners had more to offer our members than the senior partners at the big firms who were unfamiliar with the business side of running a practice and the unique challenges that sole-practitioners face.

By September we had our team of mentors in place and had refitted a portion of Barbara's building with second hand office furniture and a wireless Internet system with the requisite firewalls. We then began looking for young attorneys willing to take a chance on our idea. The criteria for inclusion were inexact. We were guided by the principle that we wanted the B student who would rather hand out business cards on the courthouse steps than the A student who rather write a law review article. We needed entrepreneurs. I began reaching out to people with whom I had gone to law school and performed doc review and by November we had the offices rented out to Mary Ashby Brown, Dan Anderson, Samantha Upton and Chris Padgett, four exceptionally talented and motivated young attorneys.

Once these four attorneys moved in, it became clear how programs like the RLDC really fill a niche in the job market. The dungeons of the document review world are filled with bright young attorneys desperate for the chance to fill the legal needs of real, live clients. While the success of the RLDC in the long term is unknowable at this time, I'm confident that we have established a viable model to provide needed opportunity for young attorneys. More importantly, our model allows us to provide low bono legal services to underrepresented people in our community.

To enhance our learning, we have a weekly speaker series, where we invite attorneys and other professionals to give presentations to our group of new lawyers. Along with attorneys, we have welcomed an accountant, a marketing specialist, and a technology specialist to give presentations to the group. We also had a very entertaining discussion with a private investigator about some creative discovery options.

So far operations have been smooth. Barbara and I set up the program to keep each member's monthly overhead costs as low as possible and to allow each attorney to take on clients that otherwise could not afford legal representation. We've forged agreements with

Legal Aid and Hunton & Williams's Pro Bono office to refer clients to us that are above their income thresholds. Word has spread among the Richmond legal community about what we're doing, so referrals have begun rolling in from various other firms. Most importantly, each attorney is making a living and no one has gotten a phone call from the Bar disciplinary committee. We've started finding our niches with one attorney focusing on family law, another on criminal matters, two on litigation, and myself on corporate law.

Growing up I was always told that there is no greater honor and privilege than being a Virginia attorney. Learning how to carry on this proud tradition must be learned through experience. The Richmond Legal Development Center has provided my colleagues and me the opportunity to share in Virginia's rich legal heritage. It's been quite an adventure so far.

For more information on the Richmond Legal Development Center, please see: [www.rldclaw.org](http://www.rldclaw.org). The American Bar Association also has a comprehensive website describing incubator and legal residency programs across the country: [www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main.html) ✧

### MEMBER RESOURCES AREA ELECTRONIC NEWSLETTERS FOR SECTION MEMBERS

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## Innovation

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on a law school investment.

For law schools confronting these trends, times have been challenging indeed. As often happens though, the crisis has prompted a great deal of self-reflection as well as innovative and (for the academic world!) quick change. Much of this change, particularly curricular reform, was needed. And it will result in stronger training for our students and in better prepared lawyers.

To be fair, all significant curricular innovation at American law schools did not start with the current crisis. In 2009, for example, Washington & Lee Law School launched a highly-publicized initiative to transform the third year of law school. While years one and two focus on traditional coursework, the third year is devoted to skills training through clinical and especially simulation courses.<sup>7</sup> The pace of curricular change quickened, though, when law school applications started dropping precipitously nationwide.

Like all law schools, Regent University School of Law has been watching trends and seeking to respond wisely and creatively. One of the first conclusions we reached is that these trends in admissions and employment are not short-term phenomena. While the employment rates reflect the lingering effects of the recession, those rates appear to signal long-term structural changes that are occurring in law practice itself.

Having reached this conclusion, a year ago Regent Law held our first ever Legal Leadership Summit. We invited lawyers and judges from all over Hampton Roads and beyond to wrestle with two fundamental questions. 1) What are the most significant changes you see occurring in your practice; and 2) What are the implications of these changes for the way we should train the next generation of lawyers? Leading us through the process was Indiana law professor William Henderson,

one of the nation's leading experts on the shift taking place the legal marketplace.

In analyzing trends affecting legal practice, participants reported several clear findings: Technology and globalization have impacted legal work as they have the work of other industries. Tasks formerly done by new associates – document review and simple drafting – are done much more cheaply by contract attorneys or through outsourcing or even electronically. Those attending also noted how much more important it is today for all lawyers to understand not only business principles and business models of their clients, but the business of law practice. Similarly, lawyers today must be conversant with the latest legal technology and principles of project management.

Having assessed the changes in today's legal practice, the attendees then made several recommendations on how schools can better prepare students for today's law practice:

- 1) Increase the number of hours devoted to hands-on legal training. In particular, require externships where students spend time working in real life practice settings;
- 2) Provide training in areas often ignored by law schools, such as:
  - a. Business and accounting skills (understanding both the business records and business models of clients)
  - b. The use of legal technology (including e-discovery, data security etc.)
  - c. Project management and collaborative work models
  - d. The business of law practice (including branding and creating a law firm business plan);
- 3) Intentionally address issues of character and professionalism through mentorship and training throughout law school (rather than simply offering a single legal ethics course);
- 4) Increase training for legal writing. Don't ignore this most

basic of skills while increasing training in business and technology issues.

Not surprisingly, these recommendations were very consistent with those from the influential 2007 Carnegie Foundation report on legal education called *Educating Lawyers*.<sup>8</sup> The report praised law schools for effectively training students in skills of legal analysis; training them to think like lawyers. But it insisted that law schools need to do more to train students in lawyering skills and in ethics and professionalism, what it called the "wider matters of morality and character."<sup>9</sup>

Following the Summit, the Regent faculty approved a series of innovative reforms that we call Integrated Lawyer Training. The core concept is that at Regent University School of Law, traditional legal study will be interwoven at every point with practical skills training and ethical/character formation. Our graduates will enter the legal profession as fully integrated lawyers with a thorough knowledge of the law, the skills to put that knowledge to use, and ethical commitments to succeed as lawyers.

To every student coming to this law school, we now guarantee the following opportunities:

- 1) Lawyer mentor – Practicing lawyers who display excellent skills and character will provide guidance and mentorship to students on such matters as career planning, practicing with excellence and integrity, balancing work and family life etc.
- 2) Faculty mentor – Faculty members will serve as more than academic advisers. They, too, will mentor students based on shared interests and expertise.
- 3) PractiSkills Curriculum – Over a third of the courses offered by the law school will feature a PractiSkills component. These courses will feature not only substantive training but drafting or other hands-on practical experiences.
- 4) Practice Skills Portfolio – During

the course of their time in school, participating students will complete a portfolio of practice documents and skills in their area of practice. They can present this portfolio during a job interview to demonstrate experience and competency.

- 5) Field placement – Students will engage in field placement for academic credit, working in the law offices of a prosecutor, public defender, in-house counsel, or private practice attorney.
- 6) Ethical formation – The curriculum will emphasize moral character, Christian formation, and ethical decision making. Ethical issues will be woven into courses throughout the curriculum and not confined to a single Professional Responsibility course.
- 7) Legal Workplace Skills – Through standard classes and seminars offered to both students and alumni (as CLE courses), we will provide training in such areas as collaborative workplace skills, business models (for both clients and law firms), and marketing and accounting principles.
- 8) Cutting Edge Technological Competence – Again, both in standard classes and seminars offered to students and alumni, we will provide training in law office technology and other cyber-technologies used in law practice.

In the fall of 2014, we will also launch a pilot program that we hope to offer to all of our students soon: a third-year apprenticeship. Select students this fall will work and study as apprentices under the careful supervision of a lawyer in a region where the student intends to practice. These students will not be on campus. They will take online classes to continue their substantive training, but the bulk of their learning will take place in a practice setting. In a certain way, it will resemble a medical model where students meet with real patients and do rounds. Our students will be

learning workplace skills that can be best taught in a setting with real clients and real cases.

This is an ambitious undertaking. It requires an active partnership with our alumni and other practicing lawyers who share this vision. As I have traveled around the country sharing about this program, alumni are excited. Many have volunteered to mentor our students and supervise them in apprenticeships. I can't wait to see the results. I know that our students will be the beneficiaries. So will their clients. ✧

**(Endnotes)**

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**CONTRIBUTIONS**

The section gratefully acknowledges the following Virginia law firms and law schools for their generous support of section activities during the last bar year.

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# Virginia Supreme Court Senior Justice Elizabeth B. Lacy Receives Leadership in Education Award

Elizabeth B. Lacy, Senior Justice of the Supreme Court of Virginia, has been named the recipient of the William R. Rakes Leadership in Education Award from the Virginia State Bar Section on the Education of Lawyers in Virginia.

The award recognizes an individual who has demonstrated exceptional leadership and vision in developing and implementing innovative concepts to improve and enhance the state of legal education, and in advancing relationships and professionalism among members of the academy, the bench, and the bar within the legal profession in Virginia. Justice Lacy was nominated by former Governor Gerald L. Baliles.

The award was established in 2012 to honor former Virginia State Bar president and founder of the Education Section, William R. Rakes, a senior partner with the Roanoke firm of Gentry Locke Rakes & Moore.

The award is to be presented June 12, 2014, at the Virginia State Bar's annual meeting in Virginia Beach.

Justice Lacy has served the legal profession as a lawyer, teacher, and judge for decades. She was appointed to the Supreme Court of Virginia in January 1989 by Governor Baliles and was elected to a twelve-year term by the General Assembly later that year and re-elected in 2001. She became a senior justice in 2007. She also has served as a mediator for the McCammon Group since 2008. Before joining the Court, Justice Lacy served as a judge on the Virginia State Corporation Commission; as a deputy attorney general in Virginia; as a legislative aide in the Texas office of the attorney general; and as a staff attorney with the Texas Legislative Council. She also has been a teacher, first at an elementary school in Austin, Texas, early in her career; and now at the University of Richmond School of Law. She has been a jurist in residence at Washington and Lee University, Georgetown University, Southern Illinois University, Stetson Law School, and Florida State University.

Justice Lacy received a B.A. in History from Saint Mary's College,



Notre Dame, Indiana, in 1966. She received her law degree from the University of Texas Law School in 1969 and her Master of Laws degree from the University of Virginia School of Law in 1992. Lacy and her husband D. Patrick Lacy Jr. have four children: Patrick, Kevin, Michael, and David.

Nominations are invited annually by the board of governors of the Section on the Education of Lawyers. The award is underwritten by Gentry Locke Rakes & Moore. ✧

## Come Rediscover the Annual Meeting

Everything you love about the meeting with a whole new twist!

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This year's meeting will include the best of the annual meeting's time-honored traditions while incorporating new hotels, a slightly revised format, and several new events. Visit the 2014 Annual Meeting [website](#) and click on the [What's New](#) tab for details. For easy access, download the new [mobile app](#) for schedules, programs, speakers, sponsors, maps and more.

One of the exciting new events this year will be a Joint Lunch for Sections and Conferences on Friday. It will be held at the Hilton Oceanfront Hotel, from 11:45-1:15, between morning and afternoon CLE tracks. This will be a great opportunity to reconnect with your colleagues and catch up on section business over a casual lunch. During lunch, there will be an informal business meeting to elect officers and board members for next year. Be sure to request a ticket when you [register](#) for the Annual Meeting.

## Faculty News

### Regent

- ◆ Judge Patricia L. West joined the law school as a distinguished professor of law and government and an associate dean.

### University of Richmond

- ◆ Dale Margolin Cecka was promoted to Clinical Professor of Law.
- ◆ Bill Fisher was promoted to Professor of Law.
- ◆ Julie McConnell was promoted to Associate Clinical Professor.
- ◆ Wendy Perdue was named to the Class of 2014 of “Influential Women of Virginia.”

### University of Virginia

- ◆ Prof. Kerry Abrams was Named Vice Provost for Faculty Affairs.

### Washington & Lee

- ◆ Prof. Jill Fraley received a Fulbright U.S. Scholar Grant to study Property Law in Ireland.
- ◆ Professors Susan Franck and Josh Fairfield were elected to the American Law Institute.

### William & Mary

- ◆ Prof. Allison Orr Larsen was among 12 educators from the Commonwealth of Virginia’s public and private colleges and universities to be selected for a 2014 Outstanding Faculty Award.
- ◆ Prof. Vivian E. Hamilton, a family law and youth law scholar, was awarded tenure and promoted to Professor of Law.
- ◆ Prof. Patricia E. Roberts, Director of Clinical Programs, was recently awarded security of position and promoted to Clinical Professor of Law.
- ◆ Prof. Darian Ibrahim, a corporate and securities law scholar, joined the faculty from the University of Wisconsin Law School.
- ◆ Assistant Prof. Sarah R. Wasserman Rajec, a patent and international trade law scholar, joined the faculty from Stanford Law School, where she was a Lecturer in Law and Teaching Fellow in Law, Science & Technology. ✦

## News and Events Around the Commonwealth

### Regent

- ◆ Regent Law will launch a part-time evening J.D. program beginning fall 2014.

### University of Richmond

- ◆ The 42nd Annual Estate Planning Seminar will take place on May 14th, sponsored by Bessemer Trust. Details are online at [law.richmond.edu](http://law.richmond.edu).
- ◆ The 19th Annual Robert E. Shepherd Jr. Juvenile Law and Education Conference will take place on May 16th. This year’s theme is “Unique Challenges in the Representation of Children” and features keynote speaker Robert Listenbee, Administrator of the Office of Juvenile Justice and Delinquency Prevention.

### University of Virginia

- ◆ On May 2, “The Life of the Law: A Symposium Commemorating the 50th Anniversary of the Civil Rights Act of 1964” will commemorate the 50th anniversary of the Civil Rights Act with an exploration of the act’s origins, impact and significance within several broad contexts, including the social movements and public policy transformations that the act symbolized, promoted and institutionalized.

### Washington & Lee

- ◆ In January, W&L hosted a symposium that explored the controversy surrounding false confessions. Dateline NBC recorded some of the event for a report that will air on NBC this spring.

### William & Mary

- ◆ Nearly 70 alumni from 31 classes gathered at the Law School on Feb. 21-22 for the Law School’s first African-American Law Alumni Celebration. The event marked the 60th anniversary of the graduation of Edward A. Travis, the first African-American student to graduate from William & Mary, who received his law degree in 1954.
- ◆ The Law School’s Lewis B. Puller Jr. Veterans Benefits Clinic recently hosted a “National Conference on Law Clinics Serving Veterans” on April 3-4 in Washington, D.C. The free two-day program provided advice on organizing a veterans’ pro bono legal clinic at a law school or law firm as well as an introduction to veterans’ benefits law. ✦

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