



BAY AREA LEGAL INCUBATOR (**BALI**)

Santa Clara University School of Law 2015 Application Packet

The Bay Area Legal Incubator (BALI) is a two-year solo-practice incubator program for attorneys recently admitted to the California Bar, which provides extensive support, mentoring, and education on how to successfully operate a solo or small firm practice that serves the legal needs of the modest means community. The attorneys are also provided a small stipend for the first six months of the program. The goal of the incubator is two-fold: 1) to foster sustainable, long-term employment for recently admitted attorneys; and 2) to increase access to justice for people of modest means.

BALI is a collaboration between the Alameda County Bar Association and five local law schools (Santa Clara, Berkeley, Hastings, Golden Gate, and USF). For the first cohort, Santa Clara Law has invested funding to permit participation for up to three participants. Santa Clara Law graduates from December 2014 and May 2015 are eligible to apply for the cohort. This packet will provide the basic information you need about the program and how to apply to be one of the three Santa Clara Law participants.

The Santa Clara Law application is due on Thursday, August 13, 2015, by 5:00 p.m.
(earlier submission encouraged).

You are required to submit a complete application on time; please review this packet carefully for application instructions. Please allocate adequate time to produce and submit a quality application.

If you need additional information before completing the initial application, either about the program or the application process, please contact Deborah Moss-West, Director, Center for Social Justice and Public Service (dmosswest@scu.edu; 408-554-2766). The Center is also available to you as you work on your application. We look forward to your interest in this great new opportunity!

This application packet includes:

- (1) An overview of the BALI program
- (2) A thumbnail tentative program schedule
- (3) FAQs about the program
- (4) The Santa Clara Law 2015 Application

What is BALI? What are the benefits of participating?

Many law school graduates want to help clients who are underserved in our legal system and many would be excited to have their own solo or small firm practice providing low-fee services to clients with modest means.¹ New attorneys, however, often lack both the practical experience to effectively represent clients and the business experience to confidently and successfully open and operate their own firms. BALI bridges this gap by offering practical training and mentorship as the BALI attorneys work on pro bono and private cases and gradually build their own sustainable modest means practices across a wide range of practice areas of need for modest means clients.

BALI is a two-year program that helps new attorneys launch their solo practices serving low- and middle-income clients in a wide spectrum of practice areas. BALI gives attorneys a shared community, space, and resources, as well as mentorship in law practice management and substantive law. The program will begin in January 2016. Participants who start the program will need to have completed and passed the July 2015 California Bar Exam.

BALI is a collaboration between the Alameda County Bar Association (ACBA), the Volunteer Legal Services Corporation (VLSC), the State Bar of California Commission on Access to Justice, and a coalition of five Bay Area law schools: Golden Gate University School of Law; Santa Clara University School of Law; University of California, Berkeley, School of Law; University of California, Hastings College of the Law; and University of San Francisco School of Law. The collaborative approach allows BALI attorneys to take advantage of specific clinical and substantive law expertise from participating schools. For example, one law school might have a specialized tax program and another may have a small business program; all participants may take advantage of the pooled resources. In addition, law school alumni who have started their own firms or work in small firms can provide participants with critical business advice and mentoring. Finally, the ACBA has a membership of 1,500 attorneys and an established mentoring program. It also has a referral system to connect modest-means clients with attorneys that it will use to help channel clients to BALI attorneys.

The BALI program is designed to give new attorneys the confidence and skills to progressively take on more complex cases as they reach their potentials as skilled practitioners. BALI attorneys begin by receiving extensive training in their areas of interest and on starting and running a solo practice. For the first six months, attorneys are placed in a 20-hour per week pro bono placement at a legal services non-profit or other public interest law organization that will provide them with training, supervision, and experience in an area of law of interest to the attorney. Attorneys will also participate in practical training sessions offered for approximately two to three hours each week in the first six months. Participants will have free access to most MCLE trainings offered by the ACBA and VLSC.

BALI will provide its participant attorneys with ongoing mentoring. A senior staff attorney will be hired to oversee the program and will work with participants on a weekly basis. In addition, BALI will link participants up with mentors in the field of law of primary interest to them. We hope to also bring in on-site volunteer mentors. As attorneys progress through the program, they can

¹ In this context, “modest means” is defined as those individuals and families whose income exceeds the income limits to qualify for legal aid, but still sufficiently low as to make it impossible to afford a full-fee attorney. For this program, clients of “modest means” are those with a family income between 125% and 300% of the Federal Poverty Limit. 42 U.S.C. § 9902(2).

take on increasing numbers of fee-generating cases through ACBA referrals. ACBA will waive referral fees for incubator attorneys.

Why is this program a good idea for both participants and the Bay Area? BALI attorneys will gain marketable skills, access to clients, and learning opportunities with relatively minimum overhead expense. The Bay Area community will have greater access to affordable, competent attorneys. The Bay Area legal profession will further the spirit of pro bono and modest means advocacy.

Here is a summary list of the benefits received by participating in the BALI program:

- Intensive boot camp to help you start your practice
- Substantive law training
- Procedural law training
- Practice management and marketing training
- Weekly case review
- Mentoring
- A small stipend for first six months (\$500/month) and no overhead fees; discounted overhead fees for following 18 months of program
- Free MCLE training opportunities
- First two years of ACBA Lawyer Referral Service dues waived
- Office space (including printer/copier, internet access, and paper file storage)
- Access to low-cost malpractice insurance
- Free Lexis and case management apps/software while in the program
- Access to Continuing Education of the Bar's OnLAW
- Opportunities to appear in court on pro bono and other cases
- The camaraderie of a community of peers building their own practices

If you have further questions about the program after reviewing the FAQs below and whether it would be right for you, contact Deborah Moss-West at the Center for Social Justice and Public Service.

Basic Program Schedule for 2016-18 cohort (tentative)

	Activities	Income	Expenses
January – June 2016	<ul style="list-style-type: none"> • 50% time pro bono placement in a practice area of interest • Classes • A few low-fee cases for modest means clients 	<ul style="list-style-type: none"> • \$500/month stipend • Small amount of case income 	<ul style="list-style-type: none"> • \$50/month for malpractice insurance • Bar dues due February • Personal expenses beyond stipend
July – December 2016	<ul style="list-style-type: none"> • Full time cases, at least 50% of which are low-fee for modest means clients • Classes 	<ul style="list-style-type: none"> • Case income 	<ul style="list-style-type: none"> • \$50/month for malpractice insurance • \$250/month overhead (discounted rent and fees) • Personal expenses
January – December 2017	<ul style="list-style-type: none"> • Full time cases, at least 50% of which are low-fee for modest means clients • Classes 	<ul style="list-style-type: none"> • Case income 	<ul style="list-style-type: none"> • \$50/month for malpractice insurance • \$500/month overhead (discounted rent and fees) • Personal expenses

Frequently Asked Questions

1. How do I know if this is a good opportunity for me?

Excellent question! **Starting a new solo practice is not for everyone.** You must consider if being a solo practitioner is really for you. You must additionally consider whether being a solo practitioner serving modest means clients is for you. Applying to this program is not appropriate for someone who would think of it as a stepping stone to applying for a job someplace else. As part of your self-assessment of whether BALI is a right fit for you, we recommend that you *assess your aptitude for entrepreneurship*. A helpful entrepreneurship self-assessment quiz can be found at www.wesst.org/business-toolkit/entrepreneur-quiz. Many other assessment quizzes are available online and can be helpful in provoking thoughtful self-analysis about whether the BALI program is a right fit for you. In addition, you can consult with the Gregory Cohen (gcohen@scu.edu), Office of Career Management to learn about books, articles, and other resources about solo practice that can help you decide. Santa Clara Law has made a significant financial commitment to this program, and there are only three slots available for Santa Clara Law grads, so we want to make sure that graduates who submit applications are prepared for the two-year commitment the program requires.

2. What resources will be made available to me as a BALI attorney?

The program overview above describes the benefits received by participating in the program. The BALI program is designed to give you resources and support for successfully launching a modest means solo practice. As a BALI attorney, you will receive a stipend of \$500 per month for the first six months to help you pay bills while you set up your practice. You also will have access to:

1. Modest means, fee-generating client referrals from the ACBA Lawyer Referral Service and waived LRS fee for the first year;
2. Shared office space and meeting rooms at the Alameda County Law Library with close BART/AC Transit access;
3. Hands-on mentoring and experience through part-time pro bono placements;
4. In-house training and mentoring in substantive law, law practice management, and practical techniques for building a successful and sustainable solo practice;
5. Free MCLE trainings;
6. Printer/copier/scanner;
7. Free technology tools, including case management, trust account management, and legal research tools like Lexis and CEB, for at least the first year;
8. Access to the Alameda County Law Library resources; and
9. A community of entrepreneurs also building their practices.

3. Do I have to pay anything for what I receive from the program?

Yes, but only a portion of the actual cost. For the first six months, you will pay nothing (and in fact, will receive a stipend of \$500 per month). For the second six months of the first year, you will pay an overhead charge of \$250 per month. This covers a discounted amount of rent, utilities, the printer/scanner/copier, and the costs of running the program, including the trainings and mentoring. For the second year of the program, you will pay an overhead charge of \$500

per month to cover a larger (but still discounted) amount of the same items. We designed this gradual system to help you launch your practice in a realistic way.

You will need to provide the following items to be eligible to participate as a BALI attorney:

- Malpractice insurance (available to new solo attorneys at \$50/month)
- Your own laptop and cell phone
- Your own medical insurance

4. To apply to BALI, do I need to have already made a final decision about a single practice area I want my modest means solo practice to focus on?

No, but if selected you will need to focus on no more than three areas of law at the outset of the program to allow you to start building your skills in those areas. You will also be asked in this application to identify a practice area (or areas) of interest and why you want to focus on it.

5. Is there any limitation on what areas of law I can practice through BALI?

Yes and No. BALI is designed to accelerate solo practice development in part by providing mentorship in substantive law, as well as law practice development. BALI is confident that it can provide mentorship in the following common areas of practice that are important to modest means clients:

- Landlord-tenant
- Family law and Domestic Violence
- Guardianship
- Dependency
- Consumer and Bankruptcy
- Immigration
- Wills and Trusts
- Employment
- Expungement
- Criminal Defense

If you wish to launch a modest means practice in another area of law, be prepared to propose mentors and other resources you can access to ensure you have an effective mentorship and development plan of your own design. You can consult with the Center and Office of Career Management if you are interested in a different area and need assistance identifying potential mentors.

6. Where will BALI be housed? Am I limited to serving clients only in that area?

BALI's incubator office space will likely be located at the Alameda County Law Library in Oakland, directly across from one of the Superior Court's main courthouses, and three blocks from BART. The BALI mentoring attorney will be located at the BALI office. Trainings will take place at BALI or at the offices of the ACBA about eight blocks away, at 11th and Broadway. Pro bono placements in the first six months may be located throughout the Bay Area and will be selected by the participating BALI attorney in collaboration with BALI staff. Although BALI will be housed in Alameda County, attorneys do not need to limit their client base to Alameda County. BALI attorneys will be expected to spend a substantial portion of their time working out of the

BALI office space to participate in mentoring and group learning, but it is understood that that portion may change as the attorney progresses through the program.

7. What are the expectations of me as a BALI attorney?

Aside from complying with your ethical obligations as a lawyer, you are expected to comply with all rules and policies of the BALI program, which include that you complete 20 hours per week of pro bono work in the first six months, and that following that for the rest of the program at least half of your cases are reduced-fee work for modest means clients. A BALI Handbook is under development with more information as to specific rules and policies of the program.

Program participants are expected to fulfill their two-year commitment to the program. Santa Clara Law has only three slots for its graduates and is making a significant financial investment in each person who fills one of these slots. At the same time, it is understood that occasionally unexpected, emergency circumstances might arise that would force a BALI attorney to close their solo practice before two years have passed. If this happens, attorneys will need to manage the closing of their practice in accordance with California's ethics requirements. You must give one month's notice (and pay your overhead charge until that one month is up) to end your contract with BALI should those unforeseen emergency circumstances arise.

8. Do I need to form my own firm?

Yes. You must either form your own solo firm or create/join one with other incubator attorneys. Participants are **not** employees of ACBA or of the law school(s) involved. While the sponsoring law schools are collaborating in the creation of the incubator, they will not be in a supervisory relationship to incubatory attorneys. In consulting with ACBA staff, mentors, or BALI attorneys, you will be expected to maintain client confidentiality consistent with BALI participants' status as separate firms. If you are interested in opening a practice with friends in your BALI cohort, we counsel that you operate as solo practitioners first for a couple of years and then join forces. Otherwise, you will have higher malpractice insurance costs, as the lower fee offer is available only to new solo practitioners. Participants in the incubator project have the benefit of working together (camaraderie, support) without the downsides (increased costs, increased liability.) *In the BALI program, there is also the possible option of forming a non-profit organization instead of a solo practice, if it fits within the program's other criteria. If you are interested in this option, make sure to identify it in your application.*

9. Do I need malpractice insurance?

Yes. Participants will join the Alameda County Bar Association's Lawyer Referral Service (LRS), and the State Bar requires that LRS participants carry coverage, which is available to new solo practitioners for \$50 per month.

10. What happens if I am selected for the program and I do not pass the July 2015 California Bar?

If you do not pass the July 2015 California Bar, you will not be able to participate in the BALI program with the 2016 to 2018 cohort. You must be a member of the Bar in order to start a solo practice and begin taking clients, and so an alternate Santa Clara Law candidate will take your place in the cohort. Santa Clara Law will consider, on a case-by-case basis, giving you preference for the following cohort (2017 to 2019), should the program continue.

SANTA CLARA LAW APPLICATION for the 2016-18 BAY AREA LEGAL INCUBATOR (BALI) COHORT

NOTE: Graduating members of the Santa Clara Law Class of 2015 (December 2014 or May 2015) may apply to the program. This application is due to the Center for Social Justice and Public Service by 5:00 p.m. on Thursday, August 13, 2015. It can be emailed in pdf form to dmosswest@scu.edu or it can be hand delivered to the Center for Public Service and Social Justice in Bannan 301C. Retain a copy for yourself.

APPLICATION AND SELECTION PROCESS:

The Santa Clara Law BALI participant selection process will take part in separate stages. All interested December 2014 or May 2015 graduates will turn in the application contained in this packet by August 13, 2015. Some applicants will be selected to move forward to the next phase of the application process. Those applicants selected to move forward will engage in a mini-business-planning exercise regarding your potential solo practice and an interview with a panel. The business-planning document will be due in late August, which is also when the interviews will take place. Candidates will be informed about acceptance into the program by the end of September. Candidates will also be informed if they have been accepted as an alternate in case any of the selected candidates is not able to participate.

The selection committee will include representatives from Santa Clara Law and the BALI program with final selection made by the ACBA. Among other qualifications, the committee will look for an entrepreneurial spirit; interest in and capacity to open a low-fee/modest means practice; and a commitment to access to justice.

Name of applicant: _____

The following documents must be submitted to comprise a complete application, due August 13, 2015 (earlier submission encouraged). Please initial the box next to each item, indicating that the item is included with your application.

- ☐ **COMPLETED BALI APPLICATION FORM (this form).**
- ☐ **BALI APPLICANT EXPECTATIONS (included in form), completed and signed.**
- ☐ **CURRENT RÉSUMÉ.**
- ☐ **UNOFFICIAL LAW SCHOOL TRANSCRIPT.** (Grades will not play a primary role in the selection process, but will be used to help provide a full picture of the candidate.)
- ☐ **RESPONSES TO SHORT ANSWER QUESTIONS.** *Attach a single, separate page-numbered document with your responses. Include your name in the header and include a word count in parentheses at the end of **each** answer. You may single or double-space the document. For context, if you single space, your total answers will likely take between 2 to 3 pages; if you double space, they will likely take between 4 to 5 pages.*

1. What does access to justice mean to you, and why does access to justice matter? (maximum of 200 words)
2. Describe your experience working with low-income or modest means individuals to provide legal services and/or other services. (maximum of 200 words)
3. Why do you want to start a solo practice to represent modest means clients? Include within your answer what practice area(s) you want to focus on and why. (If you are selected, you will not be required to stick with these practice areas if you discover an interest in another appropriate practice area.) (maximum of 350 words)
4. Why do you want to participate in the BALI program? (maximum of 200 words)
5. Briefly describe a business, program, organization, event, or other project that you designed and started from scratch. This undertaking could have been done on your own or in collaboration with others. Include within your answer the skills and capacities you used that were key to success in the endeavor. (maximum of 200 words).
6. If selected, you will be one BALI attorney in a cohort of up to 15 attorneys. How will you be able to contribute to the success of the cohort as a whole? (maximum of 200 words).

☐ **REFERENCES:** At the end of the short answers document, after a page break, provide contact information for three people who can serve as a reference related to your qualifications for this program. Within the three, include at least one professor and at least one supervisor from a work experience (this can include unpaid work, such as externships). Should your application advance, we require two letters of recommendation, which are due in late-August. These may be provided by the references named in this application or by others. (Do not ask for these letters of recommendation until you have been told you are advancing.)

BASIC APPLICANT INFORMATION:

Home address: _____

City, state, zip: _____

Phone: _____

SCU email: _____ Preferred non-SCU email: _____

December 2014 or May 2015 graduate: _____

Date you took or will take the California Bar Exam: _____

If you were selected for the program and passed the Bar, is there any potential reason that you might not be able to enter the BALI program and begin your practice on January 4, 2016? (e.g., issue with your moral character application, personal commitments such as wedding or travel) If so, please briefly explain the circumstances in the document you attach with the short answer responses. Your response will be kept confidential. Please answer either "No" or "Yes, see attached": _____

BAY AREA LEGAL INCUBATOR APPLICANT EXPECTATIONS

Please initial each statement below indicating your agreement and sign at the bottom:

_____ I understand that by participating in the Santa Clara Law BALI application process, I agree to remain a candidate for the program, barring extenuating circumstances.

_____ I understand that eligibility to enter or continue in BALI requires that I am a member of the California Bar in good standing. I agree to notify the BALI director immediately of any change in my Bar status or of any action by the California State Bar Office of Disciplinary taken against me.

_____ I agree to carry at all times, while I am part of BALI, malpractice insurance at least the minimum amount specified by the BALI program, and to pay for any tail if the policy is a claims-reported policy.

_____ I agree to abide by and remain compliant with all the rules governing the BALI program, including mandatory pro bono and reduced fee work as required.

_____ All statements in my application are true to the best of my knowledge and any statements I make during the application process will reflect realistic projections based on information reasonably available to me. I understand that any material misstatements made during the BALI application process subject me to termination from the program should I be selected.

_____ I understand that if selected I will be creating my own law firm and that I will not be an employee of BALI or of the Alameda County Bar Association, Volunteer Legal Services Corporation, Santa Clara Law, or any participating schools or partners. I understand that I will be responsible for developing my own clientele and that BALI, the ACBA, VLSC, Santa Clara Law, and the participating schools or partners cannot guarantee business. I further understand that in interacting with BALI staff or others who are not members of my firm, I will be expected to maintain client confidences consistent with my status as the principal of my own firm.

Printed Name: _____

Signature: _____

Dated: _____