



The Florida Bar News

Volume 39, Number 18

FloridaBar.org

September 15, 2012

Is it time for legal residencies?

By Annie Butterworth Jones

Associate Editor

The medical profession has long employed an educational practice that the legal profession, up until now, just hadn't been able to replicate: residencies for recent graduates who need to receive practical training before embarking on their own into the field. It's a time-tested method implemented in hospitals and doctors' offices across the country, and now a similar program for young lawyers is well underway in South Florida.

Wills, trusts, and estates attorney Laird Lile said he was sitting in a Bar Board of Governors meeting last July when the reality of the new law graduates' plight struck him for the first time.

"I heard Jack Harkness tell the board that at that very moment, across the state, there were about 3,000 people sitting for the bar exam, and by September 2011, the board would have another 2,500 lawyers, and Florida's legal profession did not have 2,500 more jobs."

"Hearing that, sitting there, I realized I needed another assistant." But instead of hiring a paralegal or staff assistant, Lile — a sole practitioner in Naples — decided to do something he'd never done before.

He chose to fill the position with a brand new lawyer, not as an associate, but as a resident at law.

"The medical profession does such a better job at transitioning from academics to the practice than the legal profession does," Lile said. "And they do that through doctors serving as residents, working alongside and with experienced practitioners and doctors."

Lile soon discovered, though, that resident at law programs like the one he was trying to implement simply didn't exist. He had to start from scratch, developing the program and spreading news about the opportunity to law schools and colleagues. After narrowing the field of 30 applicants, last September, University of Florida College of Law graduate Patrick Mize became the first resident at law at Laird A. Lile, P.A.

"It's been a little bit of a hybrid between what a typical first-year associate would do and maybe what you would experience in a business mentor relationship," said Mize, who graduated from law school last May. "I've gotten a lot of exposure to the hands-on, practical aspects of being an attorney, as well as some of the behind the scenes business aspects, like client intake and billing, that I don't think a typical first-year associate would receive."

As a resident, Mize works an average of 50 to 60 hours a week at the firm, learning the practical side of the business, participating in substantive aspects of the practice, and becoming involved in local and state bar associations. The program has eliminated the traditional "billable hour" required of most first-year associates, but Mize is still expected to work the same number of hours as a traditional first-year.

In 18 months — April of next year — Mize will end his residency and be expected to find a full-time job, just like young doctors must do once their residency has ended. The 18-month term makes perfect sense to Lile, who plans to bring in another resident this fall.

"This way, there are six months of overlap between a junior resident and a senior resident. The senior resident can, therefore, do some of the training of the junior resident," Lile said.

Almost a year after hiring Mize, Lile and his program garnered the attention of Tampa attorney Paige Greenlee, president of The Florida Bar Young Lawyers Division, and now the two are working together to promote the residency concept to small and mid-size firms where Lile and Greenlee believe residents at law are most likely to thrive.

"I think it probably fits in small or mid-size firms that don't have a traditional new associate program better than it does in a very large firm that has the traditional program already in place," said Lile. "But I think as our practice changes over time, it will end up having a place in any

size firm.

"It has to work for the law firm or the senior lawyer, or it's never going to get going."

After presenting the resident at law concept to the YLD board, Greenlee has begun to promote the idea to firms across the state with the goal of finding 10 or 12 practitioners who might be interested in starting their own residency programs this fall. The YLD would then match practitioners with recent law school graduates — using the YLD's Law Student Division — to establish in-house residents at the firms.



lile

"There are so many benefits I can't even list them all," said Greenlee. "Law school — and everyone knows this; this isn't any secret — doesn't prepare you for the everyday practice of law."

"By working side-by-side with a well-established practitioner, you're learning everything from how to manage a file from start to finish, to billing, to how to handle administrative assistants."

Plus, Greenlee said, with a more experienced practitioner leading the way, residents will learn the importance of Bar involvement and be less intimidated to join state and local bar associations.

"From every perspective, you're ending up with a well-rounded attorney who knows how to do the substantive work, knows how to run a law firm, and is involved in Bar activities."

Of course, the residency program doesn't guarantee future employment for its participants, and ultimately, residents may wind up right where they started after graduation: out of work. Greenlee insisted the program hasn't been designed to solve the problem of unemployment. Instead, it serves as a resume-booster and a mentoring opportunity.

"Worst case scenario, the person doesn't get a job with a law firm, but because of the experience they've gained during the resident at law year, that person then hangs their shingle and knows what they're doing, as opposed to just coming out of law school with no experience practicing law," said Greenlee. "Worst case scenario, they hang their shingle, and we end up having far fewer disciplinary problems with that person and somebody who's well plugged into the Bar."

As for the cost for the practitioner who chooses to hire a resident, Lile said it's worth every penny, especially since the billable hour requirement has been eliminated.

"From a financial standpoint, it's not very hard to justify financially the new lawyer's compensation package, and that includes the expenses of going to Bar and professionalism activities, the direct compensation, and the malpractice insurance coverage," said Lile, who used an assistant public defender's compensation as the basis for Mize's financial stipend.

"It can make sense for the law firm or the senior lawyer to participate in a resident at law program without any altruistic view or thought process at all. Purely from an economic and business model, it makes sense," Lile said.

The benefit to the resident, too, is invaluable, said Greenlee.

"I would have loved to have had this experience. As much as doing [a judicial] clerkship was helpful, it would have been really nice to have had something like this where you actually get to observe it for 18 months and also have some hands-on experience," she said.

Mize, now more than halfway through his own residency, agreed.

"The program has met or exceeded my expectations for it. The goal of the program is to have you prepared for the next step, whatever the next step might be, and it's definitely prepared me," Mize said.

Greenlee and the YLD are looking for more firms and practitioners who may be interested in hosting their own 18-month residency programs. Interested attorneys can contact Greenlee via email: PGreenlee@sbwlegal.com.