

New Law Grads Get New Opportunity for Transactional Training

Legal training firm AltaClaro partners with CU, DU law schools

HANK LACEY
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A New York-based legal training firm has completed its first offering of an experiential learning program for new graduates of Colorado's two law schools who want to become transactional lawyers. AltaClaro Learning, a New York based company, made available to graduates of both the University of Colorado Law School and University of Denver Sturm College of Law an online, "boot-camp"-style program that simulates the actual work of a lawyer tasked with facilitating business deals.

AltaClaro's program deploys the

well-documented principle that students in any field will retain significantly more information that is actively learned than is passively acquired through activities like listening to a lecture or watching a video. The company emphasizes that it is not realistic for the profession to count on law firms, which traditionally assumed the responsibility to train associates in practical skills, to continue to do so. "[W]ith partners under more pressure to bring in business and bill, mentorship opportunities are fewer and farther in between," according to a blog post on the company's website. "Many (not all!) firms have a sink-or-swim mentality, with

the 'swimmers' expected to just 'figure it out.'"

Abdi Shayesteh, CEO and founder of AltaClaro, said the training is designed to help new transactional lawyers understand not only the fundamentals, but context. "We run these newbie attorneys through contract drafting, which elevates from the fundamentals to non-disclosure agreements to letters of intent to commercial transactions," he said. "We're putting context around these training programs. We're not just testing them on the principles. We're running them through mock transactions."

He described a typical assessment that an AltaClaro instructor, who is most often a veteran transactional lawyer, may provide. That instructor would act as if she or he is the "senior lawyer," reviewing the less experienced attorney's work. "They're going to go over the client's problem, pull up documents, identify where people's gaps were, prepare the document as if they were sending it to a client," Shayesteh said. The benefit to the student is that the varying fact patterns in the simulated deals helps to build judgment. "Soft skills, the judgment calls, the stuff that you would really have to be strong in if you're going to be a successful lawyer, requires going through fact pattern after fact pattern of real life scenarios and getting practitioners' input on the nuances of why things are the way they are or why the deal went wrong, what happened," he explained. "That's when you start to gain these other skills."

Shayesteh believes that his company's experience working with more than two dozen law firms around the world, including Denver's Davis Graham & Stubbs, to train associates shows that its approach is ready for the next step of going beyond that world and into legal education. "Law schools are focusing on training the mind of a lawyer," he said. "The next step is to put practical skills into play and context and these soft skills, the judgment calls, the stuff that you would really have to be strong in if you're going to be a successful lawyer. That stuff requires going through fact pattern after fact pattern of real life scenarios and getting practitioners' input on the nuances of why things are the way they are, why the deal went wrong, [or] what happened."

He also stressed the imperative for law students who are interested in a transactional practice to be well-prepared for that work once they walk in the law firm door. "The landscape has shifted," Shayesteh said. "Since the Great Recession the economic pressures on law firms [have been] great and it's only gotten worse in today's environment. The firms need to be efficient, the senior lawyers are focused on billing and bringing in new business, and so teaching the fundamentals becomes a very expensive activity. There's a big opportunity cost."

On the other hand, he continued, firms know they need to "augment" law school teaching. "If they didn't, they would see that expense show up on a client matter, an associate spinning their wheels — 10 hours on something that should have taken two hours," Shayesteh said. "You can't charge the client for it. Now you've got to write that time off, correct the mistakes and hopefully sit down with that junior lawyer and mentor him. That adds up." Law firms, he believes, will value a new associate who does not have to "start from zero."

The collaboration with AltaClaro by CU and DU may also be driven by legal academia's desire to be more responsive to the needs of the entities that hire law school graduates. According to Martin Katz, a professor and emeritus dean at DU's law school, the awareness that a gap may exist followed the crisis in new lawyer employment that followed the economic downturn in 2007-2009. "For many law schools, it was a great wake-up moment," Katz said. "Their graduates were in fact having trouble getting well paying and satisfying jobs. That was in part a product of the great recession, but it also provided occasion for a lot of law schools to go and talk to the people who might want to hire their students. Boy, did we get an earful in terms of what they were looking for and what we were not providing and what we could provide."

Katz, who also serves as chief learning officer for AltaClaro, said the company is using the two Front Range institutions to demonstrate the practical value of teaching that, so far, has not been commonly made available in the law schools. "Law schools are

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ACC EVENTS

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throw a second one in November.

On Dec. 8, ACC Colorado will be holding a “Painting with a Twist” event sponsored by Holland & Hart. Prior to the event, which has already sold out, attendees will receive a canvas and paints so they can create a masterpiece while chatting with colleagues over Zoom. Attendance at the online social events has been capped to make conversation easier.

The chapter has also hosted a virtual book club, where group members have read titles such as “The Leadership Pipeline” and “Let My People Go Surfing.” “It’s about reading something

that’s more on the professional or personal development side of things that can help you be more well-rounded as a lawyer to help with the business side of our jobs as in-house counsel,” Borchers said.

Networking with other in-house attorneys offers insight into how other legal departments operate, according to Borchers. “I think there’s so much value in comparing and contrasting notes with your colleagues who are at other companies and work in other industries and have different types of legal departments from you,” she said.

“For me, personally, being at a large department, we do things a certain way. But I’ve learned so much from talking with my colleagues who are a

solo GC or in a smaller department,” said Borchers, who works for Lumen Technologies.

“I think there’s a lot that can be learned there that gives you perspective on your own job.”

ACC Colorado also helps to connect in-house attorneys with new career opportunities. “Especially in this environment, where there have been challenges,” Borchers said, “it’s important for people to keep up those personal networks.”

Despite the pandemic, now is a good time to get more involved with ACC Colorado, according to Borchers, because almost all of the chapter’s virtual events are free to members, whereas similar in-person events typ-

ically came with a charge. “You can come get CLE content for free and come to networking events without a cover charge,” Borchers said. “So there’s a real opportunity there.”

Going into 2021, the chapter plans to offer more virtual programming during the first half of the year, Borchers said, with the goal of switching to in-person events in the second half. Events in the works for next year include a multi-part series on labor and employment law as well as a webinar on Colorado’s new Equal Pay for Equal Work Act, Borchers added, as well as a possible financial course for lawyers that would be held in partnership with the University of Denver. •

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TRANSACTIONAL TRAINING

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still very, very much steeped in the litigation world,” he said. “We teach using the case method. When we start thinking about skills training, we often start with things like mock trial and moot court-type programs and competition. There’s nothing wrong with those, but historically, law

schools have had fewer opportunities for those who are interested in transactional work to do skills training and experiential learning.”

The AltaClaro program for recent graduates, which wrapped up Nov. 24, included basic and intermediate instruction in mergers and acquisitions, corporate transactions and capital markets. Availability of space in the AltaClaro programs for recent grad-

uates was not expensive, Katz said, because the company either provided complimentary slots for law schools to distribute or steeply discounted admission prices to newly minted lawyers.

“The goal is to level the playing field a little bit and make sure that people outside of the law firm world have access to these types of courses,” Katz explained.

Katz said that AltaClaro is also examining ways of providing the courses as an integrated part of law school curricula around the country. “For me, at least, and I think for many of us in this world the Holy Grail here is that this type of training starts in law school and continues throughout the life of the lawyer, that it’s a lifelong learning trajectory,” he said. •

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LEGAL LITERACY

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tion, said that complications arise for lawyers working with clients who do not speak English or suffers from hearing loss. The inaccessibility of the legal system is “built in” through jargon, she said, but that inaccessibility is compounded by those other barriers.

“Do some of those legal terms even exist in Spanish?” she rhetorically asked. “[And] which Spanish are you talking about, because if you’re

with an old one and new one constantly clashing.

Freeman pointed to a similar disconnect that lawyers may experience with clients and others who are struggling to understand complex legal issues. “We simply need to do a better job of explaining our work to non-lawyers [and] community members,” Freeman said.

Martinez highlighted an even more challenging, but frequently overlooked, language barrier for the court system. She said that while court-appointed interpreters are

it can’t even just be a regular phone call, it has to be video so that way they can read my lips and the interpreter can see their hands. It’s just a whole other layer of trying to translate or interpret and then again, I don’t know how many of these legal things are in sign language,” Martinez said.

REPRESENTATION IN RETROGRADE

Martinez added another facet to an already complex issue, explaining

coming from. And then on top of it just a completely fundamental difference of what the law system is,” Martinez said.

Freeman noted another systemic issue, pointing out that representation is often out of sync with what communities look like.

“Are the folks who look like the rest of America – especially people who are from historically marginalized groups – [representing those areas?]” Freeman said, “That’s going to make you also think that this system is not designed for me at all.”

“What you see there too, is that you have a mistrust of the legal system based on where they’re coming from. And then on top of it, just a completely fundamental difference of what the law system is.”

— Annie Martinez

talking to someone from where my family’s from in Cuba, that Spanish is very different than somewhere in Guadalajara. It’s going to also be very different from somebody from Chile.”

Martinez said that younger attorneys and attorneys who work regularly with immigrant or economically impoverished communities experience pushback when they suggest changes to the system. To her, the assumption for many is that “this is a profession where we work at a higher level and that’s why people hire us to interpret it.” Martinez described access to justice in terms of two guards,

trained to provide interpretations of legal terminology into another language, the back-and-forth translation may frequently lose the client’s underlying message.

That, in turn, could result in distorted or inaccurate testimony. The client’s story is often literally lost in translation.

She also said the necessity of performing work remotely during the pandemic has made it harder for individuals who suffer from hearing loss to understand the language of the law.

“I have to have a video meeting,

that the Latino population in Colorado is “particularly vulnerable to [a] cycle of misinformation or being taken advantage of by individuals who are either not licensed attorneys at all, or just kind of shady attorneys who take advantage of knowing some Spanish.”

The problem of misinformation has plagued access to those who can improve access to justice because the communities who are most often targeted by it become more alienated from the justice system.

“What you see there too, is that you have a mistrust of the legal system based on where they’re

“When we look at who makes our laws, who serves as judges, whoever legislators voted toward overall – they don’t look like the majority of America,” Freeman continued, explaining that the representation gap is still apparent and that the legal system still has a long way to go to overcome accurate representation barriers.

“If the decision makers in the system that you want to learn about don’t look like you, I think you may see it as uninviting, as unwelcoming, as a space where you don’t belong – as a space where you’re not wanted.” •

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