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Opening the Gate: Expanding non-J.D. Pathways and Removing Barriers to Better Promote Patent Practitioner Diversity

The patent field suffers from a reciprocal problem: the cost of becoming a patent attorney is abysmally high, and the diversity of the patent bar is abysmally low. Although a lack of diversity in science, technology, and engineering (STE) fields at the undergraduate and graduate level contributes to this problem, it is evident the patent bar is even less diverse than the broader STE community. This lack of diversity artificially raises the costs of patent legal services and reflects poorly on the profession. The United States is currently at a critical juncture in the fight against systemic racism. It is incumbent upon patent professionals to increase racial and gender equity in their profession.

This Article recommends increasing the diversity of patent practitioners by (1) increasing the pipeline of students who aspire to become patent practitioners but want to avoid the burdensome time and financial commitments of a traditional Juris Doctorate program, and (2) removing systemic barriers these students face at the United States Patent and Trademark Office. These actions will not only increase diversity in the patent profession but will also provide an economic benefit by (1) increasing innovators' access to representation by patent practitioners, and (2) decreasing innovators' cost of patent protection through representation by lower-cost patent agents.

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