



Left to right:
Jay Sullivan,
James Spievak,
Nancy Bickford and
Josh Gruenberg

PHOTOGRAPHS BY
LAUREN RADACK

Solo Acts

On June 25, four sole practitioners participated in a roundtable discussion about a variety of topics, including the economy, marketing and ethics.

They included Nancy Bickford, a State Bar–certified specialist in family law; Joshua Gruenberg, who practices employment and personal injury law; and Jeremiah (Jay) Sullivan, a criminal defense lawyer. The discussion was moderated by James Spievak, a sole practitioner and former member of the San Diego County Bar Association Board of Directors, at the offices of Wright & L'Estrange. The discussion was

recorded by Janette Dukic of Hutchings Court Reporters.

JAMES SPIEVAK: Has the bad economy affected you, Nancy?

NANCY BICKFORD: Not noticeably. In family law, there is one theory that says with a tight economy, people can't afford to get divorced. But there is the other theory that says shortness of money with financial difficulties is the main cause of divorce.

JAMES SPIEVAK: Jay, in the criminal arena, has the recession helped or hurt you?

JAY SULLIVAN: It is kind of an interesting niche market that I practice—military justice—not only in a recession, but also in the time of war and conflict, so my practice has thrived across the country and around the world. Though it is a recession, it has really not had an impact on me.

JAMES SPIEVAK: Josh, there have been

The Steps to Solo

massive layoffs, bankruptcies, people out of work. How has that affected your work?

JOSH GRUENBERG: In the last two or three months, I have received calls every day from folks who are referred to me because they have been terminated and they want to see if they have a case. I am taking about the same number of cases, but I am having to explain to a lot of people why the law doesn't allow them a remedy, and that's the big difference.

JAMES SPIEVAK: Why did you choose to have your own firm and start solo?

NANCY BICKFORD: I decided that I would wait until I got my certified family law specialist. I spent about a year writing a business plan, planning the finances.

JAY SULLIVAN: I spent a number of years doing public service as an active judge advocate, and then I was a public defender on the East Coast. I traveled and lived around the world with the Navy. My last active-duty station was here in San Diego, and it kind of grows on you; I knew I wanted to return to San Diego. I believe the stars aligned. I took a couple of high-profile military justice cases, and then it was off to the races.

JOSH GRUENBERG: When I came out of law school, it was a really tough economy. I think a lot of lawyers who came out in '92 and '93 had trouble finding jobs, and I didn't feel there were a lot of doors open to me. Very early on, I realized that if I was going to have a good career, it was going to have to be a career I created for myself.

JAMES SPIEVAK: Do any of you belong to community organizations that have helped you in your practice?

NANCY BICKFORD: I have recently joined Rotary. I enjoy the work and the people. It is a fabulous organization, but

also networking is, obviously, going to be good for business one way or another.

JOSH GRUENBERG: I never joined any social organization to get business. I think people see through that, and so the organizations that I have joined are organizations that I joined because I am interested, like my cycling clubs or the San Diego Road Club.

JAY SULLIVAN: I believe you can't practice law, develop a practice behind the desk. You have to get out and go into the community. I have always been involved in service and joining clubs. One of my best friends, Al, led me to the Torrey Pines Kiwanis Club. He is a very good friend of mine, quadriplegic Navy SEAL, and we support disabled communities. I enjoy what they do, and you meet the greatest people who are really interested in helping our community. It is good, from the heart, so I have met great people, great lawyers and friends for life.

JAMES SPIEVAK: What is the biggest challenge facing solos today? Is it the high cost of doing business?

JOSH GRUENBERG: I have never seen that as an obstacle because from the very beginning, I started out very modestly, and every time I would increase my expenses, I felt that I could handle it. I never did a business plan. I never mapped everything out. I just took baby steps every step of the way.

JAY SULLIVAN: Practicing law is an easy part. You are also running a business. I do a business plan every year and reassess and evaluate and have goals. I think that for sole practitioners today, we are lucky with technology. Twice a month, I am back and forth to the East Coast. Thank God for laptops, PDF files, scanners, Blackberry. You can practice law anywhere in the world now and not be out of touch.

A checklist to turn the dream of going solo into reality

BY JUDI SANZO

ADMIT IT—you have been considering starting your own law practice for some time now. Perhaps you are a law student pending bar results who knew from the beginning of your education that you wanted to be self-employed. Perhaps you are a young associate attorney laboring for the benefit of your employer and longing for the freedom and flexibility of running your own business. Perhaps you are a victim of law firm downsizing or location closure that caught you by surprise. Perhaps you are a government attorney preparing to trade financial security for the autonomy, satisfaction and personal rewards of managing your own cases. Or you may be like me—an individual with entrepreneurial spirit and energy who does not want to answer to anyone except her clients.

Once you have admitted you are thinking about opening your own law office, your next logical step is to read the countless good articles about evaluating your aptitude for self-employment, measuring your business acumen, recognizing your tolerance for risk and financial uncertainty, locating and hiring key employees, developing your website and Internet marketing plan, assessing a confidence level in your legal skills and succeeding in solo practice. While these resources can be really helpful, they can also be overwhelming.

A checklist is available on the SDCBA website (at www.sdcba.org/solochecklist) for setting up your new office and suggestions on managing the daunting tasks you're about to face. You should make some preliminary decisions before you begin this step-by-step approach to opening your practice. Those decisions are best reduced to writing, to focus and clarify your objectives.

Judi Sanzo (judi@sanzolaw.com) is a solo practitioner in La Mesa.

What the Solos Say

We asked solo practitioners: What did you not anticipate when you opened your office?

DONALD SCHIFFER

I went from working in a large corporate environment, as in-house counsel and an executive, to a solo practice, and I did not anticipate how difficult and expensive the issue of health insurance would become. In the corporate environment it is a given, and in the solo practice environment it is a constant battle.

PAUL McMULLEN

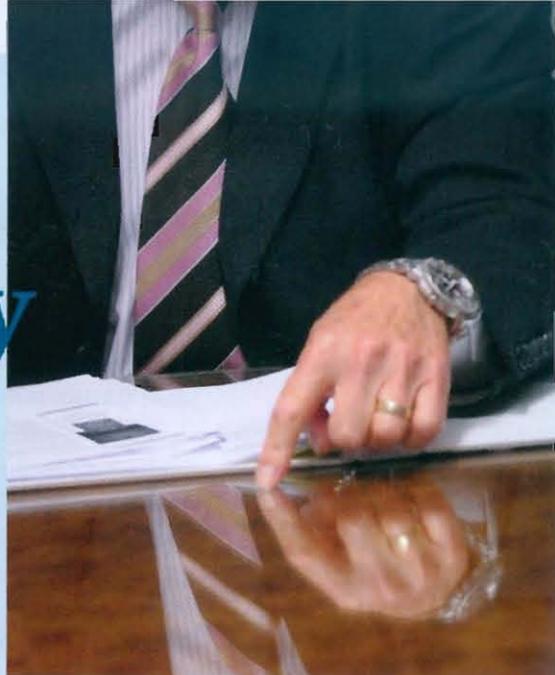
When I opened my firm a year ago, I tried to expand my client base. A friend informed me that there were lots of people requesting attorneys on Craigslist. I sent some e-mails. None of the potential clients were legitimate. Now I'm on the e-mail lists of a dozen employment placement companies.

SANDRA WAGNER

I did not anticipate the amount of time it takes from the actual practice of law to do the law office management part of having a solo practice—dealing with vendors, accounting and billing issues, employee issues, etc. At a larger firm those issues are not dealt with by associates, but at a solo-small firm those issues are ultimately dealt with by the attorney. Over the years, that part of my practice has become easier than it was in the beginning, but it can still be challenging, especially when the technology we so depend on fails and there is not an in-house IT person to deal with the resulting chaos. I have been in solo practice since 1989.

MARK BLANE

I did not anticipate all that was involved in setting up my own law practice. Reflecting back on it now, it is clear to me it was an evolving process that included selecting the right location for my law office after selecting the practice area (civil litigation/personal injury); choosing the right staff; choosing the right website and business cards; choosing the right malpractice insurance; choosing when and why to incorporate my



office; understanding what marketing techniques work best for me; and becoming proficient in my chosen field of practice. It was a fantastic learning experience, and I would not have done it any other way; I enjoy being a solo practitioner. All of what I did not anticipate in opening my own law office has given me great confidence in my ability to practice law. I have been in practice nine years, four months.

FREDERICK DUDEK

I did not anticipate how much time and money it takes to manage all the administrative issues of running a law practice. Complying with accounting rules, insurance matters, government regulations, payroll reports, etc., is still time-consuming even after six years. Hiring professionals, such as CPAs, payroll companies, computer experts, etc., helps—but as the person responsible, you still need to be aware of the issues and make the decisions. I started my small law firm after working as an associate and partner in a medium-size firm.

THERESA ERICKSON

I actually did not expect that I would spend more time running a business than practicing law. As law students, we are not trained in the business of business; instead, we are trained in the business of law. Being a solo is so much more. I have been practicing as a solo for almost 10 years.

JAMES SPIEVAK: Which of you use Blackberrys or iPhones to run your practice?

JOSH GRUENBERG: My little iPhone, where I receive e-mails and texts and have all my clients and appointments and everything, is indispensable. I have three kids—14, 12 and 9—and carrying that thing with me allows me to be with them more.

JAMES SPIEVAK: Nancy, what about you? Are you a Blackberry aficionado?

NANCY BICKFORD: I am getting there, but I am very lucky. I live very close to my of-

fice. My office is 20 minutes from any of the courthouses that I go to, and I can access my office from home, so I really use my home computer to talk to my office.

JAMES SPIEVAK: Who uses social media for their practice?

JOSH GRUENBERG: I don't. I try to keep that very separate. I have a Facebook profile, and I really try to keep it free of clients and lawyers.

JAMES SPIEVAK: Jay, do you have a Facebook profile?

JAY SULLIVAN: Yes, but nothing, really.

JAMES SPIEVAK: Nothing to do with your practice?

JAY SULLIVAN: Absolutely not.

NANCY BICKFORD: My daughter set me up on Facebook, so I could go and read their profiles, and I have never logged on.

JAMES SPIEVAK: How has the state's fiscal crisis affected your clients' ability to get access to justice?

JOSH GRUENBERG: I haven't felt it at all.

NANCY BICKFORD: The cost issue, again,



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to me is a non-issue. I am too busy getting the motions filed. We just call the attorney service, and the check is written. I don't pay attention to that. The courts are getting more and more clogged. The caseloads are overwhelming.

JAMES SPIEVAK: Josh, do you have a Web page?

JOSH GRUENBERG: I think I have had some sort of Web page for 10 years. A friend created it for me.

JAMES SPIEVAK: Jay, do you have a Web page?

JAY SULLIVAN: Yes, for about four years. A relative who's a Web designer developed it for me. It is a static website online brochure. We update it perhaps once a year with content.

NANCY BICKFORD: I looked at other Web pages throughout California and decided what design I wanted. I wrote it all myself. It took a few months to put it together. I had a technician do the technical parts.

JAMES SPIEVAK: What has your Web page done for your practice?

JOSH GRUENBERG: It is just a place

where the clients can go to check you out. I think we have to be aware that our clients are Googling us, so I keep tabs on that.

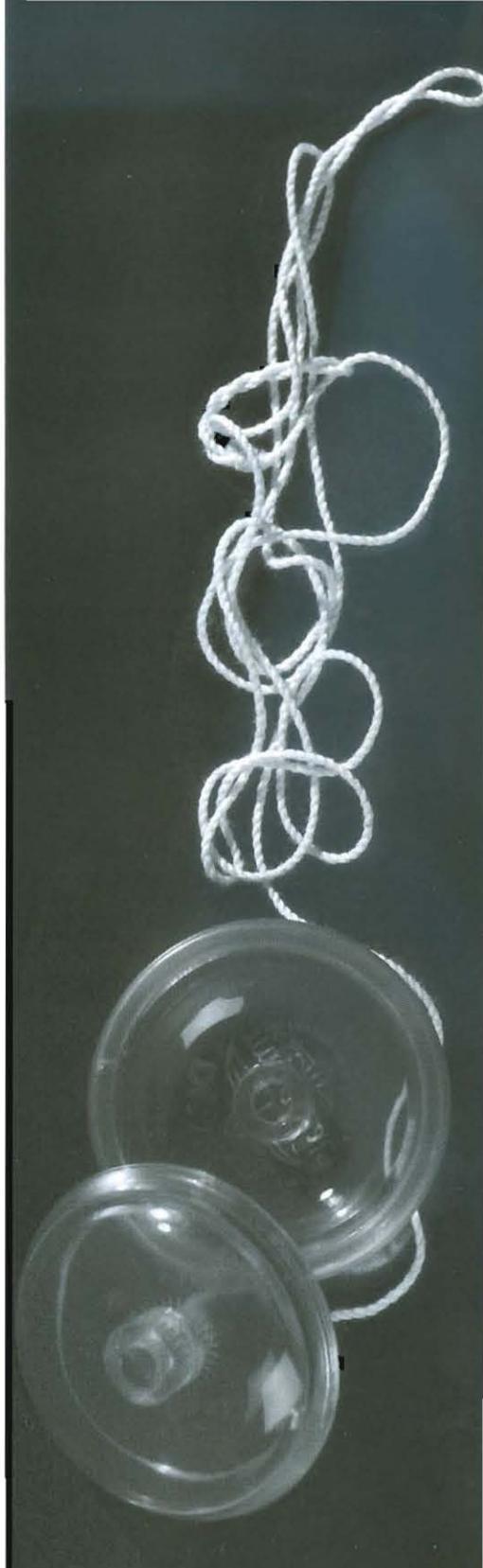
JAY SULLIVAN: Since I take cases across the country and overseas, it enables service members around the world and some folks even in Iraq to be able to reach out and find me and get in touch with me. I get e-mails from the Middle East, so it actually works very well for me.

JAMES SPIEVAK: Nancy, has it helped your practice?

NANCY BICKFORD: The reason that I created a website was pretty much what Josh was saying. If clients wanted to learn more about me, I wanted to make that available to them. It isn't so much necessary to solicit business.

JAMES SPIEVAK: Have any of you ever had a problem of mixing or the conflict between the ethics law and the business of law in your practices?

NANCY BICKFORD: I think every day we face that. Ethics versus zealous representation is more what I am thinking, but I believe most of my colleagues in



Problem.

this specialist area in family law put their ethical obligations first. If you don't, and if a judge or a colleague ever finds out that you pushed the envelope or went outside the envelope and said something dishonest or allowed your client to say something dishonest, that stays with you the rest of your career. Earlier you asked what is one of the greatest challenges affecting sole practitioners. As we spoke, it occurred to me that probably our greatest challenge is that we can't even out the flow of work if you are one person. When the phone rings five times in a day and you have five clients that are very active, it is hard for one person to do all of that. Having associates really does help a lot to spread the work out.

JAMES SPIEVAK: I have relied upon a full-time paralegal most of my career. In addition, since I have been a sole practitioner, I have had a senior attorney who does not represent clients, who only does law and motion work for me and a couple of other lawyers, and I could never do litigation without that. They are an investment of resources. For a sole practitioner to write his or her own motions, to me, is something that you are going to have to spend all night doing, because you have got to go to court, and you have got to write letters, and you have got to write others.

JOSH GRUENBERG: I don't think you can serve your clients well by insisting that you do everything. You know, there are certain things that my associates can do very, very well; there are certain things that my paralegal can do well; and there are certain things that I do well. I think dividing up the work and figuring out how to do that is very important to being a solo.

JAMES SPIEVAK: What advice would you give a new lawyer starting out with his or her own practice in San Diego?

JAY SULLIVAN: Coming here to San Diego, I really didn't know anyone. I did have some contacts from my military. But get involved with your community.

JOSH GRUENBERG: I would say find something that you really love to do and get good at it; try not to worry about the money. If you like it and you are good at it, the money will come later, but try to find an area of law you are passionate about.

NANCY BICKFORD: Many new attorneys I see think that because they are an attorney, it is appropriate to go into court and act inappropriately or be rude or be sort of cocky. Read your Code of Ethics, know your ethical standards, and never lose your ethical compass, because if you do, you will never get anywhere in law. ↵



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