



One Solo Lawyer's Reality

It took me a while to decide to publish the following email I received from a 50-something solo lawyer whose practice has fallen with the recession. There is no spin to put on her reality. Her story is one of doing everything right only to wind up with everything wrong. She followed all the rules, worked hard. No wonder she looks askance at the advice of those of us who promote new ways of practicing law. If the rules didn't work before, why should they work now?

Today is Labor Day, and I do not feel like celebrating.

Labor Day used to mean the unofficial end of summer. In my younger years, as the only daughter in a staunchly union steelworker family, it meant barbecue, Mom's potato salad, and preparations for the kids to return to school. Which I did; through grade school, junior high, high school, and later college, graduate school, law school. It was good.

As a young lawyer in the mid-eighties, Labor Day meant a celebration of a four-day work week. Still good.

Then I got married and my own children arrived – three boys in a little more than five years – and I discovered that I could not continue practicing law and raising a family. Labor Day returned to my family origins; barbecue, my improvements to Mom's potato salad, and preparations for my kids to return to school. There were no more celebrations of a four-day work week, because now every day was a work day, 24/7, homework and school field trips, holidays spent cooking and cleaning, vacations centered around family activities. And it was mostly good.

After 10 years away from practicing law, I opened a small litigation office minutes away from home and the boys' respective schools. How to describe the discovery that I still had what it takes: quiet satisfaction, no more, no less. I controlled my hours so I was still available to pick up kids after school – lots of kids, an SUV-full, because my house was the hang-out place. I got busier and busier at work, and I had a husband who was a lawyer with whom I could discuss legal strategies, problems in cases, procedural requirements (I was always better at instincts and less enamored with the dictates of the Code of Civil Procedure). And it was still mostly good.

Until it wasn't. In 2006, when I was 49 years old, my marriage abruptly ended. My sons were 16, 14, and 11 at the time. My business was still flourishing, but it was hard. I no longer had back-up; a sounding board I think every lawyer needs to weigh difficult decisions, take calculated risks. I was also determined that the impact of the divorce would only minimally affect my children – in retrospect, a pipe dream born out of anger and denial. I held onto the house, even as it sank deeper under water. For the first time since my marriage, I paid my own bills, did my own billing, struggled to make ends meet. But I held my own, and there were still occasional flashes of good.

In thinking back, it was around Labor Day, 2008, when I began to notice that new cases were not replacing old ones. My income was dropping precipitously. One son was floundering in college, but the other two – in junior high and high school – were doing well, and no longer required the luxury of my constant presence. I am a damn good litigator, with an impressive track record, and the decision to seek a stable job with a bona fide law firm came easily. The job itself remains elusive to this day.

The first recruiter I spoke with was plain-spoken when he told me that, at the age of 52 and with no recent big-firm experience, I was unmarketable. Another casually asked for a photograph. I decided to eschew recruiters, and hit the job boards myself, joining Internet sites and combing craigslist. In a year's time, I sent out hundreds of resumes to firms and companies up and down the state of California. I received two or three polite rejections. The rest were ignored.

At the urging of an American Indian acquaintance, in the autumn of 2009, I traveled to Pine Ridge Reservation, home of the Lakota Oglala Sioux, who were in desperate need of legal representation. I participated in sweat lodges, and slept in a loft, with half a dozen polite young Indian men, and one scurrilous white male "caretaker" hiding out on the Rez from who-

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knows-what, taking up quarters downstairs. The tribe needed help; but they had no money to pay. I wanted to help; but I could not afford to do so pro bono.

On this Labor Day, the newspaper is full of sad stories about people out of work, and dismal predictions by economists that any jobs rebound will probably not occur in my lifetime. I have long since closed my downtown office – the rent was too high – and cancelled my answering service. My office line now rings directly to my cell phone. I work out of a home office on the cases that still trickle in, although I no longer worry about billable hours and sizeable retainer fees. Instead, when a potential client comes to me with a legal problem, I size up his or her ability to pay. A custody battle will now earn for me \$2,000.00 or \$5,000.00, even though the my time involvement is the same. A felony criminal trial costs my client \$5,000.00. I take payments. I successfully had DUI charges against a client dismissed at trial in exchange for gardening services. One woman, whose estranged husband had abducted their four daughters and taken them to Canada, gave me a diamond ring she said was worth \$4,000.00. The ring appraised at \$2,000.00. The most I could get a jeweler to offer me for it was \$600.00. I got the daughters returned; their mother asked for her ring back.

I am deeply in debt, though we are surviving. But it is rarely good. I worry constantly, and have only a dim recollection of the girl, and the young woman, who spent Labor Day eating barbecue and preparing to return to school. I am part Cherokee, and have come to accept that, despite my earnest preparations for a good life and prosperous retirement, this is my real path. Yet every morning I light sage and pray that it is not, in fact, a road that leads to nowhere.