

How to Pay the Bills Without Selling Your Soul

By Lynne Williams, Golden Gate University School of Law NLG Graduate, former NLG Executive Vice President and Northeast Regional Vice President

Lawyering is a second, or I should probably say third, career for me. I was 48 when I graduated from law school, and a single parent of a ten-year-old son. In no way was I pressured to apply to *any* law firm, no matter what the level of prestige. I assume no one in my school's career services thought I would ever get an offer, and certainly no professor or staff who knew me well thought I would ever accept an offer, even if one was forthcoming.

So, I needed to create my own path and to this day it's been a constant source of pleasure, surprise, frustration, disappointment and, overall, much satisfaction.

Creativity is at the heart of identifying your own path. For me creativity was a combination of what I like to do, what people need and how I can combine those two categories in a practical sense. I had done three clinics when in law school, two Constitutional law clinics and one public interest clinic, and found both of them to be interesting, educational and rewarding. In the Con law clinics we worked on lawsuits against nursing homes that were force-drugging the elderly residents. My placement for the public interest clinic was at an agency that advocated for children with special educational needs. When I graduated, I decided that I liked both of these areas of law (of course, having not experienced any other area in a practical sense, I was limited in my decision making!) and should pursue them.

Then reality kicked in. There was no way I could afford to open a solo practice in the San Francisco Bay Area. So my son and I packed up and moved to Maine, and *why Maine* is certainly a story in itself. However, in short, I was leaving California, forcing my little boy to leave a place that he loved, a place of such beauty and outdoor opportunities. I was determined to take him to a place that was not only affordable, but just as beautiful as where we were leaving. I found it here.

Your Alumni Directory is Your Friend

Upon arriving in Maine, I pulled out my alumni directory and found that 7 Golden Gate University Law alums lived in Maine. I called the first one and got her on the phone—not voice mail, but her. I introduced myself, said I had just moved to Maine and was doing informational interviews with GGU Law alums to get the lay of the legal land. She said she and some others had a contract with the state to conduct special education due process hearings and they were looking for an additional hearing officer. So I was taken onboard and for five years worked at this very rewarding, part-time gig.

Non-Legal Work

My income from the hearing officer work was sporadic, and to supplement it I took a part-time job on a two-year grant-funded project, researching best practices for home health care workers who worked with children with disabilities. When that project ended, I answered an ad for a half-time employee at Maine's Court Appointed Special Advocates (CASA) program. I was hired and for three years I recruited, trained and supervised volunteers for this wonderful program.

At this point, I hadn't taken the bar yet, since these were all jobs that did not require bar admittance. And they were fairly well-paying, the CASA one even coming with benefits although it was only

part-time. Don't write off non-lawyer jobs! Would you rather spend your work week doing document search in some stuffy conference room—a lawyer job—or spend the same time supervising volunteers who help abused kids and figuring out how to get children with disabilities appropriate educational services? To me, there's only one answer to that question.

Word of mouth is the best way to get these jobs. My alumni directory led to the first one; a neighborhood woman led to the research job; and my boss at the research job turned me on to the CASA job since the Executive Director. Networking is key!

It is worth noting that there are freelance writing jobs available, both legal and non-legal, that might appeal to you. Last year I wrote a 10,000 word e-book on special education law and was paid a flat fee for it. For more on ways to find projects, see the Resources section below.

Court Appointed Work

I finally took the bar exam and passed. I appeared to be the oldest person there with the exception of a 76-year-old gentleman who had practiced law in Nevada, starting his practice before there was a bar exam. He had retired to Maine, fished for two weeks and decided he needed to go back to work. He was required to sit for the bar and I sure hope he passed.

I decided to move on from CASA, since as a state employee I couldn't practice in state court, and I wanted to open my own litigation practice. I would have loved to continue with the hearing officer contract, but the school district attorneys had declared me to be too “pro-family” (not in the way the right characterizes it!) and the Department decided I was more aggravation than it was worth. I needed to find clients fast.

Most states have public defenders offices, but some do not, Maine included. I got onto the roster for court-appointed criminal defense work, representing indigent defendants. This work has its upside and its downside. The downside is that there is a cap on the total fee for a case, depending on the level of the charge, and that fee only made sense if one negotiated for the best plea for a client. Therefore, it made no financial sense to go to trial.

However, the work is constitutionally important and well worth doing. And since so few attorneys actually take these cases to trial, any attorney who does go to trial instantly receives attention, often media attention if it involves a particularly “media worthy” charge. Remember, I don't practice in a large city. In my experience, indigent defense work quite often results in paying client work involving the same or similar charges. Defendants are always seeking attorneys who won't take the easy way out.

About two years after starting my practice, I was finally able to fulfill my dream of litigating a constitutional issue in a criminal trial arena. There was a sit-in along the highway in an adjacent town, with the protestors trying to stop the widening and straightening of the road, which would require removal of numerous trees including a historically significant horse chestnut. Protestors sat in trees and chained themselves to trees and refused to disperse. You know the drill—arrested for criminal trespass. One of the defendants was a friend and asked me to defend him. Along with another attorney, a fellow NLG member, we defended 10 activists at trial, proudly losing, but not until we raised the free speech issue. The judge even allowed one of the paintings of the chestnut tree that an artist activist created to hang in the courtroom during her testimony.

Five years later, the activist who had initially contacted me about the sit-in case told me that he was applying for a permit for an anti-war march in the state capital and the police were requiring a

\$2500 fee plus insurance. This case, *Sullivan v. Augusta*, had a long history in both state and federal court, but suffice it to say that it established some sound constitutional principles, at least in the First Circuit. I suppose the lesson you should take from this is that constitutional issues are not just litigated by national civil rights organizations but also by sole practitioners. The NLG is filled with such folks, some who do it sporadically and some who pretty much specialize, so the work is out there. The support I have received from these attorneys, through the NLG Mass Defense Committee, is incredible and invaluable. While my solo work in this area is financially a pass-the-hat situation, when the *Sullivan* case went to federal court I partnered with the Maine ACLU, which was both a learning experience and a financially rewarding one, since I was able to recover attorney's fees from the federal court. However, that wouldn't have happened if I hadn't taken the chance and brought the initial *Sullivan* suit in state court.

Find an Early Niche

I found my niche even before going to law school. In fact, I went to law school to learn more about my niche. Unfortunately law school taught me nothing about my niche; fortunately, volunteering did. My niche was and, to a certain extent, continues to be special education law. My own son, now 26, has a disability and the reason I went to law school was to become an expert in special education law.

What is an early niche? It is the semi-specialty that will make you known in your professional and geographic community. An early niche is not necessarily a specialty that you will pursue during your entire career, although you might. In addition to visibility, an early niche will lead you towards other related areas of law. Working in special education law, I found that it would be very helpful for me to learn about probate law as well as the federal American's with Disabilities Act. Learning probate law led me to take on clients seeking guardianship of their adult child with disabilities. My knowledge of the ADA led to me becoming local Maine counsel for out-of-state attorneys who specialize in ADA suits throughout the country. A local niche is all about word getting out and around!

Mediation

I have a Ph.D. in social psychology and did my dissertation on conflict resolution. I believe that alternative, non-legalistic dispute resolution, such as mediation, is one of the most effective ways of resolving conflicts, particularly those involving families, neighbors, students and other parties who have a relationship, no matter how negative.

Mediation training is widely available, through CLE's offered by many state bar associations, as well as through national institutes. There are also numerous webinars available. If you are interested in becoming a mediator, my advice would be to get as much hands-on practice as possible. Mediation requires strong listening and interpersonal skills, best acquired live. That said, however, meeting whatever credit hours you need to get to become a mediator in your state can easily be supplemented by archived and live webinars.

There are multiple paths to take towards becoming either a full-time mediator or using mediation as just one part of your professional work. Many states require mediation for certain types of civil litigation, including personal injury, real estate, small claims and general civil actions. Often the court system maintains a roster of mediators from which the parties choose. The requirements differ by state but, at least from experience in my state, a place for a new mediator to start would be small claims mediation. In my state, the court schedules mediators to be present on small claims days and the judge will request that those parties who are disputing the debt meet with the mediator. Other areas requiring mediation in many states are family law and probate law.

Alternatively, you may choose to do private mediation instead of, or in addition to, government sponsored mediation. One program that offers mediation to clients is Volunteer Lawyers for the Arts, with programs in many states. In my current state the program offers services to clients on either a pro bono or reduced rate fee, so there is the possibility of at least some income. From my own experience, many pro bono or reduced rate clients become subsequent paying clients.

Local Appearance Companies

Particularly in the area of creditor collections, there are national collection firms that contract with local attorneys. I have done some of this work when my regular legal work was slow. It usually involves appearing at a small claims hearing on behalf of the out-of-state entity and, if the debtor fails to show up, getting a default judgment and, if the debtor does show up, meeting with the debtor about establishing a payment plan and/or mediating or even doing a trial on that day.

Trials are few and far between. Usually the debtor doesn't contest the amount due and a judgment is entered. Sometimes, however, the attorney must meet with the debtor and try to work out a payment plan or go to mediation. I live in a relatively poor state and my heart went out to the debtors that appeared in court. At times I felt guilty about doing this type of work, and I still don't do much of it. However, no debtor was every nasty or hostile to me and more than once a debtor told me that *finally* there was someone that they could negotiate with face-to-face.

This work pays, on average, \$50 per appearance and there are a number of companies that are in this field. The only one I have worked with is www.appearanywhere.com.

Go Rural

I moved to a rural community because it is affordable. Once here, I discovered that even small cities, like Portland, Maine are filled with lawyers. Yet the rural communities in my state, as well as in other states, are suffering an access to justice crisis. One of the poorest and most rural counties in Maine—Piscataquis County—has 17,000 residents, and 17 attorneys, one of which is the state court judge. By contrast, Knox County, a semi-rural county only 90 minutes from Portland, has 39,950 residents and 138 attorneys, three of which are judges. I don't need to do the math for you, rural communities need our services.

Rural lawyers practice the law that rural folks need, not the law that large corporations want. Some lawyers in my town and surrounding communities limit themselves to one area of law, usually real estate. Others are more expansive, as I am. I represent a number of local restaurants, artists and other small businesses, for whom I draft LLC documents and employee handbooks. I have educated myself on trust and estate law through taking some highly focused CLE seminars, have become the “go to” attorney for special needs trusts, and often those clients have other legal matters that they need handled. I choose not to do bankruptcy law, but there is certainly a need out there for attorneys who include it in their practice. I took on one foreclosure case for an ongoing client mainly because I have such anger at the banks in this country. I spent countless hours figuring out the facts of the case, got some great sample documents from lawyers throughout the country, submitted 28 pages of discovery requests and, suddenly, Wells Fargo Bank capitulated. We won: my client kept her home and the bank wrote off three years of unpaid mortgage payments. They count on folks not defending against foreclosure, but that takes lawyers willing to take the cases.

I have always used a sliding scale but, with a few exceptions, I charge all of my private clients something. The exception is my political legal work which is pass-the-hat to pay the expenses. The “something” from a private client might be \$50 or \$25 an hour, or just \$25, or it might be a dozen

eggs or a free massage or some gardening work. When I do get someone who can pay full freight (my current fee is \$200 an hour) I explain to them that they are supporting legal services for someone who has not been as financially lucky as they have been. They usually like that.

Think Ahead But Go With the Flow

I'll jump right in with this—marijuana law is the wave of the future. Maine legalized medical marijuana in 1999. In 2009, the state passed a law allowing caregivers, formerly only family members or housemates of a patient, to service 5 independent patients. Caregiving became a business and since I had defended a number of patients in the early days of the medical marijuana law, my name was out there and caregivers began contacting me to create LLC's for them.

Fast forward to 2015: I just took on an out-of-state client, a venture capitalist who wants to invest in a caregiving operation. The caregivers he will be investing in have been doing just fine for years, but it is not medical marijuana that is in his sights, but recreational marijuana. With four states and DC having legalized recreational marijuana, Maine is thought to be one of the next states to do so. Early this year, I was retained to work with legalization activists in drafting the people's initiative to legalize recreational marijuana, so I know what's in it better than anyone. If it passes, I have no doubt that I will have clients calling to address their legal needs in what will be a whole new economic sector in our state.

I never planned to work in this area of law. In fact, this area of law didn't exist when I graduated from law school. I drifted into it quite by accident. I guess the thrust of this section is to plan, but stay open.

A couple of pieces of advice if you are interested in this field of law. Join the NORML legal panel at www.norml.org. For many years I was the only Maine attorney on the panel and I got lots of referrals from it. There is an annual fee, but each year I earned back that fee many times over. The legal support from NORML attorneys is incredible and there is an excellent brief bank. Early on, most of my referrals were for criminal defense. Now most of my referrals are questions regarding the medical marijuana law and requests for LLC's and other business entities. For example, I recently prepared business documents for a doctor opening a clinic and had to learn all there is to learn about HIPAA in order to prepare patient notices, employee notices and the like.

Second piece of advice: forget about the states that have already legalized recreational marijuana. Big law has taken over the legal arenas in those states. Stay in a state, or move to a state, that has medical marijuana but not yet legal recreational marijuana and create your reputation. Few attorneys in smaller states work in this area and you will stand out.

Lightning Round!

Do I need a web site? Maybe if you are in a large metropolitan area, but I have never had a web site. Nor do I subscribe to lawyer referral services, with the exception of NORML (see above).

Do you charge for every thing? Not at all. I am not a phone person so in order to discourage phone calls and encourage emails I charge for phone calls and not for reading emails. My email box fills up daily, but I can review at my leisure, as long as it is within a 24 hour window within which I guarantee my clients I will respond. My phone rarely rings. I don't charge for travel or mileage within a forty mile radius.

What about an office? I had an office for 9 years, but now work out of my home. If I need to meet clients, I meet with them in a conference room at the court house. Just recently, my town opened a

facility with desks, phones and conferences rooms that can be reserved daily or even hourly, so I will be utilizing that.

Do you have specialized legal software? No. I use Open Office and find that it works for any of the documents that I do. If you do decide to practice bankruptcy law, however, I advise that you invest in specialized bankruptcy software.

What about electronics? I work off of a MacBook Air, an ipad and an iphone. No client ever knows if I'm in my office or not. Most of them don't even know I don't have an office. And most wouldn't care one way or the other, as long as I address their issues.

What about business cards? Yes, yes and more yes! Yesterday I got an email from someone who had an old business card of mine, one I had printed up years ago when I was in another town with another phone number. But the email is still the same and so now I have a new client who held onto my card all that time.

Final Thoughts

When my son was 12, I presented at career day at his school. At the reception for the kids and the presenters, one of my son's classmates commented that he must be rich because his mom was a lawyer. My son shook his head, and said, "No, we're not. She's the kind of lawyer that helps people." I live by that motto and you can too. It just takes some thought and a lot of hard work, and switching gears when something isn't working, and not valuing your skills by what you charge, as well as charging what you're worth when the client can pay it and being open to opportunities as they present themselves.... and I could go on and on. But you get the outline of the picture, now you just need to color it in!

Please feel free to email me with questions, LWilliamsLaw@earthlink.net.

Resources

Communitydispute.org – Cambridge, MA

Mostenmediation.com - Los Angeles, CA

<http://www.vlany.org/legalservices/vladirectory.php> – Volunteer Lawyers for the Arts Directory

Mediationworks.com – job listings and a calendar of courses throughout the country

Freelance projects: Craigslist and also on www.writersweekly.com

Rural practice: www.rurallawyer.com