



Surviving the legal profession

The first years in private practice are often tough. Mentors and a support system can get you through it.

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“If you really want to help people, you have to stay in business.”

Lawyers experience depression nearly four times more frequently than the general population – we have the highest rate of any profession, and we also top the charts for suicide and substance abuse. A recent survey found that 75 percent of lawyers are unhappy with their profession. There are countless theories to explain this, but common sense is all you need.

“We’re the only profession where you’re licensed one day and practicing the next, and that leads to stress,” says Roxanne Romell, a tenant attorney based

in Oakland. Romell says it’s crucial for new attorneys to find mentors, and that even seasoned practitioners need to consult with other lawyers when novel questions arise, a case unexpectedly explodes or a trial is assigned to an unfamiliar judge.

Romell had the foresight to seek mentors in her third year of law school. “I had written grant proposals to start a nonprofit as a way of creating my own job, and I needed a sponsoring organization. I learned about Collective Legal Services in Oakland and went to one of their meetings. They embraced me, sponsored my project for a year and helped me transition from a law student to a solo practitioner.”

Romell found mentors in Ira Jacobowitz, Phil Rapier and Bill Simpich –

Oakland attorneys with a passion for representing low income tenants. “I remember taking Ira to court with me so he could make the oral argument, but Judge (Gail) Bereola made me do it myself. At the time I thought that was horrible, but now I understand it was the right thing to do.

“Ira always shared his pleadings, and you could call him eight times a day with questions,” recalls Romell. “It’s critical for lawyers who are starting up to find a support system, whether that be through their local bar association, the trial attorney organizations or specialty groups like the East Bay Tenants Bar.”

Of course, finding mentors is just part of the challenge. Plaintiff attorneys also need cash to front the costs of litiga-



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tion. "I went to New College of California School of Law – a public interest law school. I wanted to do good work, run my own practice and earn enough to stay in business. My first instinct was to work for free, but I quickly discovered I needed a business approach even though I serve disenfranchised and underrepresented clients," says Romell.

Take care of yourself to take care of your clients

"My Republican father, who was appalled that I chose to practice public interest law, gave me great advice. He said, 'You have to take care of yourself or you're not going to be there in five years to help anyone. You have to charge your clients, and you have to make sure you collect the money.'"

Romell took this advice to heart, and found it benefited her clients as well. "It's important for my clients to understand this. They have to have a stake in their case. If they sit back and expect others to solve their problems without their participation, they're less likely to gain knowledge from their situation and apply it to the rest of their lives.

"If you really want to help people, you have to stay in business. For the first five years of my practice, I scrambled to find income however I could while I accumulated enough capital to fund contingency work, which of course pays better, but doesn't provide a reliable hourly wage. Today, I can pick and choose my cases and survive the dry spells while I wait for settlements and verdicts."

Impact Fund helps finance litigation

Helping plaintiff attorneys finance litigation has been the focus of Brad Seligman's career since 1992, when the veteran civil rights attorney started the Impact Fund in Berkeley. Seligman's organization has awarded more than \$4.3 million to attorneys to advance litigation costs for

public interest class actions and precedent-setting cases. The Impact Fund functions as a revolving litigation fund: Successful grantees repay the fund when they win their case; unsuccessful ones don't.

But the secret to the Impact Fund's success has nothing to do with money. Grantees get invaluable assistance from Seligman and his staff. "We encourage inexperienced attorneys with great cases to contact us. We provide a wide range of help: Everything from moot courts to amicus briefs to finding the perfect co-counsel and expert witness. We also help attorneys draft pleadings, manage documents and we provide assistance with mediation and settlements."

Seligman says the Impact Fund's services extend beyond the courtroom. "We help attorneys develop holistic strategies that include press advocacy and finding support from community-based organizations."

Seligman's Impact Fund also helps plaintiff attorneys who are not grantees through trainings on class actions and impact litigation in locations throughout California. Their Web site, www.impactfund.org, offers how-to articles on a variety of litigation topics. Their links page is a virtual goldmine of public interest law resources in the Bay area and beyond.

When I caught up with Seligman, he was preparing to teach the Impact Fund's first annual three-day Impact Litigation Institute. "This is the first time we've offered this intensive class action training, and we invite interested attorneys to contact us about next year's Institute."

Network like crazy - in the public interest

Seligman agrees with Romell that developing mentors and finding supportive colleagues is the best way to reduce stress and become a successful plaintiff attorney. "Network like crazy. The Bay area has a uniquely rich public interest community that welcomes volunteers.

That's how I started, by volunteering at Public Advocates in San Francisco. That led to a legal aid job that lasted 11 years."

Of course, the Bay area's reputation as the mecca for progressive lawyers makes finding a public interest job there particularly daunting. Local openings draw applications from attorneys across the nation.

Oakland plaintiff attorney, Toni Mims, coped with the Bay area's competitive public interest job market by working as a legal assistant for a law firm while she waited for her bar exam results. She did not enjoy practicing there, and quit two months after learning she had passed the exam. While she searched for a public interest law job, she earned money by becoming a substitute middle-school teacher. "I had never taught before, but I was able to take an exam, get emergency credentials, and teach seventh grade science for a semester. I also taught English and finance at night at Heald Business College in Hayward."

A short time later, Mims learned about Oakland's Eviction Defense Center. She became their staff attorney for two years, then left to start her own practice.

Five thousand in the bank - and scared

"I had five thousand dollars saved up when I started. I had to buy furniture, pay rent and support myself. I was scared, but I just had to do it. My dad had been self-employed so I had it in my blood – I knew I wanted to be my own boss.

"I needed income for the first six months while I built my practice, so I signed up for the Juvenile Dependency Panel for Alameda County." To her surprise, Mims found that she enjoyed the work, and today she continues to represent both parents and minors. "I like working with the kids I represent. They tell me they love having a young African-American woman as their lawyer."



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Mims says that her race can be both an advantage and a disadvantage in her work. It allows her to better relate to her young clients, who tell her things they will not share with white service providers. Mims' 13-year-old African-American client told her she would not talk to her white social worker, whose privileged upbringing had given her no familiarity with the challenges faced by low-income African-Americans. Mims relayed her young client's concerns to the judge, who promptly ordered a new social worker better equipped to provide effective counseling.

Prejudice has become more subtle, says Mims, who has learned to use stereotypes to her advantage. "People treat me like I'm right out of law school. They assume I work for someone else, or that I've got a supervisor. Sometimes I use that to win a better deal for my clients.

"Lawyers who don't take me seriously don't prepare as well as they might for white opposing counsel. That works to my advantage," says Mims.

"I know what some lawyers say about African-American attorneys, and I always make sure my paperwork is perfect. I'm friendly and professional, but I don't chitchat with opposing counsel."

Mims has also encountered prejudice from African-American clients who think having an African-American woman attorney will hurt their case. "Certainly there are some cases where race and gender matter, but for most cases clients should look for a good, experienced attorney. A regular player in the game will get their clients the best deal."

Like Romell and Seligman, Mims also believes that all attorneys, regardless of experience, benefit from supportive colleagues. She recommends Alameda County's Juvenile Dependency Panel to new litigators. "It's a great way to get courtroom experience, because you attend hearings on a regular basis, and

they provide mentors and free training."

When her son started college in 2005, Mims found time to mentor new attorneys as a board member of Women Lawyers of Alameda County. "If you're feeling isolated, get involved and volunteer. We encourage women attorneys to support each other, to network and pool resources. Be brave. Go do something new."

Mims is also a member of the Charles Houston Bar Association, and serves on the Alameda County Bar Association's Judicial Appointments Evaluation Committee. She says none of this was possible when she was a full-time mom.

Balancing motherhood and the law

Balancing motherhood with a law career is one of the most stressful challenges any lawyer can face, but it is particularly difficult for plaintiff attorneys who do not work in large firms. One Bay area plaintiff attorney, who prefers to remain anonymous, has struggled to maintain her career after giving birth to her child three years ago.

"I tried to be a stay-at-home mom, but I missed having clients. For me the whole point of going to law school was to work with people and help them. I wanted to be intellectually challenged. I missed having colleagues and the daily interaction that comes from working in an office with people doing work you like and feel strongly about.

"So I tried doing part-time work from home. I had a babysitter two days a week so I could go to the office when I needed to. But when my son started preschool, it became impossible for me to drop him off, travel into the city and return three hours later to pick him up. So I started working from home almost exclusively after my son and my husband had gone to sleep. But starting work at 1 a.m. wasn't the answer. I was exhausted and I knew I was bound to fail if I didn't stop, so I quit.

"I feel so conflicted. After being a full-time mom for a year, I'm about to start a full-time job. I should be ecstatic – it's a great firm, great attorneys, and they do good work. But I'm concerned about how I'll feel when I'm not spending my days with my son, and I worry about how he'll respond to my absence."

There is no easy solution for new parents who want to maintain their legal careers. But there are some pointers that can help ease the way.

"Try to work and live in the same community to minimize the commute to work, and look for child care close to your job. Find reliable child care from a flexible provider who can cover when emergencies keep you at work, and explore job-sharing. When you look for a job, check to see if your employer offers maternity leave. Try to get a sense of whether there are other parents there, and talk with them to see if it's OK to come in late if your child has a doctor's appointment, or to leave early if there's a school function to attend.

"There's no panacea. You have to work hard to find a precarious balance. Be creative, every situation is different. It's a moving target with a lot of pieces to it, but if you can find a solution that works it's very fulfilling."

Support from SF trial lawyers group

Resourcefulness and persistence can help solve other challenges we were not warned about in law school. It took me many hours of research to find a way to join a group health plan. I had almost given up when I found the San Francisco Trial Lawyers Association. It offered a great place to network, a reliable source of MCLE training, a terrific Listserv for quick answers and sample pleadings, an inexpensive alternative to Westlaw, and access to benefits, including a group health insurance plan.

Malpractice insurance was another concern. I asked other plaintiff attorneys for advice and learned about insurance



offered through the National Legal Aid and Defender Association. It proved far less expensive than any other plan I could find. Information about the organization's malpractice insurance is available at <http://www.nlada.org/Insurance>.

To learn how to set up a client trust account, I turned to the State Bar, which offers a free publication to guide new practitioners at http://www.calbar.ca.gov/calbar/pdfs/ethics/2006_CTA_Handbook.pdf

Next year the State Bar will offer a newly-revised version of *Opening a Law Office: A Handbook for Starting Your Own Business*, by the California Young Lawyers Association (CYLA). CYLA is the nation's largest organization for attorneys who have been practicing law for less than six years, or who are less than 37 years old. Membership is free and automatic for new State Bar members, and more information can be found at http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10105.

To find interesting and free sources of MCLE training, consider joining the AIDS Legal Referral Panel (ALRP) in San Francisco. Founded in 1983, ALRP offers free and low-cost legal assistance in all areas of civil practice to people living with HIV/AIDS. ALRP's frequent MCLE trainings are free to its volunteer attorneys, and new practitioners can easily find mentors among ALRP's 700 panel attorneys.

Another remarkable resource for plaintiff attorneys is the San Francisco Bar Association's Volunteer Legal Services Program (VLSP) – the premiere organization of its kind in the nation. Founded by Bay area attorney, James Brosnahan, in 1977, VLSP is the largest legal services provider in San Francisco. It provides pro bono services to 20,000 clients each year, with the help of more

than 1,400 attorney volunteers. VLSP now collaborates with [probono.net](http://www.probono.net) to provide volunteer attorneys with free MCLE trainings, law manuals and mentoring opportunities in a wide range of practice areas. More information and a description of Bay area pro bono legal services providers is available at <http://www.probono.net/sf/index.cfm>.

Of course, no amount of mentoring, free training or pooled resources will help those who are struggling with the demands of a profession they no longer enjoy. If you are wondering whether to change careers, you are in good company and can access free resources. Your State Bar dues entitle you to receive help from the Bar's Lawyer Assistance Program, which offers up to three free sessions with Hindi Greenberg, a job counselor who specializes in helping attorneys find career breakthroughs in or out of the legal profession.

Greenberg, who wrote *The Lawyer's Career Change Handbook: More Than 300 Things You Can Do With a Law Degree* (Avon Books, 1998), graduated from Hastings College of the Law in 1974 and worked as a litigator for 10 years. Frustrated with the legal profession, she searched in vain for a job coach who worked with attorneys before deciding to fill the niche herself by establishing Lawyers In Transition. She recently moved to Nevada City and offers coaching by phone for attorneys nationwide. Interested readers can learn more at <http://www.lawyersintransition.com>.

The State Bar also offers both short-term counseling (800-341-0572) and a supportive recovery program (877-527-4435) at no cost to members. The former offers attorneys three free counseling sessions, while the latter is designed for lawyers who seek long-term structure and

peer support to address substance abuse or mental health challenges. Participation in all three programs is strictly confidential to encourage attorneys to seek help.

One of the best safeguards against lawyering stress is to take the time to develop your life outside the law. Last year, I decided to challenge myself by training for the AIDS Ride, and found myself pedaling to Los Angeles alongside 1,800 other riders. It was a great way to make new friends and we raised more than \$8 million to fund services for people with HIV/AIDS in San Francisco and Los Angeles.

The AIDS Ride taught me that exercise is a wonderful way to alleviate stress. I also take music lessons every week at the Community Music Center in San Francisco's Mission district, and enjoy opportunities to play with other classical guitarists. Making music is a healing antidote to the stress of litigation, and I welcome the opportunity to create harmony instead of waging war.

Law is a collaborative profession. Attorneys who learn to ask questions and share their knowledge with other practitioners reap benefits for themselves and their clients. It is hard enough practicing law. Do yourself a favor and do not go at it alone.



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