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Brave new firms

Choppy waters don't deter young lawyers from diving headfirst into small practices

BY JAMIE LOO
Law Bulletin staff writer

On the day Amanda N. Graham and Kathryn J. Kizer launched their law practice, they didn't have much — just two laptops with no desks to set them on.

"We moved in, and we didn't have any furniture at first," Graham said.

The newly minted lawyers had invested enough of their own money — less than \$1,000 — to get them through the first month. The 2012 DePaul University College of Law graduates were in desperate need of more clients as only a few cases carried over from their law school days.

It was a nerve-racking time that had Graham looking for part-time jobs to help her get by.

Luckily, a few big cases came. And more than a year and a half later, the pair is running a criminal defense firm, Kizer & Graham LLP.

Being a small business owner wasn't something Graham always dreamed about, but everything has gone so well in the first year, it all feels natural now.

"I can't remember what it's like not to want this," she said.

Kizer, 27, and Graham, 26, are two of a steady stream of recent law school graduates choosing to jump into solo practice or start their own firms immediately after graduation.

The National Association for Law Placement found that 5.2



After graduating from law school in 2012, Amanda N. Graham and Kathryn J. Kizer didn't apply for a single job. Instead, they opened their own firm with just a pair of laptops, no office furniture and a few clients between them. They're two of a generation of "mission-driven" graduates that are choosing to strike out on their own during a tenuous time for the legal industry.

percent of 2012 law school graduates went into solo practice. That's a bit down from the 6.1 percent who did so in 2011 but significantly higher than the roughly 2.6 percent mark that persisted in the late 1980s and the early 2000s, which NALP considers non-recession years.

Nearly 44 percent of 2012 law school graduates, meanwhile, went to work for small firms of about two to 10 lawyers.

For some new attorneys, the decision to hang out a shingle is driven by the economy and the scarcity of jobs available. Other young lawyers are fueled by an entrepreneurial spirit that pushes them to embark on their dreams early.

It's not easy in the beginning, Kizer, Graham and others said, but eventually the time and

investment can pay off.

Cliff H. Scott-Rudnick, a John Marshall Law School professor who teaches a solo and small practice management course, sees the current generation of law school students as one that's very mission-driven.

Many students are not interested in following the old model of working long hours for years before making partner. But they still want to work hard, he said, and have a desire for more control over that work.

"The life balance is more important to the current law students than some generations back," he said. "I find that very hopeful."

Diving in

After graduating, Graham and Kizer could have tried applying for the limited number of public

defender or public interest nonprofit jobs. But as they started considering what they wanted their careers to look like, all roads pointed to opening a practice together.

Internships in public defender offices at the county, state and federal levels and observing criminal defense attorneys in court gave them a strong sense of what they wanted to do with their practice.

"We see a lot of lawyers forget that there's a human being who is the recipient of all of your legal services, and it's more just their practice," Kizer said. "We want to make a conscious effort to never forget that."

The pair started doing serious research on launching a firm during their second year of law school. With no business experi-

ence, Kizer and Graham reached out to a fellow student earning both a J.D. and MBA to get a sample business plan to help them develop their own.

Fully focused on creating their own firm, neither applied for a single job.

“We just came at this full-force,” Kizer said.

Unlike Kizer and Graham, Padraig J. McCoid and John C. Norkus didn’t interact much during law school. But both 2012 Loyola University Chicago School of Law graduates had always wanted to open their own firms and came into contact with one another at a Chicago Bar Association informational meeting about a new venture called the Justice Entrepreneurs Program.

There, the two decided to become partners and apply to the JEP, an 18-month program and startup incubator that helps attorneys interested in public interest law launch solo practices. They launched Norkus, McCoid LLP in 2013.

“We decided two people are better than one in opening a firm, and we’ve been together since then,” McCoid said.

Norkus, 26, focuses on housing, small business and consumer-debt issues. McCoid, 31, specializes in family law issues such as divorce, child custody and visitation rights.

The economy influenced their decision to create their own practice, but it wasn’t due to a lack of jobs. Instead, they saw a market for clients who need legal help but aren’t able to afford traditional billing rates. McCoid and Norkus plan to test out unbundling fees, flat fees or setting fees with clients ahead of time.

Their own practice, Norkus said, is also a way to immediately jump into helping people — the reason they went into the legal profession in the first place. Individuals heading into eviction and landlord-tenant cases shouldn’t always have to do so pro se, he said.

“They’re people who could definitely benefit from receiving some type of assistance in those type of cases,” he said.

Karl Nicholas Fehr saw the same thing in his pro bono work on mortgage and foreclosure cases, which partially inspired the decision to open Fehr Law

Group LLC with his brother, John U. Fehr, in October 2011.

With their combined experience, the firm focuses on civil litigation, real estate and business law.

When Karl, 32, graduated from DePaul University College of Law in 2008, law firms were in the midst of hiring freezes or layoffs. Jobs that were previously considered entry-level for recent graduates suddenly required three to five years of experience.

“It seemed for every job that I applied for, there were 30 to 100 other people applying,” he said.

Initially, Karl didn’t consider going solo because he didn’t believe he had an area of legal expertise. But after a year of pro bono work at the Chicago Legal Clinic and Chicago Volunteer Legal Services, he gained more confidence in real estate law.

Meanwhile, John Fehr interned at The John Marshall Law School’s Housing Legal Clinic while he was a student. John, 35, who graduated in 2011, said he and Karl had always thought about opening their own business together.

They developed a business plan — Karl has an MBA — and a loan from a family member helped them get started. Their family runs an insurance business that turns 100 years old this year, so they got advice from the company’s staff accountant.

The brothers spent a few months building their website and preparing business documents. When they officially opened more than two years ago, they had no clients.

Karl recalls those early days as “extremely stressful.” A couple of months later, the brothers looked at their plan to try and figure out why business was slow.

They realized they weren’t doing anything wrong. It just takes a while to get started.

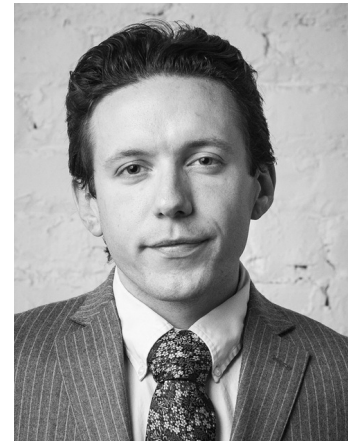
“It was a little bit scary because I think within our first two or three months we only had two or three clients,” Karl said. “It really started taking off after six to eight months.”

For all six who set out on their own, mentors have been crucial to their success.

The JEP program gave Norkus and McCoid a network of attorneys to turn to for advice both about law and business. Kizer and Graham cultivated



Padraig J. McCoid



John C. Norkus



Karl Nicholas Fehr



John U. Fehr

their own mentor network from internships, professors and by reaching out to criminal defense attorneys they admired — a “safety net of people.”

“We weren’t at any point forgetful of the fact that we would be brand-new attorneys,” Kizer said.

One of their best decisions, Graham and Kizer said, was subletting space at 190 S. LaSalle St., an office suite with other criminal defense attorneys. Their officemates are patient when they have questions, Graham said, and often ask her and Kizer for opinions on cases, too.

Norkus and McCoid have moved into the JEP program’s shared office space at 208 S. Jefferson St. where they collaborate with others in the program.

The Fehrs, meanwhile, have grown connections with other attorneys at their 53 W. Jackson Blvd. building. They also connected with sole practitioner Peter J. Bilanzic through John Marshall’s Lawyer-to-Lawyer Mentoring Program. They credit

him with helping them build their firm.

“There’s no way it could’ve grown half as fast as it did without the mentorship program,” John said.

Building a book of business

When it comes to getting clients, the young attorneys’ main base of business comes via referrals — from law school classmates, professors, mentors, former clients and organizations they’ve done pro bono work for.

Although online and social media advertising and marketing have played a minimal role in getting new clients, all three firms said having a website is important to their brands and outreach.

“A majority of clients mention they looked on our site after obtaining our contact information,” McCoid said. “It is too early to tell whether our current Web presence has helped us get clients.”

The Fehrs haven’t used social media much so far, but they have tried other marketing methods, including a pay-per-click service

called Google AdWords. A more creative tactic involved printing drink coasters with their firm contact information that they left in bars that attorneys frequent.

Technology has played an even bigger role, though, in how new firms operate on a daily basis.

Attorneys can easily share documents through e-mail or store them on Web-based cloud networks. Shared electronic calendars allow for easy meeting scheduling. Smartphone apps help lawyers scan documents in court and quickly look up federal rules of evidence, criminal procedure and other statutes.

Technology has taken down many of the barriers between small and large firms, said Scott-Rudnick, the John Marshall professor. In the past, law firms needed to hire junior lawyers to do research; now, the electronic tools allow attorneys to do research quickly and efficiently without extra staff.

Digital advancements, he said, have the profession harkening back to an era when all an attorney needed was “three law books and your wits” to get by.

“We are more like the time of

Abraham Lincoln where he could go on his horse and ride the circuit and not be blown away by large law firms,” Scott-Rudnick said.

But Bilanzic, the Fehr brothers’ mentor, points out that technology has also increased the demands involved with running a small practice.

When he hung his shingle in 1980, the expectation was that phone messages would be returned in a day. Now, clients and other attorneys will send an e-mail, then call within an hour to see if the message was received.

“You’re expected to know and act quickly,” he said.

Graham was ready for that. She doesn’t remember a time when technology wasn’t a constant presence in her life.

“For us, it’s the reality,” she said. “It’s definitely fast-paced, but I think that’s part of what we like about it.”

Passion and focus pay off

While striking out on their own has worked out, the six attorneys cautioned that it’s not for everyone. Like any startup business, hours can be long and paychecks inconsistent

depending on how much work is coming in.

“For people who are scared to do it, they should just know that it’s definitely possible if you have the right mentality,” Kizer said.

It’s not a decision to take lightly, either, Graham said. Filling out multiple job applications then going solo due to rejection isn’t fair to prospective clients.

“Then you’re kind of coming to it as a last resort and you’re not really starting off in a positive or aggressive way,” Graham said.

For John Fehr, having an entrepreneurial spirit and being organized and focused are essential. The business side of keeping the firm running is just as important as the legal work, he said.

“You need to love business in order to start your own firm,” John Fehr said.

With more than two years under their belts, the Fehrs’ firm is growing. Another brother, Graeme, 29, is taking the bar exam this month and will be joining their firm.

Norkus and McCoid said they’re looking forward to

completing the JEP program and continuing to shape their firm with the skills and knowledge they’ve learned there.

“We love telling people how much we love it,” McCoid said. “I don’t feel like I’m working.”

Over time, Kizer and Graham have expanded their trial experience and done more work on appeals and post-conviction cases. They’re also talking to a local law school about teaching a course on launching a new practice in today’s legal market.

And they shared in a victory in the case of Reynolds Wintersmith, whose life sentence for dealing crack cocaine was commuted by President Barack Obama in December. The duo helped craft Wintersmith’s petition for executive commutation when they worked for the federal defender’s office in law school.

“We say all the time that we feel really lucky because we designed our own career,” Kizer said. “We wake up every morning doing what we decided to do, what we wanted to do for the reasons we wanted to do it. And not many people can say that.”

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Flying solo, with a boost from mentors

For new attorneys with their own firms, getting guidance proves crucial

BY JAMIE LOO
Law Bulletin staff writer

Armed with a correction tape-equipped typewriter and a push-button phone, Peter J. Bilanzic had all the latest technology he needed to launch his solo law practice.

His days of using an eraser with a brush to fix mistakes were over.

It was 1980, and Bilanzic remembers thinking to himself, "What would they ever invent which would be better than this?"

Today, the newly minted attorneys Bilanzic mentors use computer software to cut and paste parts of older contracts into new contracts, scan and e-mail court documents to anywhere in the world and look up legal doctrine on smartphones within seconds.

Although technology has changed, the grit and guts it takes to open a solo practice fresh out of law school remains the same.

"I learned the hard way, through trial and error and fumbling my way through it," Bilanzic said.

Now, the civil litigator is using his more than three decades of experience to save young attorneys some of the frustration and growing pains he went through as a new solo practitioner. Bilanzic is part of The John Marshall Law School's Lawyer-to-Lawyer Mentoring Program, which works specifically with new graduates opening solo practices or small firms.



Patrick M. Kinnally

With hiring in the legal market still slow and a steady interest from students in opening their own firms, law schools are now finding more ways to support students going solo through mentoring, classes geared toward them and even a small-practice incubator.

Supporting new attorneys

The guidelines and curriculum for lawyer-to-lawyer mentoring programs were created by the Illinois Supreme Court Commission on Professionalism in 2011, an effort to pair newly admitted attorneys with attorney mentors.

Mentors are given a packet of materials to guide their work with mentees, and both parties receive six hours of Continuing Legal Education credits for participating. Seven out of the nine law schools in the state now offer such a program.

John U. Fehr and Karl Nicholas Fehr in 2011 opened Fehr Law Group, which has real estate, business law and civil litigation practice areas. The two brothers have been mentored by Bilanzic and John Marshall professor Barry A. Kozak.

Law school doesn't teach new attorneys how to run a firm, Karl Fehr said, and although there are plenty of books on the topic, "it



Cliff H. Scott-Rudnick

doesn't translate to actual experience."

"With the mentor program, we were able to eliminate many of these trial-and-error mistakes from the start," Karl said.

Bilanzic said he often focuses on practical matters with his mentees — how they've set up filing systems, what retainer agreements should look like and how they conduct interviews. During their first mentoring sessions, Karl said, he learned how to handle billing, engagement and disengagement letters and case file organization.

"It got us started on a much stronger footing," he said.

Bilanzic has also given them advice on how to figure out which cases to take and decline, an early challenge for most young solos. Developing a sense of what to look for during an interview and asking the right questions takes experience.

"What looks good to them doesn't look good to me," he said.

A hands-on approach

Officials from several Illinois law schools in interviews emphasized the importance of good mentoring for newly licensed solos and small firms.

Additionally, schools now aim to provide more practical training to give students a taste of what



Dawn K. Young

to expect if they strike out on their own.

John Marshall and Northern Illinois University College of Law both offer courses specifically geared toward solo and small practice management, aiming to provide practical training in running the business of a law firm while practicing law itself.

Cook County Circuit Judge Russell W. Hartigan and professor Cliff H. Scott-Rudnick teach the John Marshall course, and adjunct professor Patrick M. Kinnally of Kinnally, Flaherty, Krentz & Loran P.C. teaches the NIU class.

This is the second year that NIU has offered its "Practicing Lawyer" course, which Kinnally said was developed in part due to student feedback.

"They wanted some kind of hands-on idea of what it's like to practice law," he said. "A lot of students coming out of law school are hanging out their shingle because they can't get jobs."

Scott-Rudnick and Bilanzic said the ability to have more control over the work-life balance has been a larger factor than the economy in pushing students toward solo practice. Many new attorneys, Bilanzic said, recognize that "when you

go to work for a firm, they own your life,” dictating hours, cases and dress code.

“In the long run, it’s very rewarding to have your own business,” he said.

In teaching, the instructors draw from their personal experience and bring in a variety of guest speakers — financial planners, marketing professionals, etc. — to talk about the business aspect of running a firm. The class also covers how to find and work with clients and evaluating how much capital various cases will require.

Scott-Rudnick also requires students to develop a business plan and marketing plan. Having a flexible plan with short- and long-range goals is important for new solos and small practices as they raise capital and build their business, he said.

“That is something that does not come from a law school curriculum,” he said.

Kinnally teaches an ethics-based course that covers topics such as attorney-client privilege, handling trust accounts and legal malpractice. Good advocacy is also discussed, he said, including why lawyers shouldn’t file motions just for the sake of running up a bill.

“You file a motion to win,” Kinnally said. “It’s always about helping your client.”

The course also covers

business operations of running a law firm such as whether to have a paper-based or paperless law office, computer systems, legal software and handling employees.

The biggest advice Kinnally has for new attorneys is to build roots and connect with the community through civic and other activities. Having court officials, fellow attorneys and jury members know you outside of court can be helpful.

“Make sure wherever you go to practice is where you want to live,” he said. “You can’t just be a lawyer, you have to be part of the community.”

After learning what it takes to start a law practice, Scott-Rudnick said, some students realize that it’s not the right fit for them. Some have told him they don’t think they can handle the financial ups and downs that come with a new business.

Southern Illinois University School of Law, meanwhile, offers classes such as accounting for lawyers and law practice management, which is attractive to students interested in solo practice, said Michael Ruiz, assistant dean for graduate legal studies and special programs.

The school’s newest initiative is a “Business Bootcamp” offered over three days before the start of a semester. The crash course

teaches skills such as contract drafting, executing a business plan, billing and helping clients set up LLCs.

While some law school graduates in large urban areas have turned to solo practice because of the economy, Ruiz said it’s less of a factor for SIU students. They tend to come from rural areas and many of them entered law school with the small practice model already in mind.

“Their frame of reference is the solo practitioner or small firm” in their hometowns, he said.

Law school incubator

At IIT Chicago-Kent College of Law, the Solo and Small Practice Incubator launched in 2012 aims to help alumni start their own practices by providing them with office space, professional development seminars and mentoring opportunities.

The one-year program is still accepting applications for its current class.

Incubator director Dawn K. Young said participants have offices on the sixth floor of the law school equipped with basic office furniture and a shared conference room. Participants also have free access to the law library and research tools. The only costs participants cover are malpractice insurance, photocopying, postage and long-

distance phone calls.

“The whole point of it is to provide them with an environment of their own office to help bring overhead down,” she said,

The program has a rigorous application process which includes submitting a business plan. The incubator has rejected some who didn’t appear to be prepared or serious enough to take on solo practice just yet.

Young has regular status meetings with participants to check in on their progress and provide support. Alumni have really embraced the program, she said, and it’s been easy to find guest speakers and mentors.

“Many (alumni) have come up to me and said ‘I wish when I was practicing I had a program like this,’” she said. “I’m really grateful for their support.”

Young can empathize. After she graduated from law school, she and her husband opened their own small practice in Wilmette.

Young, who went to Syracuse University College of Law, didn’t have any local mentors and “spent many hours in a law library by myself trying to figure it all out.”

“It’s a big thing that they’re going it alone. This program lets them know they’re not alone,” she said. “They’re all doing the same thing — and we’re all in it together.”