

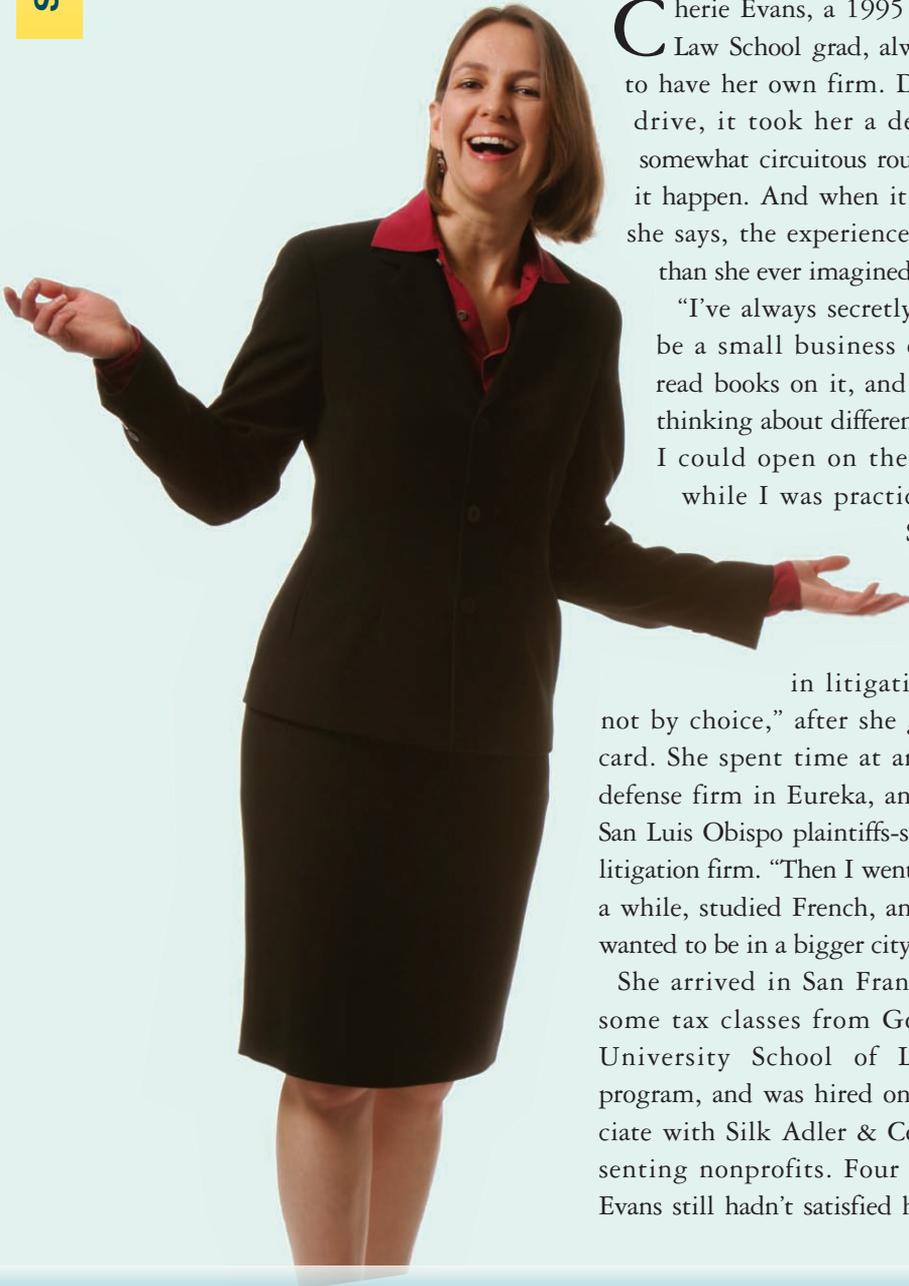
Going Solo—

Eight Who Did

Cherie Evans

Susan Kostal

Photos by Jim Block



Cherie Evans, a 1995 Pepperdine Law School grad, always wanted to have her own firm. Despite that drive, it took her a decade, by a somewhat circuitous route, to make it happen. And when it finally did, she says, the experience was better than she ever imagined.

“I’ve always secretly wanted to be a small business owner. I’ve read books on it, and was always thinking about different businesses I could open on the side, even while I was practicing law at Silk Adler,” she says.

Evans “ended up in litigation by fate, not by choice,” after she got her bar card. She spent time at an insurance defense firm in Eureka, and then at a San Luis Obispo plaintiffs-side business litigation firm. “Then I went to Paris for a while, studied French, and decided I wanted to be in a bigger city,” she says.

She arrived in San Francisco, took some tax classes from Golden Gate University School of Law’s LLM program, and was hired on as an associate with Silk Adler & Colvin representing nonprofits. Four years later, Evans still hadn’t satisfied her desire to

have her own business. In September 2005, armed with *Opening a Law Office*, which she bought from the State Bar, she set up her own firm in a suite with

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another newly formed law firm, Emison, Hullverson & Bonagofsky. She gave herself a month to set up the office before she began looking for clients and, in the meantime, picked the brains of friends who had also recently opened their own shops.

Even with her drive and planning, the first few months were “so scary,” she says. “I thought, maybe I am completely delusional. Maybe I am crazy. It was very hard to put myself out there as a business.”

She was soon joined by partner Barbara Rosen, also a Silk Adler alum, who had previously worked as a certified public accountant, and Greg Siegler, who is of counsel to the firm, called Evans & Rosen. “It was a slight adjustment,” says Evans, “but Barbara expanded my vision for the firm.”

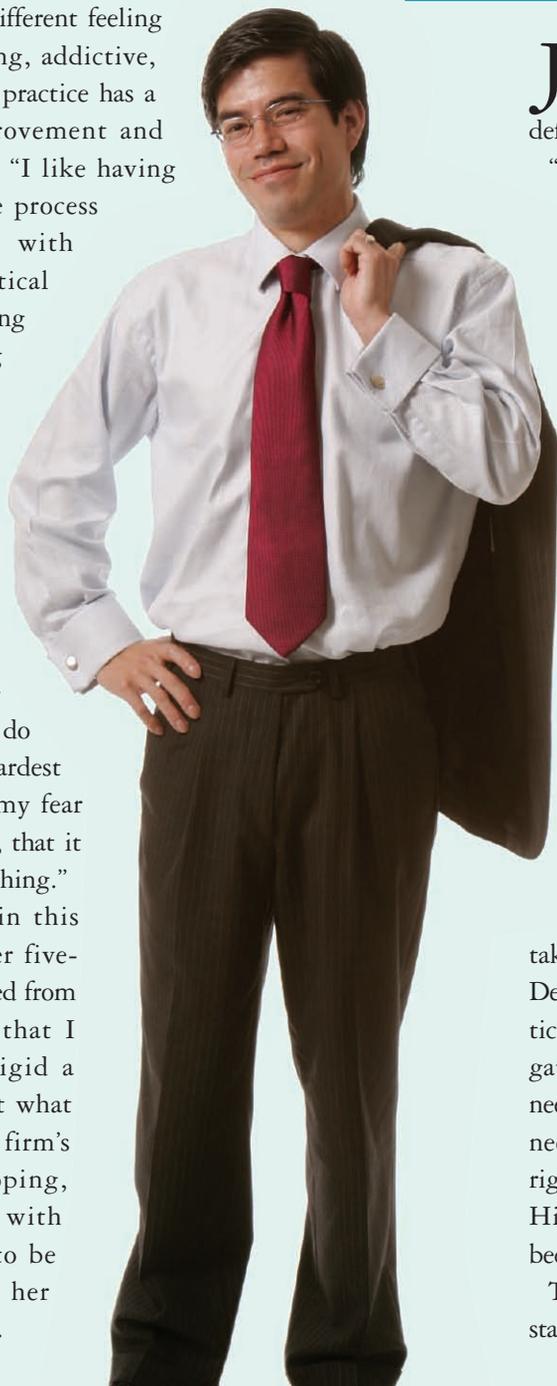
Soon the women were getting referrals

from accountants and nonprofit resource centers, as well as their former firm. Within months, they were able to draw salaries, in part because of their low overhead. And Evans is thriving.

“I don’t measure how much I work anymore. Time has a different feeling now. This is consuming, addictive, stimulating. The legal practice has a lot of room for improvement and rethinking,” she says. “I like having more control over the process and my interaction with clients.” On the practical side, she’s enjoyed setting up her office, figuring out ways to streamline systems. Even picking out business cards and designing her Web site has been interesting, she says.

“I never could have imagined I would have enjoyed work the way I do now,” she says. “The hardest part was overcoming my fear that nobody would call, that it would just be all for nothing.”

She’s learned even in this short time to keep her five-year plan fluid. “I learned from taking on a partner that I shouldn’t have too rigid a plan. I don’t know yet what would be best for the firm’s future.” She’s hoping, however, to affiliate with offices overseas and to be able to incorporate her French into her practice.



Jason Nelson

Jason Nelson, a graduate of Golden Gate University School of Law, interned at the San Francisco public defender’s office and loved it. Loved the work, that is.

“I really enjoyed the experience and action of it, but I didn’t like the politics and the hierarchy,” he says. “I liked the work, but wanted to do things on my own.”

It’s not surprising. Nelson’s father is a soils engineer who worked out of his home his entire career. Nelson and his siblings (who also became attorneys) saw that working for yourself, and meshing family and work life, was easily done.

So as much as he wanted to kick back after

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taking the bar, he set up a solo shop in San Rafael in December 2004 on the proverbial shoestring. His practice is a mix of criminal defense work and real estate litigation, including clients referred by his father’s engineering practice. While Nelson himself is not an engineer, he was familiar enough with the field to jump right in. He’s currently handling a case in the Berkeley Hills in which property lines have shifted over time because of land movement.

The climb to prosperity has been slow. He borrowed start-up costs from his aunt, and moved home to a guest-

house on his parents' property, where, for now, he doesn't pay rent. He cut expenses to the bone and ate off his credit cards. "The first year, I lost money. By fifteen months, I broke even. Actually, I'm surprised I broke even then." A Yellow Pages ad yielded all of one client. He ended up taking a small personal injury case on contingency. His criminal work is flat fee, and, sometimes, no fee. Referrals have come through high school buddies, or friends of friends. Many of his clients are people his own age who simply don't have the funds for legal fees.

"I was overly optimistic how much work would come in initially," he says. "I thought I would have more clients, and that they would pay faster." He bought Jay Foonberg's book on setting up a law practice, but has very little in the way of technology—no Palm Pilot, no computerized calendaring system. He does his books with pen and paper. "I gotta start thinking about Quicken," he says. "I like things the old-school way. That's just the way I am wired."

And yet, for all the bumps, he is making it. He works twenty to forty hours a week, and is his own "garbage man, plumber, and secretary." He's gotten to the point, he says, where he doesn't take every case that walks in the door. There was never a time, he says, that he regretted his decision. Second thoughts, maybe, but "they passed pretty quickly." He credits San Francisco Deputy Public Defender Mary Mallen as a "great mentor, not just as a lawyer, but in life as well."

"Make sure you use every resource you have," Nelson says, "including the advice of others."

Dale Minami

Dale Minami is a successful name partner in the San Francisco firm of Minami, Lew & Tamaki LLP, on Post Street in San Francisco. Minami, in practice with his own firm for thirty-three years, says if he and his partners can make it as a small firm, anybody can.

Don't be fooled by his modesty and humor. Minami received the ABA's Thurgood Marshall Award in 2003 for, in part, his work in *Korematsu v. United States*, which overturned Fred Korematsu's criminal convictions for defying an internment order for Japanese-Americans during World War II. Minami's entertainment industry clients include Olympic gold medal figure skater Kristi Yamaguchi, playwright Philip Kan Gotanda, and Oscar-award-winning filmmaker Steven Okazaki. The effort of his firm (among others) resulted in a nearly \$50 million settlement in a discrimination suit against retailer Abercrombie & Fitch. Still, he says, "We have the strangest firm I can think of."

Formed in 1974 by "refugees" from the Asian Law Caucus, Minami and partners went from a "nonprofit to a nonprofit practice. We didn't make any money. We were doing free stuff all the time. We still had that legal aid mentality. We were very poor business people," he says.

The trio started taking criminal defense conflicts cases to support themselves, and soon were doing a little bit of everything. The firm has grown, shrunk, gained and lost name partners, and housed nearly every kind of practice over the years, and now it faces a crossroads of sorts. Does it continue as a primarily Japanese American firm? Does it grow? Does it diversify both racially and along practice lines, or should it pare practices?

The one constant has been a shared vision to have a minority-owned firm, be involved politically, and to give back to their respective communities.

Today, the firm does a mix of personal injury, entertainment, civil rights, and family law. Its largest practice groups are its employment law and labor practice (they represent primarily plaintiffs, though not exclusively) and its corporate immigration practice.

"Though we've had some big verdicts, we don't make as much as people think. There are absolutely no economies of scale in our firm," he says.

That is probably due to the fact that the original partners were drawn together not by any economic model, but by their instincts, friendships, and mutual affection. But that also has its downside. "The problem with the kind of people we attract as partners—committed people who are trying to make a difference—is that we are all fairly anarchistic." It made, Minami said, for a management nightmare.

Eventually, though, the firm found a partner willing to do the thankless job of herding the rest of them. "Don Tamaki, our managing partner, spends about two to three hours a day on management, because of the peculiarities of our firm."

As it has grown, the firm has been forced to adopt the kind of policies larger firms have—billable hour targets, bonus programs, approval for pro bono work, the need for business development strategies, and the need to promote specific practices.

“We grew accidentally. My vision of the future goes as far as tomorrow,” Minami contends. Their biggest problem—convincing the outside world the firm does more than pro bono work. “We will work for fees,” Minami says. “We’ve had to explain to friends and clients that we do a lot more than free work. We are slowly turning that perception around, not to mention begging friends for cases.”

Minami clearly exaggerates. Right now, the firm, at eighteen attorneys, is maxed out at its current location.

And as Minami looks back on what he claims are countless mistakes they have made over the years in running their firm, he says he has found the “challenges of surviving” very rewarding. Still, even Minami himself thought once of leaving. About fifteen years ago, he made a list of all the things he wanted out of a job. At the top: independence and making a living. Then, he made an inventory of his skills. “I matched those up with my desires, and discovered I had the best job I could ever have,” he says.

“You get terrific satisfaction out of running your own firm,” he says. “For folks who can’t take directions well, it’s the best.”



Dale Minami, left, and Susan Roos

Susan Roos

Susan Roos had made it. She was a woman partner in a large, successful law firm, Sheppard Mullin Richter & Hampton. But with a marriage (to Wilson Sonsini Goodrich & Rosati CEO John Roos), and two young children, she was finding the balance tricky. “I felt that my odds of being able to do a better job were better if I wasn’t at a big firm,” she says.

Her good friend John Cook, who had once had his own firm, was then head of Sheppard Mullin’s labor and employment group, and when issues with a major client

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surfaced, Cook proposed a partnership. So eleven years ago this spring, the pair left and set up their own shop. They brought nearly all their existing clients with them, and Cook & Roos was born.

Roos describes it as a large firm labor and employment department, but in a stand-alone shop. “We did it all by the book. We have a great relationship with Sheppard Mullin. But this is a much better place for both of us.”

The firm has undergone changes in those years. Cook recently moved to an of counsel

position. Now the firm, known as Cook Roos Wilbur Thompson LLP, includes Cook, three partners, three full-time associates, and two part-time contract associates.

“We all have the philosophy here that we want to have a life. So we give up making lots of money in exchange for having a more balanced situation. At the same time, we all work really hard, we all want to do the best job for our clients, and we want to win.”

The firm has never struggled for work, due partly to its lower billable hour rate. The only time they considered folding was during the boom, when litigation slowed and the employment market was so hot the firm had trouble keeping associates.

But they weathered that storm and have consistently turned down offers from larger firms to join them or serve as their California outpost.

“We practice the old-fashioned way. We sit around and talk about cases. There is a real team atmosphere here. We help each other analyze cases, and we don’t bill that time. Money isn’t everything. We are happy to work with top level cases and clients and not bill 2,200 hours, and not make quite as much money,” Roos says. “We know we can attract clients. I am very confident there will always be a job for us somewhere.”

Roos says she loves being her own boss and would never go back to a big firm. “It’s the best thing I ever did. I love it.”

Darrel Horsted

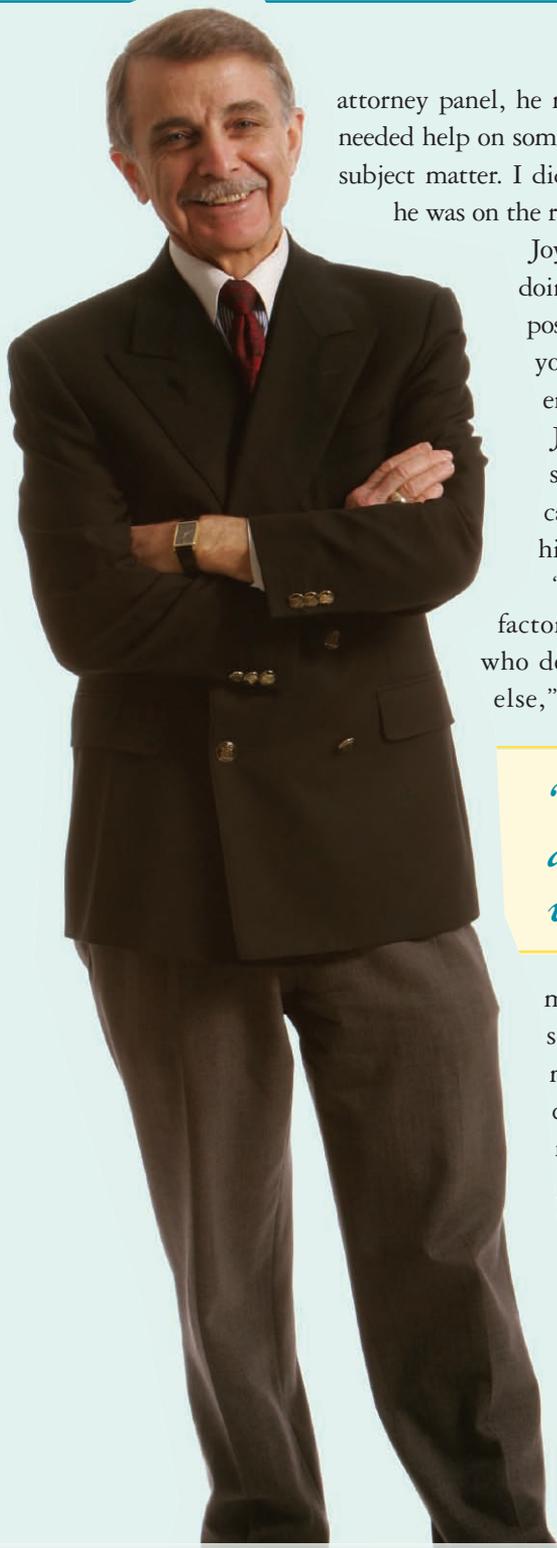
When Groucho Marx talked about not wanting to belong to any club that would accept him as a member, he could have just as easily been addressing a certain brand of solo.

Darrel Horsted has a wry sense of humor that could have derived from Marx. Horsted has been a solo his entire career, “except for nine misspent months in LA” working for another lawyer.

It was his first job, and he “wanted to make my mistakes on somebody else’s letterhead, which I did succeed in doing far beyond my wildest expectations.” What he hoped would be a meaningful mentoring relationship was anything but. “I needed to make an appointment to say good morning to him,” Horsted recalls of his boss. “We were tremendous disappointments to each other.”

He came to his senses, came to San Francisco, and has had no regrets since. During that time, he has done civil litigation, criminal work, bankruptcy, lemon law work, personal injury, probate, and immigration. He’s also worked his way through The Bar Association of San Francisco, the Lawyers’ Club of San Francisco, and activities with the resolutions and executive committees of the State Bar of California. His career has been sprinkled with volunteer work, from serving on call-in legal advice shows on KQED and KALW to offering free advice to folks at the public library.

Through the BASF attorney-to-



attorney panel, he met fellow solo Sean Joyce. “He needed help on something, but I don’t remember the subject matter. I did the best I could, and told him he was on the right track.”

Joyce did what Horsted remembers doing as a young lawyer in a similar position—he sent Horsted a thank-you note for his advice. That was enough to prompt Horsted to call Joyce. Horsted has since cocounseled with Joyce on a handful of cases and also sent several others his way.

“If I had to look for a common factor among solos, they are people who don’t want to work for someone else,” Horsted says. “There are too

was vexing him, and he considered closing his office. But when he realized he would have to ask permission to take vacation—“when was the last time I had to ask someone to take vacation?”—he knew he couldn’t do it.

“Truth be known, most solo practitioners could make better money working for someone else. But we are too damn independent. And after a while, you are unemployable,” he says.

Horsted’s father, a South Dakota farmer, always planted a variety of crops to guard against the failure of one, and Horsted has the same model for his practice. “I usually have cases in about three different areas going. Right now the emphasis is

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many masters in the law to serve—the client, the boss, and myself. Believe me, there are conflicts of interest there. I can remember thinking a case was going well, and I would find out my boss wanted it to go another way, and the client wanted a third way.”

Only once did he consider working for another firm. About ten years into his practice, a staffing problem

lemon law, personal injury, and probate. But it changes from year to year.”

He recommends picking an area to focus on. “It only takes four to five clients in trouble, and you have a specialty,” he notes. Horsted also believes in finding colleagues or friends for talking shop and solving problems. That’s where he thinks Joyce, who shares a suite with other solos, has made the right choice. “Even the Lone Ranger needed Tonto.”

Sean Joyce

Sean Joyce, a 1999 graduate of the University of Denver College of Law, came to California in 2003. Not exactly a boom time.

He knew, though, that “the law firm lifestyle would not work for me.” And so, he figured, “I might as well give this solo thing a shot.”

Lured downtown to the Mills Building by a buddy he grew up with, Joyce opened a solo practice in a suite with two other solos, all of them friends. He got involved with The Bar Association of San Francisco and now, more than two years later, is looking at his best financial year yet.

“People always said I should go into law, but I’m not the typical attorney. I have a very different approach. I think litigation is unproductive. The clients lose when the attorneys win,” he says.

That approach, combined with his early experience in a large firm, confirmed his approach as a solo. “If you had told me in law school I was going to do evictions, I would have laughed in your face from high in my ivory tower,” he says. “I thought I would go into IP. But to do so, I would have needed to go back to grad school to get a computer science degree.



I was working in a large IP firm, and my boss was a Harvard grad, top in his field. This guy was a former U.S. district attorney with four kids who was taking physics classes at night,” Joyce said. That, he decided, wasn’t for him.

So, he came to California, got some experience through various programs of BASF, including the Courthouse Project, where attorneys volunteer to represent tenants and sometimes landlords in settlement conferences, and joined the Lawyer Referral and Information Service (LRIS). A timely thank-you note to Darrel Horsted, whom Joyce contacted for advice through BASF’s attorney-to-attorney network, earned him a valued mentor who handed off some cases to Joyce and cocounseled with him on others. Nearly three years later, Joyce is looking to buy a house.

“I am lucky that I’m in a better financial position than a lot of solo attorneys early in their careers. I don’t have any student loans, or any business loans. My wife and I are very fortunate in that we don’t have any debt. Each year business gets exponentially better. I would be surprised if by 2007 I wasn’t making a pretty comfortable living, and, most importantly, not working a ton. I work forty hours a week, and make enough to live,” he says. His practice now includes landlord-tenant litigation, some family law, and business and civil litigation. While he says he has many one-time clients, he often gets referrals from opposing counsel.

“I have different values. I was never quite comfortable getting paid as much as we get paid,” he says. “All of us in this suite value our personal lives and private time. We don’t work twelve hours a day, six days a week.” In his off hours, Joyce runs, does yoga, and travels frequently. He is also a past cochair of the Barristers Club Solo and Small Firm Practice Section.

Elizabeth Riles

Elizabeth Riles, Boalt Hall class of 1998, has five law firms on her résumé. Only one is still in existence. Her own.

After bouncing through four failed firms—Jackson Tufts Cole & Black; Anton & Roeckl; Brobeck Phleger & Harrison; and Kerosky & Bradley—Riles faced a choice. She could cast her lot with yet another firm or strike out on her own.

“It’s very uncharacteristic of me to take on that risk. I’m not really a risk-taker. But, I figured, I was young enough in my career, if it didn’t work out, I could try to find another job. If it worked out, great,” she says.

So in November 2002, as the name partners of Kerosky & Bradley, a plaintiffs employment law firm, were agreeing to amicably split, she and fellow associate Karine Bohbot—then out on maternity leave—agreed to stay in the space and form their own firm, Bohbot & Riles. “At first I thought she was insane,” Riles says of her partner’s desire to set up their own shop. “No way was I gonna do that. I gotta find another job. I’m single, I own my own home. I just didn’t think there was any way I could go out on my own, without some sort of steady paycheck to pay my mortgage.”

The partners generously allowed their former associates to work on the same computers, assume part of the lease, and worked out a fee-splitting arrangement where the two women took over some of the firm’s cases. In other cases, the women worked for their former employers as contract attorneys. And it worked.

Three years later, the women are still best friends (Riles is godmother to Bohbot’s chil-



Elizabeth Riles, left, and Sondra Solovay

dren) and very much in the black with their plaintiffs employment firm. Riles says it's the best thing that's ever happened to either attorney. "Karine and I are both very grateful we could start out that way. It saved us a lot of overhead in the beginning and helped us get started building up capital." They shared with their former employer the cases that came in through joint advertising, and split the expenses of the receptionist, and so on.

In fact, she says, for a long time, working for herself didn't feel any different than working for Kerosky & Bradley. It wasn't until they moved into new space in October 2003 that they really felt on their own.

Both women work full time, but both try to find a balance for family and friends. Bohbot has two children, and leaves at 4 p.m. each day. Riles works as many hours, but often does hers later in the day. While there are months where finances are tight, neither has had to take on additional debt (nor has the firm). Their firm has twenty to thirty ongoing contingency cases at any given time. Riles also takes on family law cases through BASF's VLSP program. The two have a written partnership agreement, but discuss openly when each needs to take a draw. They then jointly look at the books, see what they can afford, and make disbursements. "We both feel sort of spoiled for working for anyone else," she says.

"As scary as it was for me to decide to do this, I've never regretted I did it," Riles says. "It's been a pleasure. She's family."

Sondra Solovay

Sondra Solovay has been practicing civil rights and family law as a solo since 2001, but, she cautions, it's "a nontraditional practice."

"I graduated from Boalt in 1996, but didn't come out feeling excited about taking the bar or practicing law," she says. Instead, Solovay, a self-described "fat person," consulted on weight-related issues with both corporations and in the criminal defense arena, including a highly publicized Bay Area prosecution of a mother whose morbidly obese daughter was found dead in their apartment at age thirteen in 1997. She weighed 680 pounds at the time of her death. (Solovay volunteered her services to the defense in that case.)

Solovay wrote a book, *Tipping the Scales of Justice*, about weight discrimination in America, but confesses there were times, she says, that she felt "incomplete" without her bar card, that as an attorney she might be able to do more to advance the cause of fat people. "I was worried that a case would come up and I wouldn't be able to properly handle it."

So she took the bar, and now does a mix of weight law (she is one of a mere handful of attorneys nationwide who focus on the issue and most others represent obese patients looking to get their health insurance carriers to pay for gastric bypass surgery), and family law, though even that often has a weight component, she says.

She is writing a second book, continues to do weight and diversity consulting to corporations, and teaches at New College School of Law. "I do lots of different

things to deliver the kind of service I want for the kinds of fees I want," she says. She reserves a portion of her family law practice, for example, for low-income clients

And she's had some notable successes. She represented a Jazzercise instructor who wanted to own her own franchise but was turned down by the company because she did not have an appearance that was "leaner than the public's."

Instead of litigating, Solovay filed a complaint with the city's Human Rights Commission. San Francisco is one of only four cities to ban discrimination based on weight. Jazzercise opted to change its policy nationwide.

Other cases meld family law and weight law. She represents several people who have been refused permission to adopt foster children based on their weight or have been pressured to have gastric bypass surgery as a condition of the adoption. Others have been threatened with the removal of the children in their case, based on their weight or the weight of the children. "Most of those end up being pro bono, or 'low bono'," she says. "I try to support that work with other family law work."

"It's unfortunate to come out of law school and feel you have so few options," Solovay says. "I know so many people in corporate law or standard nonprofit law who are so unhappy."

Solovay's dream is to have a nonprofit organization to handle weight-related legal matters. She's just received seed funding for FLARE, the Fat Legal Advocacy Rights and Education Project.