

OREGON STATE BAR BULLETIN

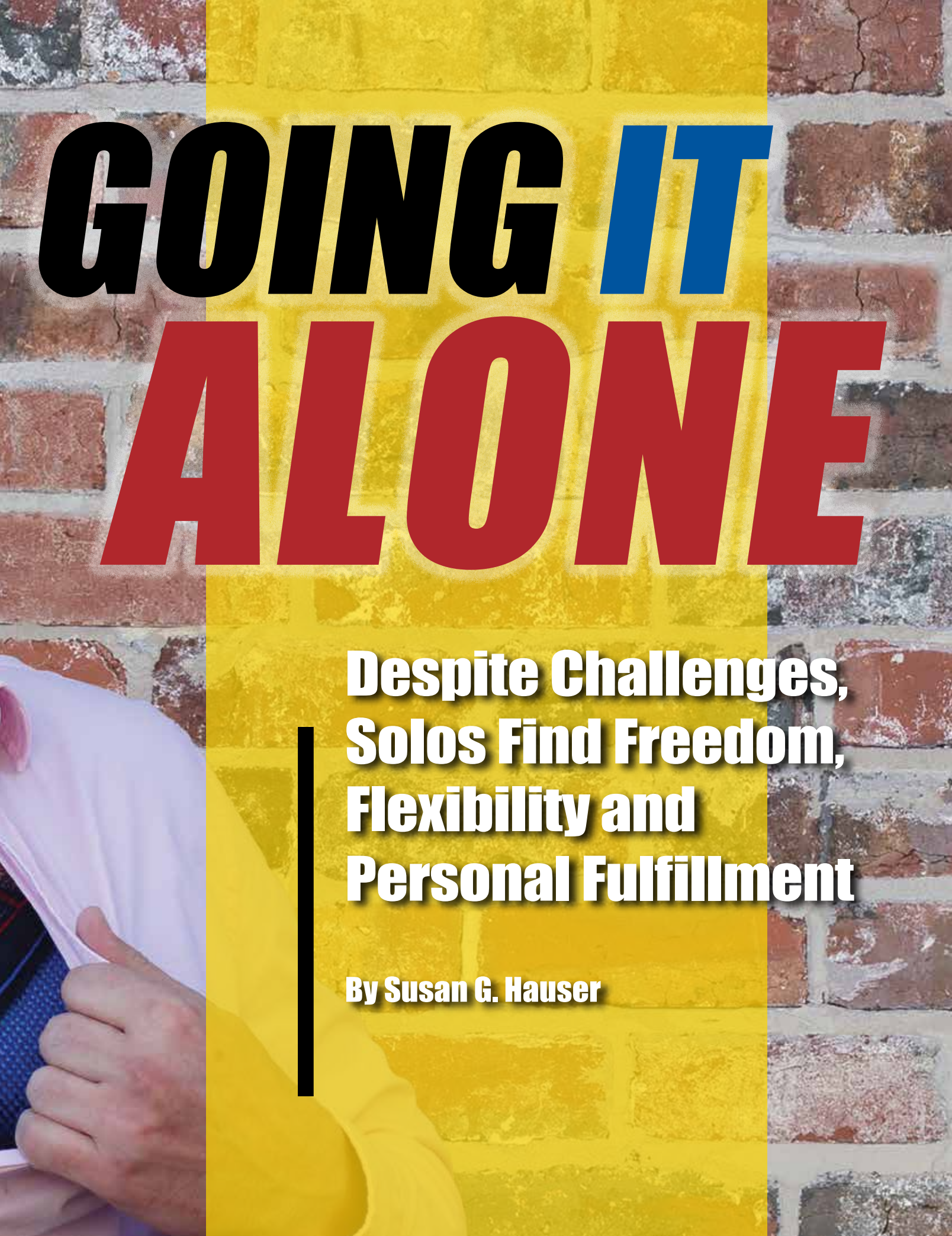
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Going It Alone

**Despite Challenges,
Solos Find Freedom,
Flexibility and
Personal Fulfillment**







GOING IT ***ALONE***

**Despite Challenges,
Solos Find Freedom,
Flexibility and
Personal Fulfillment**

By Susan G. Hauser

“No man is an island,” wrote 17th-century English poet John Donne. But for the growing number of Oregon lawyers who have opted to open solo practices, going it alone — especially after abandoning the security of a larger firm — can feel like floating untethered in a tumultuous sea.

The challenges of establishing an office of one’s own can be daunting. Solo practitioners must attend to the small but necessary tasks that would otherwise be performed by paralegals and administrative staff, for example, all while maintaining both a positive bank balance and a positive mental outlook.

In spite of the challenges, though, going solo is a popular choice. According to the Oregon State Bar, roughly 40 percent of lawyers actively practicing in Oregon are in solo or small firms. And many say it was the right choice for them, as they now reap the rewards of freedom, flexibility and personal fulfillment.

But at the end of the day, Lake Oswego attorney John Koch says, the best (and worst) part of being a “true solo” isn’t the flexibility. It’s that the practice is all yours.

“You’re completely on the hook for your mistakes,” he says, “but you also get to take full credit for your successes.”

Wearing Two Hats



Kiren Rockenstein

In the beginning, of course, it isn’t easy. Launching a solo practice means you’re suddenly not just an attorney, but also an entrepreneur — and running a business isn’t really part of a law school education. Besides, being in business encompasses much more than just making savvy decisions. For example, how’s your typing? Can you send a letter?

“I remember trying to tri-fold a letter for the first time,” Koch says with a chuckle. “I managed to go through law school without picking that up.”

Although he’s following in the footsteps of his father, who also owned his own business, Koch initially found working for himself a challenge. Now more than three years into his estate planning practice in Lake Oswego, he calls the experience “a huge maturing process on so many levels” and says he has new respect for his dad — “one thousand percent more.”

Other solos say they gained skills and confidence from previous work experience. Teresa Statler, a Portland immigration lawyer, recalls that “when I was in college, I had summer jobs as a secretary. So I always have done my own typing and document preparation. I also had two other careers before I was admitted to the bar, so I was comfortable with a lot of the elements of a law practice, such as bills and administrative things.”

Kiren Rockenstein’s first law firm job in Oregon was at a small IP litigation firm in Hillsboro. “When it was time to move on from that firm,” she says, “I thought, ‘I can do this myself.’ I wanted the freedom of my own firm.”

Having a business background and an entrepreneurial family, Rockenstein thought she was all set to hang out her shingle as an intellectual property and immigration lawyer in Portland. “But that didn’t make (going solo) any less harrowing,” she says. After a year on her own, she credits her success to a collegial community of lawyers and her willingness to seek input and advice from them.



Lake Oswego attorney John Koch meets with client Joy Drewfs at her Lake Oswego home. Despite the challenges of working as a solo, Koch says, “at no point yet have I thought to myself, ‘I would rather be a cog in the machine again.’” Photo by Jonathan House

So does Elizabeth Inayoshi, an employment attorney from Hillsboro. For 30 years, Inayoshi worked in program and divisional operations management at Intel Corp. “I had a leg up,” she says of the experience gained from her previous career. “I did know how to run a business. But the scale at which I was operating was significantly different from what I faced on my own.”



Elizabeth Inayoshi

Fortunately, there was an app for that — and books, blogs, podcasts, email lists, etc.

Ryan Mauck, an entertainment lawyer in Bend, says he read everything he could get his hands on before launching his practice. His recommendations: a book, *The Small Firm Road Map*; a blog, *My Shingle* (myshingle.com); and a podcast, *New Solo*, at legaltalknetwork.com.

(The Oregon State Bar and the Professional Liability Fund also offer books and CLEs for solo and small-firm practitioners, as well as an annual “Learning the Ropes” program and mentoring for new lawyers. For details, visit osbar.org and osbplf.org.)

Lisa Kenn, a Portland family law attorney, says she added to her store of knowledge by setting up information interviews with a number of attorneys. Then she organized all the advice she gathered in a spreadsheet so she could survey the suggestions in various areas related to her new profession.

On the cover: Nik Yanchar, a Portland employment, personal injury and LGBTQ+ lawyer, is on his second stint as a solo practitioner. “There were a lot of hard lessons the first time,” he recalls. “I learned I need to be around other attorneys. I can’t isolate myself, because I drive myself crazy.” Photo courtesy of Nik Yanchar



Beate Weiss-Krull looked forward to joining a large firm after law school, but when both her daughters were born with a rare metabolic disorder, she returned to her original goal of being her own boss to have more flexibility in caring for her children. Today, her daughters are healthy teenagers and Weiss-Krull works from home. Photo by Jonathan House

“I handled my fear of going solo by gathering information,” she says.

The fear never quite left, she admits, but at least she was well informed as she moved forward.

“If you wait until you’re not scared to go solo, you’ll never do it,” says Kenn, who has run her own practice since August 2018. “It’s like having a baby — you’re never quite ‘ready,’ but you do it anyway.”

Money Sense

As a new solo, it may take a while before money starts flowing in — especially if your area of practice is paid on a contingency basis. James Mills of Portland, who describes himself as a generalist, notes that some of the work he does is on contingency, while other work is paid per an hourly fee.

“It is feast or famine, and it is cyclical,” says Mills, who has 20 years of experience, 17 as a solo. “Just be aware of it and plan and budget accordingly. It’s hard to predict. There are times when you’re going to be flush, and times when you are not.”

Arnold Wuhrman knows that only too well.

A bankruptcy lawyer who has been working out of his Lake Oswego home since moving from Southern California in June 2018, Wuhrman learned a hard lesson after failing to prepare for an inevitable drop in earnings following an exceptionally good run. In 2002, the bankruptcy lawyer filed bankruptcy himself.

In the end, he says, the experience “made me an incredibly better lawyer. But I wish I had always lived like I was going to make the minimum and just socked the rest away.”

Kenn also has a cautionary tale to share.



James Mills

“At the time I left my associate position to go solo, I probably had \$15,000-\$20,000 in outstanding client billings,” Kenn notes — a situation that made her realize that ensuring she got paid was essential as a solo, particularly because family law attorneys are required to bill by the hour and may not charge contingent fees. “You have to collect your retainer up front, and then ensure that your clients replenish their retainers when their accounts run low,” she says. “If you don’t, you will constantly be playing catch-up with your practice expenses.”

And while you’re at it, don’t forget about taxes. Maria Coburrubias, a Salem immigration attorney who moved home to Oregon after working for a California firm, says that when she started her solo practice here, she concluded that she couldn’t afford the expense of hiring an accountant. Later, she concluded that she couldn’t afford to continue without professional tax guidance.

“I really suffered the first two years paying taxes as a sole proprietor, as opposed to getting LLC status and asking for S corporation

Tips For Going It Alone

Money Sense

- Keep your overhead low.
- Consider whether your chosen area of law is hourly or contingent.
- Don't be afraid to ask for a retainer to make sure you get paid.
- Budget and save. You will be glad you did during lean years.
- Look into office sharing with other professionals (not necessarily lawyers).
- If you can't afford a receptionist, update your phone message daily.
- Check into the availability of free or low-cost spaces for meeting clients through the Oregon Trial Lawyers Association, Multnomah Bar Association or Professional Liability Fund.
- Consider practicing in a small town to keep costs and competition low.

Building Your Practice

- Sign up to do contract attorney work.
- Don't pass up opportunities to network. Pass out your business card freely.
- Attend and volunteer to be a greeter at CLEs and give your business card to everyone you meet.
- Participate in group email lists. Ask and answer questions.
- Join all specialty bars and bar sections relevant to your area.
- Volunteer to hold an executive position or join a committee in order to meet more people.

Technology

- Try out various case management systems before investing.
- Check out Fax by Email, Google Voice and other low-cost options.

Resources

- Read the BarBooks provided free to members by the OSB; use the bar's online database and the free subscription to *fastcase.com*.
- Find a mentor through the OSB.
- Schedule a meeting with one of the PLF's practice management attorneys, read PLF publications and sign up for the program "Learning the Ropes." It's all available at osbplf.org.

Self-Care

- Prioritize self-care to ward off spiraling stress. Exercise, eat well and sleep well.
- Combat loneliness and isolation through regular social interaction with colleagues.
- Arrange with another lawyer to "babysit" your practice so you can take a vacation. ■

status," she says. Even after hiring a CPA, the process took months. But she eventually reduced her tax bill by half. "At least meet with a CPA to learn what's best for you," she advises. "If you do it right from the beginning, you won't have to do it later."



Arnold Wuhrman

Statler, who has had her own law practice since 1994, says her motto from the beginning was "Keep Your Overhead Low." It's a good rule of thumb when starting out, she says, one that has allowed her to budget wisely throughout her 26 years as a solo.

For her first eight years, Statler worked out of what she describes as a hole-in-the-wall office in the New Market Theater, an historic building in downtown Portland. She did her own billing, "usually on Sunday mornings when I could either ride my bike downtown or park for free on the street. Phones don't ring on Sundays much, usually, so you can focus on the bills."

Statler has since left solitude behind, graduating to convivial co-sharing of office space with small firms. But she's still reaping the rewards of careful budgeting through the years.

"I rarely work on weekends," Statler says, "and I always take a lunch break — away from my desk."

Setting Up Shop

As Statler and others have found, going solo doesn't mean you have to be alone. Nik Yanchar, a Portland employment and personal injury lawyer, is on his second stint as a solo practitioner. What's made his second effort more successful, he says, is moving from a one-person office to a co-sharing arrangement with other attorneys.

"We ask each other questions," he says. "They're all in other areas, so they can provide a fresh perspective."

Mauck, who went solo after leaving a large Los Angeles firm and moving his family to Bend, also started out working from home before joining a co-working space for professionals called The Collective NWX. "And I love it," he says. "I forgot how much I missed being able to talk to other people at the water cooler."

While looking for a co-sharing space after moving to Portland four years ago from Oakland, Calif., Mills explored a variety of co-sharing spaces available. He checked out a WeWork space in Pioneer Square, which he described as "an open bullpen space modeled after Silicon Valley." But he eventually decided that a more private office, at NedSpace on the 11th floor of the Union Bank Building downtown, was better suited for his personal injury and business litigation work.

"The place I leased has a large conference room for meetings and depositions, and office space and smaller conference rooms," Mills says. "It also has co-working space where you can meet other professionals, writers or software developers."

That said, some solos eschew the idea of paying additional rent when a home office works just fine.

"I have the ultimate cyber practice," Wuhrman says. "I am dumbfounded by the number of people who really didn't care if they saw me, as long as they could email me. I do tons of work on the telephone and email, and I file electronically."

He says most of his clients are in California. "Now," he says, "I meet with them on the phone."



Before opening her own practice, Portland family law attorney Lisa Kenn says she added to her store of knowledge by setting up information interviews with a number of attorneys. “I handled my fear of going solo by gathering information,” she says. The fear never quite left, she admits, but at least she was well informed as she moved forward. Photo by Jonathan House

Beate Weiss-Krull also works at home. She says she had looked forward to joining a large firm after law school, but when both her daughters were born with a rare metabolic disorder, she returned to her original goal of being her own boss to have more flexibility in caring for her children.

“At the time, there was no mentorship program at the bar,” she says, “so I found my own mentors.”

She set up a solo practice to allow a more flexible schedule, co-sharing an office with friends from law school. Today, her daughters are healthy teenagers and Weiss-Krull works from home, where she does estate planning, probate and international probate. She also acts as a U.S. agent on behalf of surgical instrument manufacturers from her hometown of Tuttlingen, Germany, helping in their dealings with the federal Food and Drug Administration.

“Honestly, I would not want it any other way,” she says. “I have my own schedule. No one tells me which clients to see, or which clients not to see. I work of my own accord.”

Lawyers with home offices who wish to meet with clients in a more professional setting can book downtown conference rooms for free through the Professional Liability Fund and Multnomah Bar Association or at low cost through the Oregon Trial Lawyers

Association. Or they can follow Inayoshi’s advice: move, preferably to the suburbs or to a small town where competition is low.

When she moved her office from downtown Portland to downtown Hillsboro, Inayoshi says, her clientele grew considerably. “In Portland, there are a lot of people who do employment law. You come out to western Washington County and it’s a whole different ball of wax,” she says. “Here, I can count on one hand the attorneys who do employment law.”

Regardless of location, though, Fianna MacGregor-Whitman tells her fellow lawyers that “whatever your budget is for opening your own office, double it. You’d be surprised by how many things you don’t account for in the beginning, like phones that don’t work with your system, plumbing issues or the astounding amount of printer paper you’ll need.”

MacGregor-Whitman is a public defender and the Mental Health and Wellness Court attorney in Newport. Although her workload is filled by cases assigned by the court, she also started a solo practice earlier this year with her own office and the freedom to take other cases on the side. Her husband, a newly retired veterinary technician, has agreed to work as MacGregor-Whitman’s assistant, which she says will solve two problems: She needed someone to answer



Immigration attorney Teresa Statler (center) poses with clients from Mexico and Mali after their naturalization ceremony at the federal courthouse in Portland. Statler has had her own law practice since 1994. Photo courtesy of Teresa Statler

her phone, and she needed an employee who would qualify her for group health insurance.

The learning curve has been steep for starting a solo practice, MacGregor-Whitman says, but that's been mitigated by the support and advice she receives from colleagues.

"I have amazing colleagues and I've been learning a lot from them," she says. "It's just disappointing that you go through all that school and it doesn't teach you enough."

Tech Talk

Once an office is established and both a shingle and a website are up, the next big decision for solo practitioners often involves technology. With no paralegals or administrative assistants to help out, good software can be essential for success.

Rachel M. Edwards, a practice management attorney with the Professional Liability Fund, has led several CLEs on technology for the PLF and says a firm's size does play a role in technology choices to a certain extent. Large firms generally have a bigger budget for it and can hire an in-house IT person or an outside consultant. Smaller and solo firms have smaller budgets and will be looking for technology that is less expensive and serves fewer people.

"There is so much technology out there so you really have to take a look at individual needs," she says, adding a firm's number of clients, practice areas, geographic location and comfort with using the system are other factors that need to be taken into consideration.

"I try to encourage people to think about general, overarching best practices," Edwards says. "From the PLF perspective, we recommend a good system with at least a reliable calendar, email, document storage, conflict checking, timekeeping, billing, accounting and task management, as well as backup in case of a security issue or crash."

When Yanchar first attempted going solo, he says he convinced himself he couldn't afford practice management software. Today, he relies on such a system to keep his practice successful.

"The first time around, I didn't have a system for quite a few months," Yanchar says. "That's what people suggested I do. But I'm like, 'I can't.'"

He thought he couldn't spare the monthly fee; now, "it's worth it," he says. "It keeps me organized, and organization is probably one of the hardest things to do when you're solo."

Yanchar says he first tried Clio, a leading software system, but "I wasn't a fan. It really comes down to how you think. It didn't work

well with my internal mental processes.” Instead, he chose MyCase, which he finds easier to navigate and convenient for his clients to check on their cases at any time. (Weiss-Krull, on the other hand, has used Clio for 10 years and says “it has transformed my practice.”)

Other solos say they’re incorporating low-cost or free programs like Fax by Email, Google Hangouts and Zoom into their practices. But many say that what they really miss is just having someone to answer their phone. Some have tried remote services, such as Portland-based Ruby Receptionists, but in the interests of keeping overhead low, most say they just do their best to handle calls themselves.

Statler’s approach includes changing her recorded phone message at least once a day.



Ryan Mauck

“I think clients and potential clients really like and appreciate the fact that I answer my own phone,” she says. “I change my voicemail message daily and say specifically if I am out of the office in court, etc., so people have an idea of when I’ll be calling them back. I religiously return all phone calls, even if I just do so to say I can’t help the person.”

Kenn found a sublease arrangement with a larger immigration law practice where reception services are included in her monthly rent. “Having someone else initially answer the phone is a huge time saver for me,” she says. But Mauck says he asked himself what he needed to do “in order to give my clients the type of experience that I want to give them,” and concluded that there was a lot he just didn’t need.

“I don’t need a full-time receptionist, I don’t need a lot of really expensive case management software and custom CRM software,” he says. “So I don’t have it.”

Dave Bourgeau, who chairs the OSB’s Technology Law Section, says Mauck is probably on the right track after gauging his own needs and those of his clients. “For a new or solo firm,” Bourgeau says, “it might be a lot easier to just use your laptop and get by with what you have until you have enough clients to finance an upgrade.”

Building a Practice

But how best to attract those clients? Wuhrman remembers that sometime in the 1990s, he thought he would do well to promote his services by buying full-page ads in the Yellow Pages. In the end, he generated exactly as much in fees as he had spent on the ads.

He resolved then to try a better tactic: networking — going out and actually meeting people, colleagues and prospective clients alike.

“If you do the work and you’re good to your clients and to your professional colleagues, you get referrals,” he says. That approach worked. Even now, says Wuhrman, referrals account for 95 percent of his work.

Solo practitioners are in general agreement that networking is a fundamental key to success. Julia Fraser, who describes herself as “an anxious person by nature,” says it took the guidance of an incubator program — Clackamas Women’s Services Legal Empowerment Accelerator Program — to give her the confidence to launch her estate planning, family law and LGBTQ+ practice in Portland and to put her focus on employment and estate planning security for women.

“Just the networking opportunities have been really helpful,” she says. “I feel I have 20 more people that I can call on than I did before.”

Inayoshi says that when she started her practice, she didn’t just network. She got involved by joining committees, serving in executive positions, volunteering to help organize events, greeting participants, and asking and answering questions on group email lists.



Julia Fraser

“It got me a lot of referrals, because people then know your name, they know who you are,” she says. “You’re not one of 700 people who belong to an organization; you’re one of 10 or 15 that they know.”

What made the greatest difference for Rockenstein in starting her practice was “going out and joining bar committees in your particular area of interest and getting to know people who practice in that area, and getting to know people in allied areas around you. I would talk to people in all groups. You may get referrals from them.”



Salem immigration lawyer Maria Coburrubias (left) poses with client Eurasia Enrique outside the offices of U.S. Citizenship and Immigration Services after Enrique qualified for U.S. citizenship. Coburrubias opened her solo practice after moving home to Oregon from California. Photo courtesy of Maria Coburrubias



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We publish articles on a wide variety of subjects and favor such topics as access to justice, legal funding, judicial independence, diversity in the profession, professionalism and future trends. We also publish columns on ethics, practice tips (in specific areas of law), law practice management and legal history, as well as essays on law and life.

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Oregon State Bar

"I find that it all happens quite organically," she says. "For example, you'll go to a lunch and meet everyone at your table and leave with their cards, and perhaps that will lead to something."

Rockenstein cautions against limiting networking to attorneys in your own area of expertise. "From a business point of view, for client generation and referral generation, you'll want to spread yourself a little more broadly than that," she says.

Coburrubias agrees, saying she also takes advantage of small businesses, including restaurants, that will post her business card for free. Although her immigration practice is based in Salem, she grew up in Hood River; back then, her parents were undocumented agricultural workers and Coburrubias helped look after her seven younger siblings. Now as somewhat of a celebrity for being the first in her family to get an education, she gets much of her business from her hometown fans.

"If you go to Hood River, you're going to see my business card up on the wall at Mexican stores," she says with a laugh. "You'll be surprised by the small businesses and restaurants that have my cards," which have also been passed around by friends and family.

It's important to remember, though, that building a practice doesn't mean you have to accept every client who walks through the door. Kenn's advice is to turn down work if something doesn't feel right, as hard as it may be to turn away a potential paycheck.

"If your 'Spidey sense' starts tingling for whatever reason, listen to it," Kenn says. "Trust that this may not be the right client for your practice, but that the next one will be."

Self-Care

As chair-elect of the OSB's Solo and Small Firm Section, Koch says he's learned a lot about the challenges faced by solo and small firm practitioners. A familiar lament, he says, is that solos feel they can't take vacations.

"There are solos who've said, 'I haven't gone on a vacation in 20 years,'" says Koch, who notes that the section is currently studying ways to lend a hand, perhaps by asking lawyers to temporarily handle a colleague's practice.

That's an idea that makes perfect sense to Statler.

"Get to know other solos in your area of practice, so that when you want to go on vacation, you can have this person be an emergency backup for your clients and cases," she says. "Ask this lawyer to also review your mail at least once a week. And you do the same at their vacation time."

Koch says what helps him keep an even keel is a study group of up to 20 estate attorneys that meets monthly. "By far," he says, "that small group has probably been the most valuable thing for me in just going about my practice."

Yanchar admits that one reason he threw in the towel after his first attempt at going solo was that he was just plain lonely. Having moved to Portland from Ohio, he had no friends and no family here. And then he set up a solo practice where he was all by himself.

"There were a lot of hard lessons the first time," he recalls. "I learned I need to be around other attorneys. I can't isolate myself, because I drive myself crazy."

Yanchar also learned that he needed to be true to himself and run his law practice his way. His "shtick," he says, is that he bills

himself as “Portland’s Casual Law Firm.” In his usual office attire of shorts and a T-shirt, at least five of his 18 tattoos are on full display.

“Being casual, I’ve had a lot of clients tell me it’s so easy to talk to me,” Yanchar says. “I like them to see that I’m a human being and they’re not just another number, another dollar sign, but an actual person going through some crazy stuff and needing help.”

Being yourself — and for the truly fortunate, taking a vacation — does go a long way in helping attorneys keep it together, solos say. Supportive groups and colleagues are also invaluable. But if a lawyer is struggling, experts say, help is available for free from the Oregon Attorney Assistance Program (oaap.org; (503) 226-1057), which offers confidential counseling.

The Soul of a Solo

To a person, every attorney interviewed for this article agreed that going solo has worked well for them.

“I’ve been in practice for 15 years and I have clients on both sides of the Atlantic,” Weiss-Krull says. “I go to Germany three times a year and visit my clients and my mother. Other attorneys contact me when the German language is needed. I found a niche market, something that I like.”

Law is Inayoshi’s second career, but she says the last thing she wanted was to be a newbie at a large firm. “I’d been a manager for most of my 30 years at Intel,” she says. “So I had no desire to be someone’s dogsbody.”

Kenn puts it more succinctly: “My main motivation (in going solo),” she says, “was that I wanted to be my own boss and implement my own ideas and practice methods — not someone else’s.”

Mauck agrees, saying he soured on working for a large firm precisely because his control over his own practice was limited. Now, he says, “I’ve found that I actually have a renewed interest in law due to that new flexibility in terms of the types of cases and the clients I can work with.”

Koch says he hasn’t worked for a large firm, “but I have worked in-house for a company. My experience was that if they found you were good at one thing, that’s what you were going to do all the time.”

Despite the challenges of working as a solo, Koch says, “at no point yet have I thought to myself, ‘I would rather be a cog in the machine again.’” ■

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