

Solo and Small Firm Attorneys Branch Out to Make Ends Meet

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The Connecticut Law Tribune

November 4, 2009

<http://www.law.com/jsp/article.jsp?id=1202435163612>

You might find them in line at the court clerk's office, asking questions that you would expect from a rookie attorney. Or maybe wandering courthouse hallways not entirely sure where to go.

Sure, those people may be interns or recent law school grads. But they also might be experienced, but cash-strapped real estate attorneys who have decided to dip their toes into criminal or family law.

Lawyers statewide in Connecticut have begun noticing some unfamiliar faces in their area of specialty. And given the state of the economy, they don't think it's a coincidence. They say solo practitioners or members of small firms have been forced to branch out in order to stay afloat financially during lean times.

"When that business drops down to low levels people need to find ways to keep their offices going," said Stamford Public Defender Barry Butler, who's noticed an influx of new faces in the criminal courts in recent months. "So they start dabbling in areas they wouldn't normally have to go to or prefer."

Frank Iannotti, a Superior Court judge in Bridgeport who serves as president of the Connecticut Judges Association, said some prosecutors and other judges have remarked to him about encountering fresh faces in court and fielding questions such as: "I haven't been here; what should I do?"

"The biggest downturn is with real estate lawyers," said Iannotti. "A lot of them, I understand, are making their way to family court."

Yona Gregory is a prime example of one solo attorney who has had to adapt her practice to changing times. In 2005, when the state's housing market was still booming, Gregory, just a year out of law school, decided to launch her own real estate law practice in New London. Since then, housing values have plummeted.

Gregory said homes that sold for \$280,000 five years ago are now selling for \$80,000. With attorneys earning a title commission based on the sale price of homes, "you're doing five times as many closings than you would have needed to do" before the market sank, she said.

In the past, she had supplemented her practice by taking on some cases as a special assistant state's attorney. This year, she's spent even more time in courtrooms.

"I have definitely taken on more criminal defense work," she said, including drunk driving and traffic ticket cases. "I have seen a lot of solo real estate people in the criminal courts."

Middlebury attorney Anthony Minchella has noticed the same thing. His two-lawyer firm, **Minchella & Associates**, has stuck to its business litigation work even though revenues are down. But Minchella knows of colleagues who are grabbing on to "something they think is easy to learn like traffic tickets and DWI work."

"There are people I know who have moved into other practice areas simply to be able to keep the lights on," said Minchella, "and that's understandable."

'QUICK MONEY'

Jennifer Janik, an assistant attorney general, and Stacey Haupt, an assistant state's attorney in New Haven, are directors for

the **Connecticut Bar Association**'s Continuing Legal Education program. They've talked with their colleagues about the lawyers who are branching out and wonder whether that correlates with a recent rise in CLE attendance.

They have noted a particularly strong interest in introductory courses. Among the most popular have been family law and federal practice and procedure. A two-part wills and trusts course has seen a 50 percent increase in attendance since it was last offered about two years ago. "Wills and trusts you can do quickly and earn some quick money," said Haupt.

Janik said many lawyers registering for CLE courses "are trying to learn the basics, enough so they can shop them. People are certainly trying to keep clients in as much as they can."

In New London, there's been so much cross-over activity that the GA 10 courthouse has hosted an instructional panel that allowed lawyers to question judges about court procedures. And the Judicial Branch is running a series of programs this fall called the **Legal Exchange Program** that will take place at courthouses statewide. Organizers say it's for all bar members, but some of the topics addressed may be beneficial to the moonlighting lawyers, such as filing procedures.

Lorin Himmelstein, a Legal Exchange Program organizer and clerk in Hartford criminal court, said the programs are good ways for lawyers expanding their practice areas to meet other lawyers and courthouse personnel. "It's always nice to know who the players are," said Himmelstein.

But not all lawyers seeking new kinds of work are going to seminars and workshops. Sometimes knowledge is acquired through informal mentoring. Butler, the Stamford public defender, has noticed veteran criminal court lawyers helping new arrivals, telling them about nuances in the criminal system that only a pro would know.

"Quite often experienced criminal lawyers will lend a friendly word of advice and tips on certain things, like if you use this program now, then your client can't come back later on and use this one They keep them from rudimentary mistakes."

Neither Butler nor Bridgeport Judge Iannotti think that the quality of legal representation has slipped with lawyers handling cases in unfamiliar practice areas. "They're just doing a job in an area they wouldn't normally practice," said the judge. "Usually a good lawyer is a good lawyer."

'SWITCHING GEARS'

Jennifer Sadaka certainly knows that feeling of scrambling for business. She spent three years as a solo practitioner in Branford, where she focused on family law, but when her income slowed, she began taking more bankruptcy and real estate work.

This spring, she got sick of wondering when that next settlement might come around that would allow her to pay the bills. So she gave up the solo life and took her family law practice to 40-lawyer [Gibson & Behman](#), a Massachusetts-based firm with a seven-lawyer Middletown office and a variety of practice areas.

Sadaka recalls that it was a mental challenge when she first took on work outside family law. "You're thinking about a thousand things at once, and you're switching gears constantly," she said. "I remember the feeling of being pulled in so many different directions."

But there were limits to the types of cases she would take on, even during lean months. She regularly referred personal injury or worker's compensation cases because they were outside of her expertise. "Yes, it would be great to get the money, but at the same time you have to be practical as far as your career is concerned," she said. "If you spend all of this time learning the law, you're not going to make as much money on the case."

New London's Yona Gregory said attorneys considering new practice areas have to consider their clients as well as their own careers. "You need to educate yourself without impairing the client. You have to take it on slowly and don't rush into it," Gregory said. "The best thing is to know when you have enough knowledge under your belt to take on something new. You also have to keep your support staff in mind because it can be a strain on them if you rush into a new practice area."

Renee C. Berman, a solo attorney in Hamden, said that lawyers looking to expand their practices need to know when to say when. She said sometimes they don't.

"I haven't met anyone who would turn something away because they've been overloaded," said Berman. "When attorneys start to get out of their comfort zone, that's when you see attorneys getting into trouble. The monetary gain is going to be minimal compared to the expense of the risk. I don't support that."

Mark Dubois, chief disciplinary counsel for the **Connecticut Judicial Branch**, agreed that lawyers "often will stretch beyond their limits of comfort and take something on" when times are tough.

Occasionally, a legal malpractice complaint will land in his office for just that reason. But, he said, many lawyers avoid ethical lapses by asking for help from other lawyers. More common, Dubois noted, are complaints that stem from a lawyer taking on too many cases in too many areas and failing to properly service clients or communicate with them adequately. "We see lawyers overwhelmed by their volume of work," Dubois said.

It's a trend that may be short-lived. After all, the economy seems like it's bouncing back, at least a little. New London's Gregory had eight real estate closings in a recent week. It's possible that she'll soon focus on that area once again and leave the DUI work to

others. Still, she's happy she gained experience in another area of law.

"It's exciting. I like to avoid getting into a rut and skating through without putting much thought into the process," Gregory said.

"With a new practice area, you have to engage your curiosity and your learning capabilities. In any career, growth is a good thing."