

## Lawyer for Hire: Freelance Contractors Change the Marketplace

By Hannah Hayes

From a remote cabin in Alaska, Kimberly Alderman hauls her own water and relies on her off-road ATV to get around until spring. But thanks to a satellite Internet connection, a solar panel generator, and her LexisNexis account, the Howard Law School graduate solicits a steady stream of work from her Web site while working in her paperless office.

Boston lawyer Sara Greenberg, who specializes in e-business law, works on a project basis so she has the time to parent her 12-year-old daughter and play in a band on the weekends.

And after working for years on a contract basis, Amanda Mineer opened her own firm in San Diego and relies on other freelance lawyers to pick up any overload in her expanding practice.

Whether working remotely from home or in thriving legal environs like New York and Washington, D.C., more and more lawyers are opting for the flexibility and freedom of working on a project-by-project, contract basis.

While some shun the tag of “temping” and others play dual roles as solo practitioners and freelancers, working on a contract basis is gaining favor with legal professionals who want to arrange their work to fit increasingly varied lifestyles. Fueling the trend is a booming e-discovery industry coupled with uncertain economic times that find law firms hesitant to expand and looking for more cost-effective options.

### Growth Industry in Challenging Times

Deborah Guyol left a large law firm in Oregon and began working on a contract basis in 1992. She coauthored *The Complete Guide to Contract Lawyering* after seeing the rise of an entire industry of contract lawyers, temp lawyers, and freelancers in the early 1990s. “It was much more in the big cities, where we saw big firms laying people off and people coming out of law school unable to get jobs,” Guyol explains. “People

became contract lawyers to put food in their mouths.”

Today, Guyol says, “many people have just decided this is the way they want to practice law.”

However, despite their growing numbers, many freelance contract lawyers must fight the perception that “they are just between jobs or don’t have it in them to be a ‘real’ lawyer,” Mineer points out.

“It’s about a balanced life, whether you want to raise a family or play tennis and golf and be involved in your church,” says Mineer, who cofounded the National Association of Freelance Legal Professionals (NAFLP). She says that the focus on work/life balance is part of the mentality of many law school graduates today.

### Choosing Stability and Control

After many years in the Justice Department and then the Federal Trade Commission, Greenberg says she “discovered the world of temp agencies” when the dot-com bubble burst and she was without a job for the first time in 30 years. In the beginning she opted for the “low responsibility and low pay” work obtained through various agencies. However, with her specialized background and experience, the single mom and part-time musician found an agency that gave her long-term projects with stability as well as choice.

“What I like about the contract work is that I have control over my life,” Greenberg says. “I can put in the hours when I have child care and arrange a schedule that doesn’t include client meetings or cocktails or traveling or litigation.”

Alderman says she enjoys researching and writing in her field of cultural property law. “I wanted to try out remote living,” she says, adding that she loves working without file cabinets. In addition to writing articles on archeology law, she works on

personal injury and criminal defense cases outsourced by other law firms and eventually hopes to build her own specialty practice.

### Going the Agency Route

With electronic evidence and new discovery regulations, the number of agencies providing legal help also has skyrocketed. Black Letter Discovery, Inc. offers onsite locations in nine cities for firms to conduct document reviews. In tough economic times, many law students sign up with agencies to gain experience and network.

The uncertain economy is providing opportunities and changing perceptions about contract lawyers.

When Gregory Bufithis founded The Posse List in 2002, it was a way to keep in touch with other contract lawyers he met on various projects. On the list they shared information about potential projects and agencies. By 2006, the list had grown to 10,000 subscribers worldwide, with four full-time employees. Agencies pay to advertise their job openings.

Despite the growth of legal employment agencies, some organizations actively discourage the idea of legal “temp” workers as much as the lawyers who work for them. Counsel On Call has offices in six cities, including the New York tri-state area, and prides itself on selectively hiring highly qualified and experienced lawyers. The agency provides health benefits and 401(k) plans and even hosts office holiday parties.

“Some of our lawyers work remotely or from home, so we try to make them feel a part of things socially,” says Nancy Reiner, executive director for the Boston-based office. Reiner estimates that one-third of the agency’s lawyers choose to work on a project basis for family reasons. “Others are super qualified and looking for work/life balance or want to start their own companies.”

Similarly, On Call Counsel employs 2,100 lawyers in the San Francisco Bay area. “We have every kind of lawyer you can possibly imagine: those with fancy degrees, triple PhDs who are in between inventions, and solo practitioners who want to augment their business and that’s how they network,” Executive Director Peter Smith says. “There are all different types of people looking for balance and wanting to work less than the 2,300 billable hours required by most law firms.”

While most agencies provide benefits such as health care and retirement plans, the requirements to qualify for such benefits vary. Lawyers usually must work a minimum amount of hours or several consecutive months before becoming eligible for benefits, and many individuals are required to pay their own premiums.

### More Opportunities, Changing Perceptions

For law firms, hiring an outside lawyer on a contract basis for document reviews and short- and long-term projects saves money for their clients while freeing up associates.

Last March, Bingham McCutchen LLP hired Alice Feng to oversee contract lawyers at its San Francisco and Boston offices. In addition to hiring contract lawyers, Feng works with staff lawyers whose sole responsibility is to manage contract lawyers.

Prior to this, Feng says, associates were responsible for contract lawyers

## BECOMING A *Freelance Contract Lawyer*

- Define your objective. Many lawyers dream of hanging out their own shingle, while others want to travel, play in a band, or simply schedule work around family. If the type of work is not as important as control over your hours and you don’t like networking, you may find a professional agency suitable. But if one aspect of legal work appeals to you most, focus on your expertise.
- If you go with an agency, choose carefully. Many professional companies seek out experienced lawyers with specialized skills, whether it’s a particular practice area or fluency in Japanese. Recent law school graduates may have less choice, but agency work can help build experience and increase networking opportunities.
- Market yourself accordingly. Whether you’re just out of law school or you’ve resigned your partnership in a large firm, you’ll need to promote your skills. If your goal is to freelance and pick up interesting work in your specialty, promote yourself as a freelancer. “If you’re in estate planning and you meet a solo practitioner in estate planning, they might view you as competition,” NAFLP’s Amanda Mineer points out. “But when you say you’re a freelance lawyer, you suddenly become a resource.”
- Treat yourself like a small business. Every small business needs to consider insurance, competitive pricing, and methods of work. Research pay scales in your area and set your fee accordingly. Many local bar associations offer malpractice insurance and other benefits. Talk to other independent practitioners and shop around.
- Think like an entrepreneur. Treat your employer like a client and maintain professionalism at all times, says On Call Counsel Executive Director Peter Smith. “It’s easy to forget while working on a long-term project in a large law firm that you’re not an employee,” Smith points out. “You can’t do what everyone else is doing, whether it’s taking long breaks or gossiping.” If you’re doing contract work for another lawyer or law firm, keep in mind you are building a relationship as well as doing a job.
- Network, network, network. Working on a contract basis can sometimes result in isolation. Join your local bar association and organizations such as NAFLP and ASOCA (see below). Internet blogs and Web sites such as The Posse List ([www.theposselist.com](http://www.theposselist.com)) will keep you in touch with others in the profession while providing a valuable resource for jobs and work/life strategies.

brought in on their cases. “This way is better because the associates are freed up and the contract attorneys have one individual to whom they can turn for support and questions,” she explains.

With an uncertain economy, more law firms are opting to hire contract lawyers while they wait to see if the need for another associate will pan out. NAFLP’s Mineer says this means freelance and contract lawyers are likely to see more opportunities, changing perceptions about them, and established norms for the freelance legal industry.

“It’s not about just trying to find another job,” Mineer concludes. “You have to own it, and that’s going to be a big part of changing the perspective.”

*Hannah Hayes is a Chicago-area freelance writer.*

### NAFLP and ASOCA

Two organizations that support those who choose freelance contract work as a career path were launched in 2008. The National Association of Freelance Legal Professionals (NAFLP) hopes to standardize industry practices, such as wage structures and benefit packages. The American Society of Contract Attorneys (ASOCA) plans to offer seminars and training to help make contract lawyers more marketable.