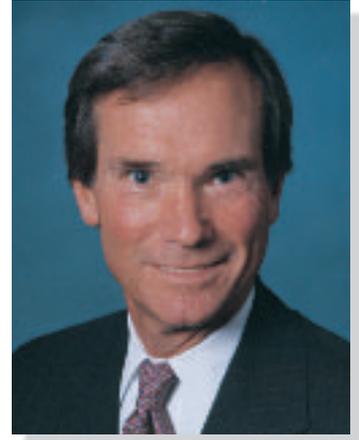


# Solo and Small-Firm Practitioner Forum



by David P. Bobzien, 2004–2005 VSB President

It's 351 miles from my home in Reston to Abingdon. And, as the students at George Mason basketball games chant when there is less than a minute to go and Mason has the lead over James Madison, it's "66 west, 81 south" and several hours of monotonous, truck-passing and being-passed driving. I spent my last Saint Patrick's Day making that trip to take part in March 18's Solo and Small-Firm Practitioner Forum. The idea for the forum sounded plausible enough. For over a year, Chief Justice Leroy R. Hassell Sr. had been saying that he believes that rural practitioners, who overwhelmingly practice as solos or in small-firm settings, saw the State Bar only from the standpoint of its regulatory function—when they or a colleague down the street received an envelope stamped in red "personal and confidential." If the Supreme Court could bring the Virginia State Bar to the Southwest and organize a forum that would help practitioners avoid disciplinary pitfalls, better manage their offices and trust accounts, learn about the benefits of their membership, and voice their concerns about the VSB and the judiciary, then perhaps the State Bar would be better recognized for the service and assistance it provides its members.

As we prepared to bring Mohammed to the mountain—or, in this case, a venue fourteen miles from the Tennessee border—we thought that the forum's success would hinge as much on the messengers as on the messages and that having messengers from the Southwest and other rural areas would be essential. As the forum unfolded on March 18, the benefit of having lawyers who had been there and done that became evident. Justice Cynthia Kinser of Pennington Gap led the forum, and her sensitivity to the circumstances and needs of rural practitioners was evident both in her planning and the tone she set during the meeting. Nancy Byerly Jones of Banner Elk, North Carolina, spoke on law office management, technology, and trust accounting from the perspective of a national consultant who is also a solo practitioner currently serving as an assistant prosecutor in her rural county. Frank O. Brown Jr., who has labored tirelessly on issues affecting senior lawyers, discussed the need for all lawyers to have plans in place

that will help control the chaos that can arise if something happens to an attorney or to law practice. He emphasized the special need for a solo attorney to select a trusted "back-up attorney" who can step in and contact clients and manage open files, dates/deadlines, and trust accounts, when needed.

At no time during the forum was the understanding of the unique challenges facing solo and small-firm practitioners in rural settings more evident than in the session on ethical issues presented by VSB Disciplinary Board veteran Roscoe B. "Steve" Stevenson III of Covington. Steve talked about his world. Law office management for him includes changing his light bulbs and ensuring through thick and thin that office overhead costs will be met. The population is shrinking (except for newly minted attorneys), but not his travel time between courthouses or the short distance to the border of West Virginia, where he's not licensed and can't expand his practice. Clients he has had from the day he opened his practice will at times want him to handle cases in areas of law in which he has little experience, because they trust him and are reluctant to be referred out to unknown lawyers who might not be as generous in their billings. A client will inform him that he has a lawyer for his personal injury claim whom he chose because of an inspiring ad on the back cover of the phone book. Clients who used to come in every so often to replace second trusts, when new large expenses were facing them, no longer need his services because they can rely on credit cards or equity lines of credit to get them through. It was in this context that Steve nevertheless spoke passionately about the counterbalancing rewards of solo practice and the slippery slopes, failures, indiscretions, and traps that a solo practitioner must learn to avoid.

After a half-hour panel discussion of several services and benefits that the State Bar provides, the forum concluded with a Town Hall Meeting, during which the attendees had the unusual opportunity

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to pose questions and make comments to a panel that was introduced by Justice Kinser and consisted of Chief Justice Hassell, VSB Executive Director Tom Edmonds, Bar Counsel Barbara Williams, and Conference of Local Bar Associations Chair Manny Capsalis. There was no lack of conversation. Chief Justice Hassell was able to assuage a concern about the expensive utilization of Commissioners in Chancery by telling attendees that House Bill 2583, passed by the 2005 General Assembly, will require the agreement of counsel before a commissioner can be appointed; assure several individuals that

he agreed with, and would pass along to the judiciary, suggestions regarding ways to increase civility in the courtroom and the involvement of judges in local bar activities; and point out that, realistically, disparate sentencing among circuits, as troubling as that may be to some, will always be a part of the judicial system as long as human beings are judging.

Whether the day was a success has to be left to the judgment of the participants in the audience. But from my vantage point, it was well worth the long drive. ☺