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Message from the President

By Alan J. Lefebvre, Esq., President, State Bar of Nevada



IT ALL STARTED WITH THE STATIONERY STORES...

It all started with stationery stores stocking “will” forms and quit-claim deeds. Title companies in the western part of the country filled the void of lawyers at the real estate “closing table” for residential sales, starting 60 years ago.

In 1960, law firm revenue from individuals comprised 60 percent of legal income, with just 40 percent from corporations. Now the percentages are reversed. Hourly rates payable by corporate clients rose and were partially imitated by practitioners catering to individual clients. For individuals, the justice gap emerged; now we see pro per litigants at an alarming rate in family courts and behind bankruptcy filings ... and feral paralegals skulking around immigration matters. LegalZoom has become the tool of sophisticates with a disdain for the profession.

The reaction from the organized bar to provide representation across the wide band of consumers has been twofold, to fill the justice gap:

1. Pro bono voluntarism arising from the decade of the '90s and;
2. Invigorated legal aid organizations, financed in part by lawyer IOLTA accounts, and creativity fostered by service providers, such as Barbara Buckley's Legal Aid Center of Southern Nevada (now proudly listed along with law firms in the legal directory). Those providers are not rag-tags; rather, the operations are clothed in the mantle of highest professionalism, coupled with the esprit de corp shown by the best anywhere.

Then came the financial crisis; the ends are pulling at the edges of the spectrum to create a bigger justice gap near the middle; the profession has strained from falling into the chasm. Unemployment among new lawyers skyrocketed, large firms have sunk quietly under the waves and cutbacks of professional and law firm support staff have become commonplace, but seem to be stabilizing. The end though, is not in sight. Law school applications plummeted and the number of those sitting to take the bar has sunk. Law schools from whence we all sprang are having an identity crisis of their own. Now, the schools aim to commission “client ready” graduates.

The affluent will always have their attorneys; large corporations have their knives out and search for ways to cut down use of outside counsel ...

until disaster strikes. It suffices that big law will survive in some form; we just don't know what it will resemble.

Bar associations have not reacted until recently, hoping the profession could catch the next wave of economic resurgence; it has been a long wait.

Our state bar is attempting to make inroads to assist those practitioners who have used the circumstances to strike out on their own and join the large group of already resilient solo and small firm practitioners. Those just admitted are striking out on their own, in increasing numbers not previously seen and against conventional models.

Justice James Hardesty recounts his 25-year pursuit of an ideal work environment in solo law practice, and the resulting satisfaction of self-determination and reliance. The bar and the court have both embraced the state bar's Transitioning Into Practice mentoring program, which places newly minted attorneys with seasoned attorneys to share their experience and entrepreneurial adventure.

Board of Governors' member Gene Levery has created a new section of the bar for Solo and Small Practice practitioners. Levery does not need mentoring on the subject, but is prepared to make the small firm experience achievable. (Watch the next bar e-Newsletter for another announcement on the section before you hit delete too quickly.) Success is possible and fulfillment attainable.

See an example of big law attorneys who made the small firm transition, when the financial tumble started, (MARCH 23, 2009 | BUSINESS PRESS, page 5, Recession spurs staff shake-ups at law firms. http://www.ekcounsel.com/las_vegas_lawyers_cek_counsel_pdf_article/Las_Vegas_lawyers_March_23-09%20Page_5.pdf)

Those lawyers shed the legacy costs and provide quality legal services to compete with the largest firms, in sophisticated commercial transactions. Others are following in their wake. (<http://www.vegasinc.com/news/2013/jul/29/rise-retail-law/#.Uf3II-niEBFs.email>.) There are pitfalls and conventions to overcome, to be sure; the landscape of the profession is changing around us so quickly, we don't seem to notice. Remember that advertising in the media was frowned upon, just a short time back.

The opportunities for meaningful work and income are there. For some socially conscious lawyers, pro bono has become the rubric to describe a new type of non-institutionalized setting. (<http://lawyerist.com/author/samglover/page/2/> Sam Glover, "The Reality of Low-Bono Practice," July 27, 2013.)

So where do you start, if you want to retool? Our own state bar's Solo and Small Practice Section might be a good beginning. Don't have time? It is only your profession and means of livelihood you spent three years in law school to enter ... it matters.

Technological advances in the last 15 years make this the moment; it is easier to achieve happiness in practice, more than ever before, small or big. ■

Questions? Comments?

Nevada Lawyer welcomes feedback from our readers! Contact us at nvlawyer@nvbar.org.