



25TH ANNIVERSARY  
**MCLE SPECTACULAR!**  
Friday, November 22, 2019



The CCCBA Solo and Small Firm Section  
proudly presents...

**#11 SO YOU WANT TO OPEN YOUR OWN LAW  
OFFICE—THE 10,00 FOOT VIEW**

Heidi Coad-Hermelin - Hermelin Law Firm

Ann M. Dalsin - Dalsin Law

Andrew J. McCall - Law Office of Andrew J. McCall

David S. Pearson – Brothers Smith

Dana M. Ulise, Esq. - Lawyers Mutual Insurance Company

**Topics**

- Office location
- Staffing
- Sources of intellectual content
- Filing and records retention
- Insurance (E&O, health)
- Financing
- Marketing
- Billing
- Time management
- Technology

## **Speaker Biographies**

**Heidi Coad-Hermelin** has been a partner with the Hermelin Law Firm since 2008. She practices law with her husband David Hermelin in Martinez and focuses on real estate, bankruptcy and business law. Ms. Coad-Hermelin has been attorney for 27 years and has worked in small firms for the majority of her career. Ms. Coad-Hermelin graduated from the University of California at Davis in 1990 with a degree in Economics and earned her Juris Doctor degree from McGeorge School of Law in 1992.

**Ann (Anina) Dalsin** draws on more than 25 years of legal practice. Ms. Dalsin has amassed experience in an array of corporate and commercial transactions as well as employment advice and counsel. Prior to establishing Dalsin Law in 2009, Ms. Dalsin was a partner in the law firm of Gilliss Valla & Dalsin LLP, where her practice involved representation of foreign and domestic companies in a broad spectrum of business transactions. Before joining that firm in 1997, Ms. Dalsin worked on international corporate transactions at Varian Associates, Inc. in Palo Alto, California. Ms. Dalsin received her Bachelor of Arts degree from the University of California, Santa Barbara, in 1990. In 1995 she earned her Juris Doctor degree from California Western School of Law in San Diego, where she served as a staff writer and staff editor of the Law Review and International Law Journal. As a result of spending over a decade living, studying and working in Spain, Venezuela, and Italy, Ms. Dalsin speaks Spanish and Italian and is also conversational in French.

**Andrew J. McCall** has litigated divorces in Contra Costa and Solano Counties since 1999. He enjoys resolving cases successfully for clients and helping them move on with their lives. The Law Office of Andrew J. McCall was founded in Walnut Creek in 2002. Mr. McCall obtained his undergraduate degree from Middlebury College in 1989, then went to McGeorge School of Law-University of the Pacific and graduated with his JD in 1997. He joined the California State Bar Association in 1997 and the Contra Costa County Bar Association soon thereafter. Mr. McCall served as Section Leader of the Solo and Small Firm Section of the Contra Costa County Bar Association in 2014, 2015, & 2016.

**David S. Pearson** has a B.S. in Business Administration (Economics) with a minor in Criminal Justice from the University of Nevada-Reno and a J.D. From U. C. Hastings College of the Law. David started in practice in 1991 working in Fresno for an insurance defense firm where he defended personal injury and construction defect claims as well as handled general civil litigation matters and corporate and real estate transactional matters. David was a solo from 1996 until this past September. As of October 1, he joined Brothers Smith LLP as a partner. His law practice focuses on representation of businesses and their owners in both the transactional and litigation areas with a heavy emphasis on mergers and acquisitions. He is currently on the board of directors for the CCCBA, for the CCCBA Solo and Small Firm Section, the Robert G. McGrath American Inns of Court and the Walnut Creek Sunrise Rotary Foundation.

**Dana Ulise** is the Underwriting Manager at Lawyers' Mutual Insurance Company. Upon joining Lawyers' Mutual, Ms. Ulise brought with her more than 15 years of experience as an insurance defense litigation attorney. Ms. Ulise obtained her Bachelor of Arts in Law and Society from University of California, Santa Barbara in 2000, and her Juris Doctor degree from Loyola Law School in 2003.

# **SO YOU WANT TO OPEN YOUR OWN LAW OFFICE—THE 10,00 FOOT VIEW**

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The Solo Practice & Small Firm Section evolved from the recognition that many sole and small firm practitioners desired and at times needed the camaraderie, intellectual stimulation and informational exchange that attorneys generally find in larger law firms. By having consistent networking and fellowship opportunities, the Section has evolved into a collegial organization resembling a "firm," with specialists in various fields both willing and capable to offer assistance to other Section members.

## **I. OFFICE LOCATION**

### A. Initial Considerations

Ethical Considerations of Office Sharing

### C. The Home Office

### D. The Virtual Office

## **II. FINANCING**

### A. What Will it Cost?

### B. Financing Options

### C. Types of Loans

### D. How to Get a Loan

## **III. STAFFING: CONTRACTORS VS. EMPLOYEES**

### A. Pre- Hiring Considerations

### B. Employees vs. Independent Contractors

## **IV. MARKETING**

- A. Developing Clients
- B. Methods of Marketing Your Practice
- C. Tips to Improve Your Marketing Skills

## V. SOURCES OF INTELLECTUAL CONTENT

- A. Satisfy the Duty to Perform Legal Services Competently
- B. Law Libraries
  - 1. Contra Costa County Public Law Library – Main/Courthouse Branch  
1020 Ward Street, 1<sup>st</sup> Floor, Martinez, CA  
Hours: 8:00 a.m. – 5:00 p.m., M – FRI  
Tel: (925) 646-2783  
<http://www.cccplib.org>  
Open to the public, with Westlaw privileges
  - 2. Contra Costa County Public Law Library – Richmond Branch  
100 37<sup>th</sup> Street, 2<sup>nd</sup> Floor, Richmond, CA  
Hours: 8 a.m. – 4:30 p.m., M – FRI (closed from noon – 12:30)  
Tel: (510) 374-3019  
Open to the public
  - 3. John F. Kennedy University Law Library  
100 Ellinwood Way, Pleasant Hill, CA  
Hours: 9:30 a.m. – 9 p.m., M – TH, 9:30 a.m. – 5 p.m., FRI, 10:00 a.m. – 5:00 pm SAT, 1 p.m. – 6 p.m. – SUN  
Tel: (925) 969-3120  
<http://library.jfku.edu>  
Free access to Solo Section members (no check-out privileges, though)  
All others pay
- C. Free Internet Resources
  - 1. All purpose law sites
    - a. Find Law (<http://www.findlaw.com>): primary documents, news, commentary, and links to legal and governmental sites
    - b. WashLaw (<http://www.washlaw.edu>): a bare-bones but current collection of links to web sites, internet and commercial databases, discussion groups archives, and more
    - c. Cornell’s Legal Information Institute (<http://www.law.cornell.edu>): original materials and links to other sites, organized by topic, type of material, and jurisdiction
    - d. Goggle Scholar (<https://scholar.google.com/>): California cases.
  - 2. State Constitution and Statutes (<http://www.leginfo.ca.gov/calaw.html>)
  - 3. Prepare to go solo: My Shingle (<http://www.myshingle.com>)

## VI. BILLING

- A. Setting the Groundwork to Ensure Successful Collection of Fees
- B. Fee Setting Methods
1. Contingency fees
  2. Fixed fees: based on estimate of experienced attorney
    - a. Advantage: Most clients prefer certainty in billing
    - b. Disadvantage: Underestimate the fee, and work for free
  3. Hybrid fixed fee: used when exact quote is not possible; sets minimum fee, hourly rate discount, and/or maximum fee
  4. Hourly rate
    - a. Advantages:
      1. Sophisticated clients are accustomed to hourly rates
      2. More simple and profitable for attorney
    - b. Disadvantages:
      1. Unsophisticated clients will balk at most hourly rates, prefer predictability
      2. New lawyers will spend too much time and cannot bill it all
      3. Fees are not related to value provided or results obtained
  5. Fee by stages: break work into stages, estimate work, and set a fee for each stage as you go

Example Fee by Stages Agreement

- I will research the merits of your case and write an opinion. Fee: \$350.
- If your case is meritorious and collectible, my fee is 1/3 of the recovery. I will credit the \$350 against my fee.
- If your case's merit or collectability is uncertain, you may retain other counsel with no further obligation. You may also proceed with me, as set forth below:
- Draft complaint. Fee: \$350.
- Law and motion appearances (prior to answer): \$375 each.
- Propound or answer written interrogatories: \$150 per set.
- Deposition preparation and attendance: \$300 per deposition of less than 4 hours, \$650 per deposition of 4-10 hours.
  - Trial appearance (5 days estimated): \$750 per day.
  - All other services: \$100 per hour.
- You may stop using my services at any stage by notifying me. However, if I accept your case on a contingency basis, and you subsequently discharge me, my fee will be the greater of: 1/3 of any offers received prior to or within 5 days of discharge or \$100 per hour.

- C. The Initial Consultation: To Charge or Not to Charge

- D. Charging a Reasonable Fee: Unconscionable Fee Factors
1. Amount of the fee in proportion to the value of the services performed

2. Relative sophistication of the lawyer and the client
3. Novelty and difficulty of questions involved and required skill
4. The likelihood, if apparent to the client, that accepting employment will preclude the lawyer from accepting other employment
5. Amount involved and the results obtained
6. Time limitations imposed by the client or by the circumstances
7. Nature and length of the professional relationship with the client
8. Experience, reputation, and ability of lawyer performing services
9. Whether the fee is fixed or contingent
10. Time and labor required
11. Informed consent of the client to the fee agreement

E. Know Your Trust Account and IOLTA Rules

## **VII. FILING AND RECORDS RETENTION**

A. Filing Styles

B. Filing Every Day

C. Records Retention after the Case Closes

## **VIII. TIME MANAGEMENT**

A. Manage Client Expectations

B. Balancing Your Obligations

C. Managing Telephone Calls

D. Managing Your Mail

E. Managing Your Calendar

F. Preparing for Vacation

G. Tips for Improving Your Time Management Skills

## **IX. INSURANCE**

- A. Lawyer's professional liability (malpractice or errors & omissions) insurance
  - 1. Prior acts coverage
  - 2. Coverage limits – per claim vs. aggregate
  - 3. Deductible – self-insured retention amount
  - 4. Exposure factors
    - a. Danger of personal exposure
    - b. Degree of risk in practice areas
    - c. Size of transactions and scale of exposure
    - d. Individual claims history
  - 5. Cooperating with insurer
  - 6. Dealing with clients involved in claims or problems
  
- B. Health Insurance
  - 1. State Bar of California
  - 2. Kaiser

## **X. TECHNOLOGY**

- A. Assessing Your Needs
  - 1. Technology you have vs. Technology you want
  - 2. Set a replacement timetable, budget, and prioritize
  - 3. Include time and expense of training
  
- B. What's New, Smart, and Cost Effective?
  
- C. Leasing vs. Purchasing