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Complaints to Courtroom Dilemmas  
– VIDEO REPLAY

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25—Practical Ethical Advice: From ARDC  
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CALENDAR

# How much will I get paid as a Chicago lawyer taking an out-of-town case?

By Pierina J. Infelise & Joell Zahr

**R**ule 1.5 of the ABA Model Rules on professional responsibility states, "A lawyer's fees shall be reasonable," and sets forth several factors to determine whether a lawyer's fees are in fact reasonable. One of the factors to be taken into consideration is "the fee customarily charged in the locality for similar legal services." Does this mean that Chicago attorneys must change their rates to reflect the rates charged in another locality when a potential client is from that other locality?

Over the years, the courts have been able to shed some light on this issue. When a court awards attorney fees to the prevailing party, the fees are assigned a "lodestar" amount. The lodestar is the number of hours reasonably expended multiplied by a reasonable hourly rate.<sup>1</sup> Once the lodestar is assigned, the district court may adjust that amount to take into account various factors regarding the litigation. However, the lodestar cannot be adjusted solely because the attorney's rate differs from rates for comparable legal work in the locality of litigation.<sup>2</sup>

In *Mathur v. Board of Trustees of Southern Illinois University*,

Chicago-based attorneys represented a professor, Mathur, in an employment discrimination and retaliation case against Southern Illinois University (SIU). Mathur's action alleged that he had been discriminated against when SIU decided not to hire him as the Dean of the College of Business. He also alleged that SIU retaliated against him for bringing the suit by removing him from his position as Chair of the Finance Department.

During Mathur's search for legal representation, he approached several attorneys in the local area who declined representation based

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# Making the transition to a solo or small firm practice

By Nathan Lollis

**M**any attorneys consider starting their own firm. Obtaining clients and successfully collecting your fees are a couple of obvious aspects of starting your own solo or small firm practice. Some other aspects of the transition may not be so obvious.

Start by thinking about your current practice setting. Making the transition can be completely different, for example, if you are coming from a big firm, a small firm or a government

practice.

Stephen Peck made the transition from a government litigation practice to his own solo practice, the Law Offices of Stephen Peck. Leaving a government practice to start your own practice can have special difficulties. Depending on your government practice setting, it might mean you would be forced to start from scratch without any clients. Starting a practice without any existing clients is very tough, Mr. Peck acknowledged, but does not mean that you cannot

still build a successful practice.

On the other hand, if you are leaving a firm and planning to bring clients with you, you might experience an entirely different set of problems. Jason Bent left a large firm litigation practice and teamed up with another attorney to start Smith and Bent, P.C. Among other considerations, leaving a firm requires an evaluation of your portable business and clients. If you are planning to try to take any clients

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## Book review

By Heather M. Fritsch, Law Office of Heather M. Fritsch, Sycamore

### *Dreams from my father*

By Author Barack Obama

*"The audacity of hope! I still remember my grandmother singing in the house, 'There's a bright side somewhere...don't rest till you find it...'"*

—Words from a sermon of Reverend Wright, quoted in *Dreams From My Father*

*"The study of law can be disappointing at times, a matter of applying narrow rules and arcane procedure to an uncooperative reality; a sort of glorified accounting that serves to regulate the affairs of those who have power – and that all too often seeks to explain, to those who do not, the ultimate wisdom and justness of their condition....But that's not all the law is. The law is also memory; the law also records a long-running conversation, a nation arguing with its conscience."*

—Barack Obama, *Dreams From My Father*

\*\*\*\*\*

**W**hether you're a Democrat or Republican, a Clinton-supporter or Obama-supporter, this book is worth the read. Although this book is non-fiction, it reads like fiction as Obama tells the story of his young life and of becoming a man in a very thoughtful, deeply insightful way. I thoroughly enjoyed this novel.

As most everyone knows, Barack Obama is the son of a black African father and a white American mother. His compelling memoir follows the sometimes winding path that he took to discover who he was and where he fit in and to figure out the meaning of his life. The novel begins in New York, when Obama learned that his estranged father had been killed in a car accident. This news of his father's death inspires him to trace his family history from his mother's origin in Kansas and her family's migration to Hawaii to his father's

life in Kenya.

Obama's story of self-discovery and struggle to find how he fits into this world is written in a "no-holds-barred" truthful manner that invites the reader to delve deep into his emotional turmoil in a way that many authors are unable to do. Although his story is quite unique, the overall process and the path of self-discovery that he follows can be applied to many of us. Like many young, intelligent individuals, Obama becomes lost in the world and flounders a bit, until he forces himself to confront his personal demons, to grow up and find out who he truly is and who he wants to be. His path, like the paths most of us have followed, led him to law school.

Although this story ends while Barack Obama is still a young attorney, we all know where his path led him after he became a young attorney. His story is all the more compelling and inspiring because of this fact—no matter what choice you make on Election Day.

I give this book two thumbs up.

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# What can I be with a J.D.?

By Heather M. Fritsch, The Law Office of  
Heather M. Fritsch, Sycamore, Illinois

In our last issue, we got to know Illinois General Assembly Representative Franco Coladipietro. This issue, we will focus on NIU's Greg Anderson.

**ALTERNATE CAREER #12:  
Director of Career  
Opportunities and  
Development and Adjunct  
Faculty Member**

Greg Anderson

Greg Anderson earned both his Bachelor's and J.D. from the University of Wisconsin. Upon graduating from law school in 1985, Greg accepted a teaching position at Northern Illinois University (NIU) in the College of Business where he taught undergraduate Business Law and Real Estate Law courses. While teaching in the College of Business, he was also an associate attorney at a private firm in Sycamore, Illinois. In 1991, Greg became President and Counsel of American Title Guaranty and allowed his teaching contract with NIU to expire. But he simply couldn't stay away from teaching.

When NIU College of Law contacted Greg in 1994 to teach their Real Estate Transactions course, he accepted. Greg is still teaching this class today. And, I must say, NIU College of Law is lucky to have him. Greg provides his students with the practical knowledge that they need to be attorneys. One former student of Mr. Anderson's informed me that she feels quite lucky to have had Greg as her instructor as he provided the class with very practical and useful knowledge on real estate law, including a thorough review of each document that an attorney will come across during a typical real estate transaction. That sure beats seeing

the closing documents for the very first time at your very first closing as a brand-new attorney!

After 10 years at the title company, Greg chose to move on and accepted the position of Director of Career Opportunities and Development at the College of Law in 2001. He is in charge of career services for both students and alumni, handles fund raising, and serves as the liaison between the law school and the NIU Foundation. Greg has a fairly small department that consists of, in addition to Greg, one secretary and two graduate assistants. They are responsible for 320 students and approximately 3,100 alumni. When asked to describe his typical day, Greg stated that "there really is no typical day—which I consider a plus. I have an open door policy—students can stop by anytime. I have learned that the question: 'Do you have a minute?' means that I can expect the next 20-30 minutes have just been wiped off my schedule. I wouldn't have it any other way."

Greg states that the best thing about his career is working with the students. Greg explained that "watching the students change from nervous 1Ls to confident 3Ls is very rewarding." He has always enjoyed teaching and takes a 'teaching approach' to Career Services as well. On the first day of 1L Orientation each year, Greg tells the students that he views law school as a three year job search. He explains that the students need to take advantage of their three years of law school to explore all of the options that a law degree can give them. Greg explained this concept further by stating: "My office is sort of the 'mother' of the law students—we are constantly after them to apply for jobs, attend

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POSTMASTER: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779.

# YLD to host bean bag tournament fundraiser in May

By Meghan N. O'Brien

Anyone who has lived in Chicago during the summer months has seen locals playing the game. Call it whatever you like—cornhole, corn toss, bags, bean bag toss or baggo—it is a game that has become a favorite pastime of Chicagoans. The ISBA Young Lawyers Division is kicking off the summer with a bean bag tournament on Saturday, May 3.

The tournament will be from 5-8 p.m. at Durkins located at 810 W. Diversey in Chicago. Tickets are \$100 for a team of two, which includes the team's entrance fee for the tournament as well as two

wristbands good for three hours of drinking and pizza.

Not interested in the bean bag tournament? Grab a few friends and come to the party. A \$30 wristband will get you drinks and food. Eat, drink, watch the tournament or simply have fun with your friends.

Proceeds from the event will go directly to the IBF/YLD Children's Assistance Fund. The IBF/YLD Children's Assistance Fund provides grants to Illinois courthouses and organizations to establish and maintain child-friendly courthouse waiting rooms and child-related projects in Illinois. The IBF/YLD Children's Assistance Fund is a

501(c)(3) charitable entity.

This event will be a great way to meet new people, network, or hang out with your friends. Participation is a great way to have fun and donate some money to a worthy cause. Prizes will be awarded to the first and second place teams.

On behalf of the YLD, I ask for your support at our first bean bag tournament where we hope to raise a substantial amount of money for the IBF/YLD Children's Assistance Fund. Wristbands and tournament entrance fees can be purchased online at: <[www.isba.org/sections/yld](http://www.isba.org/sections/yld)>. ■



On February 2, 2008, 25 Young Lawyers Division members and friends volunteered at the Greater Chicago Food Depository.

## Making the transition to a solo or small firm practice

*Continued from page 2*

with you, Mr. Bent suggests that it is crucial to determine which clients you are targeting and to decide whether it is worthwhile to try to bring them to your new practice. You should also evaluate whether you will have to fight with your former firm over a client and whether such a fight is worthwhile considering the time, resources and potential damage involved.

Getting clients in the door is obviously one of the most, if not the most important aspect of starting your own firm. In some practice areas, such as personal injury or real estate transactions, advertising might bring in clients. In other practice areas, such as corporate work, advertising might not bring in any clients. Networking for clients on your own and seeking referrals from other attorneys might be useful, depending on the practice area.

One of the toughest aspects of starting your own practice is learning to handle new tasks that you probably did not deal with before. Purchasing and managing supplies is one example. Dealing directly with an information technology professional is another. Not only are such aspects of running your own practice time-consuming, but they can also be very expensive.

Managing information technology can be expensive. And even with substantial costs you might not receive the type of results you would really like. Mr. Bent acknowledges that it can be very difficult for a small firm to set up the technology systems that many clients will expect to be in place, particularly if they are sophisticated clients used to working with larger firms.

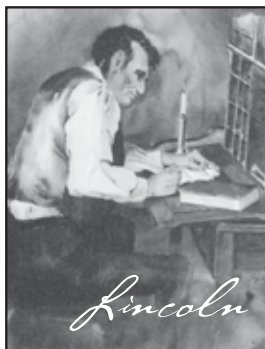
Spending more money on equipment and personnel might be a difficult choice, but it could pay off in the long run. And make sure you have sufficient funds to do it. At an absolute minimum, Mr. Peck suggests, you should have enough capital on hand to fund at least six months of operations without relying on

receiving any income. Having more capital would be even better.

Not to suggest that there are not any benefits to going out on your own or starting a practice with a partner. "There is definitely a greater risk and greater reward potential that

can certainly pay off if your firm is successful," says Mr. Peck. ■

\*\* The opinions expressed in this article are solely those of the author and are not attributable to the City of Chicago Law Department.



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## How much will I get paid as a Chicago lawyer taking an out-of-town case?

*Continued from page 1*

on conflicts of interest that prevented them from filing suit against SIU. If the attorneys did not decline representation based on conflicts of interest, they did so for lack of experience in that particular field of law. Once Mathur had exhausted his downstate options, he engaged Chicago counsel.

SIU prevailed on the discrimination claim on a motion for summary judgment; however, Mathur prevailed on the retaliation claim. Upon prevailing, Mathur's attorneys petitioned for attorney fees under Title VII. Mathur's attorneys provided the court with sufficient data to prove their actual rates when they submitted briefs addressing their hourly rates. The district court reduced the attorneys' rates and offered no other explanation except to put the rates on par with those of southern Illinois. There was no evidence to suggest that

the district court based its decision on a lack of data.

The 7th Circuit vacated the judgment of the lower court for its abuse of discretion. The 7th Circuit held that a district court may reduce the billing rate only if the attorney fails to provide evidence of the actual billing rate and if the court finds that equal quality services were readily available at a lower rate in the area where the service was rendered. Moreover, the potential litigant must make a good faith effort, which need not be meticulous, to find local counsel. The 7th Circuit also held that Mathur had satisfied the good faith efforts requirement to find local counsel, and was therefore justified in seeking out-of-town counsel.

In conclusion, if out-of-town counsel can provide the court with adequate evidence demonstrating that the rates are reasonable, based on experience

and actual billing rates, counsel's rates cannot be reduced merely to reflect those of the locality of the litigation. ■

1. *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983).

2. *Mathur v. Board of Trustees of Southern Illinois University*, 317 F.3d 738 (2003).

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and public acts,  
contact the  
ISBA Department  
of Legislative Affairs  
in Springfield**

## What can I be with a J.D.?

*Continued from page 4*

networking opportunities, meet with alums and practitioners, etc."

When asked to describe the worst thing about his job, Greg stated that it is quite difficult to deal with students who think that it is his task to find them a job. He pointed out that the office is called "Career Services," and not "Career Placement," because it is not his job to "place" students. "We are here to help students find a job. We will do just about anything we can to help them. But, the primary person responsible for a job search is the student themselves."

Greg explained that most law schools have administrative positions in the following areas: Career Services, Admissions/Financial Aid,

Alumni/Public Relations. While a law degree may not be required for all of these positions, it is usually preferred. Further, most entry level positions require some work experience in a legal setting—especially for a position in Career Services. The entry level at most schools would typically be Assistant Director. Many Assistant Directors then move on to a Director position or some other administrative post. In Career Services, there is also the possibility of moving over to the law firm side of the recruiting equation. For this reason, there is a great deal of turn-over in these positions.

If you're interested in following a career path similar to Greg's, he recommends contacting the

NALP (National Association of Law Placement) at <[www.nalp.org](http://www.nalp.org)>. He explained that NALP is a good source of open positions in Career Services for both law schools and law firms. He, of course, also recommends that you contact your law school's Career Services office. Another piece of advice from Greg: become active in your law school's alumni activities. "Hopefully, you will get to know the administrators better and they will be willing to keep you informed of openings. Networking can really pay off in this regard." Additionally, if you are truly interested in a position such as his, keep looking! Positions like these open up all of the time. ■

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