



Forming a Partnership— An Alternative to Going It Alone

Nina Schuyler

For two years, Ann Nguyen worked as a solo practitioner and did very well. She had plenty of work, created a great track record, served as an advisor to corporate executives and as general counsel to Internet tech companies, and always made time to do pro bono work.

It was while volunteering at the Vietnamese American Bar Association of Northern California that she crossed paths again with her future law partner, Mai Phan. They'd worked together before, organizing the National Conference of Vietnamese American Attorneys. "We had complementary skills, respected and trusted each other, and communicated well," says Nguyen. In 2010, the two lawyers became partners and formed Phan Nguyen & Associates.

The decision to work as a solo practitioner or form a partnership is not an easy one. As a solo practitioner, every decision is your own. You can work as much or as little as

you like. Face time is irrelevant. You can run the office as you like, focusing on profits, giving back to the community, or maintaining a quality of life.

A partnership, though, has its appeal. There's coverage, so vacations become a reality. A partner provides a sounding board and takes the edge off solitude. A partner can provide complementary practices that help the bottom line. And there's also the possibility of growing the law practice. If a partnership sounds like an enticing option, there are things you can do to make sure it succeeds.

When Ed Swanson left the federal public defender's office, he approached his colleague Mary McNamara about setting up a partnership. They'd worked together for four years, and he respected and valued her opinions and judgment. Before launching, they took out to lunch dozens of friends who'd formed their own firms to hear what it was like. "What we heard over and over was (1) figure out what your focus will be; (2) keep your expenses low,

especially at the outset; and (3) make sure you have open communication with each other,” says Swanson.

That was fifteen years ago. Swanson & McNamara, which specializes in white collar, general criminal, and civil matters, just added a third associate. It has a national reputation and is AV rated by Martindale Hubbell.

“The most important thing is to ensure the person you’re going to work with has a lot of integrity because your reputation is going to be tied to theirs,” says Swanson. “The second thing is to make sure you are aligning with someone whose judgment you trust. There is hardly a day that goes by, still, that I don’t turn to Mary, or she to me, and run something by her. Of all the things I value about having a partnership, it’s this—I have someone to turn to in order to figure out what’s best for the client. The final thing to know before you launch a partnership is how hard your partner wants to work.”

When Alexander Jones was thinking about making the transition from being an associate at a firm to starting a private practice, he thought about his former classmate, Daniel Devoy. Jones and Devoy had worked together in law school as a trial team for a mock trial. He knew Devoy had a similar work ethic and handled stress well. After graduation, they’d remained friends and often met to talk about their practices. Jones thought maybe he would be interested in forming a partnership.

“When you go into a partnership, it’s almost like you’re married to your partner,” says Jones. “Your finances get tied up so deeply. Your decisions about life have profound effects on the other partner. A four-week vacation has a major impact on the firm.”

With that in mind, Jones and Devoy hashed out a partnership contract, talking openly about goals, expectations, division of labor, level of commitment, and potential future problems. That was February 2011, and since then, Jones & Devoy has done well. Devoy’s practice areas include civil litigation, business litigation and real estate/property law, and personal injury. Jones focuses on litigation, business and transactional matters, and family law. “With two folks pounding the pavement, we are more effective financially,” says Jones. “Forming a partnership with Dan was the best decision I’ve made.”

Nguyen and Phan have experienced similar growth, in part because of their complementary practices. Nguyen’s area of expertise includes privacy, data security, accounting, transactional work, and bankruptcy, and Phan focuses on immigration and family law. “A client may come in with a family law matter but also need something business related,” says Nguyen. “Instead of referring the matter out, we can help the client with both matters.”

Nguyen and Phan both kept their offices, Nguyen’s in San Francisco and Oakland and Phan’s in San Jose. They meet on a weekly basis and are in daily contact through



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Jones & Devoy

email and Skype. “With technology, it’s easy to stay in touch,” says Nguyen. “It’s working out really well.”

A partnership can spread the risk of a large contingency practice. “You can pay overhead with lines of credit or join with partners who earn an hourly income that supports the risk taking of contingency,” says Dale Minami of Minami Tamaki. So Minami’s personal injury contingency work is offset by his other partners’ immigration, corporate, nonprofit, consumer, employment law, and antitrust work.

“A partnership is also a source of emotional support, a group with whom you can laugh, commiserate, a sounding board, and an organization which can promote your values synergistically,” says Minami.

Minami values not only the economics and support of a partnership but the ability to combine financial forces and promote social change. Minami and his partners all have a long history of community involvement. They have served as presidents or chairs of the Northern California Chapter of the American Immigration Lawyers Association, Workplace Fairness, the California Attorney General’s Asian Pacific Advisory Committee, the American Civil Liberties Union, and more.

Now they remain intensely involved, serving as members or on boards of the American Immigration Council, National Employment Lawyers Association, the Asian Law Caucus, Asian Pacific Islander Outreach, the Glide Foundation, and many other organizations.

The five-partner firm regularly financially contributes to community groups and individuals who have a mission of making positive social change, such as the Asian Law Caucus and the Asian Law Alliance, two groups that were founded by the firm’s partners. “A partnership can give more money to these groups compared to one individual,” says Minami. “It’s important to all of us at the firm that we give back.”

Sean Joyce, who has worked as a solo for ten years, has considered a partnership many times. There’s value in joining with someone who has strengths in areas that might be your weaknesses, he says. Joyce is the first to admit he’s not that keen on marketing. He doesn’t enjoy networking events. He initially relied on yellow page ads and now he promotes his practice through Google and online advertising. He knows he could do more in terms of marketing. If he had a partner who enjoyed the business/marketing aspects of practicing law, his practice would probably be more successful. “A friend of mine formed a partnership,” says Joyce. “One of the partners focuses on the marketing, the other does the legal work, and they are doing really well.”

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Still, Joyce loves being solo. “I’m in control. I take the cases I want. I make a decent living. I can be done at 5:00 p.m. and go home and be with my son.”

Tom Silk loves soloing too. At age seventy, he retired from Silk, Adler & Colvin and set up his own solo practice, Silk Nonprofit Law. He lives at Stinson Beach and takes his dog for two walks a day along the beach. “At first it was very different because I didn’t have access to resources, help, libraries, staff,” says Silk. “But I’ve got my computer, files, and

books, and my office looks out to the east to the foothills and Mount Tam.” A corporate and tax lawyer, Silk finds most of his current practice involves representing foundations. Due to his long career, he has many contacts. “I can’t imagine taking on a partner,” he says, “The main reason? I don’t need one. Having lived this long, I have many connections.”

Solo practitioner Otis Landerholm, too, enjoys his solo status, in part because he has designed creative solutions to take the edge off some of the solo’s problems.

He formed his practice in January 2011, fresh out of law school. One year later, Landerholm hired an office administrator. Not long after that, he hired his first associate. “Work was piling up,” says Landerholm, who specializes in immigration law. He’d done well, with his clients refer-

ring new clients to him. He'd also built up his practice through Internet marketing.

Every Friday at lunch, he meets with his associate and they review the new cases, bounce ideas off each other, and talk about any new issues or questions. He has purposefully helped his associate become a specialist in green card applications, an area of law he has not focused on. "With her own specialty, we can have a wider practice area," he says. He's since hired a paralegal and is searching for another associate.

Landerholm has also fashioned for himself a community. He belongs to three different groups that meet regularly. He put together a group of his lawyer friends, and they meet the last Friday of every month for breakfast. "They are from different practice areas, so we can refer business to each other," he says. "We check in and act as a sounding board for each other."

Landerholm also meets with a group of immigration

lawyers. "That's very helpful because you can really talk shop," he says. The final group is small business owners, some of whom are lawyers. "It's been really great for me," he says. "I get to see how others have made a go of it. It's the business side—the things they don't teach you in law school."

But when a successful partnership is formed, the lawyers can't imagine practicing law any other way.

"There's no playbook, really, to forming a successful partnership," says Swanson. "That Mary was there and at the same spot in her career as I was, that we found each other and made the decision to form a partnership, that it all came together—I feel incredibly lucky."

Nina Schuyler's novel, The Translator, was published July 1, 2013. Her first novel, The Painting, was published in 2004. She can be reached at ninaschuyler@hotmail.com.

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