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Keeping a solo Rose fresh for 35 years

Ask any lawyer how to measure success and expect an assortment of answers. Winning the big case. Financial security. Respect from peers. Honors and awards.

Sole practitioners can add a less sublime goal to the list — longevity. Competing effectively in the legal marketplace, with finite resources and long hours, can take its toll. As the years mount, some opt for other law firms, in-house positions or government work.

Not so with Mark J. Rose, a dyed-in-the-wool sole practitioner and litigator for 35 years.

Rose, a fixture in the legal community, presents a study in contrasts. He conjures up formal legal tradition with his monogrammed shirts and impeccable pinstripe suits, while using the latest tech to send e-mail by phone and draft motions with voice recognition software.

How does a solo thrive for more than three decades? Rose shared some time-tested tips for maintaining a successful practice over the long term.

Become an effective legal writer

In today's communication-by-keyboard world, effective writing is the lawyer's stock in trade. Learning to write persuasively is a must.

For litigators like Rose, written submissions must be compelling and concise. Motion calls are getting longer, and judges have limited resources for each case. Support your contentions with precise rationales, in logical sequence and leave no room to speculate on the conclusion. There are no shortcuts, Rose cautions. You have to "draft, redraft and redraft again."

Your hard work will be rewarded.

Because few graduate from law school as natural word-smiths, Rose says new lawyers should find real world experience before hanging their own shingles. Take a job in private practice, seek a clerkship or choose the public sector.

If you decide to forgo a legal apprenticeship, Rose recommends finding a mentor who can review your work. Many experienced counsels are glad to help sharpen your drafting skills. All you have to do is ask.

Be thorough in discovery

Litigation is a quest for facts. Young practitioners should learn to be resolute in crafting discovery. Too many attorneys miss crucial information by using boilerplate discovery requests or skipping steps.

For Rose, cases can be won with penetrating interrogatories and document requests. He recommends drafting the requests, letting them sit for a few days, then coming back to look for missing areas. Meticulous discovery promotes favorable results, period.

And when taking depositions, do not assume anything. Rose recalls an examination where he asked a party to confirm his signature on interrogatory answers and expected the usual affirmation. Instead, the signature had been forged;

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new interrogatory answers were given; and the case took a favorable turn for Rose's client.

Rose also suggests sole practitioners limit their practice to one or two areas of expertise. Among other advantages, working in familiar areas will make you a

SOLE SPEAK



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better investigator at the discovery stage.

A good assistant is pure gold

A full-time assistant is a considerable drain on the sole practitioner's budget, and many solos go without, but Rose insists that having a capable assistant is worth the investment.

The key is to find someone who is compatible and learns the proper skills, then keep the person around.

Rose has worked with his paralegal, Anne Short, for 13 years. "She is my right hand," he declares, and handles just about everything, from court filings to assisting with discovery, deposition prep and billing.

Several years ago Rose learned to appreciate Short's value when she left his employ, and he tried to replace her. After a few weeks, both realized they worked best together, rejoined forces and never looked back.

Rose concludes that working with his assistant all these years has been a no-brainer. "She makes me a better lawyer, and

that is the bottom line."

Keep your clients informed

It is no secret that clients are the foundation of your practice. Rule 1.4 of the Rules of Professional Conduct governs client communications, and Rose takes the direction to heart. Don't put off your client callbacks, even after a long day.

Easier said than done for solos, whose availability can be stretched thin by trials and other time-consuming tasks.

Rose is proactive when he expects to be tied up in court for extended periods. He informs each client of his coming schedule, and that his availability will be limited.

Rose explains he is devoting full time and effort to the proceeding at hand, and that "when your case goes to trial, you will receive my full attention as well." Clients appreciate this heads-up approach, which fosters strong relationships going forward.

Enjoy your work but keep a balance

Rose emphasizes that, when all is said and done, he relishes being his own boss. Although he could have been successful at a large firm, Rose values the flexibility of self-employment. With satisfaction Rose recounts a life spent with his wife and kids, attending every track meet and school recital. Sole practice has its perks.

And the tradition continues, as Rose discloses with delight that his son is pursuing a law degree. Rose got a kick when his son's professor recognized Rose's name from an evocative appellate decision. A perfect blend of work and family.

Don't ask Rose if he plans to retire. When I inquired, Rose's eyes flared and he snapped: "My clients will tell me when to retire." That is a good measure of success, by any yardstick.