

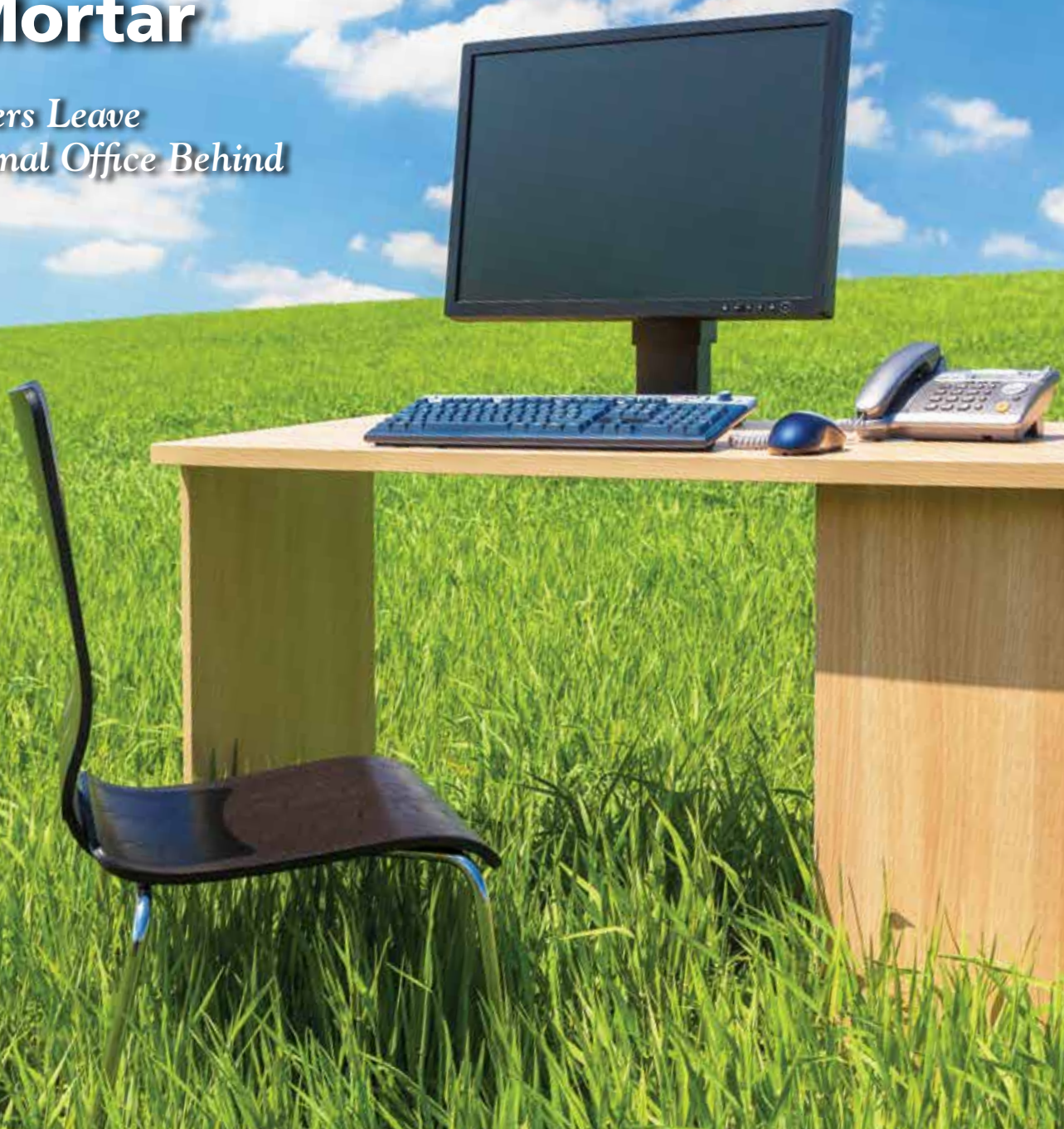
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Beyond Bricks and Mortar

*Some Lawyers Leave
the Traditional Office Behind*





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By Jennie Bricker

Six o'clock in the morning, and Nancy Hungerford is leaving Bend for a two-day stint of collective bargaining in Ontario. She's driving east into a brilliant red sunrise.

"It is just gorgeous out here," she says.

She began her week in Grants Pass, where she conducted a workshop for school administrators. On Tuesday, she held another workshop in Klamath Falls. After Ontario, she'll head back toward Portland, with a stop in Hermiston to visit a client. When does she expect to be back in the office? She *is* in the office: It's a 2012 Audi, equipped with a laptop computer, a mobile phone and, in the trunk, a folding bicycle.

Hungerford began practicing law in 1981. The Hungerford Law Firm represents school districts and community colleges. The firm includes six attorneys, all partners, and all with home offices. It has never had an employee. When the Hungerford lawyers see their clients, they go to the school offices, an arrangement their clients vastly prefer. "We had a small office once, in Oregon City," Hungerford reports. "But no one came. I don't believe any of us ever met a client there. We closed it."

Circuit Riding Lawyers

Circuit riding harkens back to before statehood. In the Oregon Territory, early judges like Matthew Deady served on the territorial supreme court and also “rode the circuit” to hear cases as individual trial judges. They stayed in private homes and held hearings outside or in taverns. The lawyers followed, including notorious drinker and gambler David Logan, an Illinois lawyer who, according to Judge Deady, “flourishes his revolver and says that he will shoot me on the bench.”

For a hundred years after the Judiciary Act of 1789 established the U.S. Supreme Court, the justices traveled the young nation by horseback or carriage, hearing cases in the regions that later retained their circuit designations — the 1st Circuit through the 11th. This brought the jurists closer to the culture, politics and traditions of the local litigants whose fates they decided; some, like Minnesota Supreme Court Associate Justice David Stras, have advocated for a return to that system. “Today’s justices spend roughly nine months a year cloistered in the Supreme Court building in Washington, D.C.,” Stras wrote in 2007 while a professor at the University of Minnesota Law School. The High Court has the final word on the rule of law, yet it is “arguably the most remote and secretive branch of government,” and most Americans are unable to identify even one sitting justice by name. Stras was nominated this year to serve on the 8th U.S. Circuit Court of Appeals.

Attorney Judy Parker continues the circuit-riding tradition. With a portable computer and a passion for Oregon wine, Parker eschews the brick-and-mortar office and, like Hungerford, goes to her clients. Parker might begin her week with a loop from Dundee to Amity to McMinnville to Salem, and then back to the Portland area. Tuesday may find her in Washington County, then Carlton and Newberg. She might reserve Wednesday to meet with her “urban wineries” in Portland. In between meetings, it’s not unusual for Parker to review contracts at a coffee shop.

This flexibility wasn’t a part of Parker’s early years as a litigation associate at Schwabe, Williamson & Wyatt. But she incorporated “circuit riding” into her business plan when she launched

her solo practice in 2014. It saves her the cost of renting an office and at the same time provides her clients — exclusively winemakers — with a service they appreciate: She makes “winery calls.”



Photo by Jim Fischer

Judy Parker makes house calls to her winemaker clients.

“Few of my winemaker clients have any desire to drive to Portland,” Parker explains. “I found this out at Schwabe when I was organizing a ‘Women in Wine’ event. One of the winemakers just did not want to drive into the city. I really wanted her as a client. We ended up sending a town car for her.” Did she win the client over? “No,” Parker reports, with a grim smile. “She told me I didn’t know the industry.”

Parker’s love affair with Oregon wine began when she arrived in the state, fresh out of Baylor University, a private Baptist school where no alcohol was allowed. Parker sampled a beer, an India Pale Ale (“IPA” for the initiated). It was bitter. “But pinot I could drink without scrunching up my face,” Parker says. “I fell in love with Oregon wine as a narrative, one that mixes art, agriculture, chemistry, hospitality, marketing and history. Pinot noir tells a story with every glass.”

Parker set out to remedy her ignorance of the Oregon wine industry. She secured a server’s permit from the Oregon Liquor Control Commission and began pouring wine at large winery events. Now that many of those wineries are her clients, Parker continues to help out, sorting grapes during the September/October harvest, working on the bottling line in the winter season. Because her clients are prohibited from using volunteer labor, Parker sends them a bill for her services — along with a sizeable discount.

Law partners Gabrielle Richards and Christie Martin have taken the circuit-riding lawyer concept to a new, trail-blazing level with their Cascadia Mobile Legal Clinic. For one week every two months, Richards and Martin take their RV on the road to bring low-cost and pro bono legal services to rural Oregon. Typically, they spend two days in each of two locations, with a travel day in between. Martin recounts a recent trip where the mobile clinic departed Portland on Sunday, set up in Pendleton on Monday and Tuesday, hit the road on Wednesday and spent



Photo courtesy of Nancy Hungerford

Nancy Hungerford’s boat doubles as her summer office.

Thursday and Friday in La Grande. With the exception of family law, the attorneys provide advice on “any kind of civil law,” says Martin, and “everyone gets a free 30-minute consultation.” Martin and Richards coordinate their efforts with legal aid providers and have contacted several county bar associations; their goal is to staff up with lawyers from the area as the mobile clinic becomes more established. “We don’t want to show up and take business from local attorneys,” Martin explains.

The Cascadia Mobile Legal Clinic concept sprang from three sources. First, the Martin & Richards law firm already had clients and practice areas that made house calls a necessity. The firm handles dependency cases, representing children “in the system.” Martin meets her clients at school because school is one of the

seen Oregon.” Cascadia Mobile Legal Clinic gives them the opportunity to visit every corner of the state, to meet the people who live there and to make a difference in their lives. “Without a traditional office, we can keep costs down,” says Richards. “That allows us to do more pro bono and ‘low-bono’ work.”

The Low-rent District

For “virtual” law firms like VLP Law Group, low overhead is a “major selling point,” according to Leigh McMullan Abramson, writing for *The Atlantic*. Firms with brick-and-mortar offices pay rent, utilities, real property taxes and property insurance — generally about 8 percent of their gross income. That’s part of what’s known as “overhead” — expenses without any direct tie to generating revenue.

Some firms need offices. Their clients want a downtown address, tastefully appointed reception areas, maybe some expensive art and a bit of marble in the elevators. Other firms serve clients who don’t mind trading lower rates for humbler work spaces. Parker’s clients are part of an agricultural industry. They might not feel comfortable with a city-slicker lawyer, and no amount of fresh-ground coffee and pastry trays will tempt them into a fancy office. They also appreciate the lower rates Parker charges as a side benefit of her rent-free business model.

Tedesco Law Group represents labor unions. They prefer to host Mike Tedesco at their own places of business, and they are happy to trade upscale law offices for lower legal bills. Tedesco’s business model includes a paperless filing system and no support staff. “What we’ve tried to do is have lawyers take more responsibility for their own work product, to rely on technology instead of staff,” says Tedesco, the firm’s founder. The model — no office, no assistants and no paper — helps keep overhead low; Tedesco believes it also “makes for better lawyering.”

And Now a Word from Our Etymologist

“Home” and “house” are English-language natives — two sturdy, working words that descended from Anglo-Saxon *hām* and *hūs*. Although its parentage is uncertain, “house” may have sprung from the same root as the verb “to hide.” In any case, there is no doubt that the words convey a strong sense of shelter and refuge.

Not so with “office.” That word came into English from Latin, through *officium*, meaning “performance of a task.” (“Officious” derives from the same root.) In medieval Latin, the term took on ecclesiastical trappings: “to perform a divine service.” As the word grew into its own, “office” attached itself to the *position* of the one performing the task or divine service, as in “the office of the bishop,” and then to the *place* where the duties were performed.

Source: Glynnis Chantrell, ed., *The Oxford Dictionary of Word Histories*, 2002.



Photo courtesy of Gabrielle Richards

Gabrielle Richards (left) and Christie Martin taking their Cascadia Mobile Legal Clinic on the road.

few safe places to meet. The firm also practices elder law and finds that meeting with clients in their own homes is easier for everyone. Like Parker and Hungerford, Martin and Richards saw no reason to maintain traditional office space.

Second, Richards and Martin appreciate the “huge need” for legal services in rural Oregon, and they are committed to pro bono and low-cost work. Richards has volunteered for Legal Aid’s Senior Law Project since law school. She loves the work and the challenge of fielding questions that fall outside her area of expertise (she spent the early years of her legal career as a commercial litigator at Perkins Coie).

Third, they “both love to travel,” says Richards. “We realized that we’d done a lot of international traveling but hadn’t really

Tedesco began his law practice in 1978 at the office of the Oregon attorney general. “The pace of practicing law was a lot slower then,” Tedesco says, remembering the days of dictating correspondence, reviewing and revising drafts and finally sending the finished letter through the mail. After his time at the attorney general’s office, Tedesco practiced with “a couple different firms” and then opened his own solo practice in 1983. By 1989, when he learned he could send faxes from his computer, Tedesco began the move to a paperless office by storing files on floppy disks. The concept “was somewhat unusual” back then, but Tedesco’s firm persisted, graduating to completely paper-free by 2001. Tedesco carries a portable scanner so that if someone insists on handing him a paper document, he converts it to a digital file immediately. “Some of my contemporaries have a hard time with it,” says Tedesco, who is in his mid-60s. “But to me, the idea of actually having to hold a piece of paper is somewhat useless.”

A few years into his solo practice, Tedesco realized he didn’t actually need an administrative assistant — as technology developed, “there was less and less for her to do.” By the mid-1990s, with mostly electronic files and no support staff, it occurred to Tedesco that he didn’t need to “go to work,” so he stopped renting office space, even when he expanded his solo practice to include other attorneys.

The Portland-based Martin & Richards firm has an office in the U.S. Bancorp Tower, but it’s a virtual-type space from a vendor called Regus. For a low monthly fee, Regus offers a business address, telephone answering and mail handling, and a “day office” and conference room space for a set number of days per month.

Hungerford’s clients are all public-sector schools, where exorbitant legal fees are not an option. The Hungerford Law Firm model, with six law partners, no employees and no office, “works well for us,” says Hungerford. “It keeps our overhead extremely low.”

Home and Office

In the ongoing discussion about how to create “work-life balance,” it is worth asking whether combining home and office is a help or a hindrance. In an ironic twist on the classic terms of the debate, the Tedesco Law Group began renting office space again five years ago as a concession to some of the firm’s attorneys who had small children at home and craved a quieter setting to do their work. For the Hungerford Law Firm, home-based offices are part of the firm’s culture. Hungerford’s children, who finished law school in the 1990s and joined her law practice, embraced the low-overhead, no-office model. When they built their own homes, they incorporated home offices and file storage into the design.

We might do well to remind ourselves that the whole notion of a distinction between home and office didn’t carry much weight until the Industrial Revolution. Before the rise of factories, home-based work was the norm. Now, the development of information technology seems to be returning “telecommuters” to their homes. According to a Gallup survey, the number of U.S. workers who spent some of their time telecommuting, or working remotely, has increased by 4 percentage points since 2012 — a total of 43 percent

of the 15,000-person sample reported working remotely some of the time. Among those in the legal profession, telecommuters rose from 41 percent in 2012 to 43 percent in 2016.

Increasingly, large law firms are embracing flexible work arrangements to attract and retain a new generation of attorney talent. “Millennials,” a generation for whom texting and emailing are more common than talking on the telephone, rank flexible work hours among the top three perks they want from prospective employers — higher than cash bonuses, according to a study by PricewaterhouseCoopers.

With millennials leading the charge, armed with the latest information and communications technology, the blurring between home and office and the discussion about work-life balance continue. To enliven that debate, we borrow from the language of computers: “Terms like *unplug*, *offline*, *life-hack*, *bandwidth* and *capacity* are all about setting boundaries between the office and the home,” according to Emma Green in *The Atlantic*. Many believe those boundaries are necessary, that a rigorous separation between home and office fosters mental health. Writing for *The Guardian*, Juliette Jowit reports that working from home “can have a heavy psychological toll.”

Not everyone agrees. A 2016 study published in the academic journal *Human Relations* examined the effects of “cognitive role transition” on 619 employees. The authors found that “integration, rather than segmentation, may be a better long-term boundary management strategy” for those seeking to balance family and work roles.

“Cognitive role transition” is the term psychologists use to describe being engaged in one role but experiencing an intrusion from another role. For example, you might be absorbed in your “family” role, watching your kid’s soccer match, when a client calls with a work emergency. Or you might be reading the kid a bedtime story but find yourself thinking about your day at the office. Conversely, you might be deep into the drafting of an appellate brief when you get an email from home. When those transitions occur, they may be jarring or effortless. The *Human Relations* study suggested that those with greater “role integration” — in other words, those with less-defined separation between home and office — had an easier time of it, while the cognitive role transitions of those with rigid home-office boundaries were more likely to be exhausting. The more segmented the roles one plays, the less nimbly one navigates between them.

A Word About the Word “Role”

“Cognitive” and “transition” both descend from stuffy old Latin, but “role” has more colorful ancestry. From about 1600, it came from the French *rôle*, a figurative use meaning the part one plays in life. The literal, and original, meaning was the roll of paper where the actor’s part was written.

Source: Glynnis Chantrell, ed., *The Oxford Dictionary of Word Histories*, 2002.0

Without doubt, there are disadvantages to the no-office model of practice. Tedesco believes the lawyers of Tedesco Law Group have fewer distractions and higher productivity than those who practice in traditional law offices, but he acknowledges a downside: “What you kind of miss is the camaraderie. This structure is not conducive to hanging out and getting to know one another.”

One of the hallmarks of Hungerford’s firm is its accessibility to clients, which means she responds to “situations” on evenings and weekends. For Hungerford, part of the trade-off is that she has “big chunks of time” to herself during school breaks. Typically, those periods find her on a boat in Alaska. If clients call, she answers. But even so, there are limits: “Clients know that if I say ‘Fish on!’ the call ends.”

At 70, Hungerford has few complaints about her work-life balance. “It probably isn’t for everyone,” she is quick to acknowledge. “But it works for me.” **B**

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