

BIRTH, DEATH & REBIRTH OF A LAW FIRM

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Founder of “Law Offices of Peter L. Buck” and “Buck & Gordon” and “Buck Law Group¹”

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Founder of the Buck Law Group

B: June 1, 2007

Peter L. Buck of The Buck Law Group, PLLC is a nationally known authority in real estate, land use, environmental law and related litigation and appeals. In litigation, he also handles an eclectic mix of matters such as defamation, condemnation, invalidation (formerly “annulment”), first amendment, construction disputes, ethnic discrimination, etc., particularly gravitating to righteous cases.

Consistently ranked in *Best Lawyers in America* and *Chambers USA*, and as a “Super Lawyer” in *Washington Law & Politics* magazine, he takes great pride in righteous pro-bono cases, in proving that a balanced life-style culture can work in private law firms, and in mentoring young people from all walks of life.

Mr. Buck is third generation graduate of the University of Washington School of Law, coming from a pioneer family that arrived in the State of Washington well before statehood. His great, great grandfather was a renowned wagon train captain.

¹ This paper was written for a CLE seminar in 2007. It was updated in September 1, 2009 at the request of a group of law students. By that time I had founded The Buck Law Group where I like to think the spirit and values of Buck & Gordon live on.

I. In Utero

My first law firm experience started in 1973 where six talented young lawyers had just started Hillis, Schell, Phillips, Cairncross, Clark & Martin. I was the first associate and became a partner within three years. I had wonderful partners who gave me great training.

Although it was a fabulous place to study management in action, over the next three years I felt increasingly alienated from the culture of the firm. I realized I wanted to do things differently, but would never overcome the strength and legitimate entitlement of the six founding partners.

II. Birth of Law Offices of Peter L. Buck

On October 1, 1979, the Law Offices of Peter L. Buck was born. With some trepidation, I came into this world a sole proprietor.

The firm was culture driven. Prior to hanging up my solo shingle, I deliberately planned the firm based on my values. Seeking to provide excellent legal services was the key component of my marketing plan. In addition, though, I sought to establish a humane balanced lifestyle for all employees, not just partners. My thought processes for establishing a firm were influenced by Alan Laekin's classic: *How to Get Control of Your Time and Your Life*.

A big contributor to my early and then continuing success involved immediately hiring three outstanding people – a pattern that any new firm should seek to emulate.

First. A month before I actually hung out that shingle, I hired a secretary, receptionist, bookkeeper, office manager, friend, and counselor all wrapped into one. Pat McShea was still with me 28 years later when the firm ended. She was and is a brilliant and loyal employee who contributed much to me and to the firm as it grew from 2 to 50.

Second. Within a month, I hired Joel Gordon, who had just graduated from the University of California Hastings Law School. Although not around the first month, he also stayed with the firm for its entire 28 years. He was a great young lawyer and has certainly become one of Seattle's top real estate attorneys if not the top.

Third. In the fall of 1980, I hired Julie Brandsness directly out of college. She also stayed with me for 28 years. More about her in the next section.

To help control costs and maintain simplicity, I rented offices for the first year within another law firm. A year later, I subleased an independent space from Karr Tuttle. Then as we grew, we got larger and larger spaces at 1011 Western Avenue and finally a full floor in the Market Place Tower. Joel was a brilliant lease negotiator with able help from John Teutsch. They always seemed to get great space at the bottom of the market with options that I could not even begin to understand, but which were extremely valuable over time. I counsel any starting law

firm to avoid hampering themselves with expensive leases that can become a millstone. Joel and John always helped us avoid that.²

III. Transition to “Buck & Gordon”

In 1980, I changed the name to Buck & Gordon (“B&G”). Initially, Joel remained an associate and I retained 100 percent of the stock of the professional services corporation and 100 percent management control. Joel got to be a “name” partner within a couple of years of law school graduation and I got to have a firm name that sounded substantial. With some conscious thought to marketing, we kept that name for 25 years.

IV. Management of B&G

For many years, I maintained a management system described as a “benevolent dictator” model. This model has a single, strong managing partner and is common in small firms when there is a clear founder who can hold a group together by consensus. Total partner time in meetings is held to a minimum.

A benevolent dictator model, run by a founder, is a style that can work for many years if there are shared cultural values, the dictator truly is benevolent, and the dictator listens to his or her partners to informally build consensus on major issues. It is like a strong president/chief executive officer/chairperson role. In an ideal system, this can work for 15 to 20 years or maybe more.

At first, my role at B&G was easy since everyone was initially hired straight out of law school, and was paid and treated well. These people were in part hired with an eye toward their cultural values that kept us in harmony. We kept management time to a minimum. For years, we had only one partnership meeting a year. To get partner input, I informally sought the views of other partners. We never had profit distribution disputes. Only a few partners ever left and that was for in-house or important public sector positions.

B&G’s Executive Director, Julie Brandsness, was a key to management. She initially joined the firm in 1980 as a receptionist/legal secretary directly out of college. She rose through the ranks to become one of the country’s outstanding executive directors, eventually sitting on the National Board of the 10,000-member Association of Legal Administrators. She played a huge role in maintaining the B&G culture and keeping our ship on a smooth course. She steadfastly remained a protector of the staff, bravely fighting for their rights to good treatment. In many ways, she was a partner and one of the key reasons B&G did so well. She was a tremendous friend and outspoken counselor to the dictator.

One area I largely stayed out of was compensation. Early on, Julie, Jay Derr and Brent Carson became our compensation committee. Despite early pleas to be replaced, I managed to convince Jay and Brent to stay in that role year after year. They were a fabulous group that kept the firm in cohesion over compensation.

² I would like to think I did as well or better by obtaining office space for BLG in 2007 with a handshake, which may not be lawyerly, but got the job done in two days with a great rate and terms.

With the exception of the compensation committee, my bias remained in favor of a benevolent dictator system, carefully advised by our executive director and the wisdom of other partners that I obtained by listening to them one on one, rather than holding long meetings. I cared intensely about the day-to-day welfare of all employees and worked hard to maintain cultural values. We had rapid, entrepreneurial decisions. In the latter years, with more than 40 employees, I spent about 500 to 700 hours annually on a combination of leadership and management.

The greatest difference between managing a law firm and running many other types of businesses, however, is the fact that a law firm consists of a group of co-owners/partners who want to be treated as equals. This may be true immediately when they become partners, whether or not they have contributed significant equity and paid their dues in building the firm. At B&G we made most people partners at an early stage and avoided establishing any concept of junior vs. senior partners. As I look back at the statistics, however, I realize that in later years there was no consistency or pattern of time to partnership. This time around at The Buck Law Group I will be more conscious of having a consistent time to partnership, announce that time, and follow it. I will also paint a clearer picture of paying one's dues as one transitions from a junior to senior partner.

Although a law firm partnership is a group of co-owners, in general it is reasonable to expect partners will be willing to accept long-term management from a founding partner if cultural values stay aligned, if individuals do not have a personal emotional need to excerpt power and if they are treated fairly in compensation and other matters.

Not surprisingly, after 25 years at B&G partners were restive with a dictator and my strong push for firm actions consistent with what had historically been the core values of the firm. I knew it was appropriate to go with the flow. After ultimately realizing the consequences for me of shedding management, I knew it was much more than "appropriate." It was wonderful to get out ahead of the flow and end my days trying to herd a growing number of cats with diversifying values.

V. Transitioning Management

We planned a retreat for April 2006 to look at succession management. As we prepared for the retreat, surprising even myself, I made an almost instant decision that I would step out of management immediately, thus ending my first reign as a dictator. The day of my decision (one winter Saturday morning at Alta, Utah) was one of the happiest days of my life. Managing was no longer fun. This was my opportunity to escape what was turning into a negative experience with too many restive partners and too much time spent on unpleasant tasks.

I embraced my decision immediately and informed the firm I would resign as managing partner the day after our retreat. This moved the discussion from when to start succession to what succession would look like.

VI. Transitioning Management from a Benevolent Dictator to an Executive Committee

At the retreat, the partners immediately adopted a different leadership model consisting of a five-person executive committee with a managing partner and executive director. They documented their roles and rules in a detailed manual.

B&G was fortunate to have Jay Derr step in as managing partner. He was a great practitioner, held the original core values of the firm, was sensitive, and was respected by the other partners.

There is no obvious advantage to either management approach, although my preference lies with the benevolent dictator style as long as it can work. The benevolent dictator model can be a lean, responsive, incredibly efficient approach, which can adjust to change with lightening speed. In addition, if you are the dictator, it is especially sweet since you can mostly experience things going “right” from your insular view. ☺

An executive committee is a more democratic model but consumes considerably more partner time and accomplishes fewer and slower decisions. In my opinion, bureaucratic partner time could generally be spent better on serving clients, helping young employees, or serving the community.

Nevertheless, executive committee management models will probably always come into existence as a firm grows. Younger partners should be given their chance to try to learn management and to carry a firm into the future. An executive committee is a good way to accomplish that.

Based on some excellent advice from a colleague outside the firm, I announced and wholeheartedly adopted a one-year moratorium on any involvement in management. This colleague had been at a firm in a parallel situation to B&G when he became the first non-founder managing partner to take the lead during a succession of leadership. However, the founder of the firm continued to involve himself in management and soon undercut my colleague, who eventually decided to leave. I wanted to avoid any similar situations, and so I kept myself completely out of management.

VII. Stepping Down from Management May Not Be Enough For a Founder

In our 2006 springtime succession retreat when I stepped down from management, the consultants we hired suggested I should carry some role, perhaps “founder” or “chairman emeritus.” I never did hold such a title, and in retrospect, I realize that would have been a quick prescription for disaster.

New management will want deference. They will want to be the chiefs. An energetic founding partner who still feels passion for a core culture and for staff and associates is not going to fit in well once the succession starts. He or she will probably not be a good follower. That does not involve *management* but has to do with *leadership*.

At the end of the year of self-imposed moratorium on management, I started to reemerge as a leader, not a manager. I did not speak up on more than one to two percent of day-to-day management issues. It was particularly easy to stay out of management issues because we had an excellent managing partner and executive director who were doing a good job.

In the second year, however, I spoke loudly on big picture issues of the partnership's culture. That is the right of any partner. But it does not necessarily go down well if it is coming from a founder who may wield undue influence from a sense of history and perhaps personality.

Again, partners planned a retreat for the spring of 2007. Management selected a "strategic planner." My interaction with this person was bizarre and unsettling. I quickly realized I had grown out of synch with a few of the partners and their cultural values.

The day after my unsettling experience with the strategic planner, I served as an interviewer for the Gates Fellowship students at the University of Washington law school. These were 25 outstanding aspiring first-year students. It hit me over the head that there were still wonderful times to be had working with young lawyers with a high sense of purpose and values. I launched into a self-examination of what I wanted to do with the rest of my legal life. That night I left on a three-week vacation, which gave me plenty of time to reflect.

While on vacation, a close friend and successful businessman, Matt Krups, had me read an article in the *Harvard Business Review* on staying true to one's own authentic leadership. That gave me a chance to realize that it was time to move on and control my own destiny. It had become obvious that at B&G I would need to be a follower, not a leader, even on core cultural issues. My authentic values were out of synch with being a docile partner reporting to an executive committee. Had I continued as an authentic leader it would have been unfair to my partners. I would have been causing strife. Subsequent reading has reaffirmed my view. A strong founder of a law firm will almost certainly need to eventually move on if he wants to endow younger partners with a right of self determination.

VIII. Passing Over Without Bombing Bridges

I decided a long time ago that if I have unequivocally made up my mind to do something, I prefer not to engage in dialogue about whether or why. I just get on with it. So, unfortunately, my departure caught many off guard. They probably had no idea what had happened with the "strategic planner" and what that meant to me. And I did not want to discuss my unhappiness with the course of events that really could not be changed.

I could not abandon my authenticity. I believed it was best not to get into fights with the restive. I seek a life of joy for myself and those around me. Just like my great-grandfather, I love adventure and love to help people move on to new lives. So I headed west.

We did relatively well in the parting, since most of us had strong bonds of friendship and I had a desire for a successor firm to succeed. B&G ended. The remaining partners changed the name to GordonDerr ("GD"). I left almost all of my clients I had generated over the years.

Although I would have loved to continue practicing with some of our outstanding young people, I took with me only my assistant, then of 17 years, Sharon Kendall.

Starting June 1, 2007, I took everything I learned and believed in and put it into a reinvigorated practice.

It was a painful process, but it was for the best. My former partners are all outstanding attorneys. When I left there was a huge book of business and numerous partners that had developed into tremendous rainmakers. They were free to pursue a course of their own choosing with their own values.

The staff was absolutely top-notch; an incredible collection of individuals. The new firm, GD, will continue to provide superb legal service and hopefully be a decent place for its employees.

I will always be proud of B&G both for its excellence in providing service to clients and for the community. Even more so, I am proud in developing and maintaining an excellent culture for non-partners. I still wear my B&G sweatshirts and aprons with pride and I have various memorabilia and pictures from B&G in my new office. I continue to have friendships with many of my former partners and staff. After getting over my shock of having to leave, I realized that a life well-lived for 28 years is a thing to celebrate, not mourn.

In the end, it was a great result. GD partners did not have to put up with my strong personality and insistence on core values. I have the freedom to once again be an authentic leader. Moreover, I had the chance to take 36 years of learning to create a new, exciting firm.

For me, the challenge to take all the lessons of 36 years and start a new firm was like being a kid in a candy store.

IX. Rebirth as The Buck Law Group at Age Sixty-One

Ultimately, at age 61, I left the nest and created a new law firm, The Buck Law Group (“BLG”). I resolved to take advantage of everything I had learned about management, leadership, and culture over the preceding 36 years. I hoped that I learned some lessons I could now pass on to a younger group of managers and leaders with an eye toward turning over the reins of BLG to them within a relatively short time. Our Web site tag line tells it all: “Buck & Gordon’s Excellence Lives On.”

At BLG, I am unequivocally re-establishing a benevolent dictator form of management. That is made clear to everyone who joins our firm. I enjoy the practice now more than ever before, and I believe in my ability to create a great workplace that can do a tremendous job for our clients.

Our new tag line, “Let’s Just Get It Done,” arose from three hours of interviews with a brilliant marketing consultant, Ross Fishman. He recognized that getting things done is really what I want a firm to represent. It was a surprise tag line, but clients and employees all resonate

with it. It is best accomplished by keeping my management time and meeting time to a minimum. Our clients enjoy a responsive, nimble firm and would just as soon not have us spend our time in office meetings.

I do have a kitchen cabinet, or “executive committee.” Meetings include every employee of the firm who happens to be present when I determine a decision needs to be made. Everyone is invited into the conference room on very short notice and input is exchanged. I always make the final decision, but I am highly inclusive in the decision-making process. Our employees have fun and certainly buy into the firm’s decisions. There is no complaining about a lack of communication. This in turn enhances morale. Our executive committee meetings take an average of 10 minutes rather than 4 hours, as is the case in some firms.

To effectively manage a firm with a benevolent dictator leadership model, the dictator has to be benevolent and sensitive to people. I think I did well at B&G on the benevolent side. Indeed, over the years I was constantly counseled by our accountant and others that I was too benevolent. I still hear that from observers. I guess that is a product of when I came of age and how I was raised.

At B&G I did not do so well on the second part of the paradigm: the sensitive component. It is clear that I was not patient and did not understand some of the emotional needs of my partners. That is an area I am working on, as is discussed below.

At this stage in my life, I am working hard to get it right. Today, I get to use 36 years of experience to give another group of young people at BLG the chance to have what I would hope is a top-notch firm they help shape from day one. I expect we can together establish and maintain a superior culture we all embrace. Providing excellent client service is easy; this gives us a chance to focus on culture.

As noted above, I am like a kid in a candy store, being a dictator again. Many of my ideas are a bit too far out for co-equal partners. As a dictator, I do not have to worry about that. Shortly after forming the firm, driving in Scotland with my daughter, Dr. Amy Buck, I asked her what her favorite benefit had been. She said “powder days,” which was the right in her research lab to take off any day there was eight inches of snow in the mountains around Boulder. Instantly, BLG’s benefits included powder days, which to the delight of the staff, are taken advantage of. Delight is what I seek for my fellow employees. A “powder day” benefit would take years to gain approval with an executive committee of almost any law firm. One would need a page of rules to make fit the partners’ fear of abuse or confusion. A benevolent dictator can just get it done as is evidenced in our short benefit statement at Appendix A.

Our benefits statement (Appendix A) illustrates my ability to do what I want to create delight and a safety net without having to convince an executive committee or have a full partnership meeting to go a bit beyond the “norm.” An exciting idea rolling around in the back of my head is sponsoring a childcare and sick childcare facility close to the firm to reduce stress on attorneys and staff with children. It may not make a lot of financial sense for a small law firm, but as a dictator, I do not have to convince anyone.

Although it is hard or impossible with a larger firm to adopt a written cultural statement, I did do so immediately as a benevolent dictator at BLG (Appendix B). It stresses honesty, communication, and confronting problems as they arise. We post it as a statement on our Web site, and we take it very seriously. As is seen in the statement, we review it quarterly among us all. We intend that everyone in the firm adhere to these guiding principles.

X. Learning to be a Better Dictator

As mentioned in the previous section, this time around I am trying to be a more sensitive and mindful dictator. I have been greatly impressed with a book from the Harvard Negotiation Project called *Difficult Conversations*. Upon starting BLG, I sent our first Huntoon Fellow,³ Heather Pearce, to the Harvard Negotiation Project for a course on the book. She is now helping guide me with these key principles. She is often assigned to sit next to me and kicks me under the table when I fail to listen carefully or go too fast.

I have also created a list of rules for safe conversations with me (Appendix C). I do not want to be perceived as someone who is unapproachable. I am willing to take any amount of time to talk to a fellow attorney if I can extract the commitment that we will speak honestly and expose hidden agendas.

XI. Preparing at Inception for Succession Management and Leadership

At 63 years of age, I feel at the top of my game and am more excited than ever about the practice. Thirty-nine years of learning, building relationships, and establishing trust in the legal community gives me a chance to accomplish some fabulous and innovative results for clients.

In the first two years of practice, we have had client successes that are as important as or more important than anything in the preceding 36 years. These cases include: saving the 162-unit Lora Lake Apartments affordable housing from sure destruction by the Port of Seattle; envisioning a way for Children's Hospital to expand its campus in harmony with its neighbors while winning the lottery for 136 condominium owners, many on fixed incomes; restoring the rights of a dental student who was expelled for daring to present an unpopular petition signed by 100% of his classmates; restoring the rights of another dental student who was expelled for what amounted to ethnic reasons; and halting a legal railroad one month before a condemnation trial against an immigrant family whose land in China had been taken during the revolution, whose land in Vietnam was then taken by the Communists Vietnamese, whose land in Seattle was about to be taken by Sound Transit. Although some of these cases are pro bono, we do get paid for some of this fun. To me joy comes, not with management, which is easy, but instead by training young lawyers to see the fun in practice and to learn themselves how to be managers and leaders so this tradition will be carried on.

I am enjoying my rule as a benevolent dictator, but foresee a short reign. I accept my mortality and the ever-present chance of a declining ability with age. I know at some point this phase of my life must end. Accordingly, at BLG I am rapidly advancing every new attorney and

³ See "BLG's Fellowship Program" section for information on Huntoon Fellowships.

preparing them to not only be fabulous practitioners, but also to be trained well in management and understand leadership.

I do this with vigor. I resist the growing trend of partnerships to be vague about the time it will take associates to advance to partner as they put this step off for longer and longer amounts of time. In my opinion, no matter what the reasons stated, this pattern is driven by the desire of partners to keep making money off the backs of associates as long as they can.

My plan is to make associates or lateral hire partners within four years of their graduation from law school. I will still be the dictator, and hopefully benevolent. Those who can accept my power are the people, however, who will be taking over the firm as senior partners as I ease out in perhaps as little as 10 years. They will be ready.

Examples are illustrative. Within their first week, our associates have client contact with significant clients, including the heads of large public companies. They are seeing all aspects of cases they work on, sitting in on all key meetings, and participating in strategy decisions. I do not see them as “newbies” just because they are recent law school graduates. I see them as excellent people with lots of life experience, and as people who are learning the practice of law quickly.

I also want every new attorney at the firm to start learning about management, leadership, communication, culture, and partner dynamics from day one. I am immediately preparing the people I expect to be partners in BLG, to be effective leaders and managers. Nature willing, I will practice for a while longer, but I expect I have a remaining practice span of 10 to 15 years, and perhaps less. It is essential to create a management and leadership team now that will take the firm into the future.

We are thinking through which issues are management issues and which are leadership issues, and then delegating management issue tasks whenever possible. In my view, management involves the day-to-day effective functioning of the firm. The role of a manager is to keep things working on a day-to-day level, to deal with facilities, technology, staff, human resources, etc. At BLG, these are all being run by committees of one attorney and our executive director.

Leadership first and foremost involves assuring that every client is receiving excellent service. It also involves dealing with the toughest issues of partner or key employee dysfunction, looking into the future for needed changes, perpetuating the firm culture, anticipating and tackling head-on any problem that endangers the firm, recruiting the right people for our team, seeing that those people are given superb training, supporting all employees, and taking those genuine, not contrived, steps that build morale. This also is being taught.

A capable managing partner should also be a good lawyer. *He or she should be helping clients.* Insofar as his or her time could go to management, the focus almost entirely should instead be on helping our clients. This is an excellent reason to have our young attorneys take on management.

Perhaps the greatest reduction in partner management time is to have a top-flight executive director. He or she can manage facilities, assure appropriate technology, handle human

resource problems at the staff level, oversee bookkeeping, and so on. These latter tasks intrigue many lawyers, but it is hardly economical or in the interest of clients to have attorneys handling matters that can be as or more effectively handled by an executive director. Our Executive Director, Sharon Kendall, learned well from working with Julie Brandsness at B&G for 17 years. Sharon is an absolute super star, as is Julie.

XII. Recruiting Great People and Immediately Treating Them as Capable Adults: A Key to Future Management and Leadership

Recruiting is certainly one of the key areas in the success of any firm. There is a tremendous opportunity to build a strong law firm based on the quality of the people you recruit.

As a part of our start-up I hired two associates, Matt Stock and Randall Olsen, two years out of law school. They had been managing editors on the *Washington Law Review*, are excellent attorneys and highly entrepreneurial. They were immediately given direct client contact and significant cases. There was no sitting in the library writing memos.

That, however, is not necessarily a shared view at all firms. Partners who may have been treated generously as associates may not be so quick to carry that on when they are in positions of power. When one becomes a partner, there can be a tendency to “pull up the drawbridge.” There is talk of what a short time out of law school someone is or how short a time a lateral has been at his or her new firm. This justifies delaying giving client contact and delaying partnership. This comes from the “glass half empty” failure to see the power and maturity of newer attorneys. In my opinion, it is a tremendous lost opportunity to take someone who may have incredible life experience, but treat that person as a “newbie” just because they are a recent law school graduate or a recent lateral. My experience at B&G was a quick advancement of Joel Gordon, Jay Derr, Amy Kosterlitz, Brent Carson, Keith Moxon and others. They fully proved my faith in them, becoming great, responsible attorneys in short order.

At BLG, as a benevolent dictator, I will again choose not to see young attorneys through the distorted lens of how many years they have practiced law or how long they have been with our firm. I see them through a clear lens as people of various levels of maturity who know a lot more about life than many partners. A distorted filter, looking at people solely based on time out of law school or time at a firm, vastly underutilizes people.

At BLG, I put Randall Olsen in charge of human resources as part of a team with our executive director within one week of joining the firm. I gave him a copy of *One Minute Manager* and told him to work with a staff member who was in need of direction. When assigned his first difficult review, he read the book over a weekend, realized I was asking him to approach it all wrong, told me so, and he got it right. He pointed out that we had missed the first key step of articulating expectations. Randall, within a couple of months was given the responsibility of seeing that everyone’s hours are entered and edited weekly. Our bills go out on the 4th or 5th day of the month.

The same is true of Matt Stock. Within one month of joining BLG, he became the attorney in charge of recruiting. Within two months, he became the attorney in charge of

information technology as part of a team with our executive director and he was given responsibility of managing our Web site.

Heather Pearce, our first Huntoon Fellow, was contemplating opening her own firm. On her first day, she was given full responsibility to get the firm legally formed, organized, in leased space and operating. She quickly had us running seamlessly. This is the way to teach succession managers: recognize them for the capable people they are, and give them the tasks that will spread their wings.

This is the capability of many first- or second-year associates. Give them responsibility and they can do as good or better job of managing than partners who have been around a long time.

One of the key challenges BLG will need to face is how long I should be a dictator. Inherent in hiring these great people and giving them the chance to grow quickly is that they may become resistive. This time around I will try harder to emphasize shared cultural values of honesty, communication, and confronting problems immediately as they arise. I realize I will have to be a more enlightened dictator and intend to apply 36 years of experience to make that happen. Fortunately, I am consciously able to surround myself with confident, honest, young people who can speak their minds. We are making “difficult conversations” one of our guiding principles.

XIII. BLG’s Fellowship Program

One of the fun parts of BLG has been to find a new way to help young students. As mentioned above, one of my epiphanies in deciding to leave B&G was interviewing the Gates Fellowship candidates in April 2007 and realizing what great young people are coming out of law school and could use help in getting a start.

At the same time, I was concerned about the effect of too many partners. This all came together in a tentative plan to be able to help young lawyers, but not with the expectation that they would become associates and then partners. I now see that having a large number of partners carries the probability of incompatibility. A former partner, Bill Block, said that 14 attorneys was a magic threshold for trouble. I was skeptical, then. Now I realize there was more truth to his view than I thought.

Studying the U.K. system of legal training has led to an experiment with a different way of getting involved with young lawyers. BLG has started a fellowship program akin to traineeships in the United Kingdom. Each of the fellowships BLG grants carries with it a unique learning opportunity as the fellow supports our caseload over a period of 6 to 18 months, with the understanding that they will not become an associate or a partner in our firm.

As mentioned previously, the first fellow BLG hired eventually hopes to start a firm on her own. Her first assignment was to set up our new law firm. As a result, I did not have to spend time finding office space, negotiating a lease, obtaining insurance, equipment, or furniture. In turn, I gave this fellow the opportunity to learn what it is like to set up and operate a firm.

A second fellow simply sought to gain 18 months of practical experience before setting up his own practice. I involved him in every aspect of a law firm practice, including careful intake of new cases, communication with clients, recording time daily, collections, and so on. The knowledge he gained during the 18 months have been invaluable to him as he started out on his own.

A third fellow, having come from out of state with a public service stipend, joined us to fight for the preservation of the Lora Lake Apartments, 162 units of affordable housing the Port of Seattle wanted to demolish to build big-box retail. He headed up the fight and organized a non-profit with 40 homeless members to gain standing to bring a lawsuit. In his short six months with us, we had an outstanding victory and he organized a dinner for Tent City 3 to celebrate. It was their first indoor dinner in two months. He has now moved on and recently took and passed the Washington State Bar.

A fourth fellow, having just passed the bar, simply needed some time to explore areas of interest. After eight months, her work with us led her to an internship with one of Washington's leading lobbyists during the 2008 legislative session. She had a chance to see all the ins and outs of state government service and look for a place to use her considerable skill. We granted her a fellowship stipend to pursue this opportunity.

A fifth fellow left the public sector and spent a year with us becoming acclimatized to private practice. He then moved on to a firm that exclusively litigates, which was his passion.

Thus, in the first years, four fellowship positions were created for young attorneys, each tailored to achieving unique needs. That is not a recommended approach for others birthing a law firm. It is simply an illustration of the power of controlling your own destiny and fulfilling your own values through founding a firm. The firm can be what you want it to be.

XIV. Striving to Create, Then Maintain a Unique Culture

In the preceding pages, I have said much about a belief in culture. BLG seeks to create and maintain the kind of culture many young lawyers seek—a culture that provides a balance of work and personal time and makes BLG a pleasure from day to day. While I managed B&G, our associates did not bill more than 1,600 hours a year, they participated in raising their families, they stayed healthy, and they found a full life outside of the office. As a manager and leader, I made this happen, often by extreme force of personality and commitment. At times that involved “kicking” people out of the office and making them go home.

My friend and former partner, Amy Kosterlitz, still enjoys telling the story of how on Thursday afternoons I would show up in her office to force her to see how she indeed could take off Friday, to carry out her plan to work four-days-a-week, and to find a little time to meet the responsibility of an attorney with young children. In essence, on Thursday afternoons I just took away all the files that needed work on Friday.

This culture disappears with the drop of a hat, however, if managers and leaders with less commitment to protect young people are in power. However, I believe that with committed and competent leadership, such a culture can be sustained in a firm of any size for several key reasons.

First, this culture can be sustained because it inherently makes sense for staff and clients. The outstanding young people BLG is hiring have lives outside the office that involve their families, community, friends, sports, and hobbies. They like to take care of their health, they want to participate in their communities, and they want to have time to take care of the emergencies that occur in life. They like to smile and have fun at work. They do not want to burn out with stress. Having the opportunity to maintain active personal lives makes them highly productive in serving clients.

Second, BLG will be sure that the newer attorneys who will be our partners, managers, and leaders embrace this culture. We seek highly talented young people who are sought out by top firms in the country. Since we are limited in the substantive areas we practice, we are at a competitive disadvantage in recruiting. Our factor to level the playing field is that we offer enormous opportunities for those who want to practice very high-quality law, but who also want to avoid the destructive forces of consistently putting in 1,700 to 2,400 billable hours a year. This means we can attract top-notch people who fully understand and appreciate our culture. They can see the tremendous benefits in their lives.

One thing that stands out as I start fresh with some excited, outstanding, young attorneys is what a great job BLG has done for its clients. In our two years, results have been staggering. I attribute a lot of this to highly motivated new attorneys who are healthy, happy, and energized. They love coming to work. They love their client contact and responsibility. They love succeeding for these clients. They are sustaining a balanced life and are fresher and more motivated on a day-to-day basis.

There will always be pressures from some partners to abandon a balanced life culture in favor of subtly increasing associate hours, extending the time to become a partner, tightening benefits, etc. In the private practice of law, a lot of the pressure to have associates work long hours comes from partners who feel they need to have more money. Partners often want more fancy toys. The easiest way to increase partner salaries is to force, encourage overtly, encourage subtly, or simply not discourage associates to work longer hours. Another is to delay their time to partnership.

I personally believe the well-respected sociological studies that show that large incomes do not lead to any improvement in levels of happiness or health. Therefore, I have created a culture that is modest in demands, and I am making a real point of vetting potential associates/partners to assure they share these beliefs and will not pull up the drawbridge when they become partners. I hope that those who will be future partners at BLG will be those who believe they do not need to drive a Mercedes, go to the most expensive restaurants in town, or own a vacation condominium in Sun Valley.

Another important component that allows this culture to work is that a firm is fiscally conservative (i.e., it will buy rather than lease, pay cash rather than take out loans, maintain a strong cash position rather than take out a line of credit, get good but not opulent office space).

At BLG, we took no tenant improvement allowance. We all took a day off and painted the office ourselves (a wonder for morale and increasing a sense of ownership). We bought furniture from IKEA. Our benefit package is expensive, but it increases morale and should lead to incredibly low turnover at all levels, thereby avoiding the costs of replacing and training employees. BLG's choice is to invest in its people and top-notch equipment, not in traipsing.

The bottom line is that if clients are extraordinarily well served, if partners do not demand a lot of income, and if a firm is fiscally careful, it can succeed economically with an average billable goal of 1,600 hours, and everyone can enjoy a life outside of the office.

XV. Advice for New Managers Who Might Aspire to Leadership

The most important piece of advice I could give to an attorney who is either entering a managerial role or seeking to found their own firm is to take the time to study management and leadership, including contexts other than the legal profession. There are great books that describe the entire management picture—all of the hats a manager wears in a law firm. If you are starting a firm, you are going to be the chief financial officer who will have to think about the firm's financial picture. You are going to be the chief operations officer, who ensures the firm is providing a quality product. You are going to be the vice president of human resources, who is going to be recruiting, hiring, and managing staff members. You are also going to be a chairperson of the board, who needs to go out into the community, establishing relationships and setting the tone of the firm.

I recommend immediately studying leadership concepts. One of the books I found most helpful was *Primal Leadership*. While writing this chapter, a search of Amazon books showed hundreds of relevant hits for the word "leadership."

After educating oneself about management and leadership concepts, I would next suggest gaining consensus on a core set of cultural principles and putting them in writing. My first act upon starting BLG was to be an executive committee of one, and then adopt a set of cultural principles and publish them. (Appendix B). I cannot stress enough my belief in the importance of this for a new leader who wants to guide his or her firm to success.

XVI. Success

As we grow up, we do not have the WASL to measure our success but there are other measures. The first is whether your clients are receiving great results at a reasonable cost. Clients should sleep better at night, knowing someone competent is worrying about their problem and is going to get it solved. Indeed, I thought of "Our Clients Sleep Better at Night" as a tag line. Maybe that can be a corollary to our current tag line of "Let's Just Get It Done."

The next factor I would measure is whether your staff has the opportunity to develop at the pace they desire. This involves being sensitive to their growth comfort level. It also involves giving them superb training.

As important, a successful firm will provide “mentoring” in the true sense of the word. I always find it disconcerting that organizations talk of assigning a mentor. I do not believe that “mentors” can be assigned. A mentoring arrangement arises from a natural chemistry. Every associate or young partner should find that relationship and take advantage of it. If a mentor does not arise naturally for young attorneys, that should be a major warning sign.

Another key measure of success at a law firm is whether morale is high. Does your staff enjoy going to work each day? Is it a fun place to be? Do people treat one another with respect and enjoyment? Does an outsider walk into your offices and see it is a fun place to work just by observing how your people interact with one another? Your success in this area can often be measured in your attrition rate.

A law firm can be one place that proves the adage “Do what you love and the money will follow.” Making a lot of money is not one of my metrics of success. It seems we always make enough to have a great life and have plenty left to contribute to the community, because we are doing what we love.⁴

Of course, my measure of success may differ from that of others. I define success as “the consistent and continuous accomplishment of meaningful goals.” To me, the above discussion embraces meaningful goals.

⁴ One sad fact of life is that some new law school graduates carry such large loans that initially they are not going to have the opportunity to pursue such a life. For some time, they will probably need to take the highest-paying jobs that may involve goals of more than 2,000 billable hours. However, loans do not take forever to pay off, and there are many chances in life to change paths.

Appendix A

BLG's Benefits

The Buck Law Group aspires to provide an extraordinary benefit package. In return we expect extraordinary performance for our clients, respect for our culture, and extraordinary support for fellow team members.

Medical/Dental: The Buck Law Group pays full employee and dependent health care premiums.

Medical Reimbursement: The Buck Law Group provides a \$1,000 annual medical/dental/vision reimbursement account for those items not covered by insurance, including deductibles for employees and/or dependents.

Long-Term Disability: The Buck Law Group pays the full premium for each employee for coverage up to 60 percent of base monthly salary after a 90-day waiting period.

Personal Time Off (PTO) for Non-Attorney Staff: Personal time off accrues from an employee's initial start date and is equal to 25 days per year. PTO is used at the discretion of the employee for vacation days, "powder days," personal leave, sick leave, sick leave for care of children, sick leave for care of parents, bereavement leave, mental health days, celebrating religious holidays, etc.

Personal Time Off (PTO) for Attorneys: There is no PTO plan for attorneys. The standard is to meet the target for billable hours. As long as that target is kept in mind, attorneys get unlimited PTO. This of course, is in context providing assistance to our clients when they need it and working as a team in terms of scheduling.

Paid Holidays: New Year's Day; Martin Luther King Day; Presidents' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving (2 days); and Christmas.

Maternity/Paternity Leave: Parental leave is encouraged. It is anticipated that such a leave may be 3-4 months and is in combination of paid and unpaid leave.

Health Club: The Buck Law Group pays the initiation fee and 70 percent of monthly dues for employees who would like to join the Seattle Athletic Club or a similar facility. In addition, employees will be reimbursed 70 percent (up to \$1,000/year) for participating in programs offered that are not included in monthly dues.

Education: The Buck Law Group pays the cost of relevant education, including bar exam coursework and continuing legal education.

Professional Dues: The Buck Law Group pays all relevant professional dues.

Powder Days: Insofar as possible, employees who ski will be entitled on extremely short notice to ski any day where there is 8 inches or more of new powder in the Cascades up to three days per year. Employees who do not ski will be encouraged to engage in equivalent days when short notice absence allows for something special. For non-timekeepers, powder days will be paid leave; they are in addition to PTO. These days are expected to be available on very short notice to accommodate employees who have exciting opportunities, such as fresh powder or an unplanned special day without advance warning.

Snow Days: The Buck Law Group provides its employees with an option on snow days: on snow days where local schools are closed or delayed, employees may either take the day off and enjoy the snow, or come into the office and “bank” one PTO day for the future. Obviously this is in addition to PTO.

Annual Retreat: The Buck Law Group offers an all expenses paid retreat for all employees. A starting model is a 3-day ski trip to Big White. If the Buck Law Group lacks a center of gravity of winter sports enthusiasts, we will fashion a different but equivalent program. This is in addition to PTO.

Weekend – Summer Cabin: A nice cabin on Sequim Bay, proximate to great trails and other activity opportunities is equally available to all employees on a non-hierarchical basis.

Fairness: Clearly articulated policies, such as an understandable snow day procedures, comp time rules, etc. We seek to maintain a fair approach for everyone by articulating policies carefully and not “playing favorites.”

Serendipitous Happenings: From time to time, playful, happy or joyful things happen. This is a top down and bottom up endeavor fully supported by the firm.

Life Skills Training: Available, but not compulsory will be training in areas such as interpersonal communication skills, the power of humor and creativity, time management, stress relief, mindfulness meditation. The list of topics will be influenced by ideas from the employees.

Healthy Snacks: Carrying on a long Pete Buck tradition, the firm provides healthy snack food for all employees, e.g. fresh fruit. Insofar as is possible in the United States, the firm will acquire Fair Trade snack items.

“Green” Travel Subsidy: The firm will subsidize travel to and from work via bus, trains, carpooling, etc. It will also provide a serendipitous benefit for walkers and bicycle riders.

Sabbatical: All employees are eligible for a paid 3-month sabbatical after 8 years and then seven years thereafter.

Group Life Insurance Plan: All employees are eligible for Group Life Insurance.

Military Leave: Employees who are members of the reserve forces or the National Guard are subject to weekend duty, annual training duty, or short-term emergency duty. We grant 14 days

a year for such duty, and do not require that the employee use his or her PTO for days required for service.

Casual Dress Day 5 days per week: Discretion is expected. Crocs are in – shorts are out.

Flexible Hours: These need to be carefully planned with the Executive Director, but we do attempt to accommodate our staff.

Part Time Employment: This needs to be carefully planned and negotiated (best at time of hire) with the Executive Director, but we do attempt to accommodate our staff.

Telecommuting: This needs to be carefully planned and negotiated (best at time of hire) with the Executive Director, but we do attempt to accommodate our staff. It is part of our green program for transportation and a family friendly approach.

Retirement Account: The firm has a 401K plan. An employee will be eligible to contribute after 6 months of employment. Absent a disastrous economy, the firm will provide matches. The match in 2008 was xxx

Coming

Future Child Care – Sick Child Care Facility Proximate to Office: In 2006, Pete began a study of how a law firm might provide proximate child care and sick child care. This is a work in progress with help expected from initial employees to research, plan and implement such a plan. The current demographics of the firm make this a future rather than a current need. It is an exciting concept the employees are apt to enjoy helping to plan.

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Appendix B

The Buck Law Group's Culture

Our culture is based on Peter Buck's 36 years of experience in creating and nurturing successful law firms. This culture, which is embraced by every member of The Buck Law Group, accounts for happy, highly productive employees who, in turn, contribute to the success of our clients. We will always maintain our culture statement in writing and we have pledged to review this statement at least once a quarter to remind ourselves of its importance.

1. We do great work for our clients: This is the foundation of our firm and its success. Serving our clients' needs is our top priority. We hire great attorneys, planners, paralegals, and staff to provide high quality work. We train our people to achieve this standard. We work as a team to generate ideas and support one another in order to generate only work of the highest caliber. We always remember that achieving our clients' goals is the touchstone of our firm. This does from time-to-time trump our balanced lives. When necessary for the client, we will work long days and long weeks. If we cannot maintain balanced lives while meeting the highest standards, we immediately curtail taking new clients. Over commitment is never an excuse for delayed work product or less than excellent work.

2. We are a collaborative, hard-working, fun-loving team: We have a team focus, not a self-focus. Each player has a valuable role. We collaborate and help each other. We share clients. We strive for satisfaction and success for everyone at the firm. We laugh a lot. We are quick to notice, to acknowledge, to congratulate, to celebrate, and to care.

3. We train: We place a high value on training everyone to do a better job professionally. We also provide training on a number of personal fronts such as communication, creativity, leadership, tools of success, etc. We constantly look for ways to encourage and to challenge employees and new attorneys. We assume retention.

4. We expect excellence, creative problem solving, and professionalism in our work, but understand that does not mean perfection: We help everyone achieve excellence in their work by providing necessary training. We look for out-of-the box solutions, listen to each other's suggestions, and are open to new ways of doing things. We learn from and forgive mistakes. We don't blame. We ask for help when we need it.

5. We are egalitarian and inclusive; not hierarchical: No one on the team uses power or position to get what they want.

6. We are civil: We are kind and respectful of everyone in the office, our clients, our colleagues, opposing counsel, and opposing parties. We solve interpersonal problems or disagreements through direct and honest communication – even when this maybe awkward or difficult.

7. We seek honesty and integrity in our actions and our communications: Honesty is not only the best policy, it is the expected policy. Honesty and integrity are necessary components of our mutual respect. We do not tolerate dishonesty in any form.

8. We value balance in each of our lives at work and outside of work: We strive to attain balance for timekeepers and staff by setting reasonable annual hours expectations. In the case of timekeepers, this is 1600 billable hours per year. We provide reduced hours for parental leave or personal need. We recognize that a healthy and happy life outside of work helps achieve satisfaction and performance while at work. We provide a sincere safety net for each other in times of personal need or crisis. We encourage each other to be active and healthy.

9. We are generous: We strive to be givers, not takers. Decisions are made based on what is good for the whole rather than for individual gain. We do not fail to do the right thing concerning an employee simply because “we don’t have to.” In other words, we do not fail to make an associate or a lateral hire a partner in a timely fashion simply because they are not expecting or demanding it. Excellent pay for hours worked is paramount to our culture. We are generous with our time and resources to employees and the greater community at large.

10. We are fiscally conservative as a firm and encourage our people to be so personally: We avoid pressure to work long hours or to compromise our generosity by avoiding high overhead in the firm and in our personal lives. We want to be financially successful, but making top dollar is not the driving force in our firm culture.

11. We are small and entrepreneurial: We celebrate our smallness. We have limited bureaucracy. We are flexible, nimble, and inclusive in our decision-making. We are not bound by bureaucracy or official procedure and are able to take advantage of opportunities when they arise, whether expected or not.

12. We are conscious of our community: We support numerous charities, as demonstrated by our giving and volunteer work. We support the provision of legal services to the underrepresented, as demonstrated by 100% participation in voluntary pro-bono efforts. We support diversity in the legal profession, as demonstrated by Pete’s groundbreaking creation of a diversity internship and training program. We support “green,” as demonstrated by our office. We support fair trade as demonstrated by our purchase of fair trade products.

13. We have fun: We have a high energy, intelligent, creative staff. We have great clients. We take advantage of our good fortune to enjoy our professional lives together.

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Appendix C

Pete's 12 Rules for Serious Conversations

For these rules to be engaged we should agree we are about to have a serious discussion where the rules apply. These would not be rules we try to apply in all conversations, they are reserved for serious conversations.

No one has to agree to follow the same rules for their side of the conversation. This is a unilateral offer of my conduct. Anyone I am talking with should feel free to proceed as is most comfortable for them.

- 1) I will give high priority to getting together as soon as possible when someone raises a problem needing discussion.
- 2) I will be conscious of finding a time that is good for the other person.
- 3) I will agree to a significant block of time for the discussion and stay engaged to take the discussion to completion.
- 4) I will treat the conversation and the person in a way that acknowledges they matter.
- 5) I will give the other person adequate time to reflect and respond.
- 6) I will speak for myself, not a group.
- 7) I will use "I" statements, not "you" statements.
- 8) I will listen carefully and respectfully to the other person. I will give him\her full opportunity to finish without interrupting.
- 9) I will keep an open mind and heart. I will try to understand as much as possible about the other's point of view as they express it.
- 10) I will be honest and straight forward.
- 11) I will attempt to bring the conversation to some sort of closure. If we have an agreement, I will attempt to restate it until I get it right.
- 12) I will assume the conversation is confidential and will honor such confidentiality unless we agree otherwise.

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Appendix D

Birth of a Firm for a Newer Practitioner

1. Clients. Know from where your clients will come. In any small business, *sales = key strategic factor*.
2. Money. Know what money you have to tide you over. Operate within that budget.
3. Necessities. Practice extreme frugality if necessary. Basic necessities include:
 - a. Liability insurance (professional malpractice insurance)
 - b. IOLTA account (learn early how to successfully use and manage to avoid audit problems)
 - c. Business structure: you can function as a sole proprietor; if more than one-person office, will need to examine other formations for tax and other purposes.
 - d. Laptop/computer, basic software, efficient printer, internet
 - e. Research Tool Library: the alternatives to Westlaw include numerous free on-line resources and databases, public libraries, or cheaper legal research alternatives like VersusLaw, etc.
 - f. E-filing and physical filing system
 - g. Lists of “Human Resources” – i.e. other attorneys, mentors, and people resources you can call for referrals, questions, mentoring, etc.
 - h. Office Space that is not your couch –with a door you can close, whether at home or not
 - i. Forms and templates database (can develop initially, or as you go)
4. Business Plan . If you are left brained and want to plan carefully, consider the ABA’s CD: “The Lawyer’s Guide to Creating a Business Plan – A Step by Step Software Package”; or, if you are business minded and have previous experience with business plans, create your own.
5. Just Do It. If you are intuitively confident that things will work out, jump in.
6. Culture. If you have the luxury, determine your culture.
7. Support. If you have the luxury, hire an extraordinary support person. You may need to re-examine your business formation.
 - a. If you hire support staff, treat them generously. Remember the 11 words and apply them grandiosely to the extent you possibly can.
8. Client Service. Immediately follow all the rules for good client service:
 - a. Clear understanding of client goals
 - b. Quick response
 - c. Stay within area of expertise
 - d. Constant communication
 - e. Get to know your client

9. Mindset of Success. Be passionate about success. Communicate that to clients and colleagues.
10. Records. Immediately follow the rules for successful business practice:
 - a. Excellent record keeping
 - b. Daily time recording
 - c. Bills out by 5th of month
 - d. A/R alerts at 30 days
11. Pay attention in this CLE – great materials
12. Extensively use available libraries on management. Also, read Jay Foonberg's "How to Start & Build a Law Practice" or similar book.

The Approach for a More Seasoned Born Again Practitioner

1. Know from where your clients will come.
 - a) If you have clients, and follow simple rules, you will succeed.
2. Think out your long term path and goals. Determine your exit strategy.
3. Consider the frugal approach vis-a-vis "things."
4. Apply an extravagant approach vis-a-vis people.
5. Adopt a cultural statement.
6. Be clear about expectations.
7. Keep down expenses.
 - a) Equipment need not be expensive
 - b) Space need not be expensive
 - c) Bookkeeping can be outsourced
8. Follow the rules above for a beginning practitioner.

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