

# ALBANY BUSINESS REVIEW

## HOW TO STAND OUT IN LAW

Some take high-profile cases. Others have built marketing muscle. As the legal industry once again adds jobs, finding the right niche is essential in a crowded field

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**P**aul Harding flies to New Orleans or Fort Lauderdale twice a year to shoot six to 10 new television ads to promote his law firm.

It is hard to escape the reach of Martin Harding & Mazzotti's \$2 million a year marketing campaign and the catchy jingle, "Heavy hitters do it again, call 1-800-Law-1010."

As managing partner of one of the Albany region's most recognizable personal injury law firms, Harding said television, radio and billboard advertising are a key part of the firm's strategy for scouting out future clients in an area of law not known for repeat business.

"If you start a firm today, you've got to find something that has a different feel and smell to it," Harding said. "You've got to get noticed."

That is something that criminal defense attorneys E. Stewart Jones and Terence Kindlon accomplished by taking on the area's most high-profile cases over the past several decades. Ariel

Solomon has taken a different approach. She has created a buzz around her three-year-old suburban Albany firm by representing federal employees involved in whistleblower cases tied to the recent upheaval surrounding the Veterans Health Administration.

Meanwhile, the region's largest firm, Whiteman Osterman & Hanna, has built its business by creating a practice that can serve Wall Street clients and offer some 30 practice areas, but with much lower overhead than firms in New York City or Chicago.

Finding a way to stand out is growing tougher than ever, especially in Albany, which has the second highest concentration of attorneys in the state. Only New York City has more.

The Albany metropolitan area also has a higher concentration of lawyers than most state capitals across the United States, including Austin, Texas, and Lansing, Michigan.

The pool of attorneys in Albany has grown by 12 percent to 3,240 since 2009. Nearly 8 of every 1,000 jobs in the Albany metro area belongs to an attorney. In Buffalo, the number is closer to 5.

It's a scenario that is playing

### BEHIND THE BUSINESS OF LAW

As the center of state government, Albany is home to a large number of law firms that compete for millions in revenue — money that's spent on everything from lobbying and immigration law to health care and personal injury. Meet five players here:



#### HARRIS BEACH PLLC

William Flynn, 56, is the former chairman of the New York state Public Service Commission and past president of the New York State Energy Research Development Authority. He joined Harris Beach in 2006 to grow the firm's energy practice. He is the managing partner of its Albany and Saratoga Springs offices.

"If you are going to have a successful energy practice in New York, you have to be centered in Albany," Flynn said.

**Notable:** Albany office has grown from five attorneys to 20 in the past eight years

**Focus areas:** Energy, casino gambling and government compliance; firm's educational institutions practice represents more than 130 school districts across New York

**Other key developments:** Opened Saratoga Springs office in 2008, Uniondale office in 2010

**Staffing:** Firm has hired several former government regulators including Gene Kelly, a former regional director with the state Department of Environmental Conservation who works in the firm's environmental law practice

PHOTOS BY DONNA ABBOTT VLAHOS

out in pockets across the country. Washington, D.C., and California have the most dense populations of lawyers. And Florida is gaining steam, as the number of attorneys is about to surpass 100,000 for the first time.

The competition that all these attorneys create is placing pressure on law schools to better prepare graduates to succeed and

find a way to stand out in the job market while they have to pay off \$100,000 to \$150,000 in student debt, the equivalent of a small home mortgage.

The Albany market for attorneys is defined by a large number of relatively small firms. There are more than two dozen firms in Albany, with 15 to 40 lawyers each. Collectively, those firms practice



### MARTIN HARDING & MAZZOTTI

**Key players:** Paul Harding (pictured), Bruce Martin, Victor Mazzotti

**Founded:** 1991

**Offices:** Albany, Latham, New York City, Plattsburgh, Saratoga Springs, Utica; Burlington and Manchester in Vermont

**Focus areas:** Firm represents people who were wrongfully injured; has expanded its workers compensation and Social Security disability practice over the past five years

**Staffing:** Total staffing has grown from 12 employees, including five attorneys, in 1994 to a total of 80 employees, including 25 attorneys, today.



### O'CONNOR O'CONNOR BRESEE & FIRST P.C.

**Key players:** Brothers and founders Terence O'Connor (pictured) and Michael O'Connor

**Founded:** 1994

**Offices:** Albany and Bennington, Vermont

**Focus areas:** Insurance defense, medical malpractice, product liability, bankruptcy

**Staffing:** Firm has grown to 35 total employees, including 16 attorneys; currently looking to hire two or three more attorneys

**Key developments:** Expanded to Bennington a year ago



### SOLOMON LAW FIRM PLLC

**Key players:** Founder Ariel Solomon (pictured)

**Founded:** 2011

**Offices:** Suburban Albany and Washington, D.C.

**Focus:** Federal employees, state employees; 50 to 70 percent of client base is in Washington, D.C.

**Looking ahead:** Considering expansion to the West Coast in next five years and expansion to Europe in the next 10 years

**Staffing:** Two of counsel attorneys, one associate



### LAVELLE & FINN LLP

Martin Finn, pictured, and his partner John Lavelle, two CPAs with law degrees, left the CPA firm now known as UHY Advisors in Albany to start their practice 23 years ago.

"We are not the 'heavy hitters.' Most of our marketing is done to CPAs, other attorneys, financial planners and bank trustees and officers," said Finn, 56.

**Offices:** Latham, Saratoga Springs, Oneonta

**Focus areas:** Estate planning, elder law, business consulting and succession planning, with a roster of clients that include car dealers, construction companies, light manufacturing firms, doctors and lawyers

**Staffing:** 11 attorneys, 35 total employees; added seven employees (including three attorneys) over past two years

PHOTOS BY DONNA ABBOTT VLAHOS

almost every type of law imaginable, from litigation, health care and education to environmental law, elder law, municipal law and real estate.

Harding, an Albany Law School graduate and member of the school's board of trustees, said the environment for young attorneys today is much different than when he graduated. For one, tuition was about \$8,000 when Harding finished law school in 1989. Today, it's more than \$43,000.

Law schools have had to start making a shift to become more entrepreneurial, he said.

That's something that Ariel Solomon, a fellow Albany Law School graduate, said wasn't top of mind a few years ago.

Solomon, 33, started her practice, Solomon Law Firm PLLC with offices in suburban Albany and Washington, D.C. in 2011. The firm represents federal and state employees.

"They don't teach you about the business aspects of law,"

Solomon said. "Law schools have to teach people how to be profitable when they graduate. You are only profitable if you have a client base."

She recognized an opportunity to carve out a niche practice while working her first job out of law school at Tully Rinckey, a firm whose co-founder, Mathew Tully, has capitalized on his background as a former U.S. Army field artillery officer to create a practice handling veterans' rights cases.

Before joining Tully Rinckey,

Solomon turned down a job offer from a midtown Manhattan firm that had a large immigration law practice.

"I was worried about being banished to a basement and doing grunt work all day," she said.

At Tully Rinckey, she was given an opportunity to take on a few cases representing federal employees and saw that as a chance to get noticed.

She spent three years with Tully Rinckey and a year working with Maria Tebano of Tebano &

Associates, a suburban Albany matrimonial and civil litigation practice, before starting her own firm.

“There are only a handful of firms that even do what I do,” Solomon said. She has had to educate herself to represent employees for numerous agencies such as the Federal Aviation Administration, and depose admirals and other high-ranking military and government officials.

“My clients tend to be very sophisticated, many have two Ph.Ds. So you have to learn the lingo quickly,” she said.

In three years, she has built a practice that currently has 300 open cases and has represented clients in some high-profile cases such as Dr. Jose Mathews, who filed a whistleblower claim as the former chief of psychiatry at the VA St. Louis Health Care System.

Those cases attract attention from potential clients. Solomon also has gained visibility through social media and the firm’s employee law blog.

“Having an online presence is very important,” Solomon said, especially in her practice where clients tend to do a lot of research before choosing an attorney.

That route doesn’t work in every branch of law.

Terence O’Connor, who earned his law degree from the University of Notre Dame Law School, grew up in the Albany area as one of eight children, including five who went on to become attorneys.

He spent 11 years developing a roster of medical malpractice clients at Carter Conboy in Albany, rising to managing partner before he and his brother Michael O’Connor, who ran a bankruptcy practice in Troy, started their own firm, O’Connor O’Connor Bresee & First P.C. in 1994.

“To be successful, you have to develop a niche, be really, really passionate and be good at it,” Terence O’Connor said.

The firm’s insurance defense practice has a client roster that includes North Carolina trucking firm Old Dominion, retail giant Walmart and a long list of chiropractors, doctors, dentists and hospitals.

“I’ve had a zillion medical malpractice verdicts,” O’Connor said.

But those are not something many clients want to advertise.

At any one time, O’Connor’s case load could include one or two wrongful death suits, a case accusing a physician of failing to diagnose cancer and multiple cases involving birth trauma.

The firm also has a large consumer bankruptcy practice led by his brother, Michael O’Connor, who Terence refers to as “the king of bankruptcy” for the region.

Since the firm started, it has added an average of one attorney per year, growing to a staff of 35 employees, including 16 attorneys.

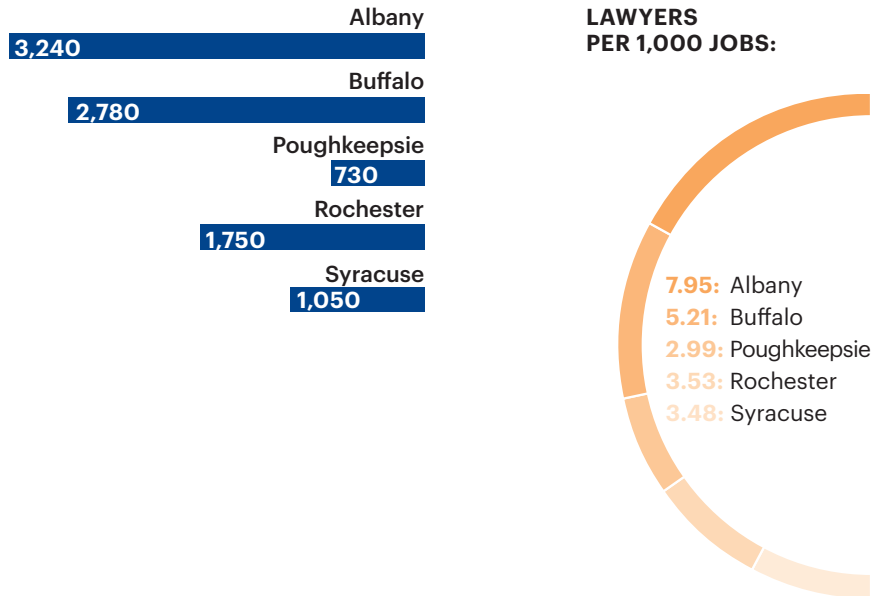
Terence O’Connor said the firm is looking to hire two or three more attorneys. The firm could lose one of its partners, Justin Corcoran, who is running for state Supreme Court justice in Albany County.

## THE NUMBERS

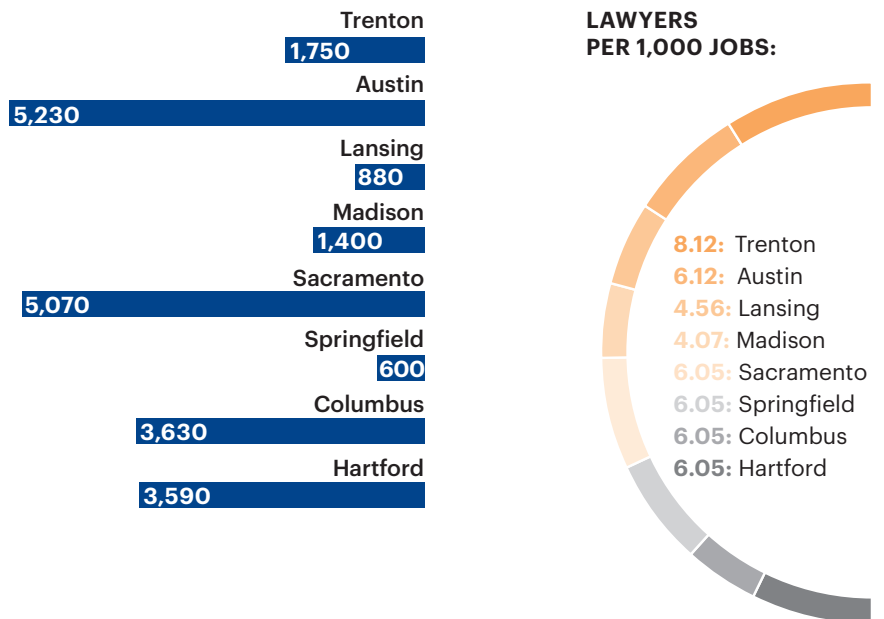
# JAM-PACKED JOB BANK

When it comes to lawyers, we’ve got ‘em. How do we rank upstate when it comes to raw numbers, and lawyers per capita? How do we rank among other state capitals? Here are the numbers:

## COMPARING UPSTATE



## COMPARING CAPITALS



SOURCE: BUREAU OF LABOR STATISTICS; THE BLS MEASURES LAWYERS PER CAPITA AS 'JOBS PER 1,000'