

INTERVIEW WITH KIMBERLY ALDERMAN, LEGAL RESEARCH AND WRITING ATTORNEY
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KC: Today we have the honor of speaking with Kimberly Alderman, who is a freelance attorney coming to us from Alaska. So, Kimberly welcome to the show.

KIMBERLY: Thank You.

KC: Now before we discuss what a freelance attorney is, I was wondering if you could tell me a little bit more about your background?

KIMBERLY: I have a background in archaeology. Before law school, I was an auction manager for an importer of Chinese antiquities. I have also done some restoration of historic properties, so I've always been into... old stuff.

KC: "Old Stuff", I like that. I like that. So I do have a question off the top of my head then. Why did you decide to switch from antiquities to law?

KIMBERLY: I don't know that I consciously made that decision. I just always have pursued things that were interesting to me. So when I came to a point where I wasn't busy with the archaeology work and law school became an option, I thought, well, wouldn't that be interesting -- I could study archaeology law. Not that there were too many opportunities to do so in law school but I did manage to fashion an education for myself in the area.

KC: Now, you call yourself a 'freelance attorney'. What is your definition of a freelance attorney?

KIMBERLY: A freelance attorney is an attorney whose clients are other attorneys. I work on legal research and writing assignments on a project basis.

KC: How do you compare that with the term 'contract attorney'?

KIMBERLY: I am a contract attorney. I don't use the term because its diluted. There are attorneys specializing in contracts, like real estate or sales contracts and then there are 'temp attorneys' that work for [staffing agencies]. They do something different than what I do, even though we both work under contract. So freelance, it just means that I take the jobs I want on my terms, and I'm a free agent.

KC: And substantively, what kind of work do you do? What are your practice areas?

KIMBERLY: The services I offer include research, drafting, and trial prep, although realistically 90% of my work is research and drafting. My primary interest area as I mentioned is cultural property law, that's the same as archaeology law, or at least I'm working in that direction. Meanwhile, civil litigation and criminal defense pays the bills and keeps me busy.

KC: Now, you've already said that, you don't have *clients* in the normal term that you have *lawyers* as your clients, correct?

KIMBERLY: Right.

KC: So how do they find you? How do they decide that they want to use *your* services?

KIMBERLY: Well, I network online. I have a website that I have a good SEO ranking for my key terms. So a lot of people find me through the website and I also reach out to attorneys that I know in the Virgin Islands, which is where I clerked. So I reach out to them and say I'm available, if anyone should need anything. Sometimes they do.

KC: Now, you're barred in the Virgin Islands and you're physically located right now in Alaska. How does that work with your practice?

KIMBERLY: Well, there's a five-hour time difference. Other than that, I can't say that there's any trouble involved. I mean, there are obviously aspects of the Virtual Office in terms of the applications and methods that you use to organize your work and communicate with clients. But I don't think it's different or any more complicated being in Alaska as opposed to Florida, working with someone in the Virgin Islands. Since I'm not going into court, I don't have to be physically there.

KC: So, is the time difference the most challenging aspect of practicing in Alaska?

KIMBERLY: I guess the most challenging aspect practicing from up here would be having to do the networking online instead of in person. I enjoy personal interaction so if I wasn't in Alaska I could just go to the Christmas parties-- go to the bar party and the district court party. People would see my smiling face and I'd hand out my business card and they would remember who I am. That helps establish a certain level of trust and familiarity. With the online networking, you're fighting the current a little bit in that respect. It's not quite the same, not quite as easy. That's not to say that it's not *possible* but it requires more effort than in person networking does.

KC: What kind of online networking tools do you use?

KIMBERLY: I use Solosez which is for solo attorneys. I also Twitter. I'm on DocStoc, JD Supra and things like that. But those are more just about getting myself out there and fostering a sense of legitimacy. Like I'm always here, not some fly by night operation, but I have a *practice* and not just an occasional assignment.

KC: As part of setting up your office and your network, what purpose do blogs serve?

KIMBERLY: I do have two blogs. One of them is my niche blog, The Cultural Property and Archaeology Law Blog, and the other is Lawyer On! The Contract Attorney's Blog. I should've included them with the networking but I didn't think of it. They have both been just amazing tools of growing my network and my practice.

The cultural property law blog in particular has been wonderful in terms of getting to know lawyers and archaeologists and collectors and dealers and all sorts of people that really know about this stuff. As I try to transition more into cultural property work I think that the blog is going to play a big role in that.

I set up the contract attorney blog to establish a sense of continuity, that I really knew what I was doing and that I was serious about my firm. And I wanted to portray my business as a firm, not just a fly by night operation. I think it has done that and I've gotten some wonderful feedback and client contact because it's a blog.

I will definitely say that the blogs are tools that have been indispensable in establishing my virtual presence.

KC: Now...I do have a question and this is just about the nature of contract attorneys. You kind of mentioned that you're trying to fight a perception that you're a 'fly by night' operation which, I would disagree with. But, what is the benefit of firms and firm clients for using freelance attorneys?

KIMBERLY: Well, allow me to clarify. I don't know if I am trying to fight a misperception about *my personal business* but I think that coming across as being serious minded [about your work] is important in developing client trust.

In terms of the benefits of hiring contract attorneys or freelance attorneys, one of the most often cited benefits is cost. That is because, pursuant to an ABA Ethics Opinion, you can bill out a contract attorney's time at a reasonable surcharge to your client.

So, what I can do for \$75 an hour for instance out here, an attorney in the city is going to need to charge a minimum of \$150 to do because they've got the office, they've got malpractice insurance, they've got client advertising. I mean, all of these things cost a lot more money.

[Hiring a freelance attorney] saves their client money because they'll be billed less than what the attorney would have charged. Meanwhile the attorney gets to make a profit because he is supervising me and he does have to screen me. He also takes responsibility for the work because I may not be licensed in whatever jurisdiction he's in. So, the surcharge is kind of his pay off for doing all of that.

Now, in my personal opinion, cost isn't the most important thing. I think that control and pacing and efficiency in particular, those are the things that are the most important. What I mean by that is a solo attorneys might have a week that has a light work load, and they have things to do with their children, and other commitments. Then they have several weeks in a row that are 80-hour weeks and that just wipes them out. It takes their reserves away.

So, if you have a freelance attorney on the side that you can turn to, you can better manage workflow pacing, and you don't have to be really hesitant about what cases you take. The fact is that a solo attorney can extend himself farther without risking as much. And that is what I mean by control and pacing.

The other thing is efficiency and [using a freelancer] allows solos to focus on their court competencies. A solo might want to outsource certain types of pleadings or parts of litigation that he's not as good and knowledgeable at as other parts. So being able to turn to someone else that is more comfortable with those subject areas or aspects of litigation allows him to focus on court competencies. Those are the things that the solo feels real strongly about or things that are really the money makers in their firm and things that they really want to build on. So, those are the main benefits I think.

KC: **Wow, that, I'm very glad that you brought the ethics opinion up because when this opinion came out I heard a lot of naysaying about outsourcing and about how evil it was. But you're saying that its not really, its not that bad of a thing it is a chance for attorneys to, as you say, to keep control over their work flow when things are just starting to get a little bit more than they can handle with their own two hands is that correct?**

KIMBERLY: Of course, yes.

KC: **Now, when you were in law school early in your career what did you do that really helped you out with what you're doing today?**

KIMBERLY: I was interested in [my studies] so I took the courses that I wanted to take. I didn't do the whole thing with, "Oh what courses would help me for the bar?" or "What's gonna get me a good grade?" I took what I wanted to take, especially with seminars. Those are excellent opportunities to tailor your legal education to your particular interests.

For instance, I took Critical Race Theory and was able to build a paper out of that. I used the artwork of slaves to challenge race consciousness and in the process I got to look at a lot of really cool pottery and art work. I was able to learn, and turn my seminar paper into a publication that actually gets published this year.

I published another article this year that started with a seed, that little germinating seed, in a seminar course in International Business Transactions and that later became an article that was published in the ILSA Journal [of International and Comparative Law] on ethics in the auction houses, and trading in cultural property there.

My niche area is small and the discipline is less practice-focused and more philosophically-focused in some ways. So, by publishing, you get to establish that you are thinking about these deeper philosophical issues and that you're serious. I'd like to enter into the teaching academy someday when I'm ready for that. So this is allowing me to build up other people's trust in me in my practice area and making a foundation for that.

KC: **Excellent. Now, on the converse just a little bit what do you wish you would have done earlier in your career looking back in hindsight?**

KIMBERLY: The only thing that I could have done earlier that I didn't is to start my niche blog. I didn't know much about blogs, so I didn't realize that this was a professional tool that

people use in intellectual ways, until I got up here and I wanted to set up my practice. I started to poke around on the internet and opened my eyes and got born into the virtual world and realized, 'Oh my gosh!'

Setting up my blog is something I could have done while I was still clerking. There's no reason that I couldn't have started my cultural property law blog two years ago. And I think at the pace at which I am meeting people and interacting with people in a meaningful way in my core area; it's phenomenal. So I think, "Wow, if I started [the blog] a year and a half ago maybe I'd be able to get even more cultural property law work and it would be a bigger part of my practice now..." That's really the only thing, to take that step to network in unconventional ways with people in the niche area that you want to be in, even if you're not in it quite yet.

KC: Nice. How long have you been blogging?

KIMBERLY: Just since I got up here, so six or nine months.

KC: Now what brought you to Alaska?

KIMBERLY: I left my clerkship in May.

KC: Okay. And your clerkship was in the Virgin Islands?

KIMBERLY: That's correct.

KC: How did you go from the Virgin Islands to Alaska?

KIMBERLY: Four years ago I had come up here to interior Alaska. I had built a small cabin in a very remote part of the state. And I knew that I wanted to make it back up here at some point but I still hadn't finished law school then. I believe I was on a break. And I never expected that I would do a clerkship. I didn't think that that was my thing so when I was finishing up law school I was applying for jobs like curator positions and positions in museums, more things along the cultural property archaeology front. When I saw the advertisement for the clerkship in the Virgin Islands, I was like 'Hmm... Virgin Islands...' So I searched on the judge that was taking the bench and it turned out that he was an archaeology buff and so that's kind of how I ended up there.

I knew I wanted to migrate in this direction you know. It just kind of took some time for me to figure out how I was going to make that happen. So, I do consider myself as "location independent." It's a word I didn't even know until I became internet savvy, Virtual Office savvy. But we're going to go spend this winter in New Mexico. And it's been a very positive experience and its been great to be able to get back up here and bring that dream from four years ago full circle and to have some success in doing it as well.

KC: Nice. Now what challenges do you see coming down on the legal horizon in the future?

KIMBERLY: Well, I do think that some people are going to lose their jobs. I think that's inevitable. You're always going to have some people that are losing their jobs. I guess right now we're seeing a lot, a kind of higher percentage, so that's happening on a more scary level. And these people are going to have to decide what they are going to do about that. How they are going to respond. You know I saw someone say today, "You can lose a job but you can't lose a career."

KC: Oh it was the Miami criminal lawyer? I saw that on *Civil Justice* myself. I think you're right, I think you quoted the Miami criminal lawyer there.

KIMBERLY: Okay, yeah. You know, another thing is I do freelance writing on the side and this kind of goes with what's going on in the market. Caroline Elefant has always been a big promoter of solo attorneys having side businesses. I mean, she's recommending that because of situations like this.

So maybe the law market is a little slow. When you're a solo attorney you're not vulnerable to getting fired because you're not going to fire yourself. But you are vulnerable to slow times. So, I'm just starting my firm, but I do have a pool of people who turn to me for writing assignments if I can help them. I take on only interesting assignments; that's kind of my base qualification.

So I think if these attorneys are going through these 'involuntary career adjustments' we'll call them, I think that they'll have to start thinking outside of the box and find, first, a way they can continue to use their legal skills and second, ways that they can use other skills that they might have even if the legal work isn't necessarily forthcoming.

KC: Excellent, now, where can we find you on the web if we want to read up on your blog or if we want to contact you?

KIMBERLY: I have my professional practice website at www.lawyerbird.com. My blogs are The Cultural Property and Archaeology Law Blog and Lawyer On! The Contract Attorney's Blog. And both of those are linked to from my website.

KC: Excellent. Is there anything that you can think of that I might be missing today? That I might be forgetting?

KIMBERLY: Not that I can think of, no thanks for asking.

KC: Okay in that case thank you very much for your time today and we will talk with you some other time.

KIMBERLY: Thank you. It was nice talking to you.