

- MARISA A. DEFRANCO -

"If you are not excited to talk about what you do every time you walk in the room, then get out of law and find something else less competitive to do, like becoming a movie star or a talk show host."

Declaring Independence: No Fear, No Excuses, No Apologies

When I started my practice 13 years ago, I charged forward without hesitation. No businessperson, woman or man, can be successful if she second-guesses herself. Objective review, yes, but don't confuse analysis with fear. My first and foremost insight is don't start a practice if you can't stand behind your own decisions. Self-employment is not for people given to self-doubt. Have a commanding presence and a firm handshake. If you act weak, people will perceive you as weak. An annoying trend is that women end all sentences with an interrogatory inflection. I call it the lost decade of the declaratory sentence. State a sentence as a sentence, a question as a question. That inflection shows weakness and uncertainty.

If you are ready, your greatest assets will be knowledge and confidence in your skills. Make yourself an expert in your field: I know what I'm talking about and I know it cold. People respond positively to me because I can answer their questions plus 20 others they didn't even know they had. Clients come to you to solve problems, often putting their lives and livelihoods in your hands; you must be strong and instill confidence in them. I cannot abide other lawyers who dictate to clients without explaining the case to them. Clients who come to me for a second opinion have no idea what their case is about because the lawyer did an intake, not a consultation—the difference therein is the key to your success. My consultations run one and a half hours, or longer, because I want the client to leave knowing the potential benefits and risks—they retain me because they know I will take their case as seriously as if it were my own.

Now that you know what you are doing and are ready to be taken seriously, here are some tips on how to build your practice and how not to waste your

time. *Website, have one.* Don't be afraid to put your prices and picture there. Many clients tell me that they made the first call because I had the personal touch of a picture, and I was up front about my fees. I am well aware that the legal field scoffs at posting fees, but the days of lawyers being mysterious about their fees are over. The public is savvy, so why waste their time and yours by being coy about money? You respect your potential clients by giving them knowledge. In addition, put substance on your site. Give people something that differentiates you from the pack.

On networking, my motto is "Not the *Nanny Diaries*." Do you do pro bono? How many times have I heard that question? Too many. Note to women on networking—we are not there to solicit free work. Once, a woman started telling me about her friend who needed immigration help. I was interested in the prospect of a new client—if that feeling of excitement doesn't come to you when you hear about a new case, then the law is not for you. Well, she goes on to say that her friend's nanny has an expiring visa, and could I take the case pro bono? Now, think about that proposal for a moment—a woman who can afford to pay a nanny wants legal services for free? Rude. I simply said, "No, I'm at my pro bono limit, but here's my card for a consult. I do charge." Pro bono? *No* for someone who can afford a nanny. *Yes* for the nanny abused by her boss.

A permutation of this scenario is the friend who has money and asks you to meet with her friend with legal issues. Well, if she is so interested in helping her friend, why must I be the one who is out financially for her good deed? If she wants to help her friend, and if she is truly your friend, she would instead say to you, "I have a friend who can't pay; I'll pay her fee." As for free consultations, do not do them. People who come for free consultations rarely call to retain you. They come only to pick your brain, then try to file their case, i.e., make a mess. You are not a legal services organization; legal services get government and private funding for the exact reason of providing services to low/no income people. They have income intake for a reason—people must qualify for those services.

Free services are for people who *cannot* afford them, not for people who are too cheap to recognize the value of your services. You want clients who respect that your time is valuable. Now, as a newer attorney, you can certainly charge lower fees to be competitive, but once you are established, you charge the market rate per your expertise. When you do find good pro bono cases,

take them, but don't be a martyr; set a limit and stick to it. Banks do not take martyr payments in lieu of mortgage payments.

Back to networking. It should be an ongoing component of your practice. The number one rule of networking (besides *not* asking people to do free work for you) is *say something*. *Say something* about yourself and your work. If you are not interested enough in your work to discuss it, no one else will be. Forget shy, demure, accommodating, and all of those dirty words. If you are not excited to talk about what you do every time you walk in the room, then get out of law and find something else less competitive to do, like becoming a movie star or a talk show host.

Say something when someone makes a misogynistic, homophobic, racist, or other such remark. There is a knack to reproaching people who are inappropriate—a firm retort with a blend of humor is always effective. Perhaps the offender might not like you, but people around you will take notice—I can't count the times people have said, "Oh, I wanted to say something. I'm so glad you did!" I can hear many of you out there worrying, "But people will think I'm not nice."

Nice, let's talk about that word. I am nice and firm at the same time. Nice does not mean pushover. As a woman, when you are firm, you are automatically viewed as "not nice" no matter how professional your tone and even your demeanor. People conflate the substance of what you say with the way you say it—if they don't like *what* you say, they tag you as not nice, no matter your delivery. You will not win that battle, so do not try. Good people will respect and like you when you are straightforward. Jerks won't, so why waste any time trying to please them? Move on to good people. Finally, *say "thank you."* When you ask someone for advice, and she e-mails you a response, e-mail a thank you; it's basic manners. Many don't—so crass.

My last note, a plea to women bar associations and networking groups—please stop with the fashion nights, clothing advice seminars, life coaches, and marketing pitches from people who are only out to get business for themselves, not for those of us who attend. Lately, many women's groups are only doing fluff, offering very few real business development programs and networking opportunities. Women lawyers should know how to dress as there is only one rule: if you are whip smart, you don't need clothes to draw attention to yourself—all the action is above the neck, baby. Give us real events, we can take it.

- THE ROAD TO INDEPENDENCE -

I am still in business: 12½ years on my own, six months as in-house counsel, one and a half years at a large firm. From all experiences, I can say that starting my own practice has more benefits than I can list, but at the top are being the master of your own life and the incredible satisfaction that comes from clients who put their trust in you and the successes you produce. I have never regretted being strong and determined; voicing my opinion has only served to increase my business connections and client base and earned me positions of leadership. My main message to women, to anyone who wants to start her or his own firm, is be an expert and an exhaustive researcher. Be matter-of-fact about fees, and respect yourself enough to get paid. You are a professional. Take the hard cases and differentiate yourself, and waste no time on the naysayers. The future is bright for the women and men who believe in themselves and the law.

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