

+ Practitioner profile

Sole practice in the big smoke

By Angela Gregory

When one thinks of lawyers working from the imposing ridge of The Terrace in Wellington, or the teeming metropolis of Auckland's Queen Street, sole practitioners are possibly not the type that immediately spring to mind.

But tucked away in the high rises and character buildings of those iconic Government and commercial urban stretches, many small legal practitioners are quietly running successful businesses while enjoying the relative freedom of working for themselves.

Mike Thornton is the principal of a Queen Street law practice that specialises in building and construction law, with a heavy emphasis on leaky building litigation. The ADLSI member says practising as a sole practitioner does not necessarily lead to a lighter workload. His legal practice remains very demanding at times – "You still have to work hard when you need to."

But compared to Thornton's previous roles in larger law firms, including as a partner, he at least has some control over the volume. Even more importantly, he can dictate the hours he works. "In my old firm if I wanted to come to work 45 minutes late, I had to ask permission."

Thornton studied politics and law at Otago University in the 1980s, then moved to Brandon Brookfield in Wellington, on to Russell McVeagh in Auckland, and then took off on the well-trodden OE path to London, where he worked for city regulators.

On returning to New Zealand he worked in reasonably large Auckland legal firms, but began to question whether that should be a long-term prospect, especially as by then he had a young family.

For Thornton, the shift to sole practice in 2005 was all about a better work-life balance. Also, his younger sister, who was living in Australia, had been diagnosed with cancer, and he wanted to spend as much time with her as possible.

Thornton felt his pressing needs for some personal flexibility were not manageable in a large firm structure.

"Basically the partners in a big law firm are not particularly interested in knowing you get to see your kids play sport. They're interested in you making them money, as they should be, but the lack of work-life balance is a down side."

A former colleague and friend offered Thornton some space in his Queen St premises, which he snapped up. He has gradually grown the business to three lawyers and support staff.

He admits to having felt "a bit bereft" at first as he adjusted to sole practice. Thornton, whose work comes via referrals from other lawyers and professionals, also discovered he needed to market himself in what remains a fairly competitive space.

"You've got to maintain a profile by fronting at seminars, publishing articles and so on ... you've really got to put a lot of time into that." He says sole practitioners can run highly profitable businesses, with incomes potentially greater than partners would earn in medium sized firms.



Mike Thornton

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Mike Thornton



John Cahill

But while being a sole practitioner is working well for him for at the moment, Thornton does not rule out returning to a firm once his family responsibilities diminish.

He admits missing certain things about being in a partnership – the collegiality and full service business model of law, with a lot of specialised knowledge in one place.

Sole practice

- Sole practitioners are lawyers who are able to practise on their own account.
- Sole practices make up half of New Zealand law firms.
- About nine in ten New Zealand law firms have three or fewer partners.
- If you wish to practise on your own account as a barrister and solicitor, the New Zealand Law Society must be satisfied that you are a suitable person to do so.
- They will consider your legal experience, and how you intend to practise, including in which fields of law.
- Comments will be sought on your application and a local New Zealand Law Society branch representative panel will interview you.
- The law branch will make a recommendation to the national office.
- More information can be obtained on the New Zealand Law Society website.

Source: New Zealand Law Society

"You can pick other lawyers' brains." And the remuneration can obviously be significantly greater. "You have to work hard, but the rewards are higher. You just need to ask yourself if that's what you want."

John Cahill decided long ago it was not what he wanted. The Wellington sole practitioner might work on the seventh floor of a high rise building on The Terrace, but Cahill sees himself more akin to a country "GP" – a legal general practitioner – than a pinstripe-clad city lawyer.

"I'm like a country practice in town ... I see myself as an old fashioned family lawyer type. If a client of mine is ill in hospital I will quite often visit them, because my father did that."

The legal sense of duty was instilled by his father, the late Bartholomew Cahill, also a sole practitioner who worked until he died at the age of 83.

Cahill took over his father's business, which remains firmly a one-man band, albeit with the help of Cahill's secretary of 30 years. Cahill isn't planning to bring in a successor when he retires. "It's a small and modest business, not the goose that lays the golden egg. So I expect the firm will come to an end."

Cahill gained his LLB and professionals at Victoria University, and then worked for a few small to medium-sized firms as a staff solicitor.

He joined his father's firm in the 1980s "because the business was there", but admits his style of law may have been more appropriate had he set up in a more rural location.

Continued on page 10

Continued from page 5, Sole practice in the big smoke

"My practice would probably have been better somewhere like Tawa, Waikanae, or Feilding," he says, suggesting a more provincial legal practice would have suited his sense of reciprocal loyalty between solicitor and client.

"Loyalty these days can not be assumed, especially in the city with greater competition and people's increased mobility. However in the country with just one or two other practitioners you find people are much more loyal to their lawyers."

This doesn't mean the city-based Cahill has not enjoyed such loyalty from clients. Far from it. Some are fourth generation clients, and he has special relationships with many.

He doesn't recommend that lawyers consider becoming sole practitioners unless they are prepared to invest in such close relationships. "It pays to be interested in forming those sorts of relations, and keeping them up... sometimes over decades."

Cahill mostly works on small business law, medium size property transactions, wills, trusts, estate administration and relationship property. Interestingly, Cahill doesn't advertise his service – in fact he pulled his ad from the Yellow Pages. "I don't want blind calls ... the most magic thing is a referral from somebody else. Such clients have a belief system in you before they arrive."


He has witnessed significant changes in the legal profession, like the increasing number of women and the growth of the independent bar. That means

some of the country's most talented litigators are not necessarily with big law firms anymore, he says. "So the best barristers can now be accessed by referral from a sole practitioner."

Regardless, Cahill believes the differences between lawyers in large and small firms are not that great. "My theory is we are all effectively sole practitioners. In a big firm you can be quite isolated, stuck in a room, and although you might talk to your colleagues, you are essentially doing your own work." He considers the culture of big firms quite inward looking, whereas small operations must look outward, and have wider contacts.

In Wellington, a small practice interest group allows lawyers to get together to discuss legal issues. Cahill has also been to many Law Society meetings over the years. "I learnt the importance of that from my father who religiously attended them. He would say 'you've got to let them know you're still there.'"

Cahill shares his floor with a few other sole practitioners, including his cousin, and they all share notes. "I've been in practice for 37 years. If I've got a problem I can ring a colleague, and of course we often talk among ourselves. Many of my friends are lawyers."

Cahill can see himself carrying on practising until he is about 70, but probably no longer. "The cost of running a practice is such that you can't afford to just cruise." 

Continued from page 2, Council development contribution charges being reined in

On the other hand, there is increasing interest from the private sector for the provision of in-subdivision infrastructure as well as trunk infrastructure.

As a consequence, the Government plans to introduce new provisions to encourage and provide for councils and developers to enter into binding agreements for the private provision of infrastructure.

These will be called development agreements. They will cover matters such as:

- the timing and phasing of infrastructure provision;
- the ownership, vesting and maintenance of infrastructure;
- dispute settlement mechanisms;
- ownership and transfer of land between the council and the developer;
- any monetary transactions; and
- enforcement of the agreement.

Local Government Reform Bill

The law change to the development contribution regime will be included in a Local Government Reform Bill which will be introduced into Parliament later this year. 