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A bigger fish in a smaller pond

The pros and cons of solo and small firm practices

BY MARTIN DAKS

Before **Jason Scotto D'Aniello** left **Purcell, Mulcahy & Flanagan LLC**—a Bedminster-based law firm with about 18 lawyers—to open his own practice in September, the 29-year-old North Brunswick-based attorney had to do some serious thinking.

“At first it was pretty scary,” he said. “You’re cutting multiple checks for several thousand dollars apiece for insurance, a website and other expenses, and you’re thinking ‘I’m not going to be getting a steady paycheck.’ But in the end, it’s also satisfying because you’re plotting your own course.”

Plenty of other New Jersey attorneys have made a similar decision. Nearly one-third of the 37,284 private-practice attorneys who responded to a 2016 state Office of Attorney Ethics survey are solo practitioners, while more than half work in firms with five or fewer attorneys.

One of the challenges for a solo is deciding on a specialty. Large law firms can have multiple partners who each focus on a particular area, but in a solo practice one person pretty much does it all, although he or she may be able to tag-team with another lawyer or refer a case to someone else.

When his time to decide came up, Scotto D'Aniello pretty much followed his career trajectory. After graduating from law school and clerking for a judge in Middlesex County's Superior Court, he worked as an insurance defense attorney for personal injury mat-

ters for the state of New Jersey and the commonwealth of Pennsylvania.

Later, at Purcell Mulcahy, he became lead associate in municipal court and criminal matters, with a focus on defending individuals charged with driving under the influence of intoxicants (DUI, or DWI). As a solo, Scotto D'Aniello's primary focus is representing clients in local municipal courts for DWI/DUI defense, traffic offenses, driving while suspended, uninsured, and drug and disorderly persons' offenses, although he also handles personal injury and other kinds of cases.

“You have to know the law,” he said. “Does the officer who issued the ticket have required certifications, was there probable cause, was the breathalyzer properly maintained? The state has the burden of proving you guilty. I enjoy the tactical strategy you have to develop in a case.”

But with most of savings sunk into his startup, Scotto D'Aniello also had to differentiate himself from large-firm and other competitors. One way he does it is by charging less. “If you go to a long-time attorney or a larger firm, their rates are probably higher than mine,” he said. “Also, larger firms may have a lower-level associate work on smaller cases. Here, you’re dealing with the principal.”

One challenge is to get his name out in front of the public. In the personal injury and DUI spaces, in particular, some large firms have placed an avalanche of ads in a variety of channels. Scotto D'Aniello



Jason Scotto D'Aniello, solo practitioner and managing member of JSD Legal LLC. - AARON HOUSTON

freely admits he doesn't have the deep pockets to match a big firm's ad campaign, but he sees digital as a great leveler.

“Today, more people are on social media, so I'm active on Facebook and other digital channels,” he said. “In addition to word-of-mouth referrals from friends and existing clients, I get some leads from online legal sites where people can post their legal questions. I also post my professional profile on a variety of websites.”

He also picks up some per diem work from ads posted in legal trade journals, “and if I see that there's a court matter, I may reach out to the person involved and ask if they need my help.” Scotto D'Aniello also subscribes to a service that monitors certain activity, like speeding violations, and notifies him so he can contact the motorist who received the ticket.

“Just about all the digital notifications go to my phone,” he said. “Today, you can't wait around for leads. You have to be able to work hard, and work from just about anywhere.”

Sometimes a group of attorneys will leave a larger law firm to establish their own boutique practice. That's what happened about 10 years ago, when **Ed Rebenack, Jay Mascolo, and Craig Aronow** left **Hoagland Longo, Moran, Dunst & Doukas LLP**—a full-service New Brunswick-based practice with more than 80 attorneys—to launch **Rebenack Aronow Mascolo LLP (RAM)**, a seven-attorney, New Brunswick-based trial and litigation firm focused on personal injury cases.

“At the time, Ed was a partner at Hoagland Longo and I was coming up for partnership,” said Aronow. “But the three of us realized that it

would be a very long time before we had input into the direction of the firm. Going out on our own would give us more control of our income, and more control in deciding what cases to take on.”

Early on though, the trio realized that “lawyers are generally not good at setting out a business and marketing plan. So we engaged my dad, who was a business advisor, to help us initially.” Today the firm uses Atticus, Inc. [as in Atticus Finch, the lawyer in the classic novel and movie *To Kill a Mockingbird*], a Florida-based firm that provides law firm advisory services.

Atticus helps RAM Law with revenue and expense projections, growth targets and the other nuts-and-bolts of a practice. RAM also outsources the firm's marketing, recordkeeping and other functions, enabling the attorneys to focus on their own skills. “We want to be lawyers not managers,” Aronow said. “Law school doesn't teach you how to run a business, when to hire paralegals and other staff.”

Why focus on personal injury? “Many of the laws in New Jersey are consumer-driven, resistant to caps on damages, or other limitations on lawsuits,” he said. “Also, the state's dense population, with a lot of vehicle movement and construction, means there's likely to be more activity for us.”

The firm has a website, but most of its business comes from referrals—both from past clients and from other attorneys—and from insurance brokers and other professionals that know the firm.

“Going out on our own was the best thing we did,” said Aronow. “We will probably add some more lawyers in the next year or so, but we want to control our growth.”