

## Women in the Legal World



### The Small Firm Lawyer

By Nina Marino

I come from a family of lawyers. My mother is a lawyer, my father, my sister, my brother, my uncles and cousins, on both sides, are all lawyers. They are all, like me, solo or small firm lawyers, except for my uncle who owned and ran the New York Marino Bar Review course. Unlike me, they are all civil lawyers. I am a criminal defense lawyer. I always have been.

Although I always wanted to be a litigator, being a criminal defense lawyer was never the plan. I envisioned myself coming to California from my native East Coast and being a glamorous entertainment attorney. I soon learned entertainment attorneys didn't go to court much and simultaneously landed a job with a criminal lawyer. It didn't take me long to recognize that if destiny indeed existed, this was mine.

Growing up, my father instilled in me the value of being your own boss. My mother, however, was my role model. She was beautiful, smart, and sexy. She was a powerful litigator; it defined her. She was fearsome to her opponent and always ready for the battle.

Over time, the cost of always doing battle made her weary. She was at war, always; she was a successful woman litigator in a man's world. As a consequence, I thought being a successful litigator was synonymous with a fight. From my mother I learned to be a warrior.

When I started out in solo practice I knew I needed to be tenacious and tough, like my mother. I also knew based on my own life experience that I needed to be charming and likeable. I knew I could never be traditional.

I met my husband, Richard Kaplan, in court, at the beginning of my legal career. He taught me something that up until that moment I didn't know: that not every case needs to be a war. As Sun-Tzu in the "Art of Warfare" says, "the side that knows when to fight and when not will take the victory." Richard taught me to pick my battles, that being reasonable and rational is a powerful asset, and that passion is most valuable when controlled. From Richard I learned balance.

Having a small firm has allowed me to create my life professionally. For me, being a solo small firm lawyer means I determine my practice, I decide who my clients will be, and what cases to handle.



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court appointed cases to paying clients. The more skilled and recognized I became, the more referrals I received. After many years of state court practice, first as a solo and later as a small firm with Richard, I began to seek the next challenge. For me, the next challenge was federal criminal defense work. Again, I applied for and was accepted to the federal court appointed lawyers panel, and history repeated itself. In this way, I continued to remake myself.

As a solo small firm lawyer, I have directed my practice and my life. Today, my practice consists of: some state work, some federal work, and some appellate work, all of it criminal or quasi criminal. Today, there is no criminal or quasi criminal case that I can't do; even if I haven't done it before, because I know I can learn it. I always have my eyes wide open to new challenges.

Having a small firm has allowed me to create my life personally as well. The flexibility of our "own shop" has allowed Richard and I to attend school events and "be present" as our kids grow up. Of course there is the downside of no paychecks when we go on vacation, but I think the trade off is well worth it.

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My involvement in bar association work has been a big part of my career and my life. I have sat on the board of both the Beverly Hills Bar Association and Women's Lawyers Association of Los Angeles, and chaired each of their criminal law sections. I currently sit on the Council of the American Bar Association, Criminal Justice Section, and have chaired several criminal justice committees. I have served as counsel to the Rampart Commission, as a Lawyer Representative to the 9th Circuit, and on the State Bar Committee to the Federal Courts. Bar service has given me the opportunity to give back to a profession that has in part, helped me to identify myself. It has also provided me with lifelong lasting relationships and constant opportunities to forge new relationships.

Throughout my career, I have sought out, listened to, and learned from mentors and colleagues. Through these people I have garnered four rules to practice by: Maintain your integrity. Always have time to think. Be reasonable. Always outwork the other side.

In litigation, cases either resolve in some way, or they go to trial. I am always preparing for the trial and simultaneously attempting to secure the resolution. By applying these four tenets in every case, I can achieve the goals of my client and preserve my core values as a lawyer. There is balance when the warrior picks her battles.

As a lifelong solo small firm lawyer, I have never felt the comfort and security of a paycheck. I have, however, felt the power of being in charge of my own destiny, of identifying my goals and attaining them, and for me, that's what I want. To quote Martha Stewart, "I have never thought about glass ceilings." (*New York Times Magazine*, May 9, 2010.) I guess that's because my mother broke it for me.

I did not start as a criminal defense attorney in the more traditional way. Many criminal defense attorneys start their career in government service, usually either the U.S. Attorney's Office, the Office of the District Attorney, City Attorney, or Public Defender. After passing the bar, I was fortunate, and worked for a solo criminal defense practitioner, but ultimately, my aversion to working for someone necessitated my taking a different path.

I joined the criminal court appointed lawyers lists throughout the county. There were days when I made three to four appearances in different courts from Torrance to Pomona to the San Fernando Valley. I worked tirelessly for the indigent who couldn't afford a lawyer. I listened to other lawyers and I learned, I read a lot of materials, and I was my own boss.

A couple of years and many jury trials later, my practice evolved from

### The Large Firm Lawyer

By Kim Dunne

I came to Sidley Austin in 2001 by way of the U.S. Attorney's in the Central District of California, where I served as Chief of the Public Corruption and Government Fraud Section. The day after I accepted my offer to join Sidley, I learned that the firm had merged with another law firm and had almost doubled in size. I was excited to develop a practice in a large law firm, and I saw this growth as an enhancement of the opportunities ahead.

Being part of a substantial and diverse partnership has many advantages. There are incredible resources. With more than 1,700 lawyers in the firm, I can always find someone who has significant experience on virtually every legal issue. Having access to such a vast network of talented lawyers at my fingertips allows me the ability to serve my clients across a broad spectrum of issues. It is also valuable to know I can call in the cavalry when needed.

The work at a large firm is also exciting and challenging. Often I find myself at the forefront of new and unique legal issues and enjoy the opportunity to develop creative solutions to assist our clients.

But it is not enough to add your brain power to the mix. A global firm has a significant commitment to the community and activities that require lawyer involvement. Lawyers are actively involved on firm committees, participating in the core activities required to successfully manage a global firm. I have been a member of the Summer Associate Committee, the Associate Compensation Committee, the Committee on the Retention of Women, and now the Accounting and Finance Committee.

Similarly, the large law firm is no longer a refuge for those who have no desire to engage in practice development. Practice development has become the lifeblood of the law firm. Bringing in business takes time, effort and persistence. A large law firm offers a lot of tools and resources to facilitate professional outreach, and firm colleagues are often the best source of new business opportunities. Fortunately for me, introducing a new matter or client to the firm brings the same adrena-

line rush and satisfaction as any big case win.

A firm is only as good as its future. Today, doing good work, bringing in business, and helping to support the operation of the firm is still not enough. Strategic growth and on-going community involvement are also essential to the firm's long term success. It is increasingly important to recruit, train and support bright, energetic, and ambitious young lawyers who will one day take over the helm. Similarly, a large law firm counts on its members to help it connect to the community whether through civic participation, pro bono activities or charitable contributions.

I'm lucky enough to be at a firm that understands having a personal life makes you a better lawyer. From my experience, I believe I am a better problem solver and more efficient lawyer now that I have children who challenge me to focus and make the most of every moment. Unfortunately, as anyone in a service industry knows, time is not always your own. I have had to deal with the unexpected motion for which time had not been budgeted, the judge who advances by one week the date for an opposition, the last-minute back-to-back trips that give you one night at home, and the trial that requires you to live away from your family. As such, I value that found time when a motion is continued, a client seeks to reschedule a meeting, or a deposition is postponed.

Ultimately, we all struggle with the number of hours in a day. Knowing how to maximize those hours and create work-life balance is the key. I look to the tools of my trade to help me balance. To me, a Blackberry offers freedom because it liberates me from the office and helps me manage my work better and stay connected.

One strategy I use to achieve work-life balance is to involve my children. I share with them some of my professional life so they understand the demands on my time and can forgive the sacrifices they must make because Mom needs to be somewhere else. For



example, my two girls attended my closing argument in a recent trial. My client was incredibly gracious when I mentioned my desire to offer them this opportunity. It was a thrill for me to come home that evening and have the opportunity to discuss with my children what the evidence in the case showed. They were also able to agonize with me as the jury deliberated...and deliberated...and deliberated...eventually reaching a verdict for my client, thereby both validating my absence from home and providing my girls a unique perspective into our legal system.

It is unfortunate that so many articles disparage the experience of working at a global law firm. Such firms can attract the large-scale or bet-the-company litigation that has been so professionally rewarding to me. I also believe that the large law firm environment has afforded me opportunities that I wouldn't have had in other settings. As for my experience as a partner at a large law firm, I've been able to develop new skills beyond just practicing law and have found the professional support, camaraderie and meaningful work that has made my experience deeply satisfying and worthwhile.



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