

Can Entrepreneurial Principles Make You a Better Lawyer?

Part 2

BY RONALD M. SANDGRUND, ESQ., INQ.

Believing that the dots will connect down the road will give you the confidence to follow your heart.

Being the richest man in the cemetery doesn't matter to me. Going to bed at night saying we've done something wonderful, that's what matters to me.¹

This is the seventh article series by The InQuiring Lawyer addressing a topic that Colorado lawyers may discuss privately but rarely talk about publicly. The topics in this column are explored through dialogues with lawyers, judges, law professors, law students, and law school deans, as well as entrepreneurs, journalists, business leaders, politicians, economists, sociologists, mental health professionals, academics, children, gadflies, and know-it-alls (myself included). If you have an idea for a future column, I hope you will share it with me via email at rms.sandgrund@gmail.com.

This month's article is the second of a three-part conversation about whether entrepreneurial principles can make better lawyers. In Part 1, we explored a "philosophy of entrepreneurship" with Professor Brad Bernthal of Colorado Law, director of the Entrepreneurship Initiative for the Silicon Flatirons Center; former law dean Marty Katz of Denver Law and now chief innovation officer at Denver University; and Lisa Neal-Graves, former chief innovation officer at the Colorado Attorney General's office. Through this dialogue, we learned that an entrepreneurial approach involves a growth mind-set, empathy, and a polished interpersonal skillset, combined

with a human-centered, trial-and-error toolset that allows for creative thinking, calculated risk-taking, and learning through failure. Parts 2 and 3 expand on this topic, focusing on how a philosophy of entrepreneurship translates to building a more effective law practice.

Thanks to my friends Phil Weiser, Sue Heilbronner of MergeLane, and Dave DuPont of TeamSnap, without whose inspiration I would not have been able to put this piece together. And many thanks to Vincent Dimichele, a Colorado Law 2L, for his help with the dialogue and the thoughtful questions he raised during the editing process.

Introduction to Part 2

In my Philosophy of Entrepreneurship interdisciplinary class at Colorado Law, we separate the course into six topics for our law, business, and engineering students. First, we examine how adopting an entrepreneurial mind-set can help serve one's core values and lead to a fulfilling life. Second, we look at how building, using, and serving a networked, rather than hierarchal, community help one succeed at both a personal and career level. The class posits that the "lone wolf" view of successful entrepreneurs is a myth, and that no one goes it alone—collaboration and mentors are key.

In the third and fourth units, we address two entrepreneurial methodologies: design-centered thinking (DCT) and Lean. In DCT, also known as human-centered thinking, one tries to experience the world from the "other's" perspective, through empathy, where the other is usually a client, customer or co-worker, but can also be a judge, a jury, opposing counsel—any-

one.² At both Colorado and Denver Law, DCT has been applied also to try to solve societal problems through social entrepreneurship, often channeled through government and nonprofit organizations. The next methodology, Lean, focuses on formulating a description of a problem (a "problem statement"), testing a solution, measuring and learning from the result, refining the problem statement and/or the test in light of what you have learned, and then rapidly iterating this process using small test batches or bare-bones prototypes ("All right folks, let's start it up and see why it doesn't work."). In other words, "failing fast and failing often." While this might sound like a disastrous recipe for a successful law practice, I invite you to read the lawyer's stories here and in Part 3 and draw your own conclusions.

Fifth, the class explores two related topics: (1) our unconscious cognitive biases, not just involving race, gender, and the like, but also regarding flaws in our reasoning and logical assumptions;³ and (2) how to relate to different personality types (e.g., extrovert versus introvert). We look at how effective leaders navigate these biases and interpersonal issues and find that collaborative problem-solving and empathy help mitigate biases, enhance teamwork, and improve outcomes.

Finally, we confront risk. We look at how law school inadvertently cultivates and rewards risk aversion in its graduates, ignoring the fact that opportunity is often the flip side of the risk coin, and that failing means learning.⁴

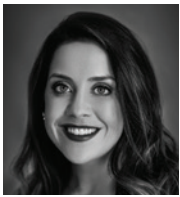
While the ultimate focus in class is for a team of students to apply these principles to help a local startup solve a pressing business problem, the principles described above can be applied to starting a legal or other career, hanging a shingle, exploring a new practice area, and understanding and advising business and other clients more effectively.

Each of the lawyers interviewed here and in Part 3 will tell you that often the riskiest thing to do is to play it safe. In addition to looking for evidence of entrepreneurial thinking among this article's interviewees, we explore whether entrepreneurship is part of one's DNA or something that can be learned and passed along to others, or some combination of the two.

Participants



Rex O'Neal is a founder of and partner in The Sage Law Group. His practice focuses on supporting technology companies and their investors on every variety of financing and commercial strategy and transaction. He previously worked at Faegre Baker Daniels, Fischer Imaging Corporation, Radiant Data Corporation, and Cooley Godward.



Christina Saunders is a founder of and partner with SK&S Law Group, maintaining a practice emphasis in corporate law and intellectual property matters, including copyright, trademark, and trade secret issues.

Rex O'Neal's Entrepreneurial Journey



InQ: Before we talk about how you went from social worker to lawyer to startup CEO and then back to lawyer, could you describe what you think are some of the more important traits of a successful business entrepreneur?



Rex: It requires a single-mindedness and a fierceness, especially under difficult circumstances. I've worked with 23-year-olds who've started companies. They were frictionless raising money and then selling for \$200 to \$300 million. But I've learned that those are the outliers. For most CEOs and founders, it's much more hand-to-mouth and robbing Peter to pay Paul. At times, they have to disregard the collateral damage from the decisions they're making—something I'm not good at.

InQ: Are there other characteristics that you've seen common to entrepreneurs?

Rex: Suspension of disbelief. The ability to look at a situation and see an angle or an opportunity and say to yourself, "it's possible," even if there are significant challenges. Another way to describe it is that they can undervalue risk. Some of the serial entrepreneurs I work with are on their fourth or fifth business. No business goes from A to B without a redirection, pivot, or turnaround. So there is this

unhesitant confidence, coupled with periodic reassessment.

InQ: Anything else?

Rex: The capability to question assumptions. I think this is what kills some of our clients. About 30% of our clients who seem very promising either significantly underperform or fail. Why do they fail? Because they fall in love with their initial concept and cannot adjust their frame of reference when circumstances change. We work with some entrepreneurs who are incredibly skilled at making that adjustment: they see opportunity or market changes before anyone else. It comes through the feedback they're getting from customers, or suddenly they have a different appreciation of the competitive landscape and they see a vacuum where there is a more promising opportunity to go in a different direction. Still, they have to first convince themselves they're right; then they have to convince their team; then they have to convince their external stakeholders—who were highly invested in the first plan—that the second plan is better. It's an exciting skill set to have. It's really a form of evangelism—some people are just completely gifted in this way.

Origins

InQ: Rex, let's go back to the beginning—can you sum up your family and work background?

Rex: My dad ran a mill workshop at a local lumber yard in Indiana. Eventually, he went to work as a general manager for a small lumber yard in Florida. My mother was a stay-at-home mom. I'm the youngest of three kids. My brother and sister are quite a bit older. I grew up with very little direction or feedback. I view that as a benefit in that nothing was out of bounds for me. As long as I was getting good grades my parents didn't really care what I was doing. I was really lucky that while in high school I got a job as a copy boy at the major St. Petersburg newspaper. I got to work with reporters, some of whom are now lead byline at *The Washington Post* and one of whom runs the Pew Charitable Trust. Very bright people. That really opened up my view of what was possible. I grew up in a kind of a lower-middle class family. I never was deprived of anything, but looking back and just thinking about the circumstances that my

parents were in, they didn't really have very many alternatives available to them.

Social Worker (1980-88)

InQ: Why don't you take us on a quick tour of your professional life?

Rex: I was a pretty good student. I wanted to leave Florida as soon as possible; I didn't really see much of a future there. At 17, I left and went with a friend to Seattle. I ended up going to Antioch College in Ohio, which had a work-study program. It took me five years to get through with a philosophy degree—a not-very-practical field of study. During school I worked in the juvenile justice systems in Rhode Island, New Hampshire, and Texas. I worked for two years in Texas's juvenile justice system, primarily working with mentally challenged juvenile offenders in a court diversion program. I got a scholarship from the National Institutes of Mental Health to attend Florida State University School of Social Work. I learned to be a program planner and evaluator focused on community mental health systems. After that I worked for New Jersey's Division of Mental Health, helping them set up a planning-monitoring program for New Jersey's 105 community mental health centers.

InQ: And then something happened to start you down a different path?

Rex: Yes. At that time, personal computers were emerging. New Jersey bought thousands of personal computers, supplying all its community mental health centers. Before that, I had never had any real experience with data processing or computer programming. While working for New Jersey I started consulting for some hospitals in New York City on a part-time basis, helping them deploy small information systems on personal computers. That's when I first ran into lawyers who basically worked only for high-tech companies. I was negotiating agreements for New Jersey and these hospitals with software developers or value-added resellers. I realized I wanted to do something outside of social work and I applied to a whole bunch of MBA programs and law schools. Stanford came back with a full scholarship. It saw me as a public interest lawyer.

InQ: Did your family situation play into your decision-making at that point?

Rex: I was married and had a kid at that time. We pulled up stakes and moved to Palo Alto. Fantastic experience. Just an unimaginable immersion in the high-tech business.

Cooley Godward (1991-99)

InQ: Where did you start practicing law?

Rex: I worked as a summer associate for Cooley Godward and then later as an associate. When Cooley opened its Boulder office in 1993, I was the second lawyer they brought out. One of my partners at the Sage Law Group today, Carrie Schiff, was the first lawyer they brought out. And it was a fantastic experience. It was basically three young associates and Jim Linfield. Jim is a marketing phenomenon and he was pulling in all kinds of opportunities. We had taken a couple of companies public out here; it was fantastic growth from the time we landed. Carrie and I made partner in 1999, then left the same year.

InQ: Why did you leave Cooley?

Rex: Arrogance. I made partner and we had seen some exits here in Colorado, like billion dollar exits, of companies that were two years old, and I just thought, *That seems really easy; why am I not doing that?* Unfortunately, I did not understand what was required to achieve that result.

InQ: Cooley strikes me as a firm that has embraced the entrepreneurial law practice, and had you stayed with them, you might have realized your dreams with them.

Rex: I might have.

InQ: So you took a big detour.

Rex: At this point in my life I've got a lot of regrets and maybe one of them is leaving Cooley. I still have immense respect for the firm. I think it's a juggernaut. The thing in my mind though is—because, they probably have 40 lawyers here in Colorado—I do really, really like having complete control of my mission, which I have at Sage Law Group. I only need to convince my two partners to do anything. At Sage, we are very closely aligned and very seldom disagree.

CEO (1999-2004)

InQ: So you and Carrie leave Cooley and do what?

Rex: Carrie went to work for a client down in Colorado Springs who was going public, and I went to work for a private equity client. I thought the job was going to be general counsel, but they immediately installed me as CEO of one of their portfolio companies in Florida, an electronics hardware company. For the next three years, I worked as CEO of a company with about 100 employees in Florida and Nagano, Japan. That was really fantastic.

InQ: What happened next?

Rex: Another former client of mine started a small venture fund here in Boulder and he asked me to join him incubating software companies, which I did. We made investments in six companies, and I became CEO of one of those companies. We raised a couple of rounds of venture capital financing in the 2003-04 time frame. Ultimately, this company ran out of money and was bought by Sun Microsystems in a fire-sale situation. That was quite humbling. I gained an appreciation for how difficult it is to be the CEO for an early-stage technology company.

InQ: What happened next?

Rex: I went back to work as a lawyer, first at Fischer Imaging, a publicly traded medical imaging hardware company in Denver. I became general counsel. I supported a new management team, taking it through 16 quarters of restated financials and SEC and justice department investigations. We ultimately got the company sold.

InQ: And then?

Rex: At that point, I made a decision that I didn't really have the DNA to be the CEO of a technology company or working in-house. I liked being a lawyer.

Faegre Baker Daniels (2004-12)

InQ: So—

Rex: I went to Faegre Baker Daniels. I was at Faegre for eight years, leaving in 2012 to hook up with my former partner Carrie Schiff and my other partner Katy Reamon to start Sage Law Group, where we are sitting and talking today.

InQ: What was your plan on joining Faegre?

Rex: Some of my former partners were there, so I knew about the firm. I had a hypothesis about what it was I might be able to do there.

And I worked that plan diligently from the first day I was there until the last day. I believe the firm has tremendous historical assets and depth, and in certain vertical markets is probably a top 10 firm nationally. My idea was that I could help move the firm to be in a better strategic position in some of those deep verticals, and bring them into a market where I believed the competitive landscape and the profitability of the entrepreneurial law practice is probably better than average across all law practices. It was potentially a very profitable business, if you could bring to the table all of the skill sets that are necessary to support prosperous, fast-growing enterprises.

I like the lawyers there, I still know them well, and I still work with them, externally, in a lot of areas. But at the end of the day, things were moving too slowly for me, and I was 56 or 57 in 2012 and feeling kind of impatient. Also my current law partner, Carrie—who is maybe the most skilled lawyer I've ever had the opportunity to work with—was suddenly available.

InQ: What did you do?

Rex: First, I tried to recruit her to join me at Faegre. And she just turned it around on me and said, "Why would we do that? We don't need a big firm; we'll just do this on our own." And so we did.

InQ: What was it about Faegre's structure or business model that prevented it from getting where you wanted them to go fast enough?

Rex: I don't fault them at all for making the decisions that they made—there was a lot of new thinking inside Faegre and a significant amount of strategic thinking back in their main office in Minneapolis. Some of the difficulty arose from the ability to maintain the home office's attention span from Boulder. I spent quite a bit of time up there. But the firm had some opportunities that were better for them to pursue—and that was prudent on their part. Let me be clear: they were incredibly supportive of everything I was doing, except they weren't going to stop doing some of the other things they thought were more important. So I think I could have continued to succeed in Faegre's Boulder office, but I believe that I would never have been able to do what I've done with the Sage Law Group, which has been exhilarating.

InQ: If my recollection serves, was Faegre's involvement in the Alaska Exxon/Valdez oil spill case part of what crowded out its ability to devote sufficient resources and time to the areas you wanted to exploit?

Rex: That's right; Faegre had a big piece of that. And that is symbolic of the problem: Faegre played at that level and made strategic decisions on things that significant—that case involved a 20-year commitment. The things I was trying to do didn't really move the needle. I received a lot of direct, personal support from people on the management committee. They wanted me to succeed, they wanted me to stay there. But at the end of the day, they had some other huge things they were working on. So, ultimately, I was unsuccessful in building the internal support to pursue the business plan I wanted to pursue. And that's why I decided to do Sage Law Group.

Sage Law Group (2012-present)

InQ: Tell me more about this conversation you had with Carrie Schiff, where you're suggesting, "Why don't you come work at Faegre?" and she's saying, "Why don't we start our own shop?" What's going through your head—and at what moment did she convince you she was right and you were wrong?

Rex: I had already made a decision that I was going to work with her. My first choice was to maintain the comfort I had, where I was with Faegre, and the idea of bringing her in and us working on my mission together. I thought I would have a much higher chance of success working with her. But I had already made the decision that I wanted to work with her. I remember having a meeting with Faegre's managing partner, the three of us, to talk about this, and I knew 10 minutes into that meeting she was not coming to Faegre. I felt a little

bit of a heartbreak, and some fear. I was in a pretty comfortable position at Faegre: I was the managing partner of the Boulder office, and I had gotten a lot of people at Faegre-Boulder to subscribe to my plan.

InQ: But you pulled the trigger to leave anyway?

Rex: It was not an easy thing to do. But I knew I had to work with Carrie, and this was my last chance.

InQ: And she was in-house counsel at that point, thinking of starting her own firm?

Rex: She had been general counsel at Flextronics. Huge company. 250,000 employees. Operations in 48 countries. I had been doing a lot of M&A work for her, from Faegre. Faegre had offices in China, Frankfurt, and London that aligned with her company's geography. We probably did 40 or 50 acquisitions for her. So I had her as a client for a few years. And

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when they pulled out of Colorado—basically Flextronics realigned and recentralized back into San Jose—a lot of Flextronics people did not go back to San Jose. Carrie had left Flextronics maybe a year earlier and had gone to a large civil engineering company in Broomfield called MWH Global. She had been general counsel there for about year. I think she was anxious to get back into private practice. She left MWH, and that’s when the opportunity arose for the first time for us to work together again.

InQ: What were Carrie’s qualities that were so magnetizing?

Rex: Carrie has immense experience and an amazing web of contacts globally. We have relationships with law firms pretty much in every time zone in the world and do a fair amount of work outside the U.S. We agreed that we had a mission to recruit some young lawyers and teach them how to do this kind of work.

We have a sense of succession planning here. We’re not going to do this forever, and we have recruited people who can completely replace us. Having total control over that is a lot easier than being in a big firm and trying to pull the right resources together.

InQ: And what do you think drew Carrie to you as a partner?

Rex: I think she knows I have a theory about marketing and creating an ecosystem around a business like Sage Law Group. And I think she knew that her energy, her drive, her focus, and her charisma, joined with my strategy, would combine nicely.

Law Firm as Startup

InQ: How were those first few months at Sage Law Group?

Rex: On the day that we started, I moved over 80% of my practice from Faegre. One

of the founding partners, Katy Reamon, was maybe halfway through the process of building a practice. Carrie had no clients. We sat down and we basically put together a pro forma cash flow plan of what it was going to cost to support the three of us, and we gave each other revenue and billable hour quotas. We knew it was going to take 60, 90, 120 days for us to see what kind of cash would come through our revenue generation.

InQ: You had a running start, taking 80% of your practice at Faegre—how did your other two partners feel?

Rex: Carrie had some concerns about her ability to generate business. But I had worked with her before and I *knew* that ultimately she was going to kick my butt. She thought she was going to fail for the first month—except by the end of the first month she had more than she could do. I knew that was what was going to happen. You just create any competitive landscape and she is going to win, that’s who she is. She has developed an amazing practice. More than half of her clients are private equity firms in the Bay Area. And they’re choosing between her and Simpson Thatcher or Sidley & Austin. That’s the quality of lawyer she is.

InQ: So, all peaches and cream?

Rex: Hardly. It was a little bit hair-raising the first few months. We actually started with six partners and three of them self-selected out within three to six months. I think they did not like the stress. All great lawyers—we still love these people—but in the end they were not the right fit for trying to build something out of nothing.

InQ: Did they come over from Faegre as well?

Rex: We pulled one out of a major Denver law firm, one had been at Flextronics, and one was a friend of ours who had an amazing background and success. It seemed clear to Carrie, Katy, and me that it would be a good fit, but the idea of coming into work and not knowing what you’re going to do I think was not something they were comfortable with.

InQ: Did the founding partners take significant pay cuts at Sage Law Group’s start?

Rex: This is definitely a business where you can make zero—with no draw. We basically have a distribution model where you receive a percentage of your collected revenue. So you

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can definitely make zero. The gentleman who had come from the major Denver firm had a practice, but he was used to having a lot more infrastructure. We had no legal assistants, no law library, no office manager—he thought that was too much aggravation.

InQ: How long did he last before he decided to leave?

Rex: One left at three months and two of them left at about six months, but we knew by three months that all of them were going to go.

InQ: And as they were on their way out the door, did it worry you? Did you start thinking maybe they were seeing the future more clearly?

Rex: No. I'll be frank—by that point, the three of us knew it wasn't working and we just wanted to pull the Band-Aid off.

Marketing

InQ: What sort of marketing strategy did you, Carrie, and Katy implement?

Rex: We have a pretty diligent strategy about marketing, marketing development, and relationship development that we work on pretty much every day. We do some teaching in Sage Law Group about marketing and how to clone this technique—how to replicate this strategy of creating an ecosystem that will drive business to the firm.

InQ: So, what is the secret sauce?

Rex: It really is about being willing to have conversations with clients or former clients about why did they select you. Among all the choices they have in a crowded marketplace, why did they choose you? Why did they retain you? Why did they continue to work with you? It's about getting clients to think about the relationship, and then being able to reach out to them selectively. We draw maps of how people are related to one another. Our experience has been that when someone is looking for a lawyer, they'll reach out to their three to five closest friends and ask for referrals. And how you get the call, as opposed to another lawyer, is that you are on one of those referral lists. Or maybe two or three of those lists. So our marketing strategy is about trying to activate our clients as *ambassadors* on our behalf. About half of our business is in Colorado, and its emerging technology market is almost a closed system.

There are probably 100 entrepreneurs and 25 investors; it's a relatively limited group of people. Our plan is really to have conversations with clients that make them feel comfortable to say something positive on our behalf.

InQ: What's your marketing budget?

Rex: Our marketing spend is close to zero. We spend money on relationships. And out of those 100 entrepreneurs, enough of those people have worked with us and feel positive about us that we pretty regularly get on those referral lists, and we get those calls, or we get invited to have dinner with a client and a friend of theirs who they want to introduce us to. And that creates a very well-qualified referral network in the sense that we're not getting a lot of cold calls. And, frankly, we're very skeptical of cold calls. If someone does not come through a trusted referral source, we're not sure it's a good fit for us. We encourage our associates to ask themselves: Are there technology areas they are particularly attracted to? Are there certain entrepreneurs or investors that they really, really love working with? Then we look together at that situation and ask, "Can we create more of that"?

InQ: We talked earlier about the characteristics of an entrepreneur. In hearing your description of the arc of your professional life, which itself has been quite entrepreneurial, one word that comes to my mind is "agility," the ability to move comfortably from one situation to another. Is agility something that's in your DNA?

Rex: That word really resonates with me. In a typical day I shift reference points five to 10 times and must remember the context of all these businesses. My practice comprises about 75 high-tech companies and about five investor groups. I can speculate what each day is going to be like, but it only ends up being half correct. I have to be able to shift references really quickly, remember the context, remember the people, and remember *their* criteria for success. There is such diversity among the executives I work with that being able to immediately refocus on *their* issue, *their* objectives, *their* requirements for success, and being able to provide appropriate direction or feedback is really important. I view that as a competitive benefit, frankly, for us generally in this firm. I think we do this really well.

Core Values—Helping through Empathy and Effective Communication

InQ: There are several aspects of the curriculum in CU's Philosophy of Entrepreneurship class that were passed on to me from Brad Bernthal, Brad Feld, Phil Weiser, and Sue Heilbronner, who originally conceived of the course. One is a philosophy that Brad Feld has characterized as "give first." Give of yourself to others without asking for anything in return.

A second aspect is the concept of empathizing with others—putting yourself in their shoes and experiencing their customer journey. A third aspect is understanding what one's core values are, and plotting a course where your core values are aligned with your career and personal life. Did you identify core values in your life early on that you had sought to serve with the career path you have pursued? Is there some singular core value that has threaded its way through all of this that has paralleled your career track from social worker to lawyer to entrepreneurial CEO and back to lawyer?

Rex: At Sage, 30 to 50% of what I do now is essentially social work—helping people understand their objectives and how to achieve them. When you've been doing this as long as I have—after your 1,500th venture capital financing or whatever—there are some new elements, but a lot of the work follows a well-trodden path. And you develop some level of mastery over the technology. But helping people understand what their objectives are and how to use their business and how to engage legal technology to enable and catalyze their objectives—that's important and something I feel I do well. I want to understand what my clients' motives and values are because only then can I provide completely appropriate advice. I like people to succeed and I get a huge psychological jolt from their success. That's what keeps me coming back.

InQ: Sounds like your social work schooling gave you a leg up in empathizing with others.

Rex: I'm doing the same thing now as I was doing with 16-year-old juvenile offenders. There are realities that I can teach them about—but I have to know who they are to teach them how to do that. I love my clients. Some of them, I'm not sure they love us. But I try to get that close to them, so there's a level of trust and

they understand I'm not trying to steer them away from their mission. I'm simply trying to understand what their mission is. Sometimes it's hard. And I love that!

InQ: You've hinted that there's a little bit of tension sometimes between what you've got to tell your clients and what they need to hear. How do you integrate your years of hard experience with your younger clients' energy and frisson and know-no-bounds imagination?

Rex: With prospective clients I want to get to a conversation about some problem they're having because I want them to have the experience of talking to me about something they're working on right now. I know that if I can get there, I'm going to win that opportunity. And I just put it on the table: "You're going to get a lot more than legal advice from me—I've got an opinion about everything. And I don't expect you to follow every one of my opinions. But you're paying us a lot, so I think I need to put it all on the table and give you everything I know. I'm going to talk to you about how to qualify a customer. I'm going to talk to you about what are the qualities of a good corporate partner or investor, and how to form a relationship with an investor so they don't ultimately annihilate you." I want to have that kind of conversation.

InQ: That's your value proposition.

Rex: It really is. Most of the young lawyers we have at Sage, they've had operating experience. They've been in business. To us, someone who has experience outside the law is more valuable than someone who has just gone straight through school. Because, otherwise, you don't have that context, you haven't had to make those judgments.

Christina Saunders's Entrepreneurial Journey

InQ: Christina, you are one of the younger lawyers I'm interviewing for this series. When I started out, my firm's managing partner and mentor advised me to become an expert in some area of the law, get good results, and that great things would follow. In contrast, you said to me earlier, "Starting a law practice is not about finding a job, it's about finding clients." I took this to mean that someone starting a law firm early in his or her legal career should focus on

developing personal, trusting relationships with others, and that the business part will follow. Am I stating your philosophy correctly?



Christina Saunders: What I was referring to was when I had sort of a lightbulb moment in early 2010. I was at a CLE—the topic was hanging a shingle in a poor economic climate—and one of the presenters said, "Stop looking for work, as in a job, and start looking for clients." For me, as a young attorney trying to figure out what I would do with my career, that really resonated. Given your article's topic, I think a lot of our conversation has to be about the importance of relationships in business. I agree wholeheartedly that in the legal profession, the objective should be developing personal relationships and trust with people, and the business and work will always follow. However, those relationships need to be sincere and authentic. I see a lot of attorneys just focusing on closing a deal, or initially bringing in a client, who then forget about the need to really build, foster, and maintain that relationship. I think when that's the focus, they're missing the mark.

InQ: Christina, much of your journey has been near ski slopes—can you expand on that a bit?

Christina: I was born and raised in Park City, Utah. I went to undergrad at Bates College on the East Coast. I grew up ski racing and was recruited to Bates to race on their NCAA Division I ski team. I majored in art history and English. After college I returned to Utah and attended the University of Utah for law school.

InQ: How did you end up in Colorado?

Christina: I graduated in 2009, toward the tail end of the Great Recession. There were basically no jobs. I was lucky to get hired out of law school, and I think those jobs provided me with good experience, but it wasn't ultimately what I wanted to be doing. So, in 2011, I saw Denver as an up-and-coming city with a lot of opportunity and decided to quit my job in Utah and move to Denver to hang a shingle. I was 26 years old.

InQ: What strategies did you employ to get your law practice going?

Christina: When I moved to Denver I started

networking like crazy and meeting people. I didn't have the alumni networks of CU or DU graduates; I knew nobody. Literally nobody. I started asking people to lunch, and happy hours, and signing up for different organizations, and talking to any attorney who had insight to offer me, to build a practice. Admittedly, I was naïve and I was young, which I think helped because I didn't really understand what the economy was doing and what I was up against. I was also fairly brazen and determined. So, I think I got the attention of some attorneys in town who ended up being mentors of mine. And they might have teetered between thinking I was kind of crazy for what I was doing but also fascinated by what I was doing, but they gave me the time of day and took an interest in my practice.

InQ: What happened after your move to Denver?

Christina: I drew up a business plan, built a website, found an office, and opened the doors to a law firm. At one point I had another attorney working for me. But after a while I decided that I wanted a different experience, one where I gained experience with more complex business transactions. So I joined a very small business firm with a couple of experienced attorneys, where I became a partner. I worked there for five years. I was a partner about four of those years. Then, in January of 2019, I broke off and started SK&S Law Group with two of my other partners from the prior firm. So I guess that gets us to where we are now.

InQ: What was your overarching perspective on practicing law?

Christina: First, I would say I followed a nontraditional law path to get where I ended up. I never went into a big firm. I never did the traditional trajectory working at a big firm for three to five years, going in-house, and then maybe breaking off three or four decades later. I saw older attorneys doing this. I always looked at this profession a little differently—as a business as much as it is a practice in law. And I was always much more oriented to the business aspect, to the client service aspect—figuring out how to add value for my business clients, while also focusing on how to build my practice as a business.

Building a Network

InQ: What has been your elevator pitch to potential clients that you're meeting through your networking efforts that get you to the front door?

Christina: It's evolved. Let's step back for a moment: When I talk about networking, I think there are two avenues. You can network with potential clients or you can network with colleagues, mentors, different people who play different roles in your business and in your practice—some of those leading to potential clients and some offering something else. And networking is not about how many people you know; it's the quality of those relationships within a network. The key is how you establish yourself within those networks. You should be asking yourself several questions all of the time: Do people think of you as being a highly reputable attorney? Do you say what you're going to do?

Do you show up when you say you're going to show up? Are you credible? And then, have you established a niche or expertise—and are you recognized for it?

I was an art history major, I'm passionate about art, and I love creative enterprises—I really wanted to work in what I call "art law," working with creatives and with artists. That proved hard, because artists are typically pro bono or low-bono clients. But through my passion for art, I started developing a niche into copyright law, which developed other intellectual property niches in my practice. For example, for a while, there was a popular type of lawsuit being filed in Denver, based on copyright infringement using BitTorrent peer-to-peer protocol. I somehow fell into a case where I developed an expertise almost nobody else had at the time—then I became one of very few attorneys in Colorado who was solely handling defenses in these

types of cases. That's one example of where I established myself within my networks based on my developing expertise in a niche area.

InQ: Can you describe other aspects of your networking efforts?

Christina: I would meet other entrepreneurs, other business owners, and other startup founders by simply inviting them out for a beer and connecting with them as people. I think age was an advantage—many entrepreneurs and startup founders in Denver are my contemporaries. I also consider myself a fairly down-to-earth person, able to connect with a lot of people, and I was able to develop clients that way as well. So it was kind of a twofold approach within two different networks.

Mentors

InQ: You didn't know a soul when you showed up in Denver. Did you find any mentors in town?

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Christina: Lots. I credit most of my success to a number of mentors I have had since I began practicing in Denver. For example, there was an IP attorney, a patent attorney, named Rick Holzer, of whom I think very dearly. Rick was one of the first people I met in Denver and a well-known fixture in the local intellectual property law community. A week after I moved to Denver, Rick invited me to lunch, where he took a genuine interest or curiosity in what I was doing and generously provided me a list of attorneys he thought I should meet with introductions. He then also invited me as a guest to the Colorado IP American Inns of Court. I later joined the organization, became a director on the board, and got more deeply involved through committees and mentoring. At the time, Rick had also just opened a new practice, after working for a variety of different firms in town, and over the next year or so, I watched Rick develop a successful practice himself. I rented an office from him for about a year. It was there where I observed how he developed networks and relationships with people, and how that directly translated to business. Whether he knew it or not, he was teaching by example. He was one of a few attorneys I describe as being a tremendous role model, especially when I was getting started, and showing me how build business through relationships.

InQ: Did other mentors suggest a different pathway to success?

Christina: I remember sitting down with a law firm partner who was trying to convince me you could get bigger clients if you had the backing of a big firm—which in some cases I think can be very true. But my response to him was that I thought clients would hire you based on your relationship and not always the size of your firm. In many cases, I've proved this to be true. There is a core value that I've always stuck to: the practice of law is about relationships. My father was that kind of attorney too. Growing up, I watched him build an incredibly successful law practice by building relationships with everyone in town. He was able to connect with anyone, from the mailman who he saw daily to a CEO of a major corporation he'd sit next to on an airplane. And there was always

a genuineness and authenticity about him; he wasn't just somebody looking for work.

InQ: Do you find new attorneys coming to you today with questions and direction? Do you find yourself mentoring them in a way that you received mentorship?

Christina: I try to. I've served as a mentor in two formal mentor programs—one through the Inns of Court and the other through the Colorado Supreme Court's Colorado Attorney Mentoring Program, CAMP. The challenges I find with young attorneys, law students more specifically, is they don't understand the relationship piece I keep harping on. You have to spend time to develop that rapport with others. You have to know how to engage and how to participate—to be an active participant. Sometimes I sit down with younger attorneys who say, "I'd love to just talk with you," and it becomes very clear they just want a job, and you never hear from them again. You can have an hour-long conversation with young attorneys about their interests and practice, but then if you don't hear from them again, it becomes out of sight, out of mind.

InQ: Your website talks about empowering clients with trust and fearlessness to get the job done. What does that mean?

Christina: As a lawyer you must empower your clients, especially when you have somebody starting a business who may or may not have ever talked to an attorney before. I think sometimes hiring a lawyer can be a very intimidating process. I believe that you have to establish a rapport with clients. You have to establish trust. And you need to manage their expectations. The practice is as much about managing clients as it is about the legal work you're doing. It's about sitting down and listening to them. For many of my clients, who tend to be startups and small businesses, it's prioritizing their budgets and needs, and being able to deliver on that without setting expectations so high that you can't deliver with the constraints their situation provides. In the end, it's about, sometimes creatively, helping them get where they need to go.

InQ: How does the fearlessness play into that?

Christina: I think that with most people, a lot of the fear factor, a lot of their worry, a lot of their stress, will diminish as they understand

the process better. You say, "Okay, you've got 'x' things to do; this is how we get there." When you're approachable and communicate well, I think you establish trust and kind of take the mystique away from it. You compartmentalize tasks, and you can usually get them to where they need to go. As for myself, in less than 10 years I've founded two practices, and been an owner and a pretty critical part of a third practice. I've learned a lot about clients and people through that process.

InQ: What do you think are the keys to developing and maintaining a good client base?

Christina: Besides the relationship piece, it's about focusing on clients' needs and desires from a business sense. For example, I think lawyers tend to be fairly risk adverse, and sometimes lawyers—I don't know the right word for it—but they're not particularly *progressive*. They're not looking at the way that other businesses are doing business and implementing tools that add value for their clients. One easy example is how many firms don't accept electronic payments online.

Entrepreneurs as Clients

InQ: What personal characteristics do your entrepreneurial clients seem to share?

Christina: Most of them don't want to settle for the status quo. They're pushing boundaries, changing conventions. They're looking for solutions. You see it a lot in the sharing economies. When Uber came out, I remember my parents' generation was terrified. "You might get murdered, you might get robbed in an Uber." And you have people who are my generation—the entrepreneurs starting up the companies and coming up with completely new paradigms about how we live. I think there's such a divergence from the way that things used to be and this idea of solutions—the way that things can be. Many of my entrepreneurial clients are not terribly afraid of changing those conventions.

InQ: What strategies have your clients who are entrepreneurs employed that you have seen to be most successful?

Christina: I think the people who are the most successful have a bit of humility to them, are able to ask for help, and they listen to that guidance. The people who I see struggle a little

bit more don't have the experience behind them, and they think they don't need to reach out to others with more experience or expertise to get that guidance. They put the cart before the horse, cut corners, and then they come back after they get into trouble. They want us to clean up the problems they've created. And it just becomes much harder. The most successful people show up in a law office or CPA's office or whatever expert's office on Day 1 and say, "What should I be doing?"

Building on Success

InQ: What sort of future are you charting for your law firm?

Christina: We're looking to build. Right now we have four partners, with offices in Fort Worth, Boulder, and Denver. We've got three attorneys in the Denver office and one who floats between here, Boulder, and Fort Worth. We keep our overhead low, and our profits become higher without the steeper rates you see at bigger firms. Everyone in the firm pitches in, and when something is too burdensome for anybody to take on, we just contract it out. No partner really wants to be the sole decision maker here. It's a lot more egalitarian. It may be because of the partners' younger ages, it may be from varying past experiences, I don't know why. But that's just the dynamic and the culture. We sit down and we make group decisions. Usually, they are made very effectively. As for the future, we'll grow, but I don't think we want to become a mega-firm. For us, there's a balance between being big enough and having the resources to work on the projects that we want to be working on, working with the people who we want to be working with, and staying true to our own culture and values. I think that sometimes when you grow too fast or too big, you risk losing some of those things. We have attorneys specializing in business, intellectual property, and real estate, and we recently added an attorney who specializes in data privacy and security. I'm personally excited because I think that's the next frontier in law. Our business is going to grow, slowly, and thoughtfully. We will do so by figuring out who is a good personality fit both from a business perspective and a skill perspective.

Origins

InQ: Christina, tell me a little bit about the "you" before law school.

Christina: I am the daughter of two attorneys, one deceased, the other retired. They had a fairly large influence on my career path. They had a private practice for many decades in Park City, where they were partners but worked in different areas of law. My parents were my first legal role models—showing me you could build a successful small firm partnership. Park City was a small town, and that was a different time. But their practice seemed to really thrive. It also enabled my parents to maintain a fairly decent work-life balance. That's always been important to me in my own career.

Risk Is Not a Four-Letter Word

InQ: It's pretty clear from your transit from Park City to Denver that you have an appetite for

risk—you don't look for the most conservative course to follow. How much of that was foisted on you as a result of the legal employment environment that you faced when you graduated law school, and how much was already part of your DNA and the way you view the world?

Christina: Probably 50/50. I definitely don't shy away from risk; I never have. I always kind of look at the worst-case scenario and never think things will really end up that bad, and they never do. So that's a personality thing. I am a risk-taker, but I do think that I make very calculated decisions. When I moved to Denver, it was a very thoughtful decision. When we started SK&S Law Group, it was another very thoughtful decision. But, yes, my motivation to move to Denver and hang a shingle was absolutely influenced by the post-recession employment situation and economic climate. I mean, I did have a job in Utah, but it was not what



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I wanted when I envisioned myself becoming a lawyer. It was by no means something that I was unhappy with; it was just something I didn't want to wake up in 10 years and be doing. And so I left. I thought I had nothing to lose. I also thought I had the advantage, and this is what I would explain to attorneys who couldn't quite understand where I came from when I moved out here: that I wasn't coming out of a big firm, I wasn't making a large salary, I didn't have these golden handcuffs, I wasn't married, I didn't have kids. So it was really, “How much did I have to

lose?” I also felt my decisions weren't putting anyone else at risk.

InQ: Did your parents and childhood encourage risk-taking in any ways?

Christina: Absolutely.

InQ: How?

Christina: I mean, first, I have two parents who owned their own business. Whether or not I viewed it as risk-taking or whatever, they were my role models. Owning a business, of any kind, is a risk, especially when you have a mortgage and kids. I have also mentioned that I grew up as a highly competitive athlete, ski racing. So that involves many calculated risks. It's a pretty dangerous sport at times, you can get badly hurt, and you are responsible for poor decisions—you can lose a race or suffer a catastrophic injury. At the end of the day, the accountability is on you. And I think that influenced a lot of my personality and my ability to do the things I do today.

InQ: How did law school prepare you for the risks of practicing law?

Christina: It didn't. It was a traditional law school experience. I think that there has been a much greater focus since I graduated on the practical aspects of law. Now, across the country, I am hearing about entrepreneurial law clinics, how to hang a shingle, the fundamentals of running a law practice. You even see CLEs targeted toward starting and running a law practice. I do think there has been a shift; I don't know what facilitated that shift. But I think there are a lot more resources available now than when I graduated.

InQ: So if law school didn't encourage risk-taking on your part, do you feel that it suppressed risk-taking in its approach?

Christina: Absolutely.

InQ: In what ways?

Christina: You go into the career services office and there's one way to do things, one way that's expected: there's the on-campus interview and goal of an associate position in big law. While there was plenty of support, there were also people who were pretty dismissive about what I was doing and judgmental about my choice to start a practice. I just didn't listen to them. My view is, as a young attorney you should learn to practice law and you should learn to develop

business too, wherever you are. I think the legal profession is awfully risk-averse at times, and I think law schools are awfully risk-averse at times too, but it doesn't have to be that way. Success as a lawyer can be achieved in a number of ways, and by taking a number of different paths.

Conclusion

Rex O'Neal and Christina Saunders both serve entrepreneurial business clients while applying a philosophy of entrepreneurship to maintain successful and satisfying law practices. In Part 3 we talk to three more lawyers about how they used entrepreneurial principles to develop thriving law practices—from the ashes of an earlier, failed business model. **CL**



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NOTES

1. Both quotes attributed to Steve Jobs.
2. Within DCT there is a model known as the “customer journey,” which requires stepping into your customers' or clients' shoes and experiencing the world from their perspective. The goal is to use empathy to create a journey that MergeLane's Sue Heilbronner describes as “delightful.” (Sue is a former assistant U.S. attorney who quit the law to become a successful entrepreneur, and who now runs a highly respected accelerator program for startups with women in leadership positions, and who is also a nationally known business consultant and leadership coach.)
3. These cognitive biases are beautifully explored in Daniel Kahneman's *Thinking, Fast and Slow* (Farrar, Straus and Giroux 2013).
4. In the class we also discuss the “maker movement,” which places an emphasis on doing over planning, prototyping, and open-source sharing of ideas, knowledge, and discovery. Many intellectual property lawyers I know are skeptical of open-source sharing; still, its successes are legion.