

Popular Threads on Solosez

When Solos Get Sick

Dear firm:

I received bad news from the doctors yesterday - 95% chance I have cancer that needs to be removed and then I may need to get further treatment.

I have my first trial coming up in bankruptcy court (an adversary proceeding) in one month. I am afraid that I may be on some kind of chemo treatment at that time. What do solos do when they get sick with upcoming trials? Do courts delay the proceedings, or is it my duty to find a replacement?

Best,

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Brian - I'm sorry to hear about your diagnosis. I think that you should have a back-up lawyer in case you need him/her.

Please keep us posted on how you're doing.

My best to you,

EJ

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I'm sorry about the news. Talk to your Client and see if she/he is O.K. with a continuance, or if he/she wants new counsel. If she/he is ok with a continuance, tell OC about the situation and ask OC (and trustee?) to stipulate to a continuance ASAP. How could he/she say "no"?

If OC says no, file whatever you need to do to get a continuance either Ex Parte or with an Order Shortening Time. Do it now. That would be my suggestion. BTW, I don't practice BK law, so there may be specific Federal and/or local Rules that may be applicable.

I have a chronically ill wife, and I have requested continuances many times. You would be surprised how understanding judges and OC's are.

If you don't mind and if it doesn't offend you, I will put you in my prayers tonight.

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All the best to you, Brian! I am sure you are overwhelmed right now. As others have said, the most important thing is candor with your client(s) and the court(s) about your potential limitations/need for extensions. Whether or not you find another attorney to back you up is your decision but you have to be up front with clients if you are not going to do that in case you do become less available, which could happen with little notice. There are great resources out there for these types of situations that could help you do some planning.

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Brian:

I got sick, myself.

I arranged for substitute counsel (two long-time friends), placed an explanatory message on my voice mail giving their names and numbers, and sent a letter to a few President Judges explaining what was happening, listing the two lawyer's contact info, and asking for the Court's cooperation.

I came back in about 6 months, and this arrangement seemed to be OK.

Best of luck. Try and keep a positive mind set.

Russ Carmichael

Brian- I am so sorry to hear of your diagnosis.

I would get a promise from another attorney for them to be available on short notice (with client's approval.)

Make sure you have as little stress in your work life as possible so you can focus your energy on getting well. That may mean to keep working or to take time off - depends on what stresses you least.

All the best to you.

Tracy Conlon

Brian,

I am sorry to hear about your illness. Get the treatment and care you need and make it your first priority.

I went through a similar situation about 6 years ago. I ended up literally closing my office for about 8 months while I was hospitalized and/or treated. The best advice I can give you is some you already have gotten. Talk to your clients and explain the situation to them. I had some who said get better and worry about us later and they hung in there with me and are still good clients. Some had court deadlines or other immediate needs and I worked with them to get them to other competent counsel. Most of them came back as soon as I re-opened. You WILL be surprised how understanding judges and OC can be. Be as open as you can and most will work with you. Good Luck.

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Brian:

Sorry to hear about your diagnosis. Stay positive and make your health your first priority.

Rick

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Brian,

Good luck with your treatment. Another option is to use of-counsel so you don't have to completely close your practice. Certainly you have a lot to contribute, particularly if they are cases you have been working for a while. Besides, some cases will be challenging/interesting and if health permits, co-counseling on some of them might take your mind off the effects of the therapy.

All the best,

German

Brian,

Good luck with your treatment, and focus on getting better. I would plan for being out for awhile and then be pleasantly surprised if you are feeling better than you think on chem. I have found that our bar and judges are VERY understanding about lawyer's medical issues (or medical issues/family emergencies). Everyone has given some great advice!

Best of luck!

Jessica

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Brian,

I'm keeping you in my thoughts.

Surely you don't have any extra time just now, but you might see if a colleague could help you consider options for co-counsel. I have specific thought. Reid Trautz introduced me years ago to listserv for moms, specifically it was DCUrbanMoms (or something like that). He told me about lawyers looking for legal assistants who ended up getting responses from lawyers who were moms and wanted only to work very limited hours. When I was looking for an assistant, a client/paralegal suggested a local moms listserv and I signed up. Just last week that one had a posting from a lawyer and mom-to-be who was needed co-counsel as she'd just been put on bed rest. There seems to be a very good pool of talented lawyers who want some limited work or a way to re-enter.

Deborah G. Matthews

Thank you all so much for your support and encouragement, both off-list and on-list. It's really touching to see such a great community and group of people with extremely good hearts. Other tests have re-confirmed the suspected cancer, so I'm going under the knife this Thursday.

OC on my upcoming trial is an extremely generous, kind person -- I am fairly certain he is going to stipulate to a continuance, and my clients want to keep me on-board rather than find substitute counsel. Just praying' that I can fight off the remaining cancer in a timely manner. I have cases to try! :)

Best,

Brian Pedigo

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Brian:

My thoughts and prayers are with you! Please remember we are all here for you - our solosez family has helped many of us get through difficult times!

Randi

Brian,

I'll be keeping you in my thoughts on Thursday. Focus on getting well. Your practice will wait for you.

Liliana

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