

## Niche Practice – Do You Have One?

I am frequently asked how I developed one of my niche practice areas - representing impacted landowners in federal pipeline certification proceedings and eminent domain. (The answer - fortuity - years ago some I co-counseled an energy rate case with invited me to speak on the issues and it grew from there)

So, I am curious - if you have an interesting niche, what is it and how did you find it? And if you don't have a niche, have you thought about creating one and if not, why not?

To clarify, when I use the term niche, I'm not talking about a practice area (e.g., bankruptcy is not a niche IMO), but a market segment or piece of a practice area (e.g., student loan law is a BK-related niche or dog bite law is a subset of PI).

Carolyn Elefant, Washington, D.C.

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I don't know if it's an "interesting" niche, but I'm known as a good legal writer, so my colleagues often send me their briefs before submitting them to the bankruptcy court for cleaning up. I clerked for a couple of years (my judge is retired) and sat on our Bench-Bar for 4 years, so I'm sure that contributes to it. That, and I was a legal writing TA in law school and a writing tutor in undergrad. I actually really like it, because I get exposed to interesting issues and I don't have the stress of making sure my client wins.

Corrine Bielejeski, California

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I do a lot of debt collection defense, which I think qualifies as a niche. I was involved in a clinic as a 3L where we got to do a lot of work in the community and debt collection defense was one of the areas I gained some experience in. After starting my practice, I found there was a market for it even in private practice.

Ryan Ballard, Idaho

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I do a lot of debt collection defense, like Ryan, and I think its a niche.

I mean, a lot of folks will defend one of these cases, but finding someone who will actually work it up and take it to trial is different. I can think of a handful of folks in CA who do this work.

My other niche would be insurance coverage issues. With a background as an insurance adjuster, it makes it easier to explain insurance coverage to people.

Jonathan Stein, California

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I tell people that I got into ag law by means of a drive by call.

I stumbled into produce law as a result of a call from an Idaho lawyer in 1995. He was looking for local counsel to file a complaint and TRO application against two San Antonio companies and their principals under the federal produce statute, the Perishable Agricultural Commodities Act. I checked conflicts, back then I was in a 40 person firm, made some technical changes to the complaint to comply with Texas substantive law and filed the complaint and ex-parte TRO app at 8:30 in the morning. At 3:30 on the same day, the federal judge granted the TRO. I had it and the complaint served the next day. The following day payment in full, including attorney's fees was paid to our firm's trust account.

I decided to actually learn about what this statute was about, because to me it was shocking to be able to freeze a company's bank accounts and sue its shareholders and officers for a debt arising from unpaid produce shipments. In my search of the Texas practice under this law, I found out that the only firm which had regularly practiced in this area had split apart about 5 years before. The Idaho lawyer has since disappeared from my radar screen. From this, I began to develop my niche.

I sometimes wonder about the coincidences in this case. My senior partner was in a prolonged jury trial. I was the next senior in the litigation section so the call was sent to me just by working down the extension list. The receptionist said that someone was looking for local counsel for federal court. This call and the subsequent expansion of the business to the related contracting issues and other agriculture issues made my transition to small firm practice possible.

Craig A. Stokes, Texas

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I thrive off niches! Practicing in entertainment law, I dove in beyond the typical music, movies, tv, etc. and also went into fitness, fashion, nutrition, adult, and new media niches. I've also started expanding the immigration side of my practice to visas for DJs and music artists and even more recently to a marijuana dedicated practice.

Joshua M. Biletsky, California

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Is suing the NSA continuously since 2006 in one case or another on account of its unlawful domestic spying to niche to be niche? '^-)

James S. Tyre, California

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As someone who loves shooting sports and firearms, I was trying to develop a niche practice in firearm law -- things like gun trusts, etc. But, for most things related to Class III firearms, most people really don't need legal help if they're just trying to submit a Form 1 or Form 4 to the ATF to get a tax stamp for an SBR, suppressor, etc. And it looks like one of the main selling points of gun trusts (the anonymity of the actual trustees) has gone away with the new Rule 41F that requires the trustees to submit fingerprints, a recent photograph, and a "responsible person" questionnaire to the ATF and CLEO. I think, however, that Rule 41F does not require subsequently added trustees to submit that information, so you could theoretically create a trust with only one trustee, have the tax stamp issued by the ATF, and then add other trustees who would have a shield of anonymity.

Although I think that firearm trusts would still be useful for estate planning purposes, such as avoiding probate, especially if the firearms are Class III and could potentially accidentally wind up in the hands of a prohibited person and expose them to federal criminal charges.

Ryan Phillips, South Carolina

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I like to this that I have a niche, albeit a small one. I handle real estate mechanic's liens under Mass. Gen. Laws Chapter 254. I fell into it over the course of representing a lumber yard in their collection matters. The statute is very technical

and very strict and many lawyers don't handle them enough to handle them well. I do them every day, so I like to think that it's my niche.

Brian J. Hughes, Massachusetts

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Fire and emergency services administration, focusing on compliance issues and best practices - a sub-specialty within the broader practice area of municipal law.

I happened into it unintentionally and involuntarily. I went through firefighter training and affiliated with a volunteer fire department without anyone knowing that I was an attorney. However - when it became known that "one of our own" was an attorney, I ended up doing the legal work for my department, the district and several departments in the county. It kind of just mushroomed.

Being an active duty firefighter and focusing on administrative matters, not just legal matters, puts me at a competitive advantage over my fellow attorneys who have had no connection with the fire and emergency services and focus more narrowly on just the legal aspects and "form book" practice.

I have developed a good rapport with my colleagues in the fire and emergency services because I can speak "fire house" and emphasize best practices from an administrative standpoint. I have developed templates and easy to follow instructions for many administrative duties and tasks. And I have found that by emphasizing and implementing best practices administratively, many - if not most - legal issues can be avoided or mitigated.

Rod Klafehn, New York

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As many of you may recall I have 2 different niche practices: I do Karatelaw (martial arts law) involving excessive force etc., frequently testifying as an expert, and security work (that is pro bono) providing advice on securing your person and offices. Interesting work but does not pay the bills.

David Kaufman, Virginia

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