

# B. Kathleen Gilbertson

## Outsourcing Outstanding Legal Expertise

BY SUSAN CUSHING

Today telecommuting, cloud storage and outsourcing are as commonplace as the electric typewriter was to law offices a quarter of a century ago. But long before technology changed the landscape, one woman had a vision that would revolutionize the legal community and, while embracing all the tools of our high-tech world, has built a uniquely indispensable practice.

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**F**reelance support attorney might be an unfamiliar term to some legal professionals, although most are comfortable with the term contract attorney. Hailed as an industry trailblazer, attorney Kathleen Gilbertson has effectively built upon and ingeniously expanded the latter, creating a very specialized and unique practice, which she rebranded freelance support attorney. Mrs. Gilbertson's vision, born more than 25 years ago, called for an all-encompassing classification for the services she and others in this practice area now provide. Today, she has not only established herself as an experienced and trusted resource for other attorneys and firms but heads a robust freelance support attorney practice that is growing exponentially with ever-increasing demand.

To be sure, the name revamping reflects more than simply semantics, but rather the recognition of an entirely new area of practice dedicated solely to providing the highest quality legal support to other legal professionals in a wide variety of areas. A freelance support attorney is a licensed attorney hired by other attorneys to assist in the broad representation of the hiring attorney's clients on a project-by-project and as-needed basis, undertaking all phases of legal representation, from transactional drafting to pre-litigation through appeal.

This unique service, which translates into efficiency and cost-savings, has made Mrs. Gilbertson one of the most sought-after attorneys in our state. Not bound by typical "office hour" schedules or other time/space constraints, she is able to provide services in a timely and economically sound way that might be otherwise prohibitive. Indeed, she is typically already at work in the wee hours of the morning while her family and most of the world is still asleep.

"I am a morning person. I routinely start work between 1 and 2 a.m., which lets me not only get almost a full day in before my family gets up," she says, "but it allows me to timely review the assigning attorney's comments from the day before no matter how late they were provided to me. It's a time to begin sensitive projects ASAP or simply provide an updated draft for the attorney first thing later that morning."

"I also work late in the day when required to meet my clients' needs," Mrs. Gilbertson adds. "Frequently, I'll work weekends as well. I try to always respond to my client's emails in a timely fashion, often within a few hours."

A testament to this drive and dedication is that in all her 25 years of practice, she has never missed a deadline.



#### **EARLY DAYS**

Mrs. Gilbertson was just a junior in high school when she realized her future would be in law. Her driving motivation was the desire to help others who needed someone in their corner. In law school, while serving as a law review casenote associate editor, she discovered her innate talent for understanding and applying the law and that she had a real passion for research and writing.

After passing the Arkansas bar, she moved around a little, finally moving to Arizona in 1995, where she passed the Arizona bar. While waiting for her Arizona bar results, Mrs. Gilbertson says she was fortunate enough to work with an attorney whom she not only admired, but who took her under his wing and offered invaluable advice.

"Early in my career, I worked with Paul Conant," she says. "He helped me understand how to provide excellent customer service, high-quality detailed work and to deal with very complicated legal matters. I think the most significant thing I learned from him was the importance of always remembering to see our clients as individuals in need of help."

They say that necessity is the mother of invention, and so it was for Mrs. Gilbertson. Although, the specialized area of freelance support attorney may not have been on her radar throughout school, as soon as she married and began planning a family, she also had to figure out a way to be able to pursue both her legal career as well as embrace her life as a wife and mother.

"It was important to my husband and I that we be the ones to raise

our two girls," she says. "I wanted to be a stay at home mom, involved in field-trips, school parties, know all the teachers and friends and share in my daughters' lives as they grew up. But I was also drawn to the mental stimulation of law and needed both to feel complete. There was no way to do that with the way law was practiced 25 years ago so, I started something new."

The best way to be both a fulltime mom and follow her passion for law was to create a new genre of attorney, and so the freelance support attorney was born. While the idea was ingenious and progressive, it was also a bit foreign with built-in challenges.

In the beginning, it seemed that virtually every attorney or firm she met with either didn't understand the concept or had already had a very negative experience. "It wasn't a field that back then was widely recognized," says Mrs. Gilbertson. "It was a lot to overcome, but I've never seen challenges as an indicator of an unattainable goal. Giving up on being a full time stay-at-home mom and a practicing attorney really never crossed my mind."

"In addition to having to introduce the concept of my new practice, starting out I was impeded by less competent, uncaring or temporary support attorneys using this way of practicing law as only a stop-gap between jobs or a way to disguise their poor legal skills."

Upon meeting one attorney, Mrs. Gilbertson was apprised of his unfortunate encounter with pseudo competitors. Fortunately, this veteran legal professional recognized not only her obvious legal expertise, but also her innate drive, passion and dedication, as well as the great need for the services she provided.

"He told me he'd give me a try," she recalls, "On one condition. He would pay me half my normal fee, and if he had to throw my work in the trash, as he had done with my predecessors, he wouldn't owe me anything and we'd never work together again."

Not only was he impressed with Mrs. Gilbertson's work but developed a respect and trust for her that blossomed into a long-term working rela-

tionship. Ultimately, the two worked together on various projects for more than six years before the senior attorney retired.

As Mrs. Gilbertson explains, "I slowly began gaining ground as more and more solo practitioners and firms started to understand the important need my type of practice fulfilled."

### OVERCOMING OBSTACLES

Sadly, overcoming the stigma of lesser so-called "support attorneys" was just one of the challenges she faced. Remember, this was the early 1990's and the fact that Mrs. Gilbertson was a female automatically made some male attorneys dismiss her out of hand. One instance in particular she recalls made it very clear that 20 years ago the legal profession was still very much a man's world.

"A prominent Arizona attorney mistook my motion as being the work of one of his male associates," she says with a sly smile. "He praised the work effusively, believing it was the work of a high-level associate. When he learned I was the actual author, he slashed it both verbally and with a heavy-handed red pen. All of a sudden, the very same work that had garnished such high praised when written by a male associate was not worth the paper it was written upon."

Perhaps the cruelest, and most egregiously false comment came after years of practice. Mrs. Gilbertson had spent a week of 18+-hour days preparing joint pre-trial documents for a huge, multi-million-dollar federal case. As the filing deadline loomed closer, Mrs. Gilbertson, who was assisting in the representation of the defendant, became anxious that those in plaintiff's legal firm with whom she was interacting did not seem to be concerned with the upcoming deadline.

"It was plaintiff's attorney's obligation to initiate the pre-trial documents. With little time remaining, I stepped in and prepared the first drafts, forwarding them to plaintiff's attorney for comment," she explains. "I kept reminding them of the approaching deadline and requesting their comments on the documents, but they didn't timely respond. Plain-

tiff was represented by a large firm with multiple attorneys and support staff, meanwhile there was just me and my work was complete."

"After opposing counsel assured me his firm would file the document that day by the midnight filing deadline, I went to bed thinking everything was handled," Mrs. Gilbertson continues. "I discovered the next morning that they had not filed the pre-trial documents. The federal court was *not happy* the parties had missed the deadline, issuing orders to show cause to all counsel. Plaintiff's attorney explained to the court that it was my fault, after all I was *'just playing attorney but was really a stay-at-home mom.'*"

In response, Mrs. Gilbertson supplied the court with all her work and communications with the firm who had besmirched her good name. The court recognized the ploy for what it was because the issue was never raised again with Mrs. Gilbertson.

"Had I been a man working from home, I doubt the way I chose to practice would have even come up," she says. "Today," she continues, "working at home has become common place."

Over time, Mrs. Gilbertson has earned her place of respect in the legal community. "Fortunately, there are a lot of good men in the legal field," she says. "Many of them have praised my decision to prioritize my family life and understand that my decision to enjoy raising my children did not affect my ability or desire to practice law."

So cognizant was she of the prejudice against female attorneys that when she first began practicing, Mrs. Gilbertson never dressed in feminine colors, choosing dark suits and understated accessories. As her practice, confidence and reputation for excellence grew, she was able to be more herself.

"I like being feminine! Once I felt confident in my practice, I purchased a pink tote," she explains. "My experience and abilities stand on their own. So, if I want to have my feminine bag- I'll have it."



## At a Glance

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#### PRACTICE AREAS

Business and Commercial Law:

Transactional and Litigation

General Tort Litigation

Personal Injury

Medical Malpractice

Product Liability

Appellate Practice

Ethics

Document Drafting & Review

General Research

#### EDUCATION

Juris Doctor with Honors, University of Arkansas, William H. Bowen School of Law, 1994

Bachelor of Science in Business Administration and Management with accounting emphasis, Texas A&M University, Summa Cum Laude, 1990

#### BAR ADMISSIONS

Arkansas

Arizona

Ninth Circuit Court of Appeals

#### HONORS

United States Congressional Page

American Jurisprudence Award

Select Member, William R. Overton

American Inns of Court

Associate Casenote Editor, UALR Law Review

## THE RIGHT STUFF

More and more, solo practice attorneys as well as both small and large firms are discovering the value behind outsourcing one or more of their day-to-day tasks. Not only does it make good business sense, it's a way to ensure client service and complete satisfaction. Developing a relationship with a highly-skilled support attorney who is available upon request ensures sufficient staff to meet an ever-changing workflow which in turn, alleviates the day-to-day stress of operating a solo or firm practice.

"Many solo practitioners and smaller firms become overwhelmed with motion writing, responding to discovery, researching and similar time-consuming routine tasks," notes Mrs. Gilbertson. "While these types of tasks are vitally important requiring the skill and knowledge of an experienced attorney, they are often the least enjoyable part of a legal practice. These mundane yet critical tasks can easily be outsourced to an experienced support attorney. That's where my practice comes in."

The trick of course is finding and hiring the right freelance support attorney. But what does that mean? Who is best qualified to step into your office, speak with your clients or handle your most sensitive documents?

According to Mrs. Gilbertson, "A good support attorney should have significant experience with a vast knowledge of various legal matters, a strong work ethic, be a good communicator, self-starter, fast learner, must have good attention to detail, and be very dependable with excellent research and writing skills. A good freelance support attorney must further be a good team player and willing to work with the hiring attorney to adjust hourly rates to ensure the needs of the hiring attorney and the clients for which services are provided are efficiently met." She goes on to explain that, "An experienced freelance support attorney will also have her own legal research subscription and understand the ethical obligations related to such practice."

Fortunately, with more than a quarter century of legal and freelance support attorney experience, Mrs. Gilbertson not only meets, but exceeds all these criteria. Her background includes extensive experience in, *inter alia*, research and memorandum preparation, document preparation for all phases of litigation (pre-litigation letter writing, pleadings, motion practice, discovery and disclosure, pre-trial documents, and appellate matters). She also has experience in drafting and reviewing contracts, non-compete and other business agreements, as well as drafting and editing CLE materials. Most recently, Mrs. Gilbertson has begun to expand the appellate aspect of her practice.

She explains, "While I enjoy all parts of my practice, one of the areas of law I really relish is appellate work."

Today, she works with attorneys and law firms throughout Arizona and, while she does not represent herself as a licensed attorney outside Arizona and Arkansas, she is frequently called upon to provide freelance legal services throughout the United States under the guide of ABA Op. 08-451 and all applicable ethical obligations.

## DEFINING SUCCESS

It's human nature to occasionally pause to take stock of where we are in life. Of course, also because we are human, everyone seems to evaluate themselves and define success in slightly different ways.

For Mrs. Gilbertson, who has been married for more than 24 years and successfully raised two daughters and is now a young grandmother, her idea of success is quite specific.

"Even though my practice has been quite successful over the years and kept me challenged and excited, what defines success to me is the fact that I have been able to have the best of both worlds," she says. "I never had to sacrifice time with my family for my career and vice-versa. I had this vision when I first decided this was the niche I was designed for, and to be honest, it's turned out to be even better than I had hoped."

To learn more about freelance support attorneys and specifically, Mrs. Gilbertson's practice, check out: <https://attorneyatlawmagazine.com/author/kathleen-gilbertson>.