



ATTORNEY SPOTLIGHT SERIES:

Determining a Path: How Attorney Emily Albrecht Discovered Funeral Law

Given the vast breadth of the legal profession and the competitive job market faced by recent law school graduates, it is often tough for new lawyers to choose a particular practice area early on in their careers. Nevertheless, this critical decision can potentially shape the rest of an attorney's entire career (and life).

So how did Emily Albrecht, a Senior Associate at **Gardner Trabolsi & Associates**, decide to become a mortuary litigation attorney?

"I did not come from a background in the funeral industry and it certainly was not mentioned in law school," Albrecht says. "Funeral law was something I kind of just fell into," she explains. "People often ask me how I found this niche practice area but, as corny as I realize this may sound, really it found me."

As it turns out, it was the combination of Albrecht's longstanding morbid curiosity and willingness to take on the challenge of exploring unfamiliar legal territory that became the catalyst for her transition into funeral law and mortuary litigation.

THE BEGINNING OF HER UNEXPECTED CAREER PATH

It all started when Albrecht, then a young associate at her first firm out of law school, responded to a senior partner's email looking for an associate to assist with "some research about embalming dead bodies" for an insurance defense case. Albrecht vividly remembers how intrigued she was when she read the partner's email and quickly jumped at the opportunity, worried that someone else may have already beat her to it. When it turned out that none of the other associates even volunteered (which, in many ways was the perfect foreshadowing of what was to come for her future career), she found out the assignment was all hers and got right to work.

As she began to dive into the research, the senior partner became increasingly impressed with her abilities and, seeing how eager she was to continue learning about the subject matter, allowed Albrecht to take on a larger role as part of the defense team.

A year and a half later, she had become so entrenched in the case that the partner even invited her to second chair at trial – a rare opportunity that Albrecht would not otherwise have had so early on in her career – and, after a week in front of a jury, the duo successfully obtained a unanimous defense verdict in favor of the funeral home, funeral director and embalmer. “It was the most exciting thing that had ever happened in my life,” she recalls “yet bittersweet for me in a way, and as we were celebrating our victory back at the firm I confessed to the partner that I was disappointed the case was over because it meant I would not get to keep working on it anymore.” That was the pivotal moment when Albrecht realized she wanted to be involved with as many more similar types of cases as she could. The partner, who did not happen to share her fascination with death and the intricacies of the funeral profession, made clear that she definitely did not feel the same way, but encouraged Albrecht’s enthusiasm and ambition nonetheless.



BUILDING KNOWLEDGE IN A NEW PRACTICE AREA

For many young lawyers, the first step towards gaining experience in a particular practice area is by finding a mentor. But as Albrecht discovered with mortuary litigation, “the people who actually do this type of work are so few and far between,” which meant mentorship was not really an option when she was starting out.

Instead, Albrecht immersed herself within the death care industry itself. She became involved with her state’s **funeral directors association** (for which she now serves as general counsel), as well as the larger national funeral industry organizations, frequently attending their conferences and annual conventions. As her knowledge about mortuary law and presence within the funeral industry grew, she began to develop a personal brand on social media as “Funeral Law Lady” and started **her own blog**. Her writing quickly attracted the attention of a funeral industry trade publication, for which she began regularly contributing articles on relevant legal topics to increase her exposure on a national level.

Over the years, Albrecht transitioned from simply attending those state and national conferences to being invited to give her own presentations at them, thereby establishing herself as a prominent legal expert in the overlooked, yet vitally important, death care industry.

“To be completely honest, I have really just been figuring things out as I go along,” Albrecht states with a dash of modesty. “I will say that I am fortunate to have become part of an industry that was very welcoming of my presence from the beginning.” She admits however, that not all industries are always that inviting, particularly when it comes to younger lawyers who are often perceived as being inexperienced, fresh faced newcomers, which can understandably be very intimidating when first starting out and a major impediment to successful marketing efforts. The key for Albrecht, she says, has been getting to know people on a personal level over the years and cultivating genuine relationships that have then organically led to the development of her diverse book of business and an abundance of referrals by and between the vast network she has formed during her tenure as part of the funeral industry.

THE VALUE OF HAVING A NICHE

At first glance, mortuary litigation may sound like a limited field. But, as Albrecht explains, there is a wide array of opportunities for legal counsel to provide services to the funeral industry outside of the litigation context. That is not to say that lawsuits are not increasingly being filed against funeral homes, because they most definitely are. “One of the most unique things about mortuary law, from a torts perspective,” she says, “is that there is potential exposure to liability for emotional distress damages – and it is not limited only to family members,” which makes this practice area an attractive option for the plaintiffs’ attorneys who have been watching several highly publicized, very substantial verdicts come out in the past few years.

Over time, Albrecht's practice has grown beyond the courtroom and she now works with many of her clients in more of a consulting capacity, focusing on best practices, risk management and liability avoidance, with an emphasis on the importance of being proactive rather than reactive to minimize their chance of ending up on the other side of those shockingly high plaintiffs' verdicts.

And while Albrecht's observations may come from the perspective of a mortuary litigation practitioner, a lot of them hold true for other career paths within the law, as scarcity of expertise and growth potential are important aspects to consider when exploring any new job opportunity and can be especially critical factors when deciding to pursue a more niche practice area.

A PATH TOWARDS HAPPINESS

One of the core components of any successful legal career is genuine enjoyment for what your day to day practice entails. And, in that respect, Albrecht says she lucked out. "Everything kind of came together for me, and for that I am truly fortunate," she explains. "I realized that funeral law was such an interesting practice area and there were very few lawyers actually doing that type of work, particularly on the defense side of things. So, I pursued my passion, seized the opportunity to become one of them and am now very proud to say that I am."

Albrecht is also quick to offer some salient advice for those who are unhappy with their current positions. "Then try something else," she states plainly. "It's never too late to pivot your focus and explore other options." Though there are obvious challenges to changing one's practice area, Albrecht explains there are plenty of upsides, as well. "If a change in the type of law that you are currently practicing could ultimately make a huge difference in your overall happiness," she says, "I think it's worth the risk."

Albrecht goes further to stress the grander importance of enjoying your legal work, adding, "if everyone loved their job as much as I do, the practice of law would be a much more pleasant experience for all of us."

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