

## German Lawyer Puts Down Roots In Virginia



Tim Schulte remembers when his father started his own law firm in Bassum, Germany. “Our whole family was very involved in helping him move into his first office. I remember painting and wallpapering, moving office furniture, and being very excited when he had his first cases,” he said.

Schulte is recapturing that childhood excitement with the opening of Shelley & Schulte in Richmond, Virginia. With partner Blackwell Shelley, Jr., Schulte practices general civil litigation with an emphasis on employment law. Before starting their own practice in June 2006, the pair worked together at another Richmond firm, where they represented both plaintiffs and employers in sexual harassment, discrimination, and other employment-related cases. “It turned out that Black and I work extremely well together,” he said. “We both enjoy legal research, we like to appear in court, and we trust each other’s judgment.”

For both, practicing law is a family tradition. Shelley’s father was a lawyer, then later a federal bankruptcy judge in Richmond. Schulte’s father, brother, youngest sister, and sister-in-law all practice law in Germany, and his oldest sister is a circuit judge in Berlin.

“One of the most important things I learned growing up with other lawyers is the value of brainstorming,” he said. “You don’t tackle difficult legal problems on your own. You talk about them with others.”

### A Bassum Town Musician

Growing up in Bassum, a small town on the outskirts of Bremen, Schulte played soccer and rode his bicycle all over town with neighborhood friends. His mother, a teacher, was

the only career woman on their street. “We were perhaps a little less supervised than our friends, so we had more freedom.”

In high school, he began singing and playing drums for Rock-Rolladen, a band that specialized in music of 1950’s and 1960’s, including Elvis, Chuck Berry, the Beatles, and the Rolling Stones. The band dissolved in 1986, but during its hey-day, performed in clubs and, with other bands, before audiences of up to 10,000.

In addition to music, he also found himself drawn to the legal profession. When his parents had their colleagues over for dinner, he especially enjoyed listening to the lawyers. “They were the extroverts--gregarious and argumentative, and, generally, very funny,” he said. “I thought being a lawyer would be like being the member of a large debate club, where you would travel from court to court and argue with other lawyers.”

After graduating from high school, Schulte spent 15 months in the Bundeswehr, fulfilling his required military service. “Since there are no undergraduate degrees in Germany, you make your career decisions after graduating from high school,” he said. He enrolled at the law school at the University of Göttingen.

“A brutal process...”

Becoming a lawyer meant ten semesters of course work and a six-week term paper. Then, he had to pass the Staatsexamen, a grueling bar exam composed of several written tests and a full-day oral examination. For the oral exam, Schulte had to stand before a panel and respond to hours of questioning. Although Schulte passed the state exam, many students fail it and have to try again. “A second failure disqualifies you from becoming a lawyer,” he said. Because of the pressure, many students put off taking the exam for years, or never take it at all.

“Looking back on it now, I can say that this system probably prepared me for the all-or-nothing results of the courtroom, but at the time I just found it to be a brutal process. A few of my friends didn’t make it after several years of study.”

During law school, he met Jenny Lloyd Taylor, an American graduate student from Cornell University, who was in Germany on an exchange program. They married in 1985, and she moved to Germany. Schulte received his law degree in 1987. Two weeks later, he moved to Ithaca, New York, so that his wife could complete her graduate degree in German studies. They had made a deal, “that we would focus on her studies as soon as I passed the exams. And, that's what we did.”

### Road Less Traveled

Both found their respective moves hard. “When you leave your country, you no longer live in familiar territory: You have to learn things everybody else around you knows inside out,” said Schulte. For him, that meant learning a new language--English. “I think we ultimately stayed in the U.S. because it is more open to foreigners. It was easier for

me to find my way here and to reach a level of success equivalent to what I could have achieved in Germany.”

Schulte took a full-time position at Cornell teaching English as a Second Language, even though he didn't have an English degree or any prior teaching experience. “One side effect was that my English improved dramatically.” The family also had their first child, Lukas, who was later followed by Hannah and Jacob.

In the summer of 1990, the family moved to Williamsburg, where Taylor accepted a position as an Associate Professor of German in the Department of Modern Languages and Literature at the College of William & Mary. Tim spent two years as the primary caregiver of their young children. After a five-year hiatus from law, in 1992, Schulte began pursuing a U.S. law degree. He eventually received both a J.D. from the University of Richmond and an LL.M. from the College of William & Mary. He found German and American laws strikingly similar in the areas of contract, torts, and criminal law, but radically different in the field of Constitutional law. He passed the Virginia State Bar in 1997.

Schulte has followed a non-traditional path by receiving one degree, moving to a different country, learning the language, and earning two degrees there. “The road less traveled has certainly been slower,” he admitted. “But you see so much more when you get off the main road.”

#### Challenging, but rewarding work

He first “caught the bug” for employment cases in law school, when he clerked for an attorney who represented a number of women in assault and discrimination cases. “I found the work challenging and the victories tremendously rewarding.”

As an employment lawyer who frequently represents plaintiffs, he said, the most frustrating part of the job is the high cost of litigation. “Since the overwhelming majority of my clients are unemployed and without significant financial resources, the risk of losing \$10,000 or \$15,000 just for depositions and expert witnesses is naturally daunting.”

Advances in computer technology have changed the practice of employment law over the years. “Locating and analyzing emails, for example, has become a staple of employment litigation,” he said.

Keeping up with employment law leaves him little time for other areas of practice. “The sheer volume of published and unpublished decisions in the U.S. Court of Appeals is staggering. Well over 2,000 employment discrimination cases alone are decided annually on appeal,” he said. As a result, “it is of paramount importance to stay up-to-date. In my experience, it is pretty rare for a generalist to ‘dabble’ in this area of the law. As a result, we tend to see the same lawyers on the other side of our cases.”

Over the years, his plaintiff cases have included a multi-million dollar, class action settlement for employees who experienced age discrimination; a \$300,000 settlement for two African-American men who suffered extreme racial hostility in their employment; a “substantial” settlement for a City Manager fired after making critical statements about some members of the Board of Supervisors; a \$200,000 settlement for a pregnancy discrimination case; a “very large” settlement for a woman who had been raped at work by her supervisor; and a “substantial” arbitration award on behalf of a man who had been fired after disclosing to his supervisor that he was suffering from AIDS.

Schulte is candid with his clients, and particular about the cases he takes on. “I tell them that litigation is costly, not just financially but emotionally. There is no easy case,” he said. He recommends that they seriously consider, as one viable alternative, “simply putting their negative experiences behind them and moving on,” he said. “But most of my clients simply can't move on; they have been hurt too much. And in those cases, I will do whatever I can to get them some compensation.”