

Popular Threads on Solosez

"This Is It, I Am Hanging Out My Own Shingle!"

I know that you all have shared your stories before, but I was hoping that you guys wouldn't mind telling your story about when you decided it was time to hang out your own shingle. I really want to work on my own within 5 years of graduation. So i guess it is a two-pronged question. 1) your personal reasons for going on your own and 2) "when does a law school grad have any business practicing on his own?" Justin Eisele

Law Student

I'm relatively fresh out so I can answer this with some experience. I worked for attorneys (not law firms) all throughout law school. I had various degrees of responsibility from doing research to writing motions for summary judgment to cross-examining witnesses in PI cases to single-handedly running his collections practice. I wouldn't have thought, even for a second, that I could go straight out on my own without these experiences.

You will be amazed how fast you learn things that they never taught you in law school. Keep reading and keep listening...

Shane L. Jimison Richmond, Virginia

Precedence: list

Do it now before you are ruined by the corporate culture of most law firms. You can pick up pro bono cases for learning and experience.

Robert "Robby" W. Hughes, Jr. Stone Mountain, Georgia

1. I worked for a large computer company for quite a few years (including while in law school) as a web app programmer and decided that I didn't want to work for anyone else when I switched to being a lawyer. Also I knew that if I worked in a big firm, my time would no longer be my own and if I worked in a small firm I was going to probably take quite a salary hit. If I'm going to work 60-70hr weeks, then I'm going to do it on my own terms. I opened in August and January was my first good month with Feb. looking even better. So yes, stick it out there and the business will happen.

2. I ended up doing volunteer work at our local legal aid office for a year (about 6hr/wk) before I opened my office, which gave me some



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experience writing briefs and talking to clients. Prior to opening my office, I would handle the occasional traffic ticket or divorce for friends. If you have a few years of work experience before going to law school and are willing to take some risks, then there is no reason why a law school grad couldn't hang it out there. Yes, it would make life much easier if you have a few years of experience under your belt (and lots of forms and templates) before opening your own practice but I don't think it's required.

Greg DeWitt

I worked for two firms first. The time to open my own firm came when I could not stand the guy I was working for. It was be unhappy or go out on my own. I went out on my own.

There are great ways to get experience while in law school. Hit up your state Young Lawyers Assoc (if you need contact info, let me know). You should also hit up the ABA YLD. Get involved and find pro bono opportunities for law students. (In California, once you are a "certified law student" you can go to court.)

Everyone has to make their own decision, but, if I recall, the vast majority of us had some legal experience, even if it was in law school, before we opened up our firms. Try to get that experience now.

Jonathan G. Stein Elk Grove, California

Going out on my own was more of a necessity than a choice. The small firm I was working for simply wasn't going anywhere (in fact it's no longer in existence). I knew I would never get another raise from them and I felt that I was not getting any real experience. I though I knew at least enough to try to do something on my own. Unfortunately, I didn't know nearly enough.

I would not recommend going out on your own right out of law school. You don't know diddly. If you can at least get some experience with a firm, go for it. Associate with a more experienced lawyer. Get in with a group of lawyers in an office sharing arrangement at least. Stick with Solosez. Read some good books on your chosen areas of emphasis. At least for starters avoid contingency fee cases, unless you can associate another more experienced attorney in the case and get them to front those expenses and most of the time and effort.

Think about this: Why would someone come to you for help with a legal problem? Are you better than other attorneys? I doubt it. Are you cheaper? OK. For starters that may have to work, but it won't help in the long run. Are you a harder worker, and willing to give more personal service? OK, but so are a lot of attorneys.

You have a lot of competition; that doesn't mean you are going to get shunted aside. Many clients, indigent defendants for example, won't have a choice in the matter. Which reminds me of the story of one lawyer in

our building, named Rick. He would go down to the criminal dockets every morning in front of Judge M. Judge M. would call up the poor arrested schmuck and yell to him: "You want a good lawyer, or a crappy lawyer?" They would always reply: "I want a good lawyer, judge." To which the judge replied: "Well tough! You're getting a crappy lawyer. Rick, get up here!" He learned a lot in his first few years. One was just to take it up to Circuit Court and out of this judge's hands as fast as possible. Today he makes well into 6 figures doing small criminal work, divorces and bankruptcies and referral fees on other cases. He's not a great lawyer, but in many ways he's my hero precisely because he is not, but does so well.

Also, avoid contingency case referred from other lawyers. The only reason another lawyer would send you a referral on a contingency case, is probably because it is a crappy case - or one too small to bother with. Instead ask for small time criminal work, simple DUI's, and learn bankruptcies. Do ten bankruptcies a month, and you're making a living even if you aren't getting rich.

Sterling L. DeRamus Birmingham, Alabama

A law school grad is entitled to practice on his/her own as soon as he/she is sworn in and buy professional insurance. That is why it is called a license to practice law. CLE, CLE, CLE, ...

Eli J. Guiterman

Washington, D.C.

1. Stop taking out student loans, right now. Get a part-time job and start paying your own way.
2. Decide what you want to do when you get out. I'm going to assume, for the purposes of this discussion, that you want a general consumer practice. That's what most solos do when they start out. I'm not going to debate the merits of whether that's a good idea or not.
3. Go to your law library and find the most current edition of the local bar book. Start making phone calls to all the other GP attorneys in town (especially small and medium sized practitioners) that appear to do what you want to do. Ask them if they have a job. If yes, apply (as a paralegal, not law clerk--you'll learn a lot more). But you'll learn more with 3a, below.
 - 3a. If not, determine if it is a busy office (you want a busy office, because they either know how to market, or don't know how to manage their work loads--in either case, you learn by example). Busy does not necessarily mean hectic (though in most law offices you cannot tell the difference--many, many attorneys are adrenaline junkies, and set up their practices accordingly).

Tell them you want to go out on your own, and you would like to shadow them for a week (no pay). Tell them you would like a busy week. If still in school, do it during the (daytime) hours that you aren't. If you aren't still in school, do this all day instead of overstudying for the bar exam. Set up at least four attorneys, for four different weeks, that you can shadow. Consider also doing this while you are waiting for the bar results.

3b. Don't think of it as working for free. First of all, you aren't working, you are shadowing him, everywhere he goes. Second, think of it as very expensive tuition (money can be replaced, your free time can't).

Don't get roped into going for a cup of coffee. Stick like glue. Make sure the attorney knows your specs going in. Ask her to pay you a dollar a day, so that you can be privy to privileged conversations if that is a problem in your juris. Watch how they handle the workload. Watch how they handle the marketing. Don't talk while they work, it'll interrupt their system, which is what you are trying to see. Take notes (nothing privileged).

Debrief every afternoon. Ask general questions about marketing. Ask how they determine pricing. Ask why they talked that way to that prospect during the initial interview. If this person is going to be your direct competition, don't ask specifics. If you are going to practice elsewhere, ask very specific questions. Don't be surprised when they can't answer you or even give you completely blank stares; most attorneys fly completely blind, and wonder why they are always broke.

Ask practice management tips. Don't look for how to practice law here, because you won't learn anything but bad habits, mostly. Look instead for how to (or not to) run a legal business.

3c. Spend at least one week in the office of a very good administrator. I find estate planning attorneys are often good administrators, or have a good secretary who is a good administrator. A sloppy desk is generally a sign of a poor administrator. Sloppy means more than one large project open on the same desk, or an old project still open more than ten days later. Layers of projects on one desk is very bad news. Three different desks with three different projects is a management style.

You can learn from a sloppy administrator, but since the vast majority of attorneys are sloppy administrators, you should spend at least one week before you start practicing in the offices of someone who really understands administration of the office. Talk filing, talk systems, talk organization of the practice. In most well run offices, there will be sense of purpose and efficiency, maybe even urgency some days, but rarely a sense of overwhelm. At the end of the day, the office probably makes decent money, but never feels "busy," even though it is often one of the busiest offices in town. If you walk into an office where all the employees feel overwhelmed every single day, that's a sure sign of sloppy administration.

4. Work for a school legal clinic for a semester to get general practice experience, and some nice forms.

5. If you are less than three months from shingle time, get your notary's license. Take practical CLE courses in your marketing emphasis.

6. If you have student loans, and the option is available to you, work for someone else for two years, with the sole intention of getting those loans paid off. Live like a student (dirt poor) and send **all** your money to the student loan people. Get in the habit of paying cash, or doing without.

7. It is extraordinarily difficult to go straight out on your own, unless you already feel you are competent in something. The shadowing and clinic will help you feel competent, both as a business person and as an attorney. Make friends with an attorney who has been out for two years solo as a GP, and that person can be your guide in business and mentor on the legal stuff. (long enough to have made the mistakes, not so long as to have forgotten them).

1) your personal reasons for going on your own

8. I still remember the day I got sworn in. Some pompous ass who had **obviously** never rustled payroll a day in his life got up and told the assembled new attorneys, most of whom were going out into the marketplace without the hope of a job in a horrible economy, that "The practice of law is not a business. It is an art. This is not about making money, but about serving the public." What a load of horse patootie. I was surprised at the time that he wasn't booted off the stage, but everyone around me was nodding their heads!

I assume that you are not interested in living in a garret for the rest of your life, cutting off your ear for the sake of your art. Or worse, drinking until you don't have a liver left, alcohol being the drug of choice for attorneys.

I went out on my own because I had no other choice (and because I was too old to work 90 hours a week for someone else). I had spent three years getting a law degree for which there was no economic market, and I had children to feed, student loans to repay, and NO other means of support. I needed money.

The practice of law is a **business.** Not a hobby. Not an art. You have to make enough money to feed yourself and your family, not just get your jollies from diddling around, which is the specified difference between a hobby and a business.

Look at the artists who make a **living** at their art. They are, first and foremost, business people. They learn what sells, and they do more of **that,** and **less** of what **doesn't** sell.

Sure, you serve the public. One hopes you did not get into the practice of law so that you could intentionally do the public a disservice. But the reality is, if you are too worried about making rent, you can't serve anyone. Get it into your head that you are here to figure out what works in your practice to generate profitable income, and do more of **that;** and figure out what doesn't sell, and do **less** of that.

I read something interesting the other day--the writer said there are only two activities in a business--those that MAKE you money, and those that LOSE money. The trick is a) to figure out which is which (hint: Things that you do when you could be billing or marketing are a LOSS of money); and b) do more of the things that make money, and less of the

things that lose money.

Since, in our economic theory, the things that are of service to the public will be rewarded with cash, you may assume that the more money you make, the more you are serving the public. In our economic theory, by definition, the attorney who gets the largest economic rewards **is** doing the greatest service to the public.

8a. You may surmise from this that I have a theory about pro bono work, and you'd be right. No solo should have more than one pro bono case in their office at any one time. My personal opinion is that no solo should have more than one pro bono case in any one five year period. Pro bono files take 20 to 150 hours to do, which is one to three weeks of productive work for a solo. Think of that as \$2000 to \$15000 at \$100 per hour, hours that you cannot get back, and you start to see why I say solos CANNOT AFFORD IT. Furthermore, most pro bono clients are ungrateful into the bargain.

People who value what you offer will pay for it, even it's just a little money to you. People who **need** pro bono should see someone who can afford to offer it. New solos don't have the financial resources to pay the pro bono tax. If you insist on doing pro bono, do a one day advice clinic, tax clinic, or wills clinic twice a year. That's 16 hours, without the attendant problems of opening files.

and 2) "when does a law school grad have any business practicing on his own?"

One of the ways you get highly valued by the public, and therefore of service to the most of them, is by getting in front of a **lot** of people. You can pay someone to do your research, you can pay someone to organize you, you can even pay someone to appear in court for your docket calls. As a service business, you can't pay anyone to be you, and to acquire clients for you. So I'll shout this:

If you don't have a marketing plan already running and generating leads BEFORE you put up your shingle, YOU HAVE NO BUSINESS PRACTICING ON YOUR OWN.

You should have a **focused** **written** marketing plan, with **written** goals, and a **written** budget for that marketing plan (all other expenses are irrelevant, and you don't know enough to know what they cost anyway). You should have a calendar with every single (daily) marketing effort written down on that calendar for the next four months. At the end of each month, review your marketing efforts, make adjustments to the next three months, and do your fourth month out marketing plan.

There's a lot of stuff in the archives about marketing. For here, I'll just say, you can't market a general practice, you'll throw money and time down a rathole. You need to pick one area to be your focus, even if you want a general practice. Ideally, if you are doing consumer law, you want a focus that brings a lot of people over the transom, that can afford legal service. That way, if they decide later they need an attorney, even if not for the original services, they'll still think of you first.

Some areas of law that are good for this are: divorce (not family, divorce); misdemeanors, DUIs (but only if you are willing to get competent; real estate in some jurisdictions; estate planning in the right areas; income taxes; bankruptcy; etc. This is not a comprehensive list. Bankruptcy gets you paid in cash, and after the bankruptcy they have no other bills and can afford other legal work. Plus, they can send their family who is not necessarily bankrupt.

Then, create your plan. So, for example, if your plan is to generate a client base doing bankruptcy, you would focus all of your marketing efforts on bankruptcy planning, even if you take any case that walks in the door.

Anyway, this email has gotten long, I'm done. Becki Fahle San Antonio, Texas

I agree with the lots of forms! Trawicks, Pretrial Practice (from James Publishing) and the Florida Legal Secretary (all with lots of forms) plus my Lexis Subscription have made my start up go as a Solo go very well. So far I am keeping me, a secretary and a paralegal fully employed, buying the building and writing policies, procedures, checklists as fast as we can to keep our infrastructure growing with our ever increasing caseload. Got four serious dollar litigations in the pipe as well and the forms and support books with CDs full of good stuff have made our lives functional.

John R. Green

My own reasons & motivations are pretty similar to those already mentioned already - but I wanted to suggest that "solo practice" is a distinction that's important from an accounting and legal ethics perspective, but can be a misleading term.

In particular, I think it's a big mistake to become isolated or think of it as "practicing on [your] own" - contact with other attorneys and businesspeople is vital for bringing in new business, getting a good perspective on your existing cases, and for staying sane when oscillating between feast and famine. The solo attorneys I know who maintain active involvement with others - through office sharing, or involvement in local bar committees/associations, or through active networking - are [apparently] more successful, happier, and more competent attorneys than those who don't.

Also, a lot of the resources that solos want or need - like reference materials, or office equipment - is expensive, especially if it's used by only one person.

Greg Broiles, San Jose, California

I went to law school convinced I'd be a big firm litigator upon graduation.

I hung my own shingle when it occurred to me that this vision was not shared by the big firms.

James P. Moriarty

Cresco, Iowa

Sterling has good advice.

I've mentioned my experiences before, and I'm sure they're on the archives; but essentially:

I went from law school to being unemployed to my own law practice. I started small; \$300 a month rent for a two room office (small waiting room plus large office/conference room). KEEP YOUR EXPENSES DOWN. I deliberately choose a location that was underserved by attorneys, and did pretty much what walked in the door. I also made sure I made a big splash opening- took out ads, got articles in a couple of papers announcing I was open for business. I'm not getting rich, but I am making a living. Bankruptcies can keep you afloat; you can usually get a deal on the software, go to a CLE or two, and get a 'practitioners' manual (NCLC has a very good, reasonably priced one) and start doing Chapter 7's. Get basic forms: I'd say, quitclaim and warranty deeds, note and mortgage, satisfaction of mortgage, basic residential real estate contract, will, Durable POA, Health Care POA, Living Wills, for your state. Keep your expenses low, talk to the clerk of the court, examine court files and see how other lawyers do it;

As to why they should come to you: Price, though don't price yourself so low that you can't make a living; that you do something that other attorneys can't (Locally, most attorneys don't handle bankruptcies); Service. As far as service goes, you can offer them faster service. I make a nice bit every month doing deeds- other attorneys make clients wait 2 or 3 weeks to get the deed completed; they also charge \$50. I charge \$125 and bang them out in an hour. Sometimes while the client waits.

Ronald A. Jones

Florida

They *do* like fast. The fastest I ever did was for a couple who came to a seminar on Thursday evening, and wanted to do their estate planning before they left the following Wednesday afternoon. I don't do Friday appointments. I did the interview on Monday morning, drafted the documents Monday afternoon, they came (separately) Tuesday and read and signed.

There was a drafting error in one of the docs which the husband didn't catch but the wife did, so the husband had to come back and re-sign something. He was there before the witnesses left.

The other thing I like about "fast" clients--they are willing to pay the freight. I have always found "fast" clients to be my best clients, both in commercial and consumer practice. They are courteous, they are fair, they ask intelligent questions and make quick, sharp decisions, they expect to pay promptly and in full for services rendered, they are honest about their own shortcomings (and yours), they always give notice before canceling, not that they ever do--I love 'em.

Becki Fahle

There's just one piece of this otherwise excellent advice that I disagree with: the lack of value of pro bono cases (Item No. 8a) Now, I don't endorse involuntary pro bono (either where the bar forces it on lawyers or where a client doesn't pay) - but I think that participation in respectable pro bono programs is a good way to get experience and make good contacts. It's worked for me.

In DC, the bar offers at least 8-10 pro bono programs a year. For the cost of volunteering to take 2 cases (for which you're likely never to be called) and under \$25, you can receive a full day of training from experts on matters like wills and guardianship, bankruptcy, family law, etc...After the course, you'll always have a person to call with a question as well and you might meet other lawyers in the class who could give potential referrals.

For five years (albeit only one at my own practice, the others at a firm and/or government), I handled about 7 cases a year for the Washington Legal Clinic for the Homeless and the work paid me back in many ways. I handled a variety of cases - unemployment benefits hearing, social security disability denial, Section 8 housing eviction, bankruptcy and helped break through a vocational school scam among other things. In one case, (suing a hotel chain under the DC Human Rights statute for kicking out my client, a guy from the nearby homeless shelter, even though he was neatly dressed and had money for breakfast). With the \$s from the settlement, the guy actually got an apartment and wound up getting a job at the Better Business Bureau. He'd he'd refer cases to me from consumer callers, including one where I won a @\$100,000 jury award which given the nature of my practice, was huge. I also received a service award for my pro bono work and at the ceremony to honor me and other volunteers, I was able to introduce myself to a prominent energy law attorney at a large firm who happened to be on the board of the clinic. He took a liking to me and wound up using me for a long term piece of contract work where I earned around \$40,000.

So, if you want to do pro bono or (like me), feel that there's a professional obligation to do so (though even though I feel that way, I still don't want it mandatory), go ahead and do it. I don't believe in all the stuff about "if you build it, they will come" or marketing is an art, etc...but I don't think doing good and doing well are mutually exclusive. Often, a commitment to one leads to accomplishment of the other.

Carolyn Elefant

Foonberg's book addresses Justin's question in some detail. I highly recommend it.

Randy Birch

I did a bit of big firm interviewing in law school, decided this was not for me, hung out my shingle as soon as I graduated in 1982, and never looked back. The most important things at the beginning were 1) low overhead 2) faith that clients would come, 3) finding a subject matter mentor to teach me how the world worked (I do real estate law, my mentor was an old broker), and 4) finding a legal mentor to help me find the courthouse door and understand the rules. I combined numbers 1 and 4 by doing a space for time barter with an established attorney for a year. I did his junk work, he provided me an office and advice. I was not paid for the number of hours that covered rent, I was paid for any work over that, but only when the client paid. And oh yeah - endless networking.

Rebecca K. Wiess

Washington

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