

Popular Threads on Solosez

Quitting Solo Practice?? Yikes! (morphed into Attention New Solos)

The recent spate of "I'm leaving solo practice" comments has proved distressing. I'm about to dive head first INTO a solo practice. For those of you who are leaving, or who are contemplating leaving, solo practice, I'd sure appreciate hearing your thoughts on why, what you would have done different, etc.

Scott

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When I began the practice of law 30+ years ago, there was a saying that a solo / small firm practitioner with a transactional law practice in a small town could consider him/herself successful if he/she could generate a net income equal to that of a public school teacher in the same town with the same number of years of experience. And, I still believe that many (if not most) small town attorneys would subscribe to that saying today. In other words, the practice of law in small town America was - and still is - considered a middle middle-income profession.

What has become frustrating, especially over the last 10 years or so, is the ability - and all too often, the inability - to produce such an income. Part of it is the marketplace: In many small towns, there are too many lawyers - supply exceeds demand. This fact - as well as consumerism (OK, just plain "shopping") - have caused small town lawyers to freeze their fee schedules / hourly rates to the level of the mid-'80s. Those attorneys who have raised their fees / hourly rates have not been able to do so to the extent that their costs have risen. Small town attorneys have become all too familiar with the middle class cost squeeze. Finally, in many jurisdictions, the courts have taken it upon themselves ("sua sponte") to require attorneys to submit time sheets, review fees charged and order reduction and rebates of fees - even when the client is satisfied with the fee charged. This is happening in probate courts throughout Upstate NY. There is no longer the opportunity for that case or matter that pays a higher than average hourly rate to balance the pro bono and reduced fee work that small town attorneys take as a matter of course.

Today, a successful small town lawyer with a transactional practice can aspire to a net income equal to that of the public school teacher, but will be hard-pressed to generate the additional income necessary to fund health insurance and retirement benefits comparable to those of the public school teacher.

A solid middle middle income with commensurate benefits is not an unreasonable expectation. And yet the inability to generate such an income is a primary source of frustration to many lawyers today.



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Rod Klafehn, New York

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Those of us not leaving can tell you why they are leaving--low pay, bad hours, unhappy clients, demanding employees, heartless judges, dishonest lawyers on the other side of the case. Come to think of it, why am I staying-- I am the boss. I take the cases I want. I try not to take clients I don't like. I set my hours, even if they are long. I get to help people who need my help. No one tells me what to do except judges. I get the chance to wait for that 1 in a 1,000,000 case that will make my day!

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

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Come to think of it, why am I staying?-- I am the boss. I take the cases I want. I try not to take clients I don't like. I set my hours, even if they are long. I get to help people who need my help. No one tells me what to do except judges. I get the chance to wait for that 1 in a 1,000,000 case that will make my day!

Robby is right. Of course, I can tell you the two best reasons I work for myself:

A - The little boy who is now going to stay with his father and the joy that family has. (Never could have taken a chance on this case if I was with a firm.)

B - The client who allowed me to litigate her auto accident case and cried and hugged me when the jury gave us a verdict. The dollars did not matter to her, just the fact that she won.

If someone can come up with a high better than these two, I would be stunned. Nothing matches the feeling of helping someone and seeing the look in his face when others told them they would not or could not help.

Jonathan G. Stein, Elk Grove, California

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Further to that, recognize that every job has its bull---t nonsense that you have to put up with. Its simply a matter of what can you tolerate more? For me, I'd rather deal with the nonpaying client and the dishonest OC than with office politics and irritating bosses. As a solo, I have some power to control the former. As an employee, I have no power to control the later. I place a premium on being able to control my environment, and am willing to assume a large degree of risk to have that control.

David J. Galalis, Boston

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It's distressing for us who just dove into a solo practice as well. I worked for big organizations for over 20 years, and considerably smaller ones for

5 years. There is nothing so comforting as a regular paycheck, benefits, etc. There is also nothing as suffocating as a regular paycheck, etc.

Today, I stayed home w/ my daughter because Grandma couldn't watch her. If I worked for someone else, I would have had to ask for the day off, burning an allotted vacation or personal day. If you have to ask, they can say no. I took the day and for the very first time in well over 20 years, felt absolutely no guilt or regret for doing so. There is a lot to be said for commanding your own ship.

And my very best wishes for my fellow listmates who have decided to leave solo practice. Barry W. Kaufman, Jacksonville, Florida

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Barry, everything everyone has said is true, but some or all or none will apply/work for you. For example, you are starting out, or its a slow month, and that soon-to-be client who for some reason you think might be more trouble than he is worth walks in for his meeting with a nice size check. You can stand on principle or pay your bills.

Meyer Silber, New York City

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I think the main irritants that I have:

1. Cases where you can still get sued, even if you do everything correctly
2. Non-paying/low-paying but high demanding clients
3. Slow weeks where you get vendors wanting to "come by and pick up a check"
4. Calls from freeloaders / tire kickers / whiners who complain that they found someone willing to put up with their crap for less money

David L. Leon, Dallas

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My assistant is learning how to sort out the tire kickers. We had our first complaint last week that we were too demanding of new clients (telling them to bring a check with them if they want to consult on a patent search). She canceled the appointment 1/2 hour before the scheduled time. If she calls back, she will not get another appointment, and we're the most individual inventor friendly firm in the area. While I would prefer that she not lose any good potential clients, I'll settle for losing one here or there in exchange for not being bombarded with the tire kicker who want to patent an "idea" when they cannot even afford the search.

Mike Phillips, Cary, North Carolina

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In my experience, most lawyers have a "don't tell me what to do" attitude. In fact, in law school, aren't we taught ways of getting around the law, ways of ignoring or "interpreting" the rules differently?

People like this generally have a difficult time working for someone else. Can't take orders; can't adjust to the politics of the "organization." That's the bad news; it's also the good news because our clients want us to be like that.

So, we then open up a solo practice. (In fact, most large firms I've seen are nothing more than "hotels of sole practitioners.") We think we're independent. The reality is that we can do certainly things without asking someone else's permission, but we still take orders -- from our clients (and, of course, from judges). But, we think we're free and, I guess, perception is everything.

Different strokes for different folks. Practice in the environment in which you feel comfortable and you will be happier than not. Read the book about Flying Solo (ABA publication) and any other book in an area of the business that you feel weakest. You will fly high enough to be over the chatter.

Ed Poll, Venice, California

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You are exactly right! I can arrange my cases so that when we want to take the family to Disneyworld -- we go. (Which we just did for our 1st anniversary.) I am the one in control (or out of control) at the office. I pick the type of law I want to practice.

I perceive that there may be a different job satisfaction rating between those who practice in rural America and those who practice in urban America. I practice in a very rural community and find that I have an abundance of work -- in the past 5 years I have yet to have a time when I did not have sufficient work to pay the bills. I know very well all of the attorney's in my circuit and all of the judges (and their spouses, kids, nieces, nephews, grandparents. . .) You see your clients at church, at the grocery store, etc. There is no such thing as being anonymous. EVERYONE knows where your office is, where your home is and who your parents are. This can be a good thing and it can be a very bad thing -- depending on the situation.

However, I have friends from law school (graduated 7 years ago) who work for larger firms in cities that have yet to try a case before a judge nonetheless a jury.

I am curious whether other solos in rural communities have increased job satisfaction because of their community or whether my perceptions are simply delusions.

Beverly Jones Kimes, Tarkio, Missouri

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I believe that many people in rural communities have increased satisfaction with jobs and life in general because of their community. There are those, of course, who feel "stuck" in a rural community for whatever reason - they will likely have little satisfaction in job or life so

long as they are stuck. There are many reasons why people choose to live in rural communities - but I suspect that it is often for the "community" they find there. That "community" takes many forms, from knowing the hardware store owner, your doctor, mail delivery person, accountant, and others by first name, to having multiple eyes and ears safeguarding your offspring, and many other forms.

What are those forms and why do you (Sezzers) find satisfaction in rural communities?

David Masters, Montrose, Colorado

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I, too, think there is an increased level of satisfaction in the practice of law in rural communities. But I may have a unique perspective. I was born and raised in this county as were my parents. So all the ties, family and otherwise, offer many benefits. I have been in practice here for over 20 years so I now have second-generation clients. Most of my clients started out as just a check to pay the utility bill and ended up as friends. Plus I have the added benefit of actually seeing the effect of my efforts in a case - good or bad. And finally, it is always good to know with whom your kids are hanging out.

But maybe more importantly, I have the best of both worlds from a financial perspective. I am appointed by our judges as an independent contractor to be a public defender. So I have a regular paycheck from the county twice a month. But the job is not considered full time so I get to have a private practice as well. I have a reliable steady income supplemented by my private practice.

And last but certainly not least, my daughter is an active softball player (and pretty good I might add - don't get me started) and I have the flexibility to schedule around those games and activities now and in the summer to spend a great deal of time with her.

I practiced in Chicago for the first couple of years out of law school and I can't imagine doing that still.

Dennis Riley, Oregon, Illinois

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It's sort of city mouse, country mouse. I went to law school in Ft. Lauderdale, and most of my fellow students were from the Miami-Lauderdale-West Palm megalopolis. I am originally from a small town in New Jersey (Mt. Laurel) and abandoned that area when it became a big town, and moved to a small town in Florida. I like rural areas; I stress whenever I go into the city; I hated Lauderdale. But a lot of my fellow law school students couldn't imagine abandoning a big city.

I like the lower stress, lower cost of living, higher level of civility in rural areas. I think kids grow up better in the country. Granted, you don't make as much money, but I can live with that.

Ronald A. Jones, Florida

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A higher level of civility is exactly right and also benefits clients, I think. I can get discovery and other information and court settings by communicating with local lawyers without the necessity of scheduling court hearings to do so. But the hearings and trials become just as contentious and clients' interests are well protected at a lower cost to them.

Dennis Riley, Oregon, Illinois

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Well, that's another advantage to rural/small town practice; you get to know other lawyers, the judges, and the judges and other lawyers know you. A big city you may never appear in front of a certain judge, or deal with another attorney, again. As one lawyer put it to me when I was starting out, "We're both going to be in practice here for a long time, hopefully, and will be dealing with each other. Lets keep on decent terms and not go nuclear". It's much more likely to be civil if everyone has to keep dealing with each other.

Ronald A. Jones, Florida

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What's "rural," for this? I live in what I think of as a small city -- about 65,000 or so. But I moved here from Washington, D.C. (and grew up in another small city, Bismarck, ND, about 35,000 at the time). I know I left DC, in part, because I wanted to have easier access to nature for, e.g., hiking; a greatly reduced commuting time between home and work; people working and living with less of a need to live by tight calendars. I regretted leaving great restaurants and museums and diversity of people, but ... WAIT, I live in Santa Fe, and have much more of that than perhaps possible in any other city of 65,000 in the U.S.

Gini Nelson, Santa Fe, New Mexico

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You are absolutely correct. When you see OC at school functions, committee meetings at church, etc. -- the level of civility rises. For example, you send a letter to OC pointing out conflicts of interest before filing the motion. We often set hearing and trial dates with the judges via email instead of hearings. Or email your "good dates" to OC who appears at court or communicates with the Judge (or vice versa) and sets the hearing/trial -- knowing that if they ever screw you that they will have to deal with you for a very long time and that you WILL let the judge know about it.

Another benefit of a rural practice -- relational law. I represent three generations in several families in my community. They come to me for a variety of needs -- some I end up referring to specialists. But that level of trust is awesome. And humbling.

And I can wear jeans to the office whenever I want!

Beverly Jones Kimes, Tarkio, Missouri

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And do you survive and thrive, Beverly? Do you like the feel, in terms of the particular rural beauty of Missouri?

Gini Nelson, Santa Fe, New Mexico

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Rural for me is a town of 1800 people and a county of 7100. Even if you put my county and the contiguous county to the south together you will only get about 11,000. But we also only have 7 attorneys based in the 2 county area: 2 judges and 2 prosecuting attorneys (1 in each county), 1 attorney who practices primarily criminal defense, 1 who is 99 years old and still in the office 6 days a week, and me -- a general who does mostly family law, real estate, and banking/creditor law. You can get the census reports and you personally KNOW which 7 people in the county make more than \$100,000 per year!

I read once (maybe in Foonberg's book?) that to be able to survive, you needed to have at least 500 people for every attorney. Even counting the judges (who cannot be in private practice), you have more than 1500 people per attorney here. We do have some attorneys who will come into the area and solicit clients -- which is actually fine -- and it gives us people to refer the excess cases to.

It is an hour drive to the nearest Starbucks, Dillard's, K-Mart, or to a restaurant that serves something more than broasted chicken and biscuits and gravy.

So -- anyone want to come to rural Missouri and practice? There's room for more!

Beverly Jones Kimes, Tarkio, Missouri

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I live in a fairly rural area---the city I practice in has a population of 12,000 and it is the largest city in the county, the second largest being about 5,000 with probably about 20,000 population in the entire county.

Upside to practicing in rural area --I think it is easier to accomplish things here. You see the same attorneys over and over, and learn how they work. You learn whom you can trust and whom you can't.

Downside --- only two judges.

Another downside--there are only about 7 female attorneys in our county and we are treated as "novelties"--I am the only female who is a solo practitioner with two associates working with me. Definitely old boys network here and you have to work extremely hard to get any respect

whatsoever. If you argue in court, as a female you are "whining" to the judge. If you insist on a hearing, you are "being difficult." Last week one of the other attorneys asked my associate how he survived here in the "estrogen factory." I am not overly sensitive about any of this stuff because I think the shortage of female attorneys here has actually caused my firm to succeed. We have the only female family law attorney in our entire county. That also has caused problems because we "must be charging too much" to afford to have a nice office and whenever one of us gets a new car it is discussed all around.

Sometimes I think a little anonymity might be nice!

Russelle Holsinger

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Never forget that prosperity will bring more and hopefully better clients. No one wants to hire an attorney who looks like he/she can't afford a pair of shoes. You don't need a Jaguar to show a prosperous law firm, but a nice car (subject to regional variations) is just fine. A nice office (but not heavy into leather chairs and Rembrandt paintings) is also a plus. Most attorneys find that if their office and presentation is just a notch above the average client, the average client increases in quality and quantity. Just my \$.02 on a sunny Friday afternoon.

Bruce L. Dorner, Londonderry, New Hampshire

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Bruce hides his Rembrandts when clients visit.

Joel Bennett, District of Columbia

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In light of the recent e-mails, and my plans to go solo soon, I request some opinions from all of you who can provide some insights -- or have experienced a similar dilemma. I am married with kids and have been at a large firm in a big city for many years as an associate (I do very well financially). Am I crazy to give up the security (despite the stress -- which is at its peak -- and crazy hours I regularly endure) to go out on my own. My family supports the solo idea. Although I have many contacts, I will have to start from scratch to get clients. I also plan to specialize in my current area of law only L & E (plaintiff and defense work). I am also concerned that once I leave the big firm (besides the money loss) I cannot use that edge if solo does not work out and I must go back to work for someone else or to go "in house". On the other hand, freedom does sound very nice, and I have the confidence that I can make it alone.

FROGGY

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No, you are not crazy. But you are a victim of a misconception common at large firms that once you step out of the system, you can never get

back. Very wrong!

First, what most biglaw associates fail to realize is that the biglaw credential can be a ticket to a successful solo practice. You can use it to get contract/per diem work in the short run - because most people will assume that you're good if you worked for biglaw. And you may be able to skim smaller referrals from large firms who will feel comfortable referring to a biglaw colleague. You can use the revenue from those smaller matters initially to start building your own client base.

Second, you did not say whether you are a "permanent" associate or on partnership track or how old you are. If you are less than 5 years out, leaving to start a law firm is a win-win situation. Even if you fail completely, there will always be a way back into the big firm (if you want it) if your credentials are good enough. I have known a number of younger associates here in DC from top 10 schools and clerkships who just burned out at firms and basically took 2 years off just sitting around doing nothing (well, trying to write articles or working on a campaign, but no money making). They were pretty much able to get right back into a firm when they couldn't find anything else better to do. In addition, if you go solo and wind up making a name for yourself or generating a client base, you will have even more leverage to negotiate a position at your firm.

Finally, if you don't do it now, you will always wonder. And you will see colleagues who have started firms and been successful and you will wonder whether you could have done it yourself. I agree that the initial loss of income will be difficult, but it is only initial. Many solos wind up earning what they did at a firm within a few years - and often, much, much more.

There are many success stories - and as I see it, no failures. You do not fail when you take control of your career and make an affirmative decision to create a business. I say go for it!!!!

Carolyn Elefant

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This is The Other Carolyn. Yes, you are crazy to give up the good money and "regular crazy" hours. If children tell the absolute truth, they're really glad you bring in a good paycheck because they like riding in the big shiny black SUV to their baseball games and they don't even notice that you aren't there at the game because you're working on A Really Important Case.

I went solo the day I got my bar results. I was f-f-f-f, ahem, f-f-f-f, uh, 45, it was my first non-domestic goddess job in 16+ years. I had no savings, no client base, no turnkey operation. My kids were 12 and 15. They already had three years of triple-A rated credit history with me. They were 8 and 11 when I separated from husband, and I had 3 semesters left on my undergrad degree. When they got home from school, but they took it upon themselves to start getting dinner ready, not cooking it but choosing the menu, preparing it, setting the table. I'd get home at 4:30 or 5:00, the salad was ready, the table was set, and all I had to do was crank some stove knobs. I didn't ask them to do this. They liked to cook anyway, and when

they saw a place where they were useful, they just did it. (In law school, I'd come home to the smells of dinner cooking.) That first July, our first big chore was to bring in the second cutting of alfalfa. Granted it was only 5-1/2 acres, but it was a productive patch. They learned to drive a stick shift Toyota truck.

I told you that to tell you this: If you leave your secure firm job, your kids will be proud of your sense of adventure and the guts it takes to leave security for what you really want. They will not feel put-upon if you tell them that you're going to need their help. They'll be proud that you need their help and that you trust them with the family's future. The point is not what you do or what you earn. The point is that you and your children know each other, and that comes only by being together, doing things together, knowing how far you can trust each other's competence, learning what kind of people you are and trusting that. It's a MasterCard-slask-Martha thing - it's A Good Thing and it's priceless.

Carolyn Stevens, Lolo, Montana

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Great story Carolyn. Mine is less dramatic, but while I was pulling in the big firm paycheck, my son (oldest of 2 children) made clear that the last thing he would ever consider was going to law school. Why? Because of my hours. With 2 kids in college, I took the solo plunge, together we tightened the family belt, and I regained a life. As a result, my son will be going to law school this fall. He discovered that a lawyer can be passionate about justice without being over-passionate about work at the expense of family.

John Mitchell

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Carolyn is absolutely correct, this is one of the reasons that I advocate working for a firm when you first get out of law school if that option is available to you (that and getting rid of the old student loans).

That credential ("2 years with The Biggest Firm in The Known Universe! Well!") can never be taken away from you, and *will* give you the chance to return, or move on to teaching or government, or a corporate position in house. It *does not matter* that you spent that two years carrying coffee for the senior partner's secretary. The people at other large firms who have never worked at TBFiTKU will be either jealous or impressed by the credential. (rarely will you impress solos, but hey!, we don't have time to read your resume--"are you competent? There's a seat over there").

Without the 2 year TBFiTKU credential on the other hand, it doesn't matter how good your grades were, you have a serious strike (generally insurmountable) to get into a large firm later, and even to join a large corporation, and the chances of a decent government job are greatly reduced (and nearly zero in most federal jobs).

However, I can answer one of Carolyn's comments, which was you didn't say whether you were on the partnership track or not. And you may not

know. But I do. If you are five years out, and aren't developing business of your own by now, you are NOT on the partnership track. No matter what you think. (oh, there are supposedly "partners" and "partners," the new touchy feely law firm, but only the partners that bring in clients have any real say--mostly because they can hold the firm hostage).

And furthermore, if you can't develop business while you are employed, how are you doing to do it when you aren't and are worried about the light bill?

I have no idea what L&E is (I admit my ignorance). However, there is NO reason that you should start from ground zero on the day you start practicing law on your own. Let's say that you intend to start your practice on August 15, 2005. You have chosen that date not because it is the day after your kids start school, but because you know, historically, that during the month of September, a number of large L&E cases start percolating. Now, you have a deadline date. (I suggest a deadline, because most attorneys are deadline oriented, and hence, nothing ever gets done without one).

Now, all you have to do is figure out how to get clients. You need a list of prospects. Because I don't know what L&E is, I'll use hospital litigation.

Who has the first heads up on hospital litigation? The hospital administrator (in some systems, there is actually a litigation manager, who may or may not have any real power). Hmm. Well, I'm sure they have a trade association that would be more than happy to sell you their list. I'm sure they have a trade magazine looking for interesting (not necessarily cutting edge) articles. I'm sure the administrators would be interested in a one hour speech or break out training session at their next meeting about minimizing the likelihood of litigation, and how to minimize costs. And how do they minimize costs? Why, by having you on retainer to do audits, of course! By using you as their secondary litigation provider for smaller matters.

Now that you have a list of qualified persons, and you've developed a little credibility by getting your name out there a little bit, you start sending out your newsletter (DO NOT use any of your firm's resources). Make sure that these administrators see your articles by purchasing plenty of reprints and mailing them. However, while you know they are qualified, you don't know if they are interested. This is going to require leg work--visits to the hospitals to meet administrators. Meet and greets at local administrator meetings as a vendor. You see how this works.

Now, take that paragraph, and apply your specialty in all the spots where I said "hospital litigation" and "hospital administrator." What you need to know is, what do you want to do, and who is the buyer you need to romance? In hospitals, it isn't the administrator that makes the decision, it's usually the board (so you need to know some of them, too). But the administrator has a lot of input, and knows first that the deal is coming down.

My point here is, before you go out on your own, you should have a decent-sized budget for marketing. Especially you, you're already out of

law school and have an income, you have the capital that people who have starved for seven years don't have. You have reliable income and reliable resources NOW.

There is NO reason not to position yourself in the market right now, even if you aren't ready to make the leap for another year (in fact, especially then). And even if all of that positioning brings the clients to your employers door right now, a) your reputation is completely portable; b) you may generate some clients who consider you *their* attorney and will decamp with you; and c) if you start bringing in business, you *will* find yourself in a more favorable position if you decide to remain in the fold (i.e. employed).

Becki Fahle, San Antonio, Texas

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If I was going to do it all over again, I'd do four things different.

1. I would have worked during law school so I could avoid student loans. Instead I believed the bullshit that you couldn't work and "have the law school experience."
2. I would have worked for a firm (or as a drudge) to pay off my student loans during the first two years.
3. I would have practiced in the area I wanted to practice in from the beginning, instead of getting sidetracked by the stuff that "paid the bills."
4. I would have worried less about getting good at practicing law, and more about getting good at getting clients. I would have learned how to market a lot sooner than I did. Like, two years before I started solo practice. It is *criminal* that law schools don't have required marketing classes, because of the institutional bias against advertising and in favor of large firms.

You know how they say that the best time to start law school is right after you graduate from law school? Well, it's the same with being in solo practice. A lot of people figure out how to make a go of it too late to save their practice, because they have no reserves left (don't ever let anyone tell you you can't go bankrupt as an attorney). Or they discover too late that solo practice was never for them. Or they can't figure it out. Or they can figure it out, but are unwilling to let go of what they know to swim in the dark.

The best time to go into solo practice (monetarily) is after you've had a few years on the inside of a big firm. Unfortunately, you aren't qualified to be a solo at that point, because you've never had to market (and in fact, most new associates are either actively discouraged from marketing or "taught" wrong).

The best time to go into solo practice is after you've had about four years in solo practice. Of course, four years is a major burn out point, because people have used up their capital, resources, time, and patience getting to that point.

I strongly suggest a coach. One that you will actually Listen. To.

But don't listen to me

Becki Fahle, San Antonio, Texas

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I do not believe there is a perfect job, but in many ways solo comes close. Sometimes a change is as good as a rest. I left solo to be partner #3 of 4 in a nine-person law firm. Perhaps the best of both worlds for me, but I still long for a time without "management meetings" and hours spent discussing hiring or firing of employees, etc.

Jonathan's comments were right on. That is one of the reasons I like my current position is that if I need to or want to I can take off as needed. Of course I feel responsibility to my partners, I always feel responsibility to my clients.

Don't let others' changes make your decision for you. If the time comes when you no longer enjoy solo, for whatever reason, make a change. If you no longer enjoy Loisdoc or whatever, go solo. Perhaps the one/only reassuring thing that we all have is that sheepskin on the wall that says we can practice law. If my partners don't like me, what are they going to do -- fire me? That really doesn't scare me at this point in life.

Randy (who has gone solo 3 times during the majority of 20+ years of practice)

Randy Birch, Salt Lake City, Utah

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I'm not about to quibble with anyone, most of all Ms. Fahle, about the rigors of solo practice. I've been on my own 2 months and the light at the end of the tunnel is beginning to look like the headlight of an oncoming freight train. Nonetheless, it seems there is not much positive news about going solo. It seems that the message is "you are screwed before you start. Don't bother."

Barry W. Kaufman, Jacksonville, Florida

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Nah. The message is "be prepared." Probably you got that in boy scouts. I wasn't in boy scouts, much to my chagrin.

Okay, actually, the message is:

"Be prepared (best you can) before you start. Law school didn't prepare you for jack squat, and in many ways **severely** handicapped you. Lose those handicaps, especially the financial ones and the marketing bias, as quickly and efficiently as you can. Don't be ashamed to admit that you are too handicapped to make it in solo practice and go back to working for someone else for a living while you get your ducks in a row for another

try. Then, try again when you're better prepared, if you want to."

Being prepared is three things:

Know how to prospect for clients

Don't be overextended financially (that's my student loan harp). If you are overextended financially, you will make poor business decisions, like paying your rent rather than turning down a nightmare client.

Admit to getting undesired results and get help

Always remembering that there is No Such Thing as failure. Just results you don't want and results you do want. If you're getting results you don't want, ask someone what inputs you are providing that are getting you those results, rather than the ones you desire. Keep asking and adjusting until you get the results you *do* want.

More simply stated as: Look at what works in your practice. Do more of that. Look at what doesn't work in your practice. Stop doing it. Rinse and Repeat weekly.

Deceptively simple, but as a rule for running a practice, it'll take you far.

Oh, and here's a tip (also deceptively simple, but you'd be surprised how many people ignore it, including me):

When the light at the tunnel turns out to be a freight train, get the hell off the tracks!

Becki Fahle, San Antonio, Texas

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That's true for ANY new business. I learned something yesterday from a book I'm reading at Ben Glass' recommendation: No B.S. Sales Success, by Dan Kennedy. In the book, he describes "The Positive Power of Negative Preparation". What that means is, when you start on a new venture or project, you need to realistically determine all of the BAD things that can happen, and prepare a contingency plan to cope with them. The idea is that if you keep the negative under control, you can more easily reach the positive.

The reason this particular chapter is so interesting to me is (should I admit this publicly???) that one helpful criticism that a couple of my closest friends offer is that my outlook is too negative. I did not realize until I read the chapter that what I actually do is prepare for the negative publicly and openly while I reserve the positive for my private thoughts. I'm generally optimistic about most things, but I have a pretty good (maybe too good) sense of being able to uncover the negative obstacles to achieving a positive result. I consider myself to be somewhat of an entrepreneur, which is hard to do if you are really negative. Even though I do try to "prepare for the negative" to try to create "positive power", if I don't communicate that to those around me, how are they to know? I must be pretty good at it. They sure to ask me to use this ability quite often!

Mike Phillips, Cary, NC

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Mike, I agree with you completely. In fact, that's how I prepare for my trials--anticipate and prepare for all the negative stuff and have contingencies to deal w/ them. I've been accused (before trials) of being too negative but the results I get make this approach worth it.

David Zachary Kaufman, Virginia

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I could not agree more. One thing I really like at the end of a trial is to be able to say, "Boy, I was just waiting for shoe A or B to fall, but it never did."

I suspect everyone has tried cases they knew were losers if the other side ever found the smoking gun, but they never did and they lost. Feels nice.

Ed Lawson, New Hampshire

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Not true at all. It just depends on your temperament and your ability to choose an area of law you like to practice as opposed to an area of practice that you may not like, but what brings in the money. I am a perfect example of what not to do. I was working for the Missouri Attorney General, loved my job, but the pay sucked. Had student loans, wanted to buy a house, driving a POS car, but loved my job. Left the job for private practice. Worked my ass off on a couple of divorce cases that turned out quite well for my clients. Word got around that I was a decent divorce attorney. More clients, more money, won more cases than I lost. Even more clients and more money. Paid off the student loans early. Paid cash for cars. Bought a house that I will pay off in 10 years. Big law firms would call me wanting me to head up their family law sections. Ah yes you think, the sweet life! Perhaps so if you are just money driven. What I gave up was being able to take time off. Forget a vacation, I couldn't even take a day off without feeling guilty about not taking care of my cases. Oh and let's not forget those clients, those extremely needy clients who tend to complain whether you win or lose. After 8 years of the sweet life I quit solo/private practice. Almost quit the practice of law altogether.

Now let's look at the guy I office shared with. All he does is personal injury work. Fewer clients, but more financial risk. On the other hand he takes off for his kids activities, not to mention week long fishing trips, vacation with the family, etc. He actually likes most of his clients. He also likes his job.

The moral of this story is to find an area of law you like, not necessarily one that pays money quick. Spend less time worrying about making a lot of money and build in time to take off and have fun. Be less materialistic. Find time to spend with your family. Keep in touch with your old friends and make some new ones. Don't stay in the office for lunch. Definitely

stay away from the office on weekends.

Kurt Valentine, Missouri

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Hang tough Barry. Get appointed work, guardian ad litem work from juvenile court, probate court. Take pro bono cases. Some of them turn into real winners.

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

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If you think that there's nothing out there positive about solo practice, then I guess that I am not doing my job at MyShingle.com. I have spent the past 2.5 years trying to highlight the benefits of going solo, help people who want to do it and also showing the sometimes negative side of biglaw practice (large firm lawyers are not immune from unhappiness, malpractice or grievances either).

Since I started MyShingle, there has been a proliferation of weblogs by attorneys who are going solo (check out Greatest American lawyer - very inspiring guy), LPM folks who help solos or other solo lawyers who are showing off their practice (South Carolina Trial Law blog, for one) I realize that there are drawbacks to being solo, but as with anything, if we're going to do it right, keep yourself positive.

Carolyn Elefant

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I see too many solos going into areas that both are contentious and that don't pay very much. If you are going to do something for the money, fine; if you are going to do something because you like the practice area, fine; ideally it does both- you enjoy it and make money. Problem is, too many lawyers go into areas that they hate and don't pay much. Some lawyers make money off of family law and some lawyers enjoy it; but a lot of lawyers hate it (because it is contentious) and they don't make money off of it (because they don't have the temperament to refuse cases that aren't going to pay; you have to demand enough money up front to pay for the cost of the whole case; and don't accept the case if the client is unwilling to pay up front). There's nothing worse than doing something you hate for little or no pay.

That's why I don't handle family law; I hate it and I can't get people to pay me up front what it costs to handle the case. I learned the hard way; and some people don't learn; but that's why I try to stick to probate and wills and such; I enjoy it, and because it is basically about money, I can make sure I get paid, either up front or at the back end.

You can make money off of almost any area of the law, if you do it right: CJ does family law, has for years, and apparently likes it; and she makes sure she gets her money up front.

I'm not going to say you can't get rich as a solo; some people do; but the primary advantage is setting your own schedule, choosing your practice area, choosing your own clients, and working at your own pace. If you are going to be a solo, but take every case that walks in the door, and every client who walks in, and work nights and weekends, and responding to every demand to get it done right now, then you had dang better well be making a TON of money, because you aren't being a solo to control your own life.

Ronald A. Jones, Florida

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Barry -- FWIW, I agree with Rob on this one. I think of building the business as an exercise in continuously throwing pebbles into a pond. You throw enough pebbles in long enough, and the ripples will begin hitting your feet at the shoreline.

Get the GAL and appointed work, learn the areas of law you really want to practice, network and network some more. Go bag groceries at night if that's what it takes to have extra cash. Develop a business plan. It WILL happen.

Sasha Golden, Massachusetts

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I too agree a lot with Becki's advice. However, for many solos it may be hard to truly follow.

Most lawyers will never have the opportunity to work for a big firm. When I was in law school only the top 20% got offers from them, and that left the other 80% struggling to find any job they could anywhere they could.

When I spoke to law students a few weeks ago I said I thank God everyday that I did not get those offers. For some strange unknown reason I wanted to be a "corporate" lawyer. (They all drive Beemers don't they?) But today I wouldn't want to do such boring work and I'd rather fight what I see as a very often corrupt and even racist-elitist system. (Yeah, I do employment rights law)

I also know a ton of solos who make far more than the partners at those firms do. My wife works for the biggest firm around and I would venture to guess that the partners in her practice area probably don't make much more than 200K/year. That's not a bad living for Birmingham and they aren't killing themselves the way the litigation group is (which probably makes more money). There are several solos in my building doing better than that just on divorces, bankruptcies and small PI cases. And one in particular who does nothing but PI work and probably brings home a cool 400K/year.

The starting salary around here for the big firms is roughly 85K. With a lot of work and right mentoring, a newbie solo can do that well or better.

The problem with newbie lawyers is that you don't know squat. (Heck, after 12 years, I still don't know squat half the time). And no one is going to walk in to your office with a big check so that you can go to real school on his dime. Newby lawyers don't do transactional work as solos. The reality is that you must realize what it is you are likely to do, which is serve the community with the legal services that it needs: indigent defense, GAL, bankruptcy, personal injury, family law (uncontested stuff at first) and a variety of other areas. If this is not what you want to do, then you need to reevaluate what it is that you want to do. Either you need to learn to like these areas of law (like me), or you may need to find another option - either a different career or try to go with a big firm if you have the academics.

I think Becki's best advice for newbie solos is to get a coach. Better yet, associate in a small firm for a few years. It's similar to solo practice, certainly more so than a big firm, and you can spend time learning a lot and getting a lot of experience that you will need without all of the attendant risks.

This is especially true for real estate lawyers that I know. I know of only one solo real estate closing lawyer and he's struggling. However, I know of several small firms that do almost nothing but real estate closing and are doing quite well. In fact, most big firms around here (with one exception that I know of) don't do personal real estate closings. I think the old adage fits well in this field that those that have will get more and those without will get less.

All that said, Barry, being a solo has a lot of advantages, but it takes a lot of determination and the patience to learn from your mistakes and those around you. There's a lot of advice on this board, but like Becki said, don't listen to us. (at least not too much)

Sterling L. DeRamus, Birmingham, Alabama

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Let us all face the fact that starting a new business is risky. Many people start, all with the same aspiration. All have differing backgrounds, and differing habits, and differing skills.

Some enjoy it. So do not. Some succeed and love it. Some are financially successful and miserable. Some do not succeed. Such it is with other endeavors, professional or not.

One has to be ruthlessly self-critical in terms of improvement, but not negative in one's attitude. You are starting a BUSINESS and have to PLAN and IMPLEMENT and ADJUST.

There are a number who succeed (by their own definition) every day. If your goal is to have the biggest pot of gold at the end of the day, and that is your only benchmark, then there is small likelihood of you considering yourself a success as opposed to one whose goals differ.

I make a decent living, sleep with a clear conscience, and have good and bad days with clients and their problems. Every day I wake up to return to

the endeavor.

Every one of us is different. There is no cookie cutter pattern to success. There is no bar to going solo straight from law school. The path I took is uncommon, but there are thousands of paths. If there are thirteen hundred here, there are that many paths. Undoubtedly some work better than others.

At different points in our lives, we may choose differently. Today we choose to continue to practice. At its core, we choose what we do every minute of every day, and all have the same number of minutes in each day. Choose wisely, for yourself, regardless of another's choice.

If you believe you will fail, then what is the point? Quit and do something else. One can fail at a regular job also. Some people are failures their whole lives. Others regroup and eventually find their own path, while undoubtedly a few are immediate successes.

My advice is to take advice with a grain of salt. Do your own thinking and analysis. Make adjustments, plan, work hard and smart.

Some people cannot find work, some cannot do the work they find and some flail about. Don't fall into the traps of others, because their path is not the same as yours. There are no cookie cutter or recipe or formulaic solutions where if you follow the pattern, recipe or formula you are guaranteed success.

Darrell G. Stewart, San Antonio, Texas

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I know Kurt from a BBS where he often posts. His advice there is always sound, and his advice below is equally appropriate. I'm about to open my own shop. Will I get rich? Probably not. Will I pay my bills? I'm counting on that. Will I be infinitely happier than I've been during my 15 years in law firms? No doubt. Will my quality of life be better? "Better" doesn't begin to describe it!!

Some of this is a "if you build it, they will come" leap of faith, though I already have a base of business that should keep me afloat. There will be lean months, and there will be flush months. There will be long days, and there will be short days. I can't wait!

Thanks to all who continually post here. I've been a subscriber for just a few days, and already this listserv has been immensely helpful. I'm sure it will continue to be as my "excellent adventure" continues.

Scott

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Lawyers are self-employed. The definition of being self-employed means you work 80 hours a week just so you don't have to work 40 hours for someone else.

Ed Poll, Venice, California

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You know what I do when I start feeling that way? I start thinking about Hill & Barlow, and Testa Hurwitz, and [insert the name of your favorite now defunct power-house law firm here]. And then I think of all the people who went to those firms thinking they were set for life, that they had just punched their tickets to the upper echelon of status, power, prestige, honor, whatever. Where are those associates now? You think all of them got snatched up by equally powerful firms? You think all of them are still practicing law?

As I've been working over the decision to go solo (and eventually grow) without any substantial period of law firm employment, I keep coming back to the cardinal rule of modern career building: "there is no such thing as job security--only varying degrees of control over one's success."

Where do YOU think you have more power to ensure your success? For some, it will indeed be in a firm, as an associate. For others, it will be in their own office, as an entrepreneur.

The task lies in figuring that out.

David J. Galalis, Boston

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